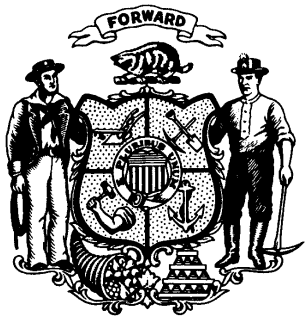
State of Wisconsin



Date of enactment: **October 11, 1997**
1997 Assembly Bill 100 Date of publication*: **October 13, 1997**

1997 WISCONSIN ACT 27

(Vetoed in Part)

AN ACT **relating to:** state finances and appropriations, constituting the executive budget act of the 1997 legislature, and making appropriations.

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

SECTION 1am. 5.01 (4) (a) of the statutes is amended to read:

5.01 **(4)** (a) If 2 or more candidates for the same office receive the greatest, but an equal number of votes, the winner shall be chosen by lot in the presence of the board of canvassers charged with the responsibility to determine the election, except as provided in s. 8.17 (4) (b), or in the case of an election for state or national office or municipal judge, if the judge is elected under s. 755.01 (4), or metropolitan sewerage commissioner, if the commissioner is elected under s. 66.23 (11) (am), in the presence of the chairperson of the board.

SECTION 1ami. 5.085 of the statutes is repealed.

SECTION 1amt. 6.95 of the statutes is amended to read:

6.95 Voting procedure for challenged electors. Whenever the inspectors under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been challenged, they shall give the elector a ballot. Before depositing the ballot, the inspectors shall write on the back of the ballot the serial number of the challenged person corresponding to the number kept at the election on the registration or poll list, or other list maintained under s. 6.79. If voting machines are used in the municipality where the person is voting, the person's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding serial number from the registration or poll list or other list maintained under s. 6.79 written on the back of the ballot before the ballot is deposited. The inspectors shall indicate on the list the reason for the challenge. The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the chairperson of the board ~~of state canvassers~~. The decision of ~~the~~ any board of canvassers or of the chairperson may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

SECTION 1m. 7.08 (3) (a) of the statutes is amended to read:

7.08 **(3)** (a) Be compiled by the board~~, with the advice of the elections advisory council~~.

SECTION 1n. 7.70 (3) (a) of the statutes is amended to read:

7.70 **(3)** (a) The chairperson of the board ~~of state canvassers~~ shall ~~meet~~ publicly canvass the returns and make

* 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].

his or her certifications and determinations at the state capitol or at the office of the ~~elections~~ board on or before the 2nd Tuesday following a spring primary, the 15th day of May following a spring election, the 4th Tuesday in September following a September primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 18 days after any special election ~~to canvass the returns and determine the election results~~.

SECTION 1na. 7.70 (3) (b) of the statutes is amended to read:

7.70 **(3)** (b) The chairperson of the board ~~of state canvassers~~ shall examine the certified statements of the county boards of canvassers. If it appears that any material mistake has been made in the computation of votes, or any county board of canvassers failed to canvass the votes or omitted votes from any ward or election district in the county, the chairperson of the board ~~of state canvassers~~ may dispatch a messenger to the county clerk with written instructions to certify the facts concerning the mistake or the reason why the votes were not canvassed. A clerk to whom such instructions are delivered shall immediately make a true and full answer, sign it, affix the county seal and deliver it to the messenger. The messenger shall deliver it with all possible dispatch to the ~~elections~~ board.

SECTION 1p. 7.70 (3) (c) of the statutes is amended to read:

7.70 **(3)** (c) The chairperson of the board ~~of state canvassers may adjourn as necessary but not more than~~ shall conclude the state canvass within 10 days ~~in all~~ after its commencement.

SECTION 1q. 7.70 (3) (d) of the statutes is amended to read:

7.70 **(3)** (d) When the certified statements and returns are received, the chairperson of the board ~~of state canvassers~~ shall proceed to examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president; a statement for each of the offices of governor, lieutenant governor, if a primary, and a joint statement for the offices of governor and lieutenant governor, if a general election; a statement for each of the offices of secretary of state, state treasurer, attorney general, and state superintendent; for U.S. senator; representative in congress for each congressional district; the state legislature; justice; court of appeals judge; circuit judge; district attorney; municipal judge, if he or she is elected under s. 755.01 (4); metropolitan sewerage commission, if the commissioners are elected under s. 66.23 (11) (am); and for any referenda questions submitted by the legislature.

SECTION 1r. 7.70 (3) (e) (intro.) of the statutes is amended to read:

7.70 **(3)** (e) (intro.) The chairperson of the board ~~of state canvassers~~ shall make a special statement to the ~~elections~~ board as soon as possible after the canvass certifying:

SECTION 1s. 7.70 (3) (g) of the statutes is amended to read:

7.70 **(3)** (g) Following each primary election, the chairperson of the board ~~of state canvassers~~ shall prepare a statement certifying the results of the primary, which shall indicate the names of the persons who have won nomination to any state or national office. Following each other election, the chairperson of the board ~~of state canvassers~~ shall prepare a statement certifying the results of the election and shall attach to the statement a certificate of determination which shall indicate the names of persons who have been elected to any state or national office. The chairperson of the board ~~of state canvassers~~ shall likewise prepare a statement and certificate for any statewide referendum. The chairperson of the board ~~of state canvassers~~ shall deliver each statement and determination to the ~~elections~~ board.

SECTION 1t. 7.70 (3) (h) of the statutes is amended to read:

7.70 **(3)** (h) Whenever a referendum question submitted to a vote of the people is approved, the ~~elections~~ board shall record it and the secretary of state shall have the record bound in the volume containing the original enrolled laws passed at the next succeeding session of the legislature and have the record published with the laws thereof. Whenever a constitutional amendment or other statewide validating or ratifying referendum question which is approved by the people does not expressly state the date of effectiveness, it shall become effective at the time the chairperson of the board ~~of state canvassers~~ certifies that the amendment or referendum question is approved.

SECTION 1u. 7.70 (3) (i) of the statutes is amended to read:

7.70 **(3)** (i) The chairperson of the board ~~of state canvassers~~ shall canvass only regular returns made by the county board of canvassers and shall not count or canvass any additional or supplemental returns or statements made by the county board or any other board or person. The chairperson of the board ~~of state canvassers~~ shall not count or canvass any statement or return which has been made by the county board of canvassers at any other time than that provided in s. 7.60. This provision does not apply to any return made subsequent to a recount under s. 9.01, when the return is accepted in lieu of any prior return from the same county for the same office; or to a statement given to the chairperson of the board ~~of state canvassers~~ or a messenger sent by ~~it~~ the chairperson to obtain a correction.

SECTION 1v. 7.70 (5) (a) of the statutes is amended to read:

7.70 **(5)** (a) The ~~elections~~ board shall record in its office each certified statement and determination made by

the chairperson of the board ~~of state canvassers~~. Immediately after the expiration of the time allowed to file a petition for recount, ~~it~~ the board shall make and transmit to each person declared elected a certificate of election under the seal of the ~~elections~~ board. It shall also prepare similar certificates, attested by the executive director of the ~~elections~~ board, addressed to the U.S. house of representatives, stating the names of those persons elected as representatives to the congress from this state. In the case of U.S. senators, the board shall prepare a certificate of election for the governor's signature, and the governor shall sign and affix the great seal of the state and transmit the certificate to the president of the U.S. senate. The certificate shall be countersigned by the secretary of state. If a person elected was elected to fill a vacancy, the certificate shall so state. When a valid petition for recount is filed, the ~~elections~~ chairperson of the board may not certify a nomination, and the governor or ~~elections~~ board may not issue a certificate of election until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided.

SECTION 1w. 9.01 (1) (a) of the statutes is amended to read:

9.01 **(1)** (a) Any candidate voted for at any election or any elector who voted upon any referendum question at any election may request a recount. The petitioner shall file a verified petition or petitions accompanied by the fee prescribed in par. (ag), if any, with the proper clerk or body under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of the municipal or county board of canvassers determining the election for that office or on that referendum question or, if more than one board of canvassers makes the determination not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination. If the chairperson of the board ~~of state canvassers~~ makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the elections board receives the last statement from a county board of canvassers for the election or referendum. Each verified petition shall state that at the election the petitioner was a candidate for the office in question or that he or she voted on the referendum question in issue; that the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question; or shall specify any other defect, irregularity or illegality in the conduct of the election. The petition shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified. The petition may be amended to include information discovered as a result of the investigation of the board of canvassers or chairperson of the board after the filing of the petition, if the petitioner moves to amend the petition as soon as possible after the petitioner discovered or reasonably should have discovered the information which is the subject of the amendment and the petitioner was unable to include information in the original petition.

SECTION 1x. 9.01 (1) (ar) 3. of the statutes is amended to read:

9.01 **(1)** (ar) 3. Upon receipt of a valid petition, the clerk shall thereupon notify the proper board of canvassers. Upon receipt of a valid petition by the ~~elections~~ board, the board shall promptly by certified mail or other expeditious means order the proper county boards of canvassers to commence the recount. County boards of canvassers shall convene no later than 9 a.m. on the day following receipt of an order and may adjourn for not more than one day at a time until the recount is completed in the county, except that the ~~elections~~ board may permit extension of the time for adjournment. Returns from a recount ordered by the ~~elections~~ board shall be transmitted to the office of the board as soon as possible, but in no case later than 13 days from the date of the order of the board directing the recount. The chairperson of the board ~~of state canvassers~~ may not make a determination in any election if a recount is pending before any county board of canvassers in that election. The chairperson of the board ~~of state canvassers~~ need not recount actual ballots, but shall verify the returns of the county boards of canvassers in making ~~its~~ his or her determinations.

SECTION 1y. 9.01 (5) (a) of the statutes is amended to read:

9.01 **(5)** (a) The board of canvassers or the chairperson of the board shall keep complete minutes of all ~~its~~ proceedings before the board of canvassers or chairperson. The minutes shall include a record of objections and offers of evidence. If the board of canvassers or chairperson receives exhibits from any party, ~~it~~ the board of canvassers or chairperson shall number and preserve the exhibits. The board of canvassers or chairperson shall make specific findings of fact with respect to any irregularity raised in the petition or discovered during the recount. Any member of the board of canvassers or the chairperson may administer oaths, certify official acts and issue subpoenas for purposes of this section. Witness fees shall be paid by the county. In the case of proceedings before the chairperson of the board ~~of state canvassers~~, witness fees shall be paid by the ~~elections~~ board.

SECTION 1z. 9.01 (5) (c) of the statutes is amended to read:

9.01 **(5)** (c) If the recount is made by a municipal or county board of canvassers and the result is required to be reported to a county board of canvassers or to the chairperson of the board ~~of state canvassers~~, the board of

canvassers making the initial recount shall immediately certify the results to the county board of canvassers or to the chairperson of the board ~~of state canvassers~~. If a county board of canvassers receives such results, it shall then convene not later than 9 a.m. on the next business day following receipt to examine the returns and determine the results. If the chairperson of the board ~~of state canvassers~~ receives such results, ~~it~~ the chairperson shall ~~convene~~ publicly examine the returns and determine the results not later than 9 a.m. on the 3rd business day following receipt ~~to examine the returns and determine the results~~, but if that day is earlier than the latest ~~meeting~~ day permitted for that election under s. 7.70 (3) (a), the chairperson of the board ~~of state canvassers may convene~~ may examine the returns and determine the results not later than the day specified in s. 7.70 (3) (a).

SECTION 1za. 9.01 (6) (a) of the statutes is amended to read:

9.01 **(6)** (a) Within 5 business days after completion of the recount determination by the board of canvassers in all counties concerned, or within 5 business days after completion of the recount determination by the chairperson of the board ~~of state canvassers~~ whenever a determination is made by ~~that body~~ the chairperson, any candidate, or any elector when for a referendum, aggrieved by the recount may appeal to circuit court. The appeal shall commence by serving a written notice of appeal on the other candidates and persons who filed a written notice of appearance before each board of canvassers whose decision is appealed, or in the case of a statewide recount, before the chairperson of the board ~~of state canvassers~~. The appellant shall also serve notice on the ~~elections~~ board if the chairperson of the board ~~of state canvassers~~ is responsible for determining the election. The appellant shall serve the notice by certified mail or in person. The appellant shall file the notice with the clerk of circuit court together with an undertaking and surety in the amount approved by the court, conditioned upon the payment of all costs taxed against the appellant.

SECTION 1zc. 9.01 (8) of the statutes is amended to read:

9.01 **(8)** SCOPE OF REVIEW. Unless the court finds a ground for setting aside or modifying the determination of the board of canvassers or chairperson of the board, it shall affirm the determination. The court shall separately treat disputed issues of procedure, interpretations of law and findings of fact. The court may not receive evidence not offered to the board of canvassers or chairperson except for evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount, and except that the court may receive evidence not offered at an earlier time because a party was not represented by counsel in all or part of a recount proceeding. A party who fails to object or fails to offer evidence of a defect or irregularity during the recount waives the right to object or offer evidence before the court except in the case of evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount or evidence received by the court due to unavailability of counsel during the recount. The court shall set aside or modify the determination if it finds that the board of canvassers or chairperson has erroneously interpreted a provision of law and a correct interpretation compels a particular action. If the determination depends on any fact found by the board of canvassers or chairperson, the court may not substitute its judgment for that of the board of canvassers or chairperson as to the weight of the evidence on any disputed finding of fact. The court shall set aside the determination if it finds that the determination depends on any finding of fact that is not supported by substantial evidence.

SECTION 1zm. 11.055 of the statutes is created to read:

11.055 Filing fees. (1) Except as provided in sub. (3), each individual who, or committee, group or corporation that, is required to register with the board under s. 11.05 or 11.38 (1) shall annually pay a filing fee of $100 to the board.

(2) Except as provided in s. 11.19 (1), an individual who, or committee, group or corporation that, is subject to sub. (1) shall pay the fee specified in sub. (1) together with the continuing report filed under s. 11.20 (4) in January of each year. If an individual, committee, group or corporation registers under s. 11.05 or changes status so that sub. (1) becomes applicable to the individual, committee, group or corporation during a calendar year, the individual, committee, group or corporation shall pay the fee for that year with the filing of the individual's, committee's, group's or corporation's registration statement under s. 11.05 or at any time before the change in status becomes effective.

(3) Subsection (1) does not apply to a candidate or personal campaign committee. Subsection (1) does not apply to any registrant under s. 11.05 for any year during which the registrant does not make disbursements exceeding a total of $2,500.

SECTION 1zt. 11.19 (1) of the statutes is amended to read:

11.19 **(1)** Whenever any registrant disbands or determines that obligations will no longer be incurred, and contributions will no longer be received nor disbursements made during a calendar year, and the registrant has no outstanding incurred obligations, the registrant shall file a termination report with the appropriate filing officer. Such report shall indicate a cash balance on hand of zero at the end of the reporting period and shall indicate the disposition of residual funds. Residual funds may be used for any political purpose not prohibited by law, returned to the donors in an amount not exceeding the origi-

nal contribution, or donated to a charitable organization or the common school fund. The report shall be filed and certified as were previous reports, and shall contain the information required by s. 11.06 (1). A registrant to which s. 11.055 (1) applies shall pay the fee imposed under that subsection with a termination report filed under this subsection. If a termination report or suspension report under sub. (2) is not filed, the registrant shall continue to file periodic reports with the appropriate filing officer, no later than the dates specified in s. 11.20. This subsection does not apply to any registrant making an indication under s. 11.05 (2r).

SECTION 2. 11.20 (4) of the statutes is amended to read:

11.20 **(4)** Continuing reports under s. 11.06 (1) by committees or individuals supporting or opposing candidates for office, including committees of a political party, and by individuals ~~or~~, groups or corporations supporting or opposing a referendum shall be received by the appropriate filing officer no earlier than January 1 and no later than January 31; and no earlier than July 1 and no later than July 20. Individuals, committees, groups and corporations to which s. 11.055 (1) applies shall pay the fee imposed under that subsection with their continuing reports filed in January of each year.

SECTION 3. 11.60 (3m) of the statutes is created to read:

11.60 **(3m)** Notwithstanding sub. (1), any person, including any committee, group or corporation, who is subject to a requirement to pay a filing fee under s. 11.055 and who fails to pay that fee within the time prescribed in that section shall forfeit $500 plus treble the amount of the fee payable by that person.

SECTION 3g. 13.04 (1) (title) of the statutes is repealed.

SECTION 3h. 13.04 (1) (a) to (d) of the statutes are renumbered 13.04 (1) to (4).

SECTION 3i. 13.04 (1) (e) of the statutes is renumbered 13.04 (5) and amended to read:

13.04 **(5)** Nothing in this ~~subsection~~ section shall prevent the concurrent appointment of an incumbent legislator to an unsalaried part–time state position created during the legislator's current legislative term when the emoluments for such position are limited to reimbursement for actual and necessary expenses incurred in the performance of the duties of the position and when the duties of such position are not incompatible with the legislator's duties as a member of the legislature.

SECTION 3j. 13.04 (2) of the statutes is repealed.

Vetoed In Part

SECTION 3m. 13.0975 of the statutes is created to read:

13.0975 Prison impact assessments. (1) In this section, "prison" means a state prison described under s. 302.01.

(2) The director of state courts shall prepare a prison impact assessment for any bill or, if requested, for any bill draft that creates a felony or modifies the period of imprisonment for a felony. Except as otherwise provided by the joint rules of the legislature, the director shall prepare the assessment within 21 days after the date on which the director receives a copy of a bill under sub. (4) or the date on which the director receives a request to prepare the assessment from the requester of the bill draft, whichever occurs first. The assessment shall contain all of the following:

(a) Projections of the impact on statewide probationer, prisoner and parolee populations.

(b) An estimate of the fiscal impact of population changes under par. (a) on state expenditures, including expenditures for the construction and operation of state prisons for the current fiscal year and the 5 succeeding fiscal years.

(c) An analysis of any significant factor, not covered in complying with pars. (a) and (b), affecting the cost of the bill or bill draft and the factor's impact on prosecutors, the state public defender and courts.

(d) A statement of the methodologies and assumptions that the director used in preparing the assessment.

(3) The legislature shall reproduce and distribute assessments under sub. (2) in the same manner as it reproduces and distributes amendments.

(4) A bill draft that requires an assessment by the director of state courts under this section shall have that requirement noted on its jacket when the jacket is prepared. When a bill that requires an assessment under this section is introduced, the legislative reference bureau shall submit a copy of the bill to the director.

(5) No public hearing before a standing committee may be held and no committee vote may be taken regarding any bill or bill draft described in sub. (2) unless the assessment under sub. (2) has been prepared.

(6) Annually, by March 1, the director of state courts shall submit to the legislature under s. 13.172 (2) a prison impact assessment reflecting the cumulative effect of all relevant changes in the statutes taking effect during the preceding calendar year.

(7) The department of corrections shall provide the director of state courts with information on current and past admissions and on length of time served as needed by the director in order to prepare assessments under subs. (2) and (6).

(8) The circuit courts shall provide the director of state courts with information to assist the director in preparing assessments under subs. (2) and (6).

(9) This section applies to bills introduced or requests for assessments of bill drafts made on or after July 1, 1998.

SECTION 3r. 13.101 (3m) of the statutes is amended to read:

13.101 **(3m)** Notwithstanding sub. (3), the committee shall supplement, from the appropriation under s. 20.865 (4) (c), the appropriation to the Wisconsin sesqui-

centennial commission under s. 20.525 (1) (k) upon receipt of documentation of the amounts of gifts and grants received by, or pledged to, the commission ~~under s. 20.245 (4) (h)~~. The supplement under this subsection shall equal $1 for each dollar received by, or pledged to, the commission as a gift or grant. This subsection does not apply to the first $250,000 received by the commission as gifts or grants.

SECTION 4. 13.101 (5m) of the statutes is repealed.

SECTION 5. 13.101 (6) (a) of the statutes is amended to read:

13.101 **(6)** (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, the university of Wisconsin system or to any other state agency or activity by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg) ~~and~~, (cr) and (q), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq) and (ar), 20.435 ~~(1) (c),~~ (6) (a) and (7) (da) and 20.445 (3) (a) and ~~(d)~~ (dz) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

SECTION 7. 13.101 (11) of the statutes is amended to read:

13.101 **(11)** The committee may approve a clean water fund program interest rate change as specified under s. 281.58 (12) (f) or a safe drinking water loan program interest rate change as specified under s. 281.61 (11) (b).

SECTION 7m. 13.101 (14) of the statutes is created to read:

13.101 **(14)** With the concurrence of the joint committee on information policy, direct the department of administration to report to the committee concerning any specific information technology system project in accordance with s. 13.58 (5) (b) 4.

SECTION 8. 13.123 (3) (a) of the statutes is amended to read:

13.123 **(3)** (a) Any senator authorized by the committee on senate organization to attend a meeting outside the state capital, any representative to the assembly authorized by the committee on assembly organization to attend an out−of−state meeting or authorized by the speaker to attend a meeting within this state outside the state capital, and all members of the legislature required by law, legislative rule, resolution or joint resolution to attend such meetings, shall be paid no additional compensation for such services but shall be reimbursed for actual and necessary expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may be reimbursed under this subsection for expenses on any day for which the legislator submits a claim under sub. (1). Any expenses incurred by a legislator under s. 14.82 shall be reimbursed from the appropriation under s. 20.315 (1) (q).

SECTION 8k. 13.123 (3) (b) 2. of the statutes is amended to read:

13.123 **(3)** (b) 2. In making the determination under subd. 1., the chief clerk is bound by the determination of the chairperson of the elections board ~~of state canvassers~~ if such determination has been issued.

SECTION 9. 13.45 (3) (a) of the statutes is amended to read:

13.45 **(3)** (a) For any day for which the legislator does not file a claim under s. 13.123 (1), any legislator appointed to serve on a legislative committee or a committee to which the legislator was appointed by either house or the officers thereof shall be reimbursed from the appropriations under ss. 20.315 (1) (q) and 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the committee.

SECTION 9e. 13.48 (3) of the statutes is amended to read:

13.48 **(3)** STATE BUILDING TRUST FUND. In the interest of the continuity of the program, the moneys appropriated to the state building trust fund under s. 20.867 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys shall be deposited into the state building trust fund. At such times as the building commission directs, or in emergency situations under s. 16.855 (16) (b), the governor shall authorize releases from this fund to become available for projects and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the building commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The building commission may authorize any project ~~amounting to $250,000~~ costing $500,000 or less in accordance with priorities to be established by the building commission and may adjust the priorities by deleting, substituting or adding new projects as needed to reflect changing program needs and unforeseen circumstances. The building commission may enter into contracts for the construction of buildings for any state agency and shall

be responsible for accounting for all funds released to projects. The building commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

SECTION 9g. 13.48 (7) of the statutes is amended to read:

13.48 **(7)** BIENNIAL RECOMMENDATIONS. The building commission shall prepare and formally adopt recommendations for the long−range state building program on a biennial basis ~~and~~. Unless a later date is requested by the building commission and approved by the joint committee on finance, the building commission shall, no later than the first Tuesday in April of each odd−numbered year, transmit ~~those~~ its recommendations for the succeeding fiscal biennium that require legislative approval to the joint committee on finance in the form of proposed legislation prepared in proper form.

Vetoed In Part **SECTION 9hm.** 13.48 (10) (a) of the statutes is amended to read:

13.48 **(10)** (a) No state board, agency, officer, department, commission or body corporate may enter into a contract for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, which involves a cost in excess of $100,000, without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. ~~The building commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply.~~ This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative or operating functions, including buildings, land and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

SECTION 9j. 13.48 (10) (b) 4. of the statutes is created to read:

13.48 **(10)** (b) 4. Build−operate−lease or transfer agreements by the department of transportation for transportation projects under s. 84.01 (30).

SECTION 9m. 13.48 (12) (b) 2. of the statutes is amended to read:

13.48 **(12)** (b) 2. A facility constructed by or for the state fair park board, if the cost of constructing the facility does not exceed ~~$250,000~~ the amount specified in sub. (3).

SECTION 9r. 13.48 (12) (b) 3. of the statutes is created to read:

13.48 **(12)** (b) 3. A facility constructed pursuant to a build−operate−lease or transfer agreement under s. 84.01 (30).

SECTION 9s. 13.48 (25m) of the statutes is created to read:

13.48 **(25m)** HEALTHSTAR PROGRAM. There is created a program, to be known as the healthstar program, for the purpose of providing financial support to attract federal and private funds to construct health science facilities to spur interdisciplinary education and research activities at the University of Wisconsin−Madison. Projects financed under the program shall be designed to provide interdisciplinary health sciences education and research facilities, ancillary systems and supporting infrastructure. Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

SECTION 10. 13.48 (26) of the statutes is amended to read:

13.48 **(26)** (title) ~~CLEAN WATER~~ ENVIRONMENTAL IMPROVEMENT ANNUAL FINANCE PLAN APPROVAL. The building commission shall review the versions of the biennial finance plan and any amendments to the biennial finance plan submitted to it by the department of natural resources and the department of administration under s. 281.59 (3) (bm) and the recommendations of the joint committee on finance and the standing committees to which the versions of the biennial finance plan and any amendments were submitted under s. 281.59 (3) (bm). The building commission shall consider the extent to which that version of the biennial finance plan that is updated to reflect the adopted biennial budget act will maintain the funding for the clean water fund program and the safe drinking water loan program, in the environmental improvement fund, in perpetuity. The building commission shall consider the extent to which the implementation of the clean water fund program, the safe drinking water loan program and the land recycling loan program, as set forth in the biennial finance plan updated to reflect the adopted biennial budget act, implements legislative intent on the clean water fund program, the safe drinking water loan program and the land recycling loan program. The building commission shall, no later than 60 days after the date of enactment of the biennial budget act, either approve or disapprove the biennial finance plan that is updated to reflect the adopted biennial budget act, except that the building commission may not disapprove those amounts that the legislature approves under s. 281.59 ~~(3) (c)~~ (3e) (a), (3m) (a) and (3s) (a). If the building commission disapproves the version of the biennial finance plan that is updated to reflect the adopted biennial budget act, it must notify the department of natural resources and the department of administration of its reasons for disapproving the plan, and those departments must revise that version of the biennial finance plan and submit the revision to the building commission.

SECTION 10d. 13.48 (29) of the statutes is created to read:

13.48 **(29)** SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m), the building commission

may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any project the estimated construction cost of which does not exceed $100,000.

Vetoed In Part **SECTION 10g.** 13.489 (2) of the statutes is amended to read:

13.489 **(2)** DEPARTMENT TO REPORT PROPOSED PROJECTS. ~~The~~ Subject to s. 85.05, the department of transportation shall report to the commission not later than September 15 of each even–numbered year and at such other times as required under s. 84.013 (6) concerning its recommendations for adjustments in the major highway projects program under s. 84.013.

SECTION 10j. 13.489 (4) (a) of the statutes is renumbered 13.489 (4) (a) 1. (intro.) and amended to read:

13.489 **(4)** (a) 1. (intro.) All reports submitted as provided by sub. (2) shall be reviewed by the commission. The commission shall report its recommendations concerning major highway projects to the governor or governor–elect, the legislature and the joint committee on finance no later than December 15 of each even–numbered year or within 30 days following submission of a report under s. 84.013 (6). The commission may recommend approval, approval with modifications, or disapproval of any project~~.~~, except that the commission may not recommend the approval, with or without modifications, of any project unless any of the following applies:

SECTION 10m. 13.489 (4) (a) 1. a. and b. of the statutes are created to read:

13.489 **(4)** (a) 1. a. The commission determines that, within 6 years after the first July 1 after the date on which the commission recommends approval of the project, construction will be commenced on all projects enumerated under s. 84.013 (3) and on the project recommended for approval.

b. The report recommending approval of the project is accompanied by a financing proposal that, if implemented, would provide funding in an amount sufficient to ensure that construction will commence on all projects enumerated under s. 84.013 (3) and on the project within 6 years after the first July 1 after the date on which the commission recommends approval of the project.

SECTION 10p. 13.489 (4) (a) 2. of the statutes is created to read:

13.489 **(4)** (a) 2. In determining the commencement date for projects under subd. 1. a. and b., the commission shall assume that the appropriation amounts under s. 20.395 (3) (bq) to (bx) for the current fiscal year will be adjusted annually to reflect adjustments to the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor.

Vetoed In Part **SECTION 10q.** 13.489 (5) of the statutes is created to read:

13.489 **(5)** MORATORIA ON ACTIVITIES. (a) Notwithstanding sub. (2) and s. 84.013 (5) and (6), the department of transportation may not report its recommendations for adjustments in the major highway projects program under s. 84.013 before August 15, 2002. **Vetoed In Part**

(b) Notwithstanding sub. (3), the department of transportation may not assist the transportation projects commission with any study or cost estimate with respect to any project that is not enumerated under s. 84.013 (3), except that the department may complete any study or cost estimate concerning a proposed major highway project if the study or cost estimate was commenced before the effective date of this paragraph .... [revisor inserts date]. This paragraph does not apply after June 30, 1999.

(c) Notwithstanding sub. (4), the transportation projects commission may not review any report submitted by the department of transportation under sub. (2) on or after the effective date of this paragraph .... [revisor inserts date], and before August 15, 2002, and shall not report its recommendations concerning major highway projects, nor the designation of a highway improvement project as a major highway project, before November 15, 2002.

SECTION 10r. 13.53 (2) (d) of the statutes is created to read:

13.53 **(2)** (d) Direct the legislative audit bureau to monitor the program under s. 299.80 and to submit annual reports to the legislature under s. 13.172 (2) regarding its findings from monitoring the program.

SECTION 10rm. 13.58 (5) (b) 1. of the statutes is amended to read:

13.58 **(5)** (b) 1. Direct ~~the council on information technology or~~ the subunit in the department of administration with policy–making responsibility related to information technology to conduct studies or prepare reports on items related to the committee's duties under par. (a).

SECTION 10s. 13.58 (5) (b) 4. of the statutes is created to read:

13.58 **(5)** (b) 4. With the concurrence of the joint committee on finance, direct the department of administration to report semiannually to the committee and the joint committee on finance concerning any specific information technology system project which is being designed, developed, tested or implemented and which the committees anticipate will have a total cost to the state exceeding $1,000,000 in the current or any succeeding fiscal biennium. The report shall include all of the following:

a. The major stages and substages of the project, including an assessment of need, design, implementation and testing stages and their major substages.

b. The scheduled, estimated and actual completion dates for each major stage and substage of the project.

c. The budgeted amounts and amounts actually expended on each major stage and substage of the project.

d. An evaluation of the project, including any problems encountered or risks associated with proceeding to the next stage of the project, if any.

SECTION 14. 13.83 (3) (f) 5. of the statutes is amended to read:

13.83 **(3)** (f) 5. The department of ~~education~~ public instruction.

SECTION 14g. 13.90 (1) (intro.) of the statutes 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 ~~and~~, the legislative audit bureau and the integrated legislative information system staff. The committee shall:

SECTION 14h. 13.90 (1) (a), (b) and (d) of the statutes are amended to read:

13.90 **(1)** (a) Determine the types of tasks to be assigned to each legislative service bureau or staff within statutory limitations, and the quantity and quality thereof.

(b) Consider and approve the budget of each bureau or staff.

(d) Promulgate rules under ch. 227 required for the proper operation of each legislative service bureau or staff.

SECTION 14i. 13.90 (1) (gr) of the statutes is repealed.

SECTION 14j. 13.90 (1m) (a) of the statutes 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 ~~and~~, the revisor of statutes bureau and the integrated legislative information system staff.

SECTION 14m. 13.90 (8) of the statutes is created 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.

SECTION 14mm. 13.92 (intro.) of the statutes is amended to read:

13.92 Legislative reference bureau. (intro.) There is created a bureau to be known as the "Legislative Reference Bureau," headed by the chief of legislative reference bureau ~~under the classified service~~. The legislative reference bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the reference or drafting requests received by it.

SECTION 14n. 13.92 (1) (b) 1. of the statutes is renumbered 13.92 (1) (b) 1. (intro.) and amended to read:

13.92 **(1)** (b) 1. (intro.) Prepare in the proper form all legislation to be introduced in the legislature. Only the following persons may use the drafting services of the bureau for this purpose:

SECTION 14np. 13.92 (1) (b) 1. a. to d. of the statutes are created to read:

13.92 **(1)** (b) 1. a. Any member or member−elect of the legislature and, on behalf of each committee thereof, the chairperson.

b. Any agency, as defined in s. 16.70 (1), created under ch. 13, 14, 15 or 758.

c. The chief clerk of either house of the legislature for requests pertaining to the operation of the legislature.

d. A party caucus of either house of the legislature.

SECTION 14p. 13.92 (1) (d) of the statutes is repealed.

SECTION 14r. 13.93 (2) (k) of the statutes is created to read:

13.93 **(2)** (k) Pay, from the appropriation under s. 20.765 (3) (a), the expenses of attendance at meetings of members of the Commission on Uniform State Laws who are appointed by the governor.

SECTION 15. 13.94 (1) (eg) of the statutes is amended to read:

13.94 **(1)** (eg) Annually conduct a financial audit of the ~~gaming board~~ division of gaming in the department of administration and biennially conduct a performance evaluation audit of the ~~gaming board~~ division of gaming in the department of administration. The legislative audit bureau shall file a copy of each audit report under this paragraph with the department of justice and with the distributees specified in par. (b).

SECTION 16. 13.94 (1) (em) of the statutes is amended to read:

13.94 **(1)** (em) Annually conduct a financial audit of the state lottery, and, to the extent of the department of revenue's participation, of any ~~multistate~~ multijurisdictional lotteries in which the state participates under ch. 565, and biennially conduct a performance audit of the state lottery and, to the extent of the department of revenue's participation, of those ~~multistate~~ multijurisdictional lotteries, as provided in s. 565.37 (1). The legislative audit bureau shall file a copy of each audit report under this paragraph with the department of justice and with the distributees specified in par. (b).

SECTION 17. 13.94 (1s) (bm) of the statutes is amended to read:

13.94 **(1s)** (bm) The legislative audit bureau may charge the ~~gaming board~~ department of administration for the cost of the audits required to be performed under sub. (1) (eg).

SECTION 18. 13.94 (7) of the statutes is repealed.

SECTION 18g. 13.94 (11) of the statutes is created to read:

13.94 **(11)** OPEN ENROLLMENT. By July 1, 2002, the legislative audit bureau shall conduct a performance evaluation audit of the full−time open enrollment program under s. 118.51. The audit shall evaluate the effects of the program on the quality of elementary and secondary education in this state, including all of the following:

(a) The extent to which the program has resulted in the creation of new or innovative programs by school districts.

(b) The satisfaction of participating and nonparticipating pupils and parents with the program.

(c) The fiscal effect of the program on school districts.

(d) The socioeconomic effect of the program on school districts.

(e) Other issues affecting the quality of education.

SECTION 18m. 13.96 of the statutes is created to read:

13.96 Integrated legislative information system staff. There is created a service agency known as the "Integrated Legislative Information System Staff", headed by a director. The integrated legislative information system staff 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.

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

(2) DUTIES OF THE DIRECTOR. The director of the integrated legislative information system staff shall:

(a) Direct the operations of the staff.

(b) Employ, train and supervise the personnel assigned to the director.

(c) Supervise all expenditures of the integrated legislative information system staff.

(d) Oversee the execution and completion of all contracts for legislative information technology−related equipment, software or services.

(e) Plan for and execute such electronic information programs and services as are needed within the legislative branch.

(f) Participate in such midwest and national meetings and organizations as will benefit the operations of the integrated legislative information system staff.

SECTION 19m. 14.015 (2) (c) of the statutes is created to read:

14.015 **(2)** (c) This subsection does not apply after June 30, 1999.

SECTION 20. 14.017 (2) of the statutes is amended to read:

14.017 **(2)** STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the ~~secretary of education~~ state superintendent of public instruction, the secretary of health and social services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, with demonstrated professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4−year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin County Human Service Association, Inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

SECTION 21m. 14.017 (3) of the statutes is created to read:

14.017 **(3)** STANDARDS DEVELOPMENT COUNCIL. (a) There is created in the office of the governor a standards development council consisting of all of the following:

1. The lieutenant governor, who shall serve as chairperson of the council.

2. A representative of the department of public instruction appointed by the state superintendent of public instruction.

3. The chairpersons of the committees in the assembly and senate whose subject matter is elementary and secondary education or members of those committees designated by the chairpersons.

4. The ranking minority member of each of the committees under subd. 3. or members of those committees designated by the ranking minority members.

5. One member appointed by the governor to serve at the pleasure of the governor.

(b) Section 15.09 applies to the standards development council.

SECTION 22. 14.20 of the statutes is created to read:

14.20 Literacy improvement. (1) In this section:

(a) "Local governmental unit" has the meaning given in s. 16.97 (7).

(b) "Nonprofit organization" has the meaning given in s. 108.02 (19).

(2) From the appropriation under s. 20.525 (1) (f), the governor may provide a grant to any local governmental unit or nonprofit organization for support of a literacy improvement program.

(3) The governor shall cooperate with the department of administration in providing free books to organizations under s. 16.23 (1) and in seeking resources from foundations and private donors to support the department's function under s. 16.23 (2).

(4) The governor shall accept requests from organizations qualifying under s. 16.23 (1) to receive free books and forward them to any organization with which the department of administration contracts under s. 16.23 (1).

SECTION 23d. 14.23 of the statutes is created to read:

14.23 Standards development council. (1) By the effective date of this subsection .... [revisor inserts date], the governor shall submit to the standards development council pupil academic standards in mathematics, science, reading and writing, geography and history. The council shall review the standards and may modify them. By September 15, 1997, or within 30 days after the effective date of the subsection .... [revisor inserts date], whichever is later, the council shall transmit its recommended standards to the governor.

(2) The governor shall approve or disapprove the recommended standards within 30 days after receiving them under sub. (1). If the governor approves the standards, he or she may issue the approved standards as an executive order.

(3) The council shall periodically review the standards issued under sub. (2) and may recommend changes to the governor. If the governor approves the changes he or she may issue them as an executive order.

SECTION 23j. 14.26 (5g) (c) of the statutes is amended to read:

14.26 **(5g)** (c) Accept gifts, grants, bequests or donations of personal services. All moneys received under this paragraph after September 30, 1998, shall be deposited in the historical legacy trust fund.

SECTION 23k. 14.26 (5g) (e) of the statutes is amended to read:

14.26 **(5g)** (e) License products. All moneys received under this paragraph after September 30, 1998, shall be deposited in the historical legacy trust fund.

SECTION 23p. 14.26 (6) of the statutes is amended to read:

14.26 **(6)** The commission shall complete its activities and submit a final report regarding its activities to the governor, and to the legislature under s. 13.172 (2) no later than June 1, 1999. ~~Upon acceptance of the report by the governor, the~~ The commission shall cease to exist on July 1, 1999.

SECTION 24. 14.40 (1) of the statutes is amended to read:

14.40 **(1)** Annually not later than July 1, each legislative, administrative and judicial agency of the state government shall submit to the secretary of state a list of all positions within that agency outside the classified service and above the clerical level, excluding the faculties under the jurisdiction of the board of regents of the University of Wisconsin System and the department of ~~education~~ public instruction, which are filled by appointment, and the term if there is one, together with the name of the incumbent and the date of his or her appointment.

SECTION 25. 14.563 (title) of the statutes is repealed.

SECTION 26. 14.563 (1) of the statutes is renumbered 15.103 (4) and amended to read:

15.103 **(4)** DIVISION OF TRUST LANDS AND INVESTMENTS. There is created a division of trust lands and investments which is attached to the ~~office of the state treasurer~~ department of administration under s. 15.03. This division is under the direction and supervision of the board of commissioners of public lands.

Vetoed In Part

SECTION 26m. 14.58 (19) of the statutes is amended to read:

14.58 **(19)** APPORTION INTEREST. Apportion at least quarterly the interest earned on state moneys in all depositories among the several funds as provided in s. 25.14 (3), except that earnings attributable to the investment of temporary excess balances under sub. (4) (b) shall be distributed according to a formula prescribed by the ~~depository selection board~~ state treasurer. To the maximum extent deemed administratively feasible by the ~~depository selection board~~ state treasurer, the formula shall approximate the distribution of earnings among funds which would occur if earnings were allocated in proportion to each fund's actual contribution to the earnings. Interest so apportioned shall be added to and become a part of such funds.

SECTION 27. 14.82 (1) (intro.) of the statutes is amended to read:

14.82 **(1)** MINNESOTA–WISCONSIN. (intro.) There is created a commission of 5 citizens nominated by the governor, and with the advice and consent of the senate appointed, for staggered 5−year terms, to represent this state on the joint Minnesota−Wisconsin boundary area commission. Any vacancy shall be filled for the balance of the unexpired term. To assist the commission, there is created a legislative advisory committee comprising 4 senators and 6 representatives to the assembly appointed as are the members of standing committees in their respective houses, and a technical advisory committee of 2 members appointed by the governor and one member each appointed by the governing board or head of the following agencies, to represent such agencies: the department of justice, the department of administration, the department of agriculture, trade and consumer protection, the department of natural resources, the department of health and family services, the public service commission, the department of tourism and the department of commerce. The members of the commission and the members of its advisory committees shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, from the appropriation made by s. 20.315 (1) (q), on vouchers approved by the Wisconsin member of the commission selected to serve as its chairperson or vice chairperson. All other expenses incurred by the commission in the course of exercising its powers and duties, unless met in some other manner specifically provided by statute, shall be paid by the commission out of its own funds.

SECTION 28. 14.90 (2) of the statutes is amended to read:

14.90 **(2)** The members of the commission shall serve without compensation but shall be reimbursed from the appropriation under s. 20.505 (3) ~~(be)~~ (a) for actual and

necessary expenses incurred in the performance of their duties. The commission has the powers and duties granted and imposed under s. 39.80.

SECTION 29. 14.90 (3) of the statutes is amended to read:

14.90 **(3)** From the appropriation under s. 20.505 (3) ~~(be)~~ (a), the department of administration shall pay the costs of membership in and costs associated with the midwestern higher education compact.

SECTION 30. Subchapter VI of chapter 14 [precedes 14.91] of the statutes is repealed.

SECTION 31. 15.01 (2) of the statutes 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 education commission which shall consist of 11 members,~~ the Wisconsin waterways commission which shall consist of 5 members, the parole commission which shall consist of 5 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 32. 15.01 (6) of the statutes is amended to read:

15.01 **(6)** "Division," "bureau," "section" and "unit" means the subunits of a department or an independent agency, whether specifically created by law or created by the head of the department or the independent agency for the more economic and efficient administration and operation of the programs assigned to the department or independent agency. The office of justice assistance in the department of administration and the office of credit unions in the department of financial institutions have the meaning of "division" under this subsection. The ~~office of health care information in the office of the commissioner of insurance, the~~ office of the long−term care ombudsman under the board on aging and long−term care and the office of educational accountability in the department of ~~education~~ public instruction have the meaning of "bureau" under this subsection.

SECTION 33. 15.02 (1) of the statutes is amended to read:

15.02 **(1)** SEPARATE CONSTITUTIONAL OFFICES. The governor, lieutenant governor, secretary of state~~, state superintendent of public instruction~~ and state treasurer each head a staff to be termed the "office" of the respective constitutional officer.

SECTION 34. 15.02 (3) (c) 2. of the statutes is amended to read:

15.02 **(3)** (c) 2. The principal subunit of the division is the "bureau". Each bureau shall be headed by a "director". The ~~office of health care information in the office of the commissioner of insurance, the~~ office of the long−term care ombudsman under the board on aging and long−term care and the office of educational accountability in the department of ~~education~~ public instruction have the meaning of "bureau" under this subdivision.

SECTION 36. 15.06 (1) (a) of the statutes is amended to read:

15.06 **(1)** (a) Except as otherwise provided in this subsection ~~and s. 15.37~~, the members of commissions shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 6−year terms expiring on March 1 of the odd−numbered years.

SECTION 37. 15.06 (2) (c) of the statutes is repealed.

SECTION 38. 15.06 (3) (a) 6. of the statutes is repealed.

SECTION 39. 15.06 (4) of the statutes is amended to read:

15.06 **(4)** CHAIRPERSON; ADMINISTRATIVE DUTIES. The administrative duties of each commission~~, other than the education commission,~~ shall be vested in its chairperson, to be administered by the chairperson under the statutes and rules of the commission and subject to the policies established by the commission.

SECTION 39m. 15.06 (4m) of the statutes is amended to read:

15.06 **(4m)** EXECUTIVE ASSISTANT. Each commission chairperson under s. 230.08 (2) (m) and each commissioner of the public service commission may appoint an executive assistant to serve at his or her pleasure outside the classified service. The executive assistant shall perform duties as the chairperson or commissioner prescribes.

SECTION 41. 15.06 (5) of the statutes is amended to read:

15.06 **(5)** FREQUENCY OF MEETINGS; PLACE. Every commission shall meet on the call of the chairperson or a majority of its members~~, except that the education commission shall meet on the call of the chairperson or a majority of its voting members~~. Every commission shall maintain its offices in Madison, but may meet or hold hearings at such other locations as will best serve the citizens of this state.

SECTION 42. 15.06 (6) of the statutes is amended to read:

15.06 **(6)** QUORUM. A majority of the membership of a commission constitutes a quorum to do business, except that ~~a majority of the voting members of the education commission constitutes a quorum to do business and except that~~ vacancies shall not prevent a commission from doing business. This subsection does not apply to the parole commission.

SECTION 43. 15.07 (1) (a) 1. of the statutes is created to read:

15.07 **(1)** (a) 1. Members of the higher educational aids board shall be appointed by the governor without senate confirmation.

SECTION 43k. 15.07 (1) (b) 2. of the statutes is repealed.

SECTION 44. 15.07 (1) (b) 16. of the statutes is repealed.

SECTION 44d. 15.07 (1) (b) 19. of the statutes is repealed.

SECTION 45. 15.07 (1) (cm) of the statutes is amended to read:

15.07 **(1)** (cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every even−numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd−numbered year. The terms of the 3 members of the land and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an even−numbered year. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and auction company representative members of the auctioneer board shall expire on May 1 in an even−numbered year. ~~The terms of the 4 members of the educational technology board appointed under s. 15.105 (26) (a) 1., 3., 6. and 9. shall expire on May 1 in an even−numbered year.~~ The terms of the members of the public intervenor board shall expire as provided in s. 15.345 (4) (b). ~~The terms of 3 members of the gaming board appointed under s. 15.64 shall expire on July 1 of an even−numbered year and the terms of the other 2 members shall expire on July 1 of an odd−numbered year.~~ The terms of 4 of the members of the state emergency response board, except the administrator of the division of emergency management in the department of military affairs, shall expire on May 1 of each year.

SECTION 45m. 15.07 (1) (cm) of the statutes, as affected by 1997 Wisconsin Act .... (this act), section 45, is amended to read:

15.07 **(1)** (cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every even−numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd−numbered year. The terms of the 3 members of the land and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an even−numbered year. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and auction company representative members of the auctioneer board shall expire on May 1 in an even−numbered year. ~~The terms of the members of the public intervenor board shall expire as provided in s. 15.345 (4) (b).~~ The terms of 4 of the members of the state emergency response board, except the administrator of the division of emergency management in the department of military affairs, shall expire on May 1 of each year.

SECTION 45t. 15.07 (1) (cm) of the statutes, as affected by 1997 Wisconsin Act .... (this act), section 45m, is repealed and recreated to read:

15.07 **(1)** (cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every even−numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd−numbered year. The terms of the 3 members of the land and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an even−numbered year. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and auction company representative members of the auctioneer board shall expire on May 1 in an even−numbered year.

SECTION 46. 15.07 (2) (f) of the statutes is amended to read:

15.07 **(2)** (f) The ~~secretary of education~~ state superintendent of public instruction or his or her designated representative shall serve as chairperson of the school district boundary appeal board.

SECTION 47g. 15.07 (2) (k) of the statutes is repealed.

SECTION 48. 15.07 (5) (i) of the statutes is created to read:

15.07 **(5)** (i) Members of the educational approval board, $25 per day.

SECTION 48m. 15.07 (5) (q) of the statutes is repealed.

SECTION 49. 15.103 (1m) of the statutes is created to read:

15.103 **(1m)** DIVISION OF GAMING. There is created in the department of administration a division of gaming.

SECTION 50m. 15.105 (3) of the statutes is repealed. **Vetoed In Part**

SECTION 51. 15.105 (16) of the statutes is repealed.

SECTION 52. 15.105 (25) of the statutes is created to read:

15.105 **(25)** TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD. There is created a

technology for educational achievement in Wisconsin board which is attached to the department of administration under s. 15.03. The board shall consist of the state superintendent of public instruction, the secretary of administration, and the following members appointed for 4−year terms:

(a) A member of the board of regents of the University of Wisconsin System, appointed by the president of the board of regents of the University of Wisconsin System.

(b) A member of the technical college system board, appointed by the president of the technical college system board.

(bm) A member of the educational communications board appointed by the chairperson of the educational communications board. **Vetoed In Part**

(c) Four other members.

SECTION 53. 15.105 (26) of the statutes is repealed.

SECTION 53r. 15.107 (4) of the statutes is repealed.

SECTION 54. 15.107 (7) (d) of the statutes is amended to read:

15.107 **(7)** (d) A representative of the unit in the ~~office of the commissioner of insurance~~ department of health and family services that deals with health care information.

SECTION 54mf. 15.107 (14) of the statutes is repealed.

SECTION 54mm. 15.107 (15) of the statutes is repealed.

SECTION 55. 15.107 (16) of the statutes is created to read:

15.107 **(16)** WISCONSIN LAND COUNCIL. (a) *Creation.* There is created a Wisconsin land council, attached to the department of administration under s. 15.03.

(b) *Members.* The Wisconsin land council shall consist of the following members:

1. The secretary of administration.
2. The secretary of agriculture, trade and consumer protection.
3. The secretary of commerce.
4. The secretary of natural resources.
5. The secretary of revenue.
6. The secretary of transportation.
7. The state cartographer.
8. One member who represents the interests of cities.
9. One member who represents the interests of counties.
10. One member who represents the interests of towns.
11. One member who represents the interests of local governments.
12. One representative from the University of Wisconsin System.
13. Four members of the public.

(c) *Designees.* Under par. (b), an agency head may appoint a designee to serve on the council, if the designee is an employe or appointive officer of the agency who has sufficient authority to deploy agency resources and directly influence agency decision making.

(d) *Terms, chairperson.* The members listed under par. (b) 8. to 13. shall be appointed for 5−year terms. The governor shall appoint the chairperson of the council, who shall serve at the pleasure of the governor.

(e) *Sunset.* This subsection does not apply after August 31, 2003.

SECTION 56m. 15.13 of the statutes is amended to read:

15.13 Department of agriculture, trade and consumer protection; creation. There is created a department of agriculture, trade and consumer protection under the direction and supervision of the board of agriculture, trade and consumer protection. The board shall consist of ~~6~~ 7 members with an agricultural background and 2 members who are consumer representatives, appointed for staggered 6−year terms. Appointments to the board shall be made without regard to party affiliation, residence or interest in any special organized group.

SECTION 57c. 15.135 (3) of the statutes is repealed.

SECTION 57e. 15.135 (5) of the statutes is repealed.

SECTION 57j. 15.137 (2) of the statutes is repealed.

SECTION 57k. 15.137 (4) of the statutes is repealed.

SECTION 57L. 15.145 (2) (intro.) of the statutes is amended to read:

15.145 **(2)** PRISON INDUSTRIES BOARD. (intro.) There is created a prison industries board which is attached to the department of corrections under s. 15.03. The board shall consist of 9 members appointed for ~~staggered 3−year~~ 4−year terms. ~~Two~~ Three members shall be appointed to represent private business and industry and ~~2~~ 3 members shall be appointed to represent private labor organizations. One member shall be appointed to represent each of the following:

SECTION 57m. 15.145 (2) (a) of the statutes is repealed.

SECTION 57n. 15.145 (2) (b) of the statutes is repealed.

SECTION 57r. 15.145 (2) (e) of the statutes is repealed.

SECTION 57w. 15.145 (2) (f) of the statutes is created to read:

15.145 **(2)** (f) The department of administration.

SECTION 58d. 15.147 of the statutes is repealed.

SECTION 59. 15.154 of the statutes is repealed.

SECTION 59c. 15.155 (1) (a) 7. and 8. of the statutes are created to read: **Vetoed In Part**

15.155 **(1)** (a) 7. One majority and one minority party senator, appointed as are members of standing committees in the senate.

8. One majority and one minority party representative to the assembly, appointed as are members of standing committees in the assembly.

SECTION 59d. 15.155 (2) of the statutes is repealed.

SECTION 59e. 15.157 (5) of the statutes is repealed.

SECTION 59f. 15.157 (15) of the statutes is repealed.

Vetoed In Part **SECTION 59m.** 15.177 of the statutes is repealed.

SECTION 60am. 15.185 (2) of the statutes is repealed.

SECTION 60b. 15.187 of the statutes is repealed.

SECTION 60e. 15.195 (1) of the statutes is repealed.

SECTION 60g. 15.195 (3) of the statutes is repealed.

SECTION 61. 15.195 (4) (d) of the statutes is amended to read:

15.195 **(4)** (d) The ~~secretary of education~~ state superintendent of public instruction or his or her designee.

SECTION 63. 15.197 (11n) (a) 3. of the statutes is amended to read:

15.197 **(11n)** (a) 3. The ~~secretary of education~~ state superintendent of public instruction.

SECTION 63j. 15.197 (12) of the statutes is repealed.

SECTION 63m. 15.197 (21) of the statutes is repealed.

SECTION 63p. 15.197 (22) of the statutes is repealed.

SECTION 64d. 15.197 (24) (a) 7. of the statutes is amended to read:

15.197 **(24)** (a) 7. ~~Two~~ Subject to par. (d), two members who are nominated by ~~the community advisory committees~~ a children's services network established in Milwaukee County under s. ~~46.023 (2)~~ 49.143 (2) (b) and who are residents of the geographical area established under s. 49.143 (6) that is served by the children's services network.

SECTION 64g. 15.197 (24) (d) of the statutes is created to read:

15.197 **(24)** (d) If the department of workforce development establishes more than one geographical area in Milwaukee County under s. 49.143 (6), the children's services networks established in Milwaukee County under s. 49.143 (2) (b), in nominating members under par. (a) 7., shall nominate residents of different geographical areas established under s. 49.143 (6) and, when the term of a member appointed under par. (a) 7. ends or if a vacancy occurs in the membership of the council under par. (a) 7., those children's services networks shall nominate a resident of a different geographical area established under s. 49.143 (6) from the geographical area of the member who is being replaced according to a rotating order of succession determined by the children's services networks.

SECTION 65. 15.223 (2) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

15.223 **(2)** (title) DIVISION OF ~~WORKFORCE EXCELLENCE~~ CONNECTING EDUCATION AND WORK. There is created in the department of workforce development a division of ~~workforce excellence~~ connecting education and work.

SECTION 65d. 15.227 (1) of the statutes, as affected by 1997 Wisconsin Act 3, is repealed.

SECTION 65g. 15.227 (5) of the statutes, as affected by 1997 Wisconsin Act 3, is repealed.

SECTION 65k. 15.227 (9) of the statutes, as affected by 1997 Wisconsin Act 3, is repealed.

SECTION 65m. 15.227 (14) of the statutes, as affected by 1997 Wisconsin Act 3, is repealed.

SECTION 65q. 15.227 (17) (b) (intro.) of the statutes is amended to read:

15.227 **(17)** (b) (intro.) The council shall have ~~19~~ 21 members, serving 5−year terms, consisting of:

SECTION 65r. 15.227 (17) (b) 1. of the statutes is amended to read:

15.227 **(17)** (b) 1. ~~Seven~~ Eight representatives of the labor community in this state.

SECTION 65s. 15.227 (17) (b) 2. of the statutes is amended to read:

15.227 **(17)** (b) 2. ~~Seven~~ Eight representatives of the management community in this state.

SECTION 66. 15.227 (24) (a) 4. of the statutes is repealed and recreated to read:

15.227 **(24)** (a) 4. The state superintendent of public instruction or the state superintendent's designee.

SECTION 66b. 15.227 (24) (a) 5n. of the statutes is created to read:

15.227 **(24)** (a) 5n. One representative to the assembly appointed by the assembly minority leader.

SECTION 66bm. 15.227 (24) (a) 5r. of the statutes is created to read:

15.227 **(24)** (a) 5r. One senator appointed by the senate minority leader.

SECTION 66c. 15.227 (24) (a) 12. of the statutes is created to read:

15.227 **(24)** (a) 12. One member who is an elected county official.

SECTION 66e. 15.227 (24) (bm) of the statutes is amended to read:

15.227 **(24)** (bm) The members of the council appointed under par. (a) 6. to ~~11.~~ 12. and the chairperson of the council shall be appointed by the governor to serve at the pleasure of the governor.

SECTION 66f. 15.257 (1) of the statutes is repealed.

SECTION 66g. 15.315 of the statutes is repealed.

SECTION 66m. 15.345 (4) of the statutes is repealed.

SECTION 66r. 15.347 (2) of the statutes is created to read:

15.347 **(2)** DRY CLEANER ENVIRONMENTAL RESPONSE COUNCIL. There is created in the department of natural resources a dry cleaner environmental response council consisting of the following members appointed for 3−year terms:

(a) One member representing dry cleaning operations with annual gross receipts of less than $200,000.

(b) Two members representing dry cleaning operations with annual gross receipts of at least $200,000.

(c) One member representing wholesale distributors of dry cleaning solvent.

(d) One engineer or hydrogeologist with knowledge, experience or education concerning remediation of environmental contamination.

(e) One member representing manufacturers and sellers of dry cleaning equipment.

SECTION 67. 15.347 (4) (c) of the statutes is amended to read:

15.347 **(4)** (c) One from the department of ~~education~~ public instruction, appointed by the ~~secretary of education~~ state superintendent of public instruction.

SECTION 67m. 15.347 (8) of the statutes is repealed.

SECTION 67p. 15.347 (11) of the statutes is repealed.

Vetoed In Part **SECTION 67q.** 15.347 (12) of the statutes is repealed.

SECTION 67s. 15.347 (18) of the statutes is repealed.

SECTION 68t. 15.347 (19) of the statutes is repealed.

SECTION 69. 15.37 of the statutes is repealed and recreated to read:

15.37 Department of public instruction; creation. There is created a department of public instruction under the direction and supervision of the state superintendent of public instruction.

SECTION 70. 15.373 (1) of the statutes is amended to read:

15.373 **(1)** DIVISION FOR LEARNING SUPPORT, EQUITY AND ADVOCACY. There is created in the department of ~~education~~ public instruction a division for learning support, equity and advocacy.

SECTION 71. 15.373 (2) of the statutes is amended to read:

15.373 **(2)** DIVISION FOR LIBRARIES AND COMMUNITY LEARNING. There is created in the department of ~~education~~ public instruction a division for libraries and community learning.

SECTION 72. 15.374 (1) of the statutes is amended to read:

15.374 **(1)** OFFICE OF EDUCATIONAL ACCOUNTABILITY. There is created an office of educational accountability in the department of ~~education~~ public instruction. The director of the office shall be appointed by the ~~secretary of education~~ state superintendent of public instruction.

SECTION 73m. 15.375 (1) of the statutes is repealed.

SECTION 74. 15.375 (2) of the statutes is amended to read:

15.375 **(2)** SCHOOL DISTRICT BOUNDARY APPEAL BOARD. There is created a school district boundary appeal board in the department of ~~education~~ public instruction. The board shall consist of 12 school board members appointed by the ~~secretary of education~~ state superintendent of public instruction for staggered 2−year terms and the ~~secretary of education~~ state superintendent of public instruction or his or her designee. Four board members shall be school board members of school districts with small enrollments, 4 board members shall be school board members of school districts with medium enrollments and 4 board members shall be school board members of school districts with large enrollments. No 2 school board members of the board may reside within the boundaries of the same cooperative educational service agency.

SECTION 75m. 15.375 (3) of the statutes is renumbered 15.915 (6), and 15.915 (6) (a) and (b) 1. and 6. (intro.), as renumbered, are amended to read:

15.915 **(6)** (a) *Creation.* There is created an environmental education board attached to the ~~department of education~~ University of Wisconsin System under s. 15.03.

(b) 1. The ~~secretary of education~~ state superintendent of public instruction.

6. (intro.) One member, appointed for a 3−year term by the ~~secretary of education~~ president of the University of Wisconsin System, to represent each of the following:

SECTION 78. 15.377 (1) of the statutes is amended to read:

15.377 **(1)** COUNCIL ON THE EDUCATION OF THE BLIND. There is created in the department of ~~education~~ public instruction a council on the education of the blind consisting of 3 members, who shall be visually handicapped and shall have a recognized interest in and a demonstrated knowledge of the problems of the visually handicapped, appointed by the ~~secretary of education~~ state superintendent of public instruction for staggered 6−year terms. "Visually handicapped" means having a) a visual acuity equal to or less than 20/70 in the better eye with correcting lenses, or b) a visual acuity greater than 20/70 in the better eye with correcting lenses, but accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SECTION 79m. 15.377 (2) of the statutes is repealed.

SECTION 80m. 15.377 (3) of the statutes is repealed.

SECTION 81. 15.377 (4) of the statutes is amended to read:

15.377 **(4)** COUNCIL ON EXCEPTIONAL EDUCATION. There is created in the department of ~~education~~ public instruction a council on exceptional education consisting of 15 members appointed by the ~~secretary of education~~ state superintendent of public instruction for 3−year terms. No more than 7 members of the council may be persons who do not have children with exceptional educational needs and who are representatives of the state, school districts, county handicapped children's education boards or cooperative educational service agencies. At least 5 members of the council shall be parents or guardians of a child with exceptional educational needs, at least one member of the council shall be a school board member, at least one member shall be a certified teacher of regular education as defined in s. 115.76 (9) and at least one member shall be a certified teacher of special education.

SECTION 82. 15.377 (6) of the statutes is amended to read:

15.377 **(6)** COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT. There is created in the department of ~~education~~ public instruction a council on library and network development composed of 15 members. Seven of the

members shall be library science, audiovisual and informational science professionals representative of various types of libraries and information services, including public libraries, public library systems, school libraries, public and private academic libraries, special libraries and library educators. Eight of the members shall be public members who have demonstrated an interest in libraries or other types of information services. The members of the council shall be appointed for 3−year terms. The council shall meet 6 times annually and shall also meet on the call of the ~~secretary of education~~ state superintendent of public instruction, and may meet at other times on the call of the chairperson or a majority of its members.

SECTION 83ag. 15.377 (7m) of the statutes is repealed.

SECTION 84. 15.435 (2) of the statutes is repealed.

SECTION 84e. 15.467 (1) of the statutes is repealed.

SECTION 84g. 15.467 (2) of the statutes is repealed.

SECTION 85. 15.57 (1) of the statutes is amended to read:

15.57 **(1)** The secretary of administration, the ~~secretary of education~~ state superintendent of public instruction, the president of the university of Wisconsin system and the director of the technical college system board, or their designees.

SECTION 85d. 15.57 (6) of the statutes is repealed.

SECTION 85g. 15.57 (6g) of the statutes is created to read:

15.57 **(6g)** The president of the Wisconsin Public Radio Association.

SECTION 85h. 15.57 (6m) of the statutes is created to read:

15.57 **(6m)** One member with a demonstrated interest in public television who resides within the coverage area of an education television channel subject to s. 39.11 (3).

SECTION 85j. 15.577 (1) of the statutes is repealed.

SECTION 85k. 15.577 (2) of the statutes is repealed.

SECTION 85km. 15.615 (title) of the statutes is repealed.

SECTION 85L. 15.615 (1) of the statutes is repealed.

SECTION 85n. 15.617 of the statutes is repealed.

SECTION 86. 15.64 of the statutes is repealed.

SECTION 87. 15.643 of the statutes is repealed.

SECTION 89m. 15.647 of the statutes is repealed.

SECTION 90m. 15.67 of the statutes is created to read:

15.67 Higher educational aids board; creation. (1) There is created a higher educational aids board consisting of the state superintendent of public instruction and the following members appointed for 3−year terms, except that the members specified under pars. (a) 5. and 6. and (b) 3. shall be appointed for 2−year terms:

(a) To represent public institutions of higher education, all of the following:

1. One member of the board of regents of the University of Wisconsin System.

2. One member of the technical college system board.

3. One financial aids administrator within the University of Wisconsin System.

4. One financial aids administrator within the technical college system.

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.

6. One student enrolled at least half−time and in good academic standing at a technical college who is at least 18 years old and a resident of this state.

(b) To represent private, nonprofit institutions of higher education, all of the following:

1. One member of a board of trustees of an independent college or university in this state.

2. One financial aids administrator of a private nonprofit institution of higher education located in this state.

3. One undergraduate student enrolled at least half−time and in good academic standing at a private, nonprofit institution of higher education located in this state who is at least 18 years old and a resident of this state.

(c) One member to represent the general public.

(2) If a student member under sub. (1) loses the status upon which the appointment was based, he or she shall cease to be a member of the higher educational aids board upon appointment to the higher educational aids board of a qualified successor.

SECTION 91. 15.675 of the statutes is created to read:

15.675 Same; attached board. (1) EDUCATIONAL APPROVAL BOARD. There is created an educational approval board which is attached to the higher educational aids board under s. 15.03. The board shall consist of not more than 7 members, who shall be representatives of state agencies and other persons with a demonstrated interest in educational programs, appointed to serve at the pleasure of the governor.

SECTION 92c. 15.707 (1) of the statutes is repealed.

SECTION 92e. 15.707 (2) of the statutes is repealed.

SECTION 92m. 15.707 (3) of the statutes is created to read:

15.707 **(3)** HISTORICAL SOCIETY ENDOWMENT FUND COUNCIL. There is created in the historical society a historical society endowment fund council consisting of 10 members, including at least one representative of each of the following:

(a) The historical society.

(b) The Wisconsin Humanities Council.

(c) The Wisconsin Academy of Science, Arts and Letters.

(d) The arts board.

(e) Wisconsin public radio.

(f) Wisconsin public television.

SECTION 92v. 15.735 (title) of the statutes is repealed.

SECTION 92w. 15.735 (1) of the statutes is repealed.

SECTION 93. 15.735 (2) of the statutes is renumbered 15.195 (6) and amended to read:

15.195 **(6)** BOARD ON HEALTH CARE INFORMATION. There is created a board on health care information which is attached to the ~~office of the commissioner of insurance~~ department of health and family services under s. 15.03. The board shall consist of 9 members, a majority of whom may neither be nor represent health care providers, appointed for 4−year terms.

SECTION 94. 15.737 of the statutes is repealed.

SECTION 94e. 15.915 (2) (a) of the statutes is amended to read:

15.915 **(2)** (a) The president of the university of Wisconsin system, ~~the chancellor of the university of Wisconsin−Madison,~~ the secretary of health and family services, the secretary of natural resources and the secretary of agriculture, trade and consumer protection, or their designees.

SECTION 94k. 15.915 (2) (b) of the statutes is amended to read:

15.915 **(2)** (b) ~~An employe of the department of health and family services appointed by the secretary of health and family services, an employe of the department of natural resources appointed by the secretary of natural resources, a~~ A representative of local health departments who is not an employe of the department of health and family services, one physician representing clinical laboratories ~~and~~, one member representing private environmental testing laboratories, ~~none of whom may be employes of the laboratory of hygiene~~ one member representing occupational health laboratories and 3 additional members, one of whom shall be a medical examiner or coroner, appointed for 3−year terms. No member appointed under this paragraph may be an employe of the laboratory of hygiene.

SECTION 94m. 15.915 (3) of the statutes is repealed.

Vetoed In Part **SECTION 94mm.** 15.917 of the statutes is created to read:

15.917 Same; councils. (1) COUNCIL ON THE INSTITUTE FOR EXCELLENCE IN URBAN EDUCATION. There is created in the University of Wisconsin System a council on the Institute for Excellence in Urban Education. The council shall consist of all of the following, appointed for 2−year terms:

(a) Two senators, at least one of whom is a resident of Milwaukee County, appointed as are members of standing committees in the senate.

(b) Two representatives to the assembly, at least one of whom is a resident of Milwaukee County, appointed as are members of standing committees in the assembly.

(c) One member of the faculty of the University of Wisconsin−Milwaukee School of Education, appointed by the chancellor of the University of Wisconsin−Milwaukee. **Vetoed In Part**

(d) One resident of Milwaukee County, appointed by the chancellor of the University of Wisconsin−Milwaukee.

SECTION 94n. 15.947 (1) of the statutes is repealed.

SECTION 96m. 16.009 (1) (em) 7. of the statutes is created to read: **Vetoed In Part**

16.009 **(1)** (em) 7. A residential care apartment complex, as defined in s. 50.01 (1d).

SECTION 96r. 16.0095 of the statutes is created to read:

16.0095 Medicare upper limit consultant. The department shall hire a consultant, to be paid from the appropriation under s. 20.435 (1) (bm), to determine and recommend to the the department of health and family services the aggregate payments that should be made for inpatient nursing home services under medical assistance under subch. IV of ch. 49 such that the aggregate payments will not exceed the amount that is estimated to be the amount that would have been paid under the federal medicare program's payment principles. The consultant's recommendations to the department of health and family services shall be nonbinding.

SECTION 97. 16.023 of the statutes is created to read:

16.023 Wisconsin land council. (1) The Wisconsin land council shall conduct the following functions:

(a) Identify state land use goals and recommend these goals to the governor.

(b) Identify state land use priorities to further the state's land use goals and recommend to the governor legislation to implement these priorities.

(c) Study areas of cooperation and coordination in the state's land use statutes and recommend to the governor legislation to harmonize these statutes to further the state's land use goals.

(d) Study areas of the state's land use statutes that conflict with each other and recommend to the governor legislation to resolve these conflicts to further the state's land use goals.

(e) Identify areas of the state's land use statutes that conflict with county or municipal land use ordinances, and areas of county or municipal land use ordinances that conflict with each other, and recommend to the governor legislation to resolve these conflicts.

(f) Establish a technical working group that is composed of the state cartographer, a representative of the University of Wisconsin System who has expertise in land use issues and any other land use experts designated by the council's chairperson, to study the development of a computer−based Wisconsin land information system and recommend to the governor legislation to implement such a computer system.

(g) Establish a state agency resource working group that is composed of representatives of the departments of

administration, agriculture, trade and consumer protection, commerce, natural resources, revenue, transportation and other appropriate agencies to discuss, analyze and address land use issues and related policy issues, including the following:

1. Gathering information about the land use plans of state agencies.

2. Establishing procedures for the distribution of the information gathered under subd. 1. to other state agencies, local units of government and private persons.

3. The creation of a system to facilitate, and to provide training and technical assistance for the development of, local intergovernmental land use planning.

(h) Study the activities of local units of government in the land use area to determine how these activities impact on state land use goals, and recommend to the governor legislation that fosters coordination between local land use activities and state land use goals.

(i) Identify procedures for facilitating local land use planning efforts, including training and technical assistance for local units of government, and recommend to the governor legislation to implement such procedures.

(j) Gather and analyze information about the land use activities in this state of the federal government and American Indian governments and inform the governor of the impact of these activities on state land use goals.

(k) Study any other issues that are reasonably related to the state's land use goals, including methods for alternative dispute resolution for disputes involving land use issues, and recommend to the governor legislation in the areas studied by the council that would further the state's land use goals.

(L) Gather information about land use issues, at its discretion, in any reasonable way, including the following:

1. Establishing a state−local government−private sector working group to study and advise the council on land use issues.

2. Holding public hearings or information meetings on land use issues.

3. Conducting surveys on land use issues.

4. Consulting with any person who is interested in land use issues.

(m) Enter into a memorandum of understanding with the land information board to ensure cooperation between the council and the board and to avoid duplication of activities.

(2) In conjunction with the working group established under sub. (1) (L) 1., the council shall, not later than one year after the effective date of this subsection .... [revisor inserts date], develop evaluation criteria for its functions under sub. (1). The council shall complete a report that contains an evaluation of its functions and activities not later than September 1, 2002, and shall submit the report to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), and to the governor. The report shall also include a recommendation as to whether the council should continue in existence past its sunset date specified in s. 15.107 (16) (e) and, if so, a recommendation as to whether any structural modifications should be made to the council's functions or to the state's land use programs.

(3) Subsections (1) and (2) do not apply after August 31, 2003.

SECTION 97m. 16.025 of the statutes is repealed.

SECTION 98. 16.03 (3) of the statutes is amended to read:

16.03 **(3)** REPORT. The interagency coordinating council shall report at least twice annually to the board on health care information in the ~~office of the commissioner of insurance~~ department of health and family services, concerning the council's activities under this section.

SECTION 100m. 16.23 of the statutes is created to read:

16.23 Literacy improvement. (1) The department shall solicit competitive sealed proposals from organizations having the capability to provide free books to educational and social service organizations for the purpose of promoting literacy. The department shall contract with the organization submitting the most advantageous competitive sealed proposal for the purpose of providing free books to educational and social service organizations in this state.

(2) The department shall, in cooperation with the governor, seek additional resources from foundations and private donors to support the department's function under sub. (1).

SECTION 101. 16.24 (1) (b) of the statutes is amended to read:

16.24 **(1)** (b) "Institution of higher education" means a public or private institution of higher education that is accredited by an accrediting association recognized by the department, and a proprietary school approved by the ~~department of education~~ educational approval board under s. ~~38.51~~ 39.51.

SECTION 102. 16.24 (10m) of the statutes is amended to read:

16.24 **(10m)** REPAYMENT TO GENERAL FUND. The secretary shall transfer from the tuition trust fund to the general fund an amount equal to the amount encumbered from the appropriation under s. 20.505 (9) (a) ~~in the 1996−97 fiscal year~~ when the secretary determines that funds in the tuition trust fund are sufficient to make the transfer. The secretary may make the transfer in instalments.

SECTION 102apm. 16.31 (1) (b) of the statutes is amended to read:

16.31 **(1)** (b) ~~The department shall develop the plan in consultation with the housing advisory council.~~ In preparing the plan, the department may obtain input from housing authorities, community−based organizations,

the private housing industry and others interested in housing assistance and development.

SECTION 102ar. 16.334 (2) (g) of the statutes is created to read:

16.334 **(2)** (g) An organization operated for profit.

SECTION 102br. 16.336 (1) (intro.) of the statutes is amended to read:

16.336 **(1)** (intro.) The department may make grants to a community−based organization, organization operated for profit or housing authority to improve the ability of the community−based organization, organization operated for profit or housing authority to provide housing opportunities, including housing−related counseling services, for persons or families of low or moderate income. The grants may be used to partially defray any of the following:

SECTION 102cr. 16.336 (1) (a) of the statutes is amended to read:

16.336 **(1)** (a) Salaries, fringe benefits and other expenses associated with personnel of the housing authority, organization operated for profit or community−based organization.

SECTION 102dr. 16.336 (2) (a) of the statutes is amended to read:

16.336 **(2)** (a) The housing authority, organization operated for profit or community−based organization submitted an application for a grant.

SECTION 102er. 16.336 (2) (b) of the statutes is amended to read:

16.336 **(2)** (b) The housing authority, organization operated for profit or community−based organization equally matches the grant, by cash or by other assets in kind.

SECTION 102fr. 16.336 (2) (c) (intro.) of the statutes is amended to read:

16.336 **(2)** (c) (intro.) The department determines that the grant to the particular community−based organization, organization operated for profit or housing authority is appropriate because of any of the following:

SECTION 102gr. 16.336 (2) (c) 1. of the statutes is amended to read:

16.336 **(2)** (c) 1. The quality of the management of the community−based organization, organization operated for profit or housing authority.

SECTION 102hr. 16.336 (2) (c) 2. of the statutes is amended to read:

16.336 **(2)** (c) 2. The amount of other resources for providing housing opportunities that are available to the community−based organization, organization operated for profit or housing authority.

SECTION 102ir. 16.336 (2) (c) 3. of the statutes is amended to read:

16.336 **(2)** (c) 3. The potential impact of the planned activities of the community−based organization, organization operated for profit or housing authority on housing opportunities for persons of low and moderate income in the area.

SECTION 102jr. 16.336 (2) (c) 4. of the statutes is amended to read:

16.336 **(2)** (c) 4. The financial need of the community−based organization, organization operated for profit or housing authority.

SECTION 102kr. 16.336 (3) of the statutes is amended to read:

16.336 **(3)** A community−based organization, organization operated for profit or housing authority may receive grants under both sub. (1) (a) and (b).

SECTION 102Lr. 16.336 (4) of the statutes is amended to read:

16.336 **(4)** To ensure the development of housing opportunities, the department shall coordinate the use of grants provided under this section with projects undertaken by housing authorities, organizations operated for profit and community−based organizations.

SECTION 102mr. 16.339 (1) (a) 5. of the statutes is created to read:

16.339 **(1)** (a) 5. An organization operated for profit.

SECTION 102nr. 16.351 (1) of the statutes is amended to read:

16.351 **(1)** GRANTS. From moneys available under s. 20.505 (7) (h), the department shall make grants to organizations, including organizations operated for profit, that provide shelter or services to homeless individuals or families.

SECTION 102or. 16.352 (1) (b) 7. of the statutes is created to read:

16.352 **(1)** (b) 7. An organization operated for profit.

SECTION 102pr. 16.358 (3) of the statutes is created to read:

16.358 **(3)** Notwithstanding sub. (2), the department shall promulgate rules that specify that an applicant for funds under a program under this section shall be eligible to receive funds under the program in the year following the year for which the applicant submits an application, without having to submit another application for that following year, if all of the following apply:

(a) The applicant is an eligible applicant under the terms of the program.

(b) The applicant did not receive funds under the program in the year for which the application was submitted.

SECTION 102rs. 16.38 of the statutes is repealed.

SECTION 103. 16.405 (1) of the statutes is amended to read:

16.405 **(1)** At any time the department determines that a deficiency will occur in the funds of the state which will not permit the state to meet its operating obligations in a timely manner, it may prepare a request for the issuance of operating notes under subch. III of ch. 18 and, subject to ~~sub.~~ subs. (2) and (3), may submit the request to the building commission.

SECTION 104. 16.405 (2) of the statutes is amended to read:

16.405 **(2)** The department may not submit a request to the building commission under sub. (1) unless the request is signed by the secretary and the governor~~, and approved by the joint committee on finance~~.

SECTION 105. 16.405 (3) of the statutes is created to read:

16.405 **(3)** If the department proposes to submit a request to the building commission under sub. (1), the secretary shall notify the joint committee on finance in writing of the proposed action. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed submission within 14 working days after the date of the secretary's notification, the department may submit the request to the building commission as proposed. If, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed submission, the department may submit the request to the building commission only upon approval of the committee.

SECTION 105g. 16.417 (title) of the statutes is amended to read:

16.417 (title) **~~Limitation on dual~~ Dual employment or retention.**

SECTION 105h. 16.417 (1) (a) of the statutes is repealed and recreated to read:

16.417 **(1)** (a) "Agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority.

SECTION 105i. 16.417 (1) (b) of the statutes is amended to read:

16.417 **(1)** (b) "Authority" means a body created under ch. 231, 232 ~~or~~, 233, 234 or 235.

SECTION 105j. 16.417 (1) (c) of the statutes is created to read:

16.417 **(1)** (c) "Elective state official" has the meaning given in s. 13.62 (6).

SECTION 105k. 16.417 (2) of the statutes is renumbered 16.417 (2) (a) and amended to read:

16.417 **(2)** (a) No individual other than an elective state official who is employed or retained in a full−time position or capacity with an agency or authority may hold any other position or be retained in any other capacity with an agency or authority from which the individual receives, directly or indirectly, more than $12,000 from the agency or authority as compensation for the individual's services during the same year.

(c) No agency or authority may employ any individual or enter into any contract in violation of this subsection.

(d) The department shall annually check to assure that no individual violates this subsection. The department shall order any individual whom it finds to be in violation of this subsection to forfeit that portion of the economic gain that the individual realized in violation of this subsection.

(e) The attorney general, when requested by the department, shall institute proceedings to recover any forfeiture incurred under this subsection which is not paid by the individual against whom it is assessed.

(f) This subsection does not apply to an individual other than an elective state official who has a full−time appointment for less than 12 months, during any period of time that is not included in the appointment.

SECTION 105L. 16.417 (2) (b) of the statutes is created to read:

16.417 **(2)** (b) No elective state official may hold any other position or be retained in any other capacity with an agency or authority, except an unsalaried position or unpaid service with an agency or authority that is compatible with the official's duties, the emoluments of which are limited to reimbursement for actual and necessary expenses incurred in the performance of duties.

SECTION 105p. 16.46 (intro.), (1), (3) and (4) of the statutes are amended to read: **Vetoed In Part**

16.46 Biennial budget, contents. (intro.) The biennial state budget report shall be prepared by the secretary, under the direction of the governor, and a copy of a budget−in−brief thereof shall be furnished to each member of the legislature on the day of the delivery of the budget message. The biennial state budget report shall be furnished to each member of the legislature on the same day and shall contain all of the following information:

(1) A summary of the actual and estimated receipts of the state government in all operating funds under existing laws during the current and the succeeding bienniums, classified so as to show the receipts by funds, organization units and sources of income~~;~~.

(3) A statement showing the condition of all operating funds of the treasury at the close of the preceding fiscal year and the estimated condition at the close of the current year~~;~~.

(4) A statement showing how the total estimated disbursements during each year of the succeeding biennium compare with the estimated receipts, and the additional revenues, if any, needed to defray the estimated expenses of the state~~;~~.

SECTION 105q. 16.46 (2) of the statutes is amended to read:

16.46 **(2)** A summary of the actual and estimated disbursements of the state government from all operating funds during the current biennium and of the requests of

Vetoed In Part agencies and the recommendations of the governor for the succeeding biennium~~;~~.

SECTION 105r. 16.46 (5) of the statutes is renumbered 16.46 (5) (intro.) and amended to read:

16.46 **(5)** (intro.) A statement of the actual and estimated receipts and disbursements of each department and of all state aids and activities during the current biennium, the departmental estimates and requests, and the recommendations of the governor for the succeeding biennium. Estimates of expenditures shall be classified to set forth such expenditures by funds, organization units, appropriation, object and activities at the discretion of the secretary~~;~~. Regardless of the classification chosen by the secretary, the statement shall compare the recommendations of the governor for disbursements for that classification during the succeeding biennium with all of the following:

SECTION 105t. 16.46 (5) (a) and (b) of the statutes are created to read:

16.46 **(5)** (a) A base level of funding for that classification for the current biennium. The base level of funding shall be determined by adding, with respect to sum certain appropriations within that classification, the amounts appropriated for the 2 years in the current biennium from those appropriations and, with respect to sum sufficient appropriations within that classification, the estimated expenditures from those sum sufficient appropriations for the 2 years in the current biennium, as determined by the secretary.

(b) The secretary's estimate of the amount that will actually be expended from the appropriations within that classification over the 2 years of the current biennium.

SECTION 106m. 16.50 (1) (b) of the statutes is amended to read:

16.50 **(1)** (b) This subsection does not apply to appropriations under ss. 20.255 (2) (ac) and (q), 20.835 and 20.865 (4).

SECTION 107. 16.505 (2m) of the statutes is amended to read:

16.505 **(2m)** The board of regents of the university of Wisconsin system may create or abolish a full−time equivalent position or portion thereof from revenues appropriated under s. 20.285 (1) (h), (ip), (iz), (j), (m) ~~or~~, (n) or (u) or (3) (iz) or (n). No later than the last day of the month following completion of each calendar quarter, the board of regents shall report to the department and the cochairpersons of the joint committee on finance concerning the number of full−time equivalent positions created or abolished by the board under this subsection during the preceding calendar quarter and the source of funding for each such position.

SECTION 108m. 16.52 (10) of the statutes is amended to read:

16.52 **(10)** (title) DEPARTMENT OF ~~EDUCATION~~ PUBLIC INSTRUCTION. The provisions of sub. (2) with respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal year shall not apply to the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (q).

SECTION 116. 16.70 (3m) of the statutes is created to read:

16.70 **(3m)** "Educational technology" has the meaning given in s. 44.70 (3).

SECTION 117m. 16.71 (1) of the statutes is amended to read:

16.71 **(1)** Except as otherwise required under this section or as authorized in s. 16.74, the department shall purchase and may delegate to special designated agents the authority to purchase all necessary materials, supplies, equipment, all other permanent personal property and miscellaneous capital, and contractual services and all other expense of a consumable nature for all agencies. In making any delegation, the department shall require the agent to adhere to all requirements imposed upon the department in making purchases under this subchapter. All materials, services and other things and expense furnished to any agency and interest paid under s. 16.528 shall be charged to the proper appropriation of the agency to which furnished.

SECTION 117n. 16.71 (4) of the statutes is created to read:

16.71 **(4)** The department shall delegate authority to the technology for educational achievement in Wisconsin board to make purchases of educational technology equipment for use by school districts, cooperative educational service agencies and public educational institutions in this state, upon request of the board.

SECTION 117s. 16.72 (2) (cm) of the statutes is created to read: **Vetoed In Part**

16.72 **(2)** (cm) The department shall verify and record the country of origin for each motor vehicle purchased for any agency.

SECTION 118. 16.72 (4) (b) of the statutes is amended to read:

16.72 **(4)** (b) The department shall promulgate rules for the declaration as surplus of supplies, materials and equipment in any agency and for the transfer to other agencies or for the disposal by private or public sale of supplies, materials and equipment. In either case due credit shall be given to the agency releasing the same, except that the department shall transfer any supplies, materials or equipment declared to be surplus to the department of tourism, upon request of the department of tourism, at no cost, if the transfer is permitted by the agency having possession of the supplies, materials or equipment.

SECTION 119d. 16.72 (7) of the statutes is repealed.

SECTION 120. 16.72 (8) of the statutes is created to read:

16.72 **(8)** The division of information technology services of the department may purchase educational technology materials, supplies, equipment or contractual services from orders placed with the department by the

technology for educational achievement in Wisconsin board on behalf of school districts, cooperative educational service agencies, technical college districts and the board of regents of the University of Wisconsin System.

Vetoed In Part **SECTION 123m.** 16.76 (4) (b) of the statutes is amended to read:

16.76 **(4)** (b) The department may enter into a master lease whenever the department determines that it is advantageous to the state to do so, except that the department shall not require the board of regents of the University of Wisconsin System to acquire moveable equipment for the University of Wisconsin−Center System under a master lease. If the master lease provides for payments to be made by the state from moneys that have not been appropriated at the time that the master lease is entered into, the master lease shall contain the statement required under s. 16.75 (3).

Vetoed In Part **SECTION 123mk.** 16.76 (4) (g) of the statutes is created to read:

16.76 **(4)** (g) No later than January 15 of each odd−numbered year, the secretary shall report to the legislature under s. 13.172 (2) concerning the costs and benefits to the state resulting from the use of master leases by the department or its designated agents under s. 16.71 (1) during the 2−year period ending on the preceding December 31.

SECTION 123n. 16.79 (title) of the statutes is amended to read:

16.79 (title) ~~**Duties of department of administration**~~ **State publications.**

SECTION 123r. 16.79 (3) of the statutes is created to read:

16.79 **(3)** The department shall promulgate rules for securing sponsorship of state publications which shall be applicable to all agencies, as defined in s. 16.70 (1), that are authorized by law to secure sponsorship for agency publications. The rules shall be consistent with any requirements imposed by law that are applicable to particular agencies or publications.

SECTION 124. 16.80 of the statutes is amended to read:

16.80 Purchases of computers by teachers. The department shall negotiate with private vendors to facilitate the purchase of computers and other educational technology, as defined in s. ~~16.992 (1) (c)~~ 24.60 (1r), by public and private elementary and secondary school teachers for their private use. The department shall attempt to make available types of computers and other educational technology under this section that will encourage and assist teachers in becoming knowledgeable about the technology and its uses and potential uses in education.

SECTION 124m. 16.848 of the statutes is repealed.

SECTION 125. 16.85 (15) of the statutes is created to read:

16.85 **(15)** Provide or contract for the provision of professional engineering, architectural, project management and other building construction services on behalf of school districts for the installation or maintenance of electrical and computer network wiring. The department shall assess fees for services provided under this subsection and shall credit all revenues received to the appropriation account under s. 20.505 (1) (im).

SECTION 126. 16.855 (1) of the statutes is amended to read:

16.855 **(1)** The department shall let by contract to the lowest qualified responsible bidder all construction work when the estimated construction cost of the project exceeds $30,000, except for construction work authorized under s. 16.858 and except as provided in sub. (10m) or s. 13.48 (19). If a bidder is not a Wisconsin firm and the department determines that the state, foreign nation or subdivision thereof in which the bidder is domiciled grants a preference to bidders domiciled in that state, nation or subdivision in making governmental purchases, the department shall give a preference over that bidder to Wisconsin firms, if any, when awarding the contract, in the absence of compelling reasons to the contrary. The department may enter into agreements with states, foreign nations and subdivisions thereof for the purpose of implementing this subsection.

SECTION 127. 16.855 (2) (intro.) of the statutes is amended to read:

16.855 **(2)** (intro.) ~~Whenever~~ Except for projects authorized under s. 16.858, whenever the estimated construction cost of a project exceeds $30,000, or if less and in the best interest of the state, the department shall:

SECTION 128. 16.855 (13) (a) of the statutes is amended to read:

16.855 **(13)** (a) A list of subcontractors shall not be required to be submitted with the bid. The department may require the ~~successful bidder~~ prime contractor to submit in writing the names of prospective subcontractors for the department's approval before the award of a contract to the prime contractor.

SECTION 129. 16.855 (14) (a) of the statutes is amended to read:

16.855 **(14)** (a) If the estimated construction cost of a project exceeds $100,000 and bids are required to be solicited under sub. (2), the department shall take both single bids and separate bids on any division of the work that it designates. If the estimated construction cost of a project does not exceed $100,000 and bids are required to be solicited under sub. (2), the department may take single bids or separate bids on any division of the work that it designates. If the department awards contracts by the division of work, the department shall award the contracts according to the division of work selected for bidding. Except as provided in sub. (10m) (a), the department shall award all contracts to the lowest qualified

responsible bidder or bidders that result in the lowest total construction cost for the project.

SECTION 130. 16.855 (19) of the statutes is amended to read:

16.855 **(19)** As the work progresses under any contract for construction the department, from time to time, shall grant to the contractor an estimate of the amount and proportionate value of the work done, which shall entitle the contractor to receive the amount thereof, less the retainage, from the proper fund. On all construction projects, the retainage shall be an amount equal to 10% of said estimate until 50% of the work has been completed. At 50% completion, no additional amounts shall be retained, and partial payments shall be made in full to the contractor unless the architect or engineer certifies that the job is not proceeding satisfactorily. At 50% completion or any time thereafter when the progress of the work is not satisfactory, additional amounts may be retained but in no event shall the total retainage be more than 10% of the value of the work completed. Upon substantial completion of the work, an amount retained may be paid to the contractor. For the purposes of this section, estimates may include any fabricated or manufactured materials and components specified, previously paid for by contractor and delivered to the work or properly stored and suitable for incorporation in the work embraced in the contract. <u>This subsection does not apply to contracts awarded under s. 16.858.</u>

SECTION 130g. 16.855 (22) of the statutes is created to read:

16.855 **(22)** The provisions of this section, except sub. (10m), do not apply to construction work for any project the estimated construction cost of which does not exceed $100,000 if the project is constructed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). If the estimated construction cost of any project is at least $30,000, and the building commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct the project, the department shall provide adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

SECTION 130r. 16.855 (23) of the statutes is created to read:

16.855 **(23)** (a) In this subsection, "digital signature" means an electronic identifier that is used in a computer communication and that is intended by the party using it to have the same force and effect as a manual signature.

(b) In connection with any bid or proposal submitted or contract entered into under this section, the department may accept a digital signature. If the department accepts a digital signature, a person submitting a bid or proposal or entering into a contract with the department may use a digital signature if the digital signature meets all of the following requirements:

1. The digital signature is unique to the person using it.

2. The digital signature is under the sole control of the person using it.

3. The digital signature is linked to data in such a manner that if any of the data is changed, the digital signature becomes invalid.

4. The digital signature is capable of verification under the procedures promulgated as rules under par. (d).

5. The digital signature conforms to any other rules promulgated under par. (d).

(c) A digital signature that meets all of the requirements specified in par. (b) 1. to 5. has the same force and effect as a manual signature and is effective, valid and enforceable against the signer.

(d) The department shall promulgate rules to govern the use of digital signatures under this subsection and to establish procedures for their verification.

SECTION 131. 16.858 of the statutes is created to read:

16.858 Energy conservation audits and construction projects. (1) The department may contract with a qualified contractor for an energy conservation audit to be performed at any state−owned building, structure or facility. Under the contract, the contractor shall prepare a report containing a description of the physical modifications to be performed to the building, structure or facility that are required to effect specific future energy savings within a specified period and a determination of the minimum savings in energy usage that will be realized by the state from making these modifications within that period. After review of the audit report and subject to approval under s. 13.48 (10), where required, the department may contract with the contractor for construction work to be performed at the building, structure or facility for the purpose of realizing potential savings of future energy costs identified in the audit if, in the judgment of the department, the anticipated savings to the state after completion of the work will enable recovery of the costs of the work within a reasonable period of time.

(2) Any contract under sub. (1) shall require the contractor to undertake the construction work at its own expense. The contract shall provide for the state to pay a maximum stated amount, which shall include any financing costs incurred by the contractor. The maximum stated amount may not exceed the minimum savings determined under the audit to be realized by the state within the period specified in the audit. The state shall make payments under the contract as the savings identified in the audit are realized by the state, in the amounts actually realized, but not to exceed the lesser of the maximum stated amount or the actual amount of the savings realized by the state within the period specified in the audit. The department shall charge the cost of the payments to the applicable appropriation for fuel and utility costs at the building, structure or facility where the work is per-

formed in the amounts equivalent to the savings that accrue to the state under that appropriation from expenditures not made as a result of the construction work, as determined by the department in accordance with the contract. The department may also charge its costs for negotiation and administration of the contract to the same appropriation.

(3) Any contract under sub. (1) shall include a provision stating in substance that payments under the contract are contingent upon available appropriations.

(4) No later than January 1 of each year, the secretary shall report to the cochairpersons of the joint committee on finance identifying any construction work for which the department has contracted under this section for which the state has not made its final payment as of the date of the preceding report, together with the actual energy cost savings realized by the state as a result of the contract to date, or the estimated energy cost savings to be realized by the state if the total savings to be realized in the audit under sub. (1) have not yet been realized, and the date on which the state made its final payment under the contract or, if the final payment has not been made, the latest date on which the state is obligated to make its final payment under the contract.

SECTION 133am. 16.966 (title), (1) and (2) of the statutes are created to read:

16.966 (title) **Land information support. (1)** In this section, "state agency" has the meaning given for "agency" under s. 16.045 (1) (a).

(2) The department may assess any state agency for any amount that it determines to be required for the functions of the Wisconsin land council under s. 16.023. For this purpose, the department may assess state agencies on a premium basis and pay costs incurred on an actual basis. The department shall credit all moneys received from state agencies under this subsection to the appropriation account under s. 20.505 (1) (ks).

SECTION 133b. 16.966 (1) and (2) of the statutes, as created by 1997 Wisconsin Act .... (this act), are repealed.

SECTION 133c. 16.966 (3) and (4) of the statutes are created to read:

16.966 **(3)** The department may develop and maintain geographic information systems relating to land in this state for the use of governmental and nongovernmental units, if any legislation required to fund this activity is first enacted and if the department first submits to the cochairpersons of the joint committee on finance a report concerning how the department intends to utilize this authority. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the report within 14 working days after the date of the department's submittal, the department may carryout the action proposed in the report to the extent authorized by law. If, within 14 working days after the date of the department's submittal, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the action proposed in the report, no action proposed in the report may be taken unless the committee approves that action.

Vetoed In Part

(4) The department shall provide staff services to the land information board.

SECTION 133d. 16.966 (4) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 141am. 16.967 of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 141amd. 16.967 (5) of the statutes is amended to read:

16.967 **(5)** FEES. All fees received under s. 59.72 (5) (a) shall be credited to the appropriation under s. 20.505 ~~(4) (im)~~ (1) (ij).

SECTION 141amh. 16.967 (7) (b) of the statutes is amended to read:

16.967 **(7)** (b) Grants shall be paid from the appropriation under s. 20.505 ~~(4) (im)~~ (1) (ij). A grant under this subsection may not exceed $100,000. The board may award more than one grant to a county board.

SECTION 141an. 16.967 (10) of the statutes is created to read:

16.967 **(10)** MEMORANDUM OF UNDERSTANDING. The board shall enter into a memorandum of understanding with the Wisconsin land council to ensure cooperation between the board and the council and to avoid duplication of activities.

SECTION 142. 16.968 of the statutes is amended to read:

16.968 Groundwater survey and analysis. The department ~~of administration~~ shall allocate funds for programs of groundwater survey and analysis to the department of natural resources and the geological and natural history survey following review and approval of a mutually agreed upon division of responsibilities concerning groundwater programs between the department of natural resources and the geological and natural history survey, a specific expenditure plan and groundwater data collection standards consistent with the purposes of s. 16.967. State funds allocated under this section shall be used to match available federal funds prior to being used for solely state−funded activities.

SECTION 142am. 16.968 of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

16.968 Groundwater survey and analysis. The department shall allocate funds for programs of groundwater survey and analysis to the department of natural resources and the geological and natural history survey following review and approval of a mutually agreed upon division of responsibilities concerning groundwater programs between the department of natural resources and the geological and natural history survey, a specific expenditure plan and groundwater data collection standards ~~consistent with the purposes of s. 16.967~~. State funds allocated under this section shall be used to match available

federal funds prior to being used for solely state−funded activities.

SECTION 143. 16.971 (2) (L) of the statutes is amended to read:

16.971 **(2)** (L) Require each executive branch agency to adopt, revise biennially, and submit for its approval, a strategic plan for the utilization of information technology to carry out the functions of the agency. As a part of each plan, the division shall require each executive branch agency to address the business needs of the agency and to identify all ~~resources relating to information technology which the agency desires to acquire, contingent upon funding availability~~ proposed information technology development projects that serve those business needs, the priority for undertaking such ~~acquisitions~~ projects and the justification for ~~such acquisitions~~ each project, including the anticipated benefits of the project. Each plan shall identify any changes in the functioning of the agency under the plan. The division shall consult with the joint committee on information policy in providing guidance for and scheduling of planning by executive branch agencies.

SECTION 143m. 16.971 (2) (Lm) of the statutes is created to read:

16.971 **(2)** (Lm) No later than 60 days after enactment of each biennial budget act, require each executive branch agency that receives funding under that act for an information technology development project to file with the division an amendment to its strategic plan for the utilization of information technology under par. (L). The amendment shall identify each information technology development project for which funding is provided under that act and shall specify, in a form prescribed by the secretary, the benefits that the agency expects to realize from undertaking the project.

Vetoed In Part **SECTION 143n.** 16.971 (2s) of the statutes is created to read:

16.971 **(2s)** The department shall report semiannually to the members of the joint committee on information policy and the joint committee on finance concerning each existing or planned project for information technology system development or procurement, or both, which the department anticipates will have a total cost to the state exceeding $1,000,000 in the current or any succeeding fiscal biennium. The report shall contain a specific identification and description of each project.

SECTION 143r. 16.971 (5) (a) of the statutes is amended to read:

16.971 **(5)** (a) ~~From the appropriation under s. 20.870 (1) (q)~~ After compliance with par. (h), the department may distribute grants to agencies to be used for information technology development projects from the appropriations under s. 20.870 (1) (q) and (2) (a).

SECTION 143s. 16.971 (5) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

16.971 **(5)** (a) After compliance with par. (h), the department may distribute grants to agencies to be used for information technology development projects from the ~~appropriations~~ appropriation under s. 20.870 (1) (q) ~~and (2) (a)~~.

SECTION 145m. 16.971 (5) (d) of the statutes is amended to read:

16.971 **(5)** (d) Upon receipt of any gift, grant or bequest made to the state for information technology development purposes the secretary shall report the source, value and purpose to the cochairpersons of the joint committee on finance. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the acceptance of the gift, grant or bequest within 14 working days after the date of the secretary's report, the secretary may accept the gift, grant or bequest on behalf of the state. If, within 14 working days after the date of the secretary's report, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the acceptance of the gift, grant or bequest, the gift, grant or bequest may be accepted by the secretary only upon approval of the committee. From the appropriation under s. 20.870 (1) (s), the department may, after compliance with par. (h), distribute moneys received from such gifts, grants or bequests to agencies, within the limits of the amounts shown under s. 20.005 (3) for that appropriation, to be utilized for any information technology development project that is consistent with the purpose for which the moneys were received.

SECTION 145n. 16.971 (5) (f) of the statutes is amended to read:

16.971 **(5)** (f) No later than September 30 annually, each agency which conducted an information technology development project during the preceding fiscal year, whether individually or in cooperation with another agency, that was funded in whole or in part from the appropriation under s. 20.870 (1) (q), (r) or (s) or (2) (a) shall file a report, in a form prescribed by the secretary, with the secretary and the cochairpersons of the joint committee on information policy. The report shall describe the purpose of each project and the status of the project as of the end of the preceding fiscal year. No later than 13 months following the completion of such a project, each such agency shall file a report, on a form prescribed by the secretary, with the secretary and the cochairpersons of the joint committee on information policy. The report shall describe the purpose of the project and the effect of the project on agency business operations as of the end of the 12−month period following completion of the project.

SECTION 145p. 16.971 (5) (f) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

16.971 **(5)** (f) No later than September 30 annually, each agency which conducted an information technology

development project during the preceding fiscal year, whether individually or in cooperation with another agency, that was funded in whole or in part from the appropriation under s. 20.870 (1) (q), (r) or (s) ~~or (2) (a)~~ shall file a report, in a form prescribed by the secretary, with the secretary and the cochairpersons of the joint committee on information policy. The report shall describe the purpose of each project and the status of the project as of the end of the preceding fiscal year. No later than 13 months following the completion of such a project, each such agency shall file a report, on a form prescribed by the secretary, with the secretary and the cochairpersons of the joint committee on information policy. The report shall describe the purpose of the project and the effect of the project on agency business operations as of the end of the 12−month period following completion of the project.

SECTION 146q. 16.971 (5) (h) of the statutes is created to read:

16.971 **(5)** (h) The department shall not authorize any payment to be made from the information technology investment fund after May 1, 1997, unless the secretary submits a report to the cochairpersons of the joint committee on finance demonstrating that sufficient revenues have been deposited in the information technology investment fund to enable the payment to be financed from the fund and the secretary certifies to the cochairpersons that there is no outstanding reallocation to the fund under s. 20.002 (11). If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed payment within 14 working days after the date of the secretary's submittal, the payment may be made as proposed by the secretary. If, within 14 working days after the date of the secretary's submittal, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed payment, the payment may be made only upon approval of the committee.

SECTION 146r. 16.971 (5) (i) of the statutes is created to read:

16.971 **(5)** (i) From the appropriation under s. 20.870 (2) (a), the department shall pay for the cost of conducting information technology development projects for which grants were awarded under par. (bp) prior to the effective date of this paragraph .... [revisor inserts date]. The department shall carry out each project funded under this paragraph by means of a master lease agreement under s. 16.76 (4).

SECTION 146s. 16.971 (5) (i) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 147. 16.971 (9) of the statutes is amended to read:

16.971 **(9)** In conjunction with the public defender board, the director of state courts, the departments of corrections and justice and district attorneys, the division may maintain, promote and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection, using the moneys appropriated under s. 20.505 (1) (ja) and (kp). The division shall annually report to the legislature under s. 13.172 (2) concerning the division's efforts to improve and increase the efficiency of integration of justice information systems.

SECTION 147k. 16.973 (1) (intro.) and (1) of the statutes are renumbered 16.973 (2) (intro.) and (a).

SECTION 147L. 16.973 (1) of the statutes is created to read:

16.973 **(1)** In this section:

(a) "Qualified museum" means a nonprofit or publicly owned museum that has an educational mission.

(b) "Qualified postsecondary institution" means a regionally accredited 4−year nonprofit college or university having its regional headquarters and principal place of business in this state or a tribally controlled college located in this state.

(c) "Qualified private school" means a private school, as defined in s. 115.001 (3r), operating elementary or high school grades.

(d) "Qualified zoo" means a bona fide publicly owned zoo that has an educational mission.

SECTION 147m. 16.973 (2) of the statutes is renumbered 16.973 (2) (b) and amended to read:

16.973 **(2)** (b) Provide such computer services and telecommunications services to local governmental units and provide such telecommunications services to qualified private schools, postsecondary institutions, museums and zoos as the division considers to be appropriate and as the division can efficiently and economically provide. The division may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The division may charge local governmental units and qualified private schools, postsecondary institutions, museums and zoos for services provided to them under this ~~subsection~~ paragraph in accordance with a methodology determined by the secretary. Use of telecommunications services by a qualified private school or postsecondary institution shall be subject to the same terms and conditions that apply to a municipality using the same services. The division shall prescribe eligibility requirements for qualified museums and zoos to receive telecommunications services under this paragraph.

SECTION 147n. 16.973 (3) of the statutes is renumbered 16.973 (2) (c) and amended to read:

16.973 **(2)** (c) Provide such supercomputer services to agencies, local governmental units and entities in the private sector as the division considers to be appropriate and as the division can efficiently and economically provide. The division may exercise this power only if in

doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The division may charge agencies, local governmental units and entities in the private sector for services provided to them under this ~~subsection~~ paragraph in accordance with a methodology determined by the secretary.

SECTION 147p. 16.973 (4) and (5) of the statutes are renumbered 16.973 (2) (d) and (e).

SECTION 148. 16.974 (7) of the statutes is created 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 and technical college districts with telecommunications access under s. 196.218 (4r) and contract with telecommunications providers to provide such access.

(b) Coordinate with the technology for educational achievement in Wisconsin board to provide private colleges and public library boards with telecommunications access under s. 196.218 (4r) and contract with telecommunications providers to provide such access.

(c) Coordinate with the technology for educational achievement in Wisconsin board to provide private schools with telecommunications access under s. 196.218 (4r) and contract with telecommunications providers to provide such access.

SECTION 148e. 16.976 of the statutes is repealed.

SECTION 148m. 16.979 of the statutes is amended to read:

16.979 Treatment of classified employes. Those individuals holding positions in the classified service in the department who are engaged in legislative text processing functions and who achieved permanent status in class on August 9, 1989, shall retain, while serving in the unclassified service in the legislature or any legislative branch agency, 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 except that the applicability of any reduction in base pay of such an employe shall be determined on the basis of the base pay received by the employe on August 9, 1989, plus the total amount of any subsequent general economic increases provided in the compensation plan under s. 230.12 for nonrepresented employes in the classified service. Such employes shall also have reinstatement privileges to the classified service as provided under s. 230.33 (1). Employes of the department holding positions in the classified service on August 9, 1989, who are engaged in legislative text processing functions and who have not achieved permanent status in class in any position in the department on that date are eligible to receive the protections and privileges preserved under this section if they successfully complete service equivalent to the probationary period required in the classified service for the positions which they hold.

SECTION 149. 16.98 (1) of the statutes is amended to read:

16.98 **(1)** The department shall engage in such activities as the secretary deems necessary to ensure the maximum utilization of federal resources by state agencies and institutions and other eligible organizations and units of government, including community development corporations as defined in s. 234.94 (2). The department shall acquire excess and surplus real and personal property at such cost to the recipient as is necessary to amortize expenditures for transportation, packing, crating, handling and program overhead, except that the department may transfer any excess or surplus personal property to the department of tourism, upon request of the department of tourism, at no cost, subject to any limitation or restriction imposed by federal law.

SECTION 150. Subchapter IX (title) of chapter 16 [precedes 16.99] of the statutes is amended to read:

CHAPTER 16

SUBCHAPTER IX

TELECOMMUNICATIONS ~~AND INSTRUCTIONAL TECHNOLOGY~~

SECTION 151. 16.992 of the statutes is repealed.

SECTION 152. 17.025 (4) (d) of the statutes is amended to read:

17.025 **(4)** (d) *Attorney general; state superintendent.* When the temporary vacancy exists in the office of attorney general or in the office of ~~secretary of education~~ state superintendent of public instruction, the duties of the office shall be assumed, respectively, by the deputy under s. 15.04 (2) or, if such office is vacant, by a deputy appointed by the governor.

SECTION 152m. 17.15 (3m) of the statutes is created to read:

17.15 **(3m)** SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. Any commissioner of the Southeastern Wisconsin Fox River commission appointed under s. 33.55 (2) (b) or (c) may be removed by the appointing authority for cause.

SECTION 153. 17.26 (4) of the statutes is amended to read:

17.26 **(4)** In boards where the first annual meeting of the district has failed to elect school board members, by appointment by the ~~secretary of education~~ state superintendent of public instruction.

SECTION 154. 18.06 (9) of the statutes is amended to read:

18.06 **(9)** (title) CLEAN WATER FUND PROGRAM BONDS. Notwithstanding sub. (4), the sale of bonds under this subchapter to provide revenue for the clean water fund program may be a private sale to the ~~clean water~~ environmental improvement fund under s. 25.43, if the bonds sold are held or owned by the ~~clean water~~ environmental

improvement fund, or a public sale, as provided in the authorizing resolution.

SECTION 154m. 18.13 (4) of the statutes is repealed.

SECTION 155. 18.57 (3) of the statutes is amended to read:

18.57 **(3)** Moneys in such funds may be commingled only for the purpose of investment with other public funds, but they shall be invested only in investment instruments permitted in s. 25.17 (3) (dg) or in ~~clean water~~ environmental improvement fund investment instruments permitted in s. 281.59 (2m). All such investments shall be the exclusive property of such fund and all earnings on or income from investments shall be credited to such fund and shall become available for any of the purposes under sub. (2) and for the payment of interest on related revenue obligations.

Vetoed In Part

SECTION 155g. 19.32 (1b) of the statutes is created to read:

19.32 **(1b)** "Data subject" means an individual about whom personally identifiable information is contained in a record.

SECTION 155j. 19.356 of the statutes is created to read:

19.356 Notice to data subject; right of action. (1) Unless otherwise specifically required by law, no authority is required to notify a data subject prior to providing a record containing information pertaining to that data subject to a requester.

(2) Unless otherwise specifically authorized by law, no person may maintain an action against an authority seeking to compel the authority to withhold any information contained in a record from access by a requester.". **Vetoed In Part**

SECTION 158. 19.42 (10) (L) of the statutes is amended to read:

19.42 **(10)** (L) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

SECTION 158m. 19.42 (13) (d) of the statutes is repealed.

SECTION 159. 19.42 (13) (k) of the statutes is amended to read:

19.42 **(13)** (k) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

SECTION 161g. 19.45 (8) (intro.) of the statutes is amended to read:

19.45 **(8)** (intro.) Except in the case where the state public office formerly held was that of legislator, legislative employe under s. 20.923 (6) (bp), (f), (g) or (h), chief clerk of a house of the legislature, sergeant at arms of a house of the legislature or a permanent employe occupying the position of auditor for the legislative audit bureau:

SECTION 167. 20.005 (1) of the statutes is repealed and recreated to read:

20.005 **(1)** SUMMARY OF ALL FUNDS. The budget governing fiscal operations for the state of Wisconsin for all funds beginning on July 1, 1997, and ending on June 30, 1999, is summarized as follows: [See Figure 20.005 (1) following]

Figure: 20.005 (1)

GENERAL FUND SUMMARY

	1997–98	1998–99
Opening Balance, July 1	$ 330,281,000	$ 248,598,900
Revenues and Transfers		
Estimated Taxes	$ 9,262,816,900	$ 9,603,224,500
Transfer from the Property Tax Relief Fund	257,755,900	–0–
Transfer from the Recycling Fund	3,850,000	–0–
Estimated Departmental Revenues	145,698,100	153,456,200
Total Available	$ 10,000,401,900	$ 10,005,279,600

	1997−98	1998−99
Appropriations, Transfers and Reserves		
Gross Appropriations	$ 9,766,024,500	$ 9,893,078,000
Compensation Reserves	34,915,600	66,338,400
Transfer to the Local Government Property Insurance Fund	2,217,200	2,108,600
Less Estimated Lapses	(51,354,300)	(61,849,200)
Total Expenditures	$ 9,751,803,000	$ 9,899,675,800
Balances		
Gross Balance	$ 248,598,900	$ 105,603,800
Less Required Statutory Balance	(98,009,400)	(99,594,200)
Net Balance, June 30	$ 150,589,500	$ 6,009,600

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	1997−98	1998−99
General Purpose Revenue	$ 9,766,024,500	$ 9,893,078,000
Federal Revenue	4,322,969,100	4,300,436,600
Program Revenue	3,867,199,800	3,891,224,000
Segregated Revenue	455,769,300	409,212,600
Program Revenue	2,275,228,300	2,349,854,600
State	1,777,050,600	1,808,690,200
Service	498,177,700	541,164,400
Segregated Revenue	2,174,777,400	2,127,495,100
State	1,965,836,400	1,923,749,400
Local	66,012,200	60,799,700
Service	142,928,800	142,946,000
GRAND TOTAL	$18,538,999,300	$18,670,864,300

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

	1997−98	1998−99
General Purpose Revenue	$ 34,915,600	$ 66,338,400
Federal Revenue	9,183,500	18,154,200
Program Revenue	24,772,800	48,971,500
Segregated Revenue	5,768,000	11,402,400
TOTAL	$ 74,639,900	$ 144,866,500

LOTTERY FUND SUMMARY

	1997−98	1998−99
Gross Revenue	$ 463,880,000	$ 487,080,000
Expenses		
Prizes	$ 265,202,600	$ 278,471,700
Administrative Expenses	60,031,500	63,227,600
	$ 325,234,100	$ 341,699,300
Net Proceeds	$ 138,645,900	$ 145,380,700
Total Available for Property Tax Relief		
Opening Balance	$ 133,817,600	$ 9,277,600
Net Proceeds	138,645,900	145,380,700
Interest Earnings	7,655,300	2,986,200
	$ 280,118,800	$ 157,644,500
Property Tax Relief	$ 270,841,200	$ 147,902,900
Gross Closing Balance	$ 9,277,600	$ 9,741,600
Reserve	$ 9,277,600	$ 9,741,600
Net Closing Balance	−0−	−0−

SECTION 168. 20.005 (2) of the statutes is repealed and recreated to read:

20.005 **(2)** STATE BORROWING PROGRAM SUMMARY. The following schedule sets forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b) following]

Figure: 20.005 (2) (a)

SUMMARY OF BONDING AUTHORITY MODIFICATIONS 1997−99 FISCAL BIENNIUM

Source and Purpose	Amount
GENERAL OBLIGATIONS	
Administration	
Black Point Estate	$ 1,600,000
Agriculture, Trade and Consumer Protection	
Soil and Water	2,000,000

Source and Purpose	Amount
Building commission	
Other public purposes	182,510,000
Housing state agencies	40,202,000
Project contingencies	8,574,200
Capital equipment acquisitions	17,182,300
Refunding building corporation debt	(746,600)
Previous lease rental authority	(100,000)
Clean Water Fund	
Clean water fund program	(450,800)
Safe drinking water loan program	12,130,000
Corrections	
Correctional facilities	114,593,000
Juvenile correctional facilities	(3,000,000)
Self−amortizing facilities	1,227,000
Educational Communications Board	
Educational communications facilities	807,700
Historical Society	
Historic sites	100,000
Military Affairs	
Armories and military facilities	1,375,000
Natural Resources	
Nonpoint source grants	14,363,600
Nonpoint source compliance	2,000,000
Environmental repair	11,500,000
GPR supported administrative facilities	1,562,300
SEG supported facilities	3,996,700
SEG supported administrative facilities	145,000
SEG supported dam maintenance	2,350,000
State Fair Park Board	
Board facilities	2,000,000
Housing facilities	(2,000,000)
Self−amortizing facilities	(1,463,000)

Source and Purpose	Amount
Technology for Educational Achievement in Wisconsin	
School district	100,000,000
Public libraries	10,000,000
Transportation	
Harbor improvements	3,000,000
Rail acquisition and improvements	4,500,000
University of Wisconsin	
Academic facilities	22,012,800
Self−amortizing facilities	64,467,000
Veterans Affairs	
Mortgage loans self amortizing	146,500,000
Refunding bonds	40,000,000
Veterans home	100,000
Self−amortizing housing facilities	402,500
TOTAL General Obligation Bonds	$ 803,440,700
STATE−ISSUED REVENUE OBLIGATIONS	
Transportation	
Major highway program	$ 177,267,500
Infrastructure bank	100
Reserve requirements and issuance costs	47,153,300
TOTAL State−issued Revenue Obligation Bonds	$ 224,420,900
GRAND TOTAL Bonding Authority Modifications	$1,027,861,600

Figure: 20.005 (2) (b)

GENERAL OBLIGATION AND BUILDING CORPORATION DEBT SERVICE FISCAL YEARS 1997−98 AND 1998−99

STATUTE, AGENCY AND PURPOSE	SOURCE	1997−98	1998−99
20.115 Agriculture, trade and consumer protection			
(2) (d) Principal repayment and interest	GPR	$ −0−	$ −0−
(7) (f) Principal repayment and interest	GPR	−0−	175,000
20.190 State fair park board			
(1) (c) Housing facilities principal repayment, interest and rebates	GPR	497,800	884,000

STATUTE, AGENCY AND PURPOSE	SOURCE	1997−98	1998−99
(1) (d) Principal repayment and interest	GPR	−0−	−0−
20.225 Educational communications board			
(1) (c) Principal repayment and interest	GPR	1,011,000	788,200
20.245 Historical society			
(1) (e) Principal repayment, interest and rebates	GPR	5,200	30,200
(2) (e) Principal repayment and interest	GPR	622,000	641,200
(4) (e) Principal repayment and interest	GPR	−0−	−0−
(5) (e) Principal repayment and interest	GPR	566,900	471,100
20.250 Medical College of Wisconsin			
(1) (e) Principal repayment and interest	GPR	64,400	123,000
20.255 Public instruction, department of			
(1) (d) Principal repayment and interest	GPR	1,096,600	895,900
20.275 Technology for educational achievement in Wisconsin board			
(1) (er) Principal, interest and rebates; public library boards	GPR	25,000	500,000
(1) (es) Principal, interest and rebates; school boards	GPR	250,000	5,000,000
20.285 University of Wisconsin System			
(1) (d) Principal repayment and interest	GPR	72,549,800	68,540,700
(1) (db) Self−amortizing facilities principal and interest	GPR	−0−	−0−
(1) (fh) State laboratory of hygiene; principal repayment and interest	GPR	−0−	−0−
20.320 Environmental improvement program			
(1) (c) Principal repayment and interest − clean water fund program	GPR	22,519,200	29,636,200
(2) (c) Principal repayment and interest − safe drinking water loan program	GPR	−0−	−0−
20.370 Natural resources, department of			
(7) (aa) Resource acquisition and development − principal repayment and interest	GPR	9,600,600	11,139,500
(7) (ac) Principal repayment and interest − recreational boating bonds	GPR	−0−	−0−
(7) (ba) Debt service − remedial action	GPR	1,429,500	1,995,900
(7) (ca) Principal repayment and interest − nonpoint source grants	GPR	1,594,100	2,547,200
(7) (cb) Principal repayment and interest − pollution abatement bonds	GPR	80,514,300	68,954,300
(7) (cc) Principal repayment and interest − combined sewer overflow; pollution abatement bonds	GPR	18,930,700	16,674,000
(7) (cd) Principal repayment and interest − municipal clean drinking water grants	GPR	845,300	857,900
(7) (ce) Principal repayment interest − nonpoint source compliance	GPR	−0−	−0−
(7) (ea) Administrative facilities − principal repayment and interest	GPR	462,500	484,100

STATUTE, AGENCY AND PURPOSE	SOURCE	1997−98	1998−99
20.410 Corrections, department of			
(1) (e) Principal repayment and interest	GPR	40,016,000	46,042,800
(1) (ec) Prison industries principal, interest and rebates	GPR	−0−	−0−
(3) (e) Principal repayment and interest	GPR	2,851,500	3,174,000
20.435 Health and family services, department of			
(2) (ee) Principal repayment and interest	GPR	8,039,400	7,876,800
(2) (ef) Lease rental payments	GPR	−0−	−0−
(6) (e) Principal repayment and interest	GPR	34,200	33,100
20.465 Military affairs, department of			
(1) (d) Principal repayment and interest	GPR	2,493,400	2,524,800
20.485 Veterans affairs, department of			
(1) (e) Lease rental payments	GPR	−0−	−0−
(1) (f) Principal repayment and interest	GPR	1,200,100	1,312,600
(4) (f) Repayment of principal and interest	GPR	−0−	−0−
20.505 Administration			
(5) (c) Principal repayment and interest; Black Point Estate	GPR	−0−	143,000
20.867 Building commission			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	−0−	−0−
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	4,437,200	6,055,900
(3) (a) Principal repayment and interest	GPR	16,574,500	24,103,700
(3) (b) Principal repayment and interest	GPR	−0−	−0−
(3) (e) Principal repayment, interest and rebates; parking ramp	GPR	−0−	−0−
TOTAL General Purpose Revenue Debt Service		$288,231,200	$301,605,100
20.190 State fair park board			
(1) (j) State fair principal repayment, interest and rebates	PR	1,534,500	1,889,500
20.245 Historical society			
(2) (j) Self−amortizing facilities; principal repayment, interest and rebates	PR	112,300	208,500
20.275 Technology for educational achievement in Wisconsin board			
(1) (h) Principal, interest and rebates; school boards	PR	250,000	5,000,000
(1) (hb) Principal, interest and rebates; public library boards	PR	25,000	500,000
20.285 University of Wisconsin System			
(1) (ih) State laboratory of hygiene; principal repayment and interest.	PR	−0−	−0−
(1) (kd) Principal repayment, interest and rebates	PR	19,321,200	25,146,900
(1) (ke) Lease rental payments	PR	−0−	−0−
20.410 Corrections, department of			
(1) (ko) Prison industries principal repayment, interest and rebates	PR	146,000	242,800

STATUTE, AGENCY AND PURPOSE	SOURCE	1997−98	1998−99
20.485 Veterans affairs, department of			
(1) (go) Self−amortizing housing facilities; principal repayment and interest	PR	17,400	94,800
20.505 Administration, department of			
(5) (g) Principal repayment, interest and rebates; parking	PR	908,200	1,460,100
(5) (kc) Principal repayment, interest and rebates	PR	11,310,200	11,148,900
20.867 Building commission			
(3) (g) Principal repayment, interest and rebates; program revenues	PR	−0−	−0−
(3) (h) Principal repayment, interest and rebates	PR	−0−	−0−
(3) (i) Principal repayment, interest and rebates; capital equipment	PR	−0−	−0−
TOTAL Program Revenue Debt Service		$ 33,624,800	$ 45,691,500
20.320 Environmental improvement program			
(1) (t) Principal repayment and interest − clean water fund program bonds	SEG	4,000,000	4,000,000
(1) (u) Principal repayment and interest − clean water fund program revenue obligation repayment	SEG	−0−	−0−
20.370 Natural resources, department of			
(7) (aq) Resource acquisition and development − principal repayment and interest	SEG	22,100	148,900
(7) (ar) Dam repair and removal − principal repayment and interest	SEG	230,100	459,200
(7) (at) Recreation development − principal repayment and interest	SEG	−0−	−0−
(7) (au) State forest acquisition and development − principal repayment and interest	SEG	8,700,000	8,700,000
(7) (av) Recreation boating properties acq. and dev. principal repayment & interest	SEG	225,000	225,000
(7) (eq) Administrative facilities − principal repayment and interest	SEG	1,032,400	1,240,900
(7) (er) Administrative facilities − principal repayment and interest; environmental fund	SEG	−0−	−0−
20.395 Transportation, department of			
(6) (aq) Principal repayment and interest, transportation facilities, state funds	SEG	6,386,600	6,422,000
(6) (ar) Principal repayment and interest, buildings, state funds	SEG	604,900	477,900
20.485 Veterans affairs, department of			
(3) (t) Debt service	SEG	55,697,600	67,717,600
(3) (v) Revenue obligation repayment	SEG	−0−	−0−
(4) (qm) Repayment of principal and interest	SEG	−0−	−0−
TOTAL Segregated Revenue Debt Service		$ 76,898,700	$ 89,391,500

STATUTE, AGENCY AND PURPOSE	SOURCE	1997−98	1998−99
GRAND TOTAL All Debt Service		$398,754,700	$436,688,100

SECTION 169. 20.005 (3) of the statutes is repealed and recreated to read:

20.005 **(3)** APPROPRIATIONS. The following schedule sets forth all annual, biennial and sum certain continuing appropriations and anticipated expenditures from other appropriations for the programs and other purposes indicated. All appropriations are made from the general fund unless otherwise indicated. The letter abbreviations shown designating the type of appropriation apply to both fiscal years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	Commerce				
20.115	**Agriculture, trade and consumer protection, department of**				
(1)	FOOD SAFETY AND CONSUMER PROTECTION				
(a)	General program operations	GPR	A	3,200	3,200
	Food inspection	GPR	A	3,068,900	3,068,900
	Meat and poultry inspection	GPR	A	2,634,400	2,634,400
	Trade and consumer protection	GPR	A	2,508,500	2,508,500
	NET APPROPRIATION			8,215,000	8,215,000
(c)	Automobile repair regulation	GPR	A	360,100	361,900
(g)	Related services	PR	A	25,500	25,500
(gb)	Food regulation	PR	A	3,606,600	3,606,600
(gh)	Public warehouse regulation	PR	A	83,400	87,000
(gm)	Dairy trade regulation; dairy product and vegetable producer security	PR	A	616,800	616,800
(hm)	Ozone−depleting refrigerants and products regulation	PR	A	344,100	344,100
(i)	Sale of supplies	PR	A	32,000	32,000
(j)	Weights and measures inspection	PR	A	746,000	746,000
(jm)	Warehouse keeper and grain dealer regulation	PR	C	281,700	281,700
(m)	Federal funds	PR−F	C	2,864,400	2,864,400
(r)	Unfair sales act	SEG	A	104,000	104,600
(s)	Weights and measures; petroleum inspection fund	SEG	A	207,200	207,500
(u)	Recyclable and nonrecyclable products regulation	SEG	A	203,600	204,300
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,575,100	8,576,900
	PROGRAM REVENUE			8,600,500	8,604,100
	FEDERAL			(2,864,400)	(2,864,400)
	OTHER			(5,736,100)	(5,739,700)
	SEGREGATED FUNDS			514,800	516,400
	OTHER			(514,800)	(516,400)
	TOTAL−ALL SOURCES			17,690,400	17,697,400

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
(2)	ANIMAL HEALTH SERVICES					
(a)	General program operations	GPR	A	2,300	2,300	
	Animal health services	GPR	A	3,164,900	3,164,900	
	NET APPROPRIATION			3,167,200	3,167,200	
(b)	Animal disease indemnities	GPR	S	108,600	108,600	
(d)	Principal repayment and interest	GPR	S	−0−	−0−	
(g)	Related services	PR	A	2,025,800	2,025,800	
(gb)	Animal health and disease research; gifts and grants	PR	C	−0−	−0−	
(h)	Sale of supplies	PR	A	30,000	30,000	
(ha)	Inspection, testing and enforcement	PR	C	151,300	151,300	
(i)	Mink research assessments	PR	A	6,000	6,000	
(j)	Dog licenses, rabies control and related services	PR	A	112,800	112,800	
(k)	Animal health contractual services	PR−S	C	−0−	−0−	
(m)	Federal funds	PR−F	C	124,000	124,000	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,275,800	3,275,800	
	PROGRAM REVENUE			2,449,900	2,449,900	
	FEDERAL			(124,000)	(124,000)	
	OTHER			(2,325,900)	(2,325,900)	
	SERVICE			(−0−)	(−0−)	
	TOTAL−ALL SOURCES			5,725,700	5,725,700	
(3)	MARKETING SERVICES					
(a)	General program operations	GPR	A	700	700	
	Agricultural services	GPR	A	1,816,500	1,786,500	
	NET APPROPRIATION			1,817,200	1,787,200	
(g)	Related services	PR	A	1,267,500	1,301,400	
(ga)	Gifts and grants	PR	C	−0−	−0−	
(h)	Grain inspection and certification	PR	C	2,854,500	2,854,500	
(i)	Marketing orders and agreements	PR	C	74,100	74,100	
(j)	Stray voltage program	PR	A	245,100	253,700	
(ja)	Marketing services and materials	PR	C	300,100	300,100	
(je)	Stray voltage research	PR	B	100,000	100,000	**Vetoed In Part**
(jm)	Stray voltage program; rural electric cooperatives	PR	A	9,500	15,300	
(L)	Something special from Wisconsin promotion	PR	A	30,200	30,200	
(m)	Federal funds	PR−F	C	193,600	193,600	
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,817,200	1,787,200	
	PROGRAM REVENUE			5,074,600	5,122,900	
	FEDERAL			(193,600)	(193,600)	
	OTHER			(4,881,000)	(4,929,300)	
	TOTAL−ALL SOURCES			6,891,800	6,910,100	
(4)	AGRICULTURAL ASSISTANCE					
(a)	Aid to Wisconsin livestock breeders association	GPR	A	40,000	40,000	
(b)	Aids to county and district fairs	GPR	S	69,800	264,600	
(c)	Agricultural investment aids	GPR	B	400,000	400,000	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(cd)	Federal dairy policy reform	GPR	B	50,000	50,000
(d)	Farmers tuition assistance grants	GPR	B	5,000	5,000
(e)	Aids to world dairy expo, inc.	GPR	A	25,000	25,000
(f)	Exposition center grants	GPR	A	240,000	240,000
(g)	Pari−mutuel racing supplemental aid	PR	C	−0−	−0−
(h)	Pari−mutuel racing supplemental aid to Wisconsin livestock breeders assn.	PR	C	−0−	−0−
(i)	Agricultural investment aids; gifts and grants	PR	C	−0−	−0−
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			829,800	1,024,600
	PROGRAM REVENUE			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			829,800	1,024,600
(7)	AGRICULTURAL RESOURCE MANAGEMENT				
(a)	General program operations	GPR	A	1,637,000	1,640,800
(c)	Soil and water resource management program	GPR	C	4,455,700	2,455,700
(e)	Agricultural chemical cleanup program; general fund	GPR	B	1,550,000	1,850,000
(f)	Principal repayment and interest, soil and water	GPR	S	−0−	175,000
(g)	Agricultural impact statements	PR	C	165,400	168,300
(ga)	Related services	PR	C	103,000	103,000
(gm)	Seed testing and labeling	PR	C	67,600	67,600
(h)	Fertilizer research assessments	PR	C	160,500	160,500
(ha)	Liming material research funds	PR	C	25,000	25,000
(j)	Gypsy moth eradication; program revenues	PR	C	74,600	74,600
(k)	Agricultural resource management services	PR−S	C	218,300	218,300
(km)	Animal waste management grants	PR−S	C	100,000	100,000
(m)	Federal funds	PR−F	C	2,105,400	2,105,400
(q)	Gypsy moth eradication; conservation fund	SEG	A	894,300	895,600
(qb)	Gypsy moth eradication; segregated revenues	SEG	C	200,000	200,000
(qd)	Soil and water management; environmental fund	SEG	A	1,487,800	2,054,600
(r)	General program operations; agrichemical management	SEG	A	1,045,400	1,050,600
(s)	Groundwater — standards; implementation	SEG	A	715,300	717,700
(t)	Fertilizer, additives and commercial feed regulation	SEG	A	761,100	736,400
(u)	Pesticide regulation and admin. of agricultural chemical cleanup program	SEG	A	2,093,700	2,074,800
(v)	Chemical and container disposal	SEG	A	560,400	560,400
(wm)	Agricultural chemical cleanup reimbursement	SEG	C	2,238,600	2,238,600

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			7,642,700	6,121,500
	PROGRAM REVENUE			3,019,800	3,022,700
	FEDERAL			(2,105,400)	(2,105,400)
	OTHER			(596,100)	(599,000)
	SERVICE			(318,300)	(318,300)
	SEGREGATED FUNDS			9,996,600	10,528,700
	OTHER			(9,996,600)	(10,528,700)
	TOTAL−ALL SOURCES			20,659,100	19,672,900
(8)	CENTRAL ADMINISTRATIVE SERVICES				
(a)	General program operations	GPR	A	3,696,200	3,696,200
(g)	Gifts and grants	PR	C	−0−	−0−
(ga)	Milk standards program	PR	C	389,500	389,500
(gm)	Enforcement cost recovery	PR	A	25,000	25,000
(h)	Sale of material and supplies	PR	C	50,000	50,000
(ha)	General laboratory related services	PR	C	40,000	40,000
(hm)	Restitution	PR	C	−0−	−0−
(i)	Related services	PR	A	200,900	200,900
(k)	Computer system equipment, staff and services	PR−S	A	474,600	584,400
(kL)	Central services	PR−S	C	696,000	696,000
(km)	General laboratory services	PR−S	B	2,178,000	2,178,000
(kp)	General laboratory sevices; other agencies	PR−S	C	40,100	40,100
(ks)	State contractual services	PR−S	C	−0−	−0−
(kt)	Information technology development projects	PR−S	A	−0−	−0−
(m)	Federal funds	PR−F	C	40,000	40,000
(pz)	Indirect cost reimbursements	PR−F	C	452,400	452,400
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,696,200	3,696,200
	PROGRAM REVENUE			4,586,500	4,696,300
	FEDERAL			(492,400)	(492,400)
	OTHER			(705,400)	(705,400)
	SERVICE			(3,388,700)	(3,498,500)
	TOTAL−ALL SOURCES			8,282,700	8,392,500
	20.115 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			25,836,800	24,482,200
	PROGRAM REVENUE			23,731,300	23,895,900
	FEDERAL			(5,779,800)	(5,779,800)
	OTHER			(14,244,500)	(14,299,300)
	SERVICE			(3,707,000)	(3,816,800)
	SEGREGATED FUNDS			10,511,400	11,045,100
	OTHER			(10,511,400)	(11,045,100)
	TOTAL−ALL SOURCES			60,079,500	59,423,200
20.143	**Commerce, department of**				
(1)	ECONOMIC AND COMMUNITY DEVELOPMENT				
(a)	General program operations	GPR	A	5,137,200	5,128,700
(b)	Economic development promotion, plans and studies	GPR	A	160,000	120,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(bm)	Aid to Forward Wisconsin, inc.	GPR	A	500,000	500,000
(br)	Brownfields grant program	GPR	A	2,300,000	−0−
(c)	Wisconsin development fund; grants, loans and assistance	GPR	B	9,378,800	7,503,800
(cb)	WI Dev. Fund; tech. & pollut. control & abatement grant & loans, assistance	GPR	B	−0−	−0−
(cf)	Community−based nonprofit organization grant for educational project	GPR	A	−0−	−0−
(df)	American Indian economic development; technical assistance	GPR	A	25,000	25,000
(dg)	American Indian economic development; liaison	GPR	A	50,400	50,400
(dh)	American Indian economic development; liaison — grants	GPR	A	25,000	25,000
(dr)	Main street program	GPR	A	439,000	439,000
(e)	Technology−based economic development	GPR	A	190,000	190,000
(em)	Hazardous pollution prevention contract	GPR	A	75,000	75,000
(en)	Business development initiative	GPR	A	150,000	150,000
(er)	Rural economic development program	GPR	B	436,300	456,500
(ew)	International trade, business and economic development grants	GPR	B	−0−	−0−
(f)	Physician and hlth. care provider loan assist. programs, repay. & contract	GPR	C	388,700	388,700
(fg)	Community−based economic development programs	GPR	A	727,100	762,100
(fm)	Minority business projects; grants and loans	GPR	B	429,200	429,200
(fy)	Women's business incubator grant	GPR	B	−0−	−0−
(g)	Gifts, grants and proceeds	PR	C	580,000	607,300
(gc)	Business development assistance center	PR	C	−0−	−0−
(gm)	Wisconsin development fund, administration of grants and loans	PR	C	87,900	100,700
(h)	Economic development operations	PR	A	−0−	−0−
(ie)	Wisconsin development fund, repayments	PR	C	2,532,400	1,803,000
(if)	Mining economic development grants and loans; repayments	PR	C	−0−	−0−
(im)	Minority business projects; repayments	PR	C	493,400	167,200
(in)	Business development initiative loan repayments	PR	C	60,000	60,000
(ir)	Rural economic development loan repayments	PR	C	162,400	70,100
(jL)	Health care provider loan assistance program; local contributions	PR	C	−0−	−0−
(jm)	Physician loan assistance program; local contributions	PR	C	−0−	−0−
(k)	Sale of materials or services	PR−S	C	200	500

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(ka)	Sale of materials and services — local assistance	PR−S	C	−0−	−0−
(kb)	Sale of materials and services — individuals and organizations	PR−S	C	−0−	−0−
(kc)	Clean air act compliance assistance	PR−S	A	158,200	158,500
(L)	Recycling market development; repayments	PR	C	1,500,000	1,500,000
(m)	Federal aid, state operations	PR−F	C	607,100	607,800
(n)	Federal aid, local assistance	PR−F	C	34,400,000	34,400,000
(o)	Federal aid, individuals and organizations	PR−F	C	−0−	−0−
(qa)	Business development assistance center; activities and staff	SEG	A	225,200	266,700
(qm)	Brownfields grant program; environmental fund	SEG	A	2,700,000	5,000,000
(r)	Mining economic development grants and loans	SEG	C	200,000	−0−
(s)	WI Dev. Fund; tech. & pollut. control & abate. grants & loans, recy. fund	SEG	B	−0−	−0−
(sm)	WI Dev. Fund; tech. & pollut. control & abate. grants & loans, env. fund	SEG	B	−0−	−0−
(st)	Recycling market development board; operations	SEG	A	320,000	320,500
(t)	Forestry education grant program	SEG	C	100,000	100,000
(tm)	Recycling market development board; contracts and assistance	SEG	B	2,500,000	2,500,000
(x)	Industrial building construction loan fund	SEG	C	−0−	−0−
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			20,411,700	16,243,400
	PROGRAM REVENUE			40,581,600	39,475,100
	FEDERAL			(35,007,100)	(35,007,800)
	OTHER			(5,416,100)	(4,308,300)
	SERVICE			(158,400)	(159,000)
	SEGREGATED FUNDS			6,045,200	8,187,200
	OTHER			(6,045,200)	(8,187,200)
	TOTAL−ALL SOURCES			67,038,500	63,905,700
(3)	REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
(de)	Private sewage system replacement and rehabilitation	GPR	C	3,500,000	3,500,000
(dm)	Storage tank inventory	GPR	A	−0−	−0−
(g)	Gifts and grants	PR	C	18,000	18,000
(ga)	Auxiliary services	PR	C	25,000	25,000
(gb)	Local agreements	PR	C	−0−	−0−
(h)	Local energy resource system fees	PR	A	−0−	−0−
(j)	Safety and buildings operations	PR	A	14,630,600	14,740,500
(ka)	Interagency agreements	PR−S	C	95,500	95,700
(ks)	Data processing	PR−S	C	−0−	−0−
(L)	Fire dues distribution	PR	C	6,500,000	6,500,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(La)	Fire prevention and fire dues administration	PR	A	581,500	582,400
(m)	Federal funds	PR−F	C	1,148,500	1,150,400
(ma)	Federal aid program administration	PR−F	C	−0−	−0−
(pz)	Indirect cost reimbursements	PR−F	C	−0−	−0−
(q)	Groundwater standards; implementation	SEG	A	−0−	−0−
(r)	Safety and buildings operations; petroleum inspection fund	SEG	A	8,128,600	7,453,200
(v)	Petroleum storage environmental remedial action; awards	SEG	B	91,131,700	91,131,700
(w)	Petroleum storage environmental remedial action; administration	SEG	A	2,392,900	2,342,100
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,500,000	3,500,000
	PROGRAM REVENUE			22,999,100	23,112,000
	FEDERAL			(1,148,500)	(1,150,400)
	OTHER			(21,755,100)	(21,865,900)
	SERVICE			(95,500)	(95,700)
	SEGREGATED FUNDS			101,653,200	100,927,000
	OTHER			(101,653,200)	(100,927,000)
	TOTAL−ALL SOURCES			128,152,300	127,539,000
(4)	EXECUTIVE AND ADMINISTRATIVE SERVICES				
(a)	General program operations	GPR	A	1,885,200	1,882,100
(g)	Gifts, grants and proceeds	PR	C	12,000	12,000
(k)	Sale of materials or services	PR−S	C	43,100	43,100
(ka)	Sale of materials and services — local assistance	PR−S	C	−0−	−0−
(kb)	Sale of materials and services — individuals and organizations	PR−S	C	−0−	−0−
(kc)	Information technology development projects	PR−S	A	−0−	−0−
(kd)	Administrative services	PR−S	A	2,444,400	2,444,400
(ke)	Transfer of unappropriated balances	PR−S	C	−0−	−0−
(m)	Federal aid, state operations	PR−F	C	−0−	−0−
(n)	Federal aid, local assistance	PR−F	C	−0−	−0−
(o)	Federal aid, individuals and organizations	PR−F	C	−0−	−0−
(pz)	Indirect cost reimbursements	PR−F	C	175,400	175,400
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,885,200	1,882,100
	PROGRAM REVENUE			2,674,900	2,674,900
	FEDERAL			(175,400)	(175,400)
	OTHER			(12,000)	(12,000)
	SERVICE			(2,487,500)	(2,487,500)
	TOTAL−ALL SOURCES			4,560,100	4,557,000
	20.143 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			25,796,900	21,625,500
	PROGRAM REVENUE			66,255,600	65,262,000
	FEDERAL			(36,331,000)	(36,333,600)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
OTHER			(27,183,200)	(26,186,200)
SERVICE			(2,741,400)	(2,742,200)
SEGREGATED FUNDS			107,698,400	109,114,200
OTHER			(107,698,400)	(109,114,200)
TOTAL−ALL SOURCES			199,750,900	196,001,700
20.144 Financial institutions, department of				
(1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS				
(a) Losses on public deposits	GPR	S	−0−	−0−
(g) General program operations	PR	A	10,719,300	10,714,000
(h) Gifts, grants, settlements and publications	PR	C	65,000	65,000
(i) Investor education fund	PR	A	100,000	100,000
(u) State deposit fund	SEG	S	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			10,884,300	10,879,000
OTHER			(10,884,300)	(10,879,000)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			10,884,300	10,879,000
(2) OFFICE OF CREDIT UNIONS				
(g) General program operations	PR	A	1,435,900	1,479,800
(m) Credit union examinations, federal funds	PR−F	C	−0−	−0−
(2) PROGRAM TOTALS				
PROGRAM REVENUE			1,435,900	1,479,800
FEDERAL			(−0−)	(−0−)
OTHER			(1,435,900)	(1,479,800)
TOTAL−ALL SOURCES			1,435,900	1,479,800
20.144 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			12,320,200	12,358,800
FEDERAL			(−0−)	(−0−)
OTHER			(12,320,200)	(12,358,800)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			12,320,200	12,358,800
20.145 Insurance, office of the commissioner of				
(1) SUPERVISION OF THE INSURANCE INDUSTRY				
(g) General program operations	PR	A	8,445,500	7,917,200
(gm) Gifts and grants	PR	C	−0−	−0−
(k) Administrative and support services	PR−S	A	2,353,900	2,353,900
(ka) Information technology development projects	PR−S	C	−0−	−0−
(m) Federal funds	PR−F	C	−0−	−0−
(1) PROGRAM TOTALS				
PROGRAM REVENUE			10,799,400	10,271,100
FEDERAL			(−0−)	(−0−)
OTHER			(8,445,500)	(7,917,200)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
SERVICE			(2,353,900)	(2,353,900)
TOTAL−ALL SOURCES			10,799,400	10,271,100
(2) PATIENTS COMPENSATION FUND				
(q) Interest earned on future medical expenses	SEG	S	−0−	−0−
(u) Administration	SEG	A	733,700	733,700
(um) Peer review council	SEG	A	90,700	90,700
(v) Specified responsibilities, inv. board payments and future medical expenses	SEG	C	54,728,200	54,728,200
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			55,552,600	55,552,600
OTHER			(55,552,600)	(55,552,600)
TOTAL−ALL SOURCES			55,552,600	55,552,600
(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
(u) Administration	SEG	A	491,600	491,600
(v) Specified payments, fire dues and reinsurance	SEG	C	6,547,000	6,547,000
(3) PROGRAM TOTALS				
SEGREGATED FUNDS			7,038,600	7,038,600
OTHER			(7,038,600)	(7,038,600)
TOTAL−ALL SOURCES			7,038,600	7,038,600
(4) STATE LIFE INSURANCE FUND				
(u) Administration	SEG	A	488,100	481,200
(v) Specified payments and losses	SEG	C	2,980,000	2,980,000
(4) PROGRAM TOTALS				
SEGREGATED FUNDS			3,468,100	3,461,200
OTHER			(3,468,100)	(3,461,200)
TOTAL−ALL SOURCES			3,468,100	3,461,200
(7) HEALTH INSURANCE RISK−SHARING PLAN ADMINISTRATION				
(a) Premium and deductible reduction subsidy	GPR	B	423,100	−0−
(b) Mitigation of rate increase; premium reduction	GPR	A	−0−	−0−
(g) Premium and deductible reduction subsidy; insurer assessments and penalties	PR	C	1,021,900	−0−
(u) Administration	SEG	A	47,300	−0−
(7) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			423,100	−0−
PROGRAM REVENUE			1,021,900	−0−
OTHER			(1,021,900)	(−0−)
SEGREGATED FUNDS			47,300	−0−
OTHER			(47,300)	(−0−)
TOTAL−ALL SOURCES			1,492,300	−0−
20.145 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			423,100	−0−
PROGRAM REVENUE			11,821,300	10,271,100
FEDERAL			(−0−)	(−0−)
OTHER			(9,467,400)	(7,917,200)
SERVICE			(2,353,900)	(2,353,900)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99	
SEGREGATED FUNDS			66,106,600	66,052,400	
OTHER			(66,106,600)	(66,052,400)	
TOTAL−ALL SOURCES			78,351,000	76,323,500	
20.155 Public service commission					
(1) REGULATION OF PUBLIC UTILITIES					
(g) Utility regulation	PR	A	11,482,300	11,459,000	
(h) Holding company and nonutility affiliate regulation	PR	C	545,300	545,300	
(j) Intervenor financing	PR	A	500,000	500,000	
(L) Stray voltage program	PR	A	192,800	192,800	
(Lb) Gifts for stray voltage program	PR	C	−0−	−0−	
(m) Federal funds	PR−F	C	71,000	71,000	
(n) Indirect costs reimbursement	PR−F	C	19,000	19,000	
(q) Universal telecommunications service	SEG	B	8,000,000	8,000,000	
(1) PROGRAM TOTALS					
PROGRAM REVENUE			12,810,400	12,787,100	
FEDERAL			(90,000)	(90,000)	
OTHER			(12,720,400)	(12,697,100)	
SEGREGATED FUNDS			8,000,000	8,000,000	
OTHER			(8,000,000)	(8,000,000)	
TOTAL−ALL SOURCES			20,810,400	20,787,100	
(2) OFFICE OF THE COMMISSIONER OF RAILROADS					
(g) Railroad regulation and general program operations	PR	A	435,900 415,500	474,100 433,300	**Vetoed In Part**
(m) Railroad regulation; federal funds	PR−F	C	−0−	−0−	
(2) PROGRAM TOTALS					
PROGRAM REVENUE			435,900	474,100	
FEDERAL			(−0−)	(−0−)	
OTHER			(435,900)	(474,100)	
TOTAL−ALL SOURCES			435,900	474,100	
20.155 DEPARTMENT TOTALS					
PROGRAM REVENUE			13,246,300	13,261,200	
FEDERAL			(90,000)	(90,000)	
OTHER			(13,156,300)	(13,171,200)	
SEGREGATED FUNDS			8,000,000	8,000,000	
OTHER			(8,000,000)	(8,000,000)	
TOTAL−ALL SOURCES			21,246,300	21,261,200	
20.165 Regulation and licensing, department of					
(1) PROFESSIONAL REGULATION					
(g) General program operations	PR	A	8,166,900	8,230,200	
(gm) Applicant investigation reimbursement	PR	C	130,100	180,100	
(h) Technical assistance; nonstate agencies and organizations	PR	C	−0−	−0−	
(i) Examinations; general program operations	PR	C	620,200	620,200	
(k) Technical assistance; state agencies	PR−S	C	−0−	−0−	
(m) Federal funds	PR−F	C	−0−	−0−	
20.165 DEPARTMENT TOTALS					
PROGRAM REVENUE			8,917,200	9,030,500	
FEDERAL			(−0−)	(−0−)	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
OTHER			(8,917,200)	(9,030,500)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			8,917,200	9,030,500
20.190 State fair park board				
(1) STATE FAIR PARK				
(c) Housing facilities principal repayment, interest and rebates	GPR	S	497,800	884,000
(d) Principal repayment and interest	GPR	S	−0−	−0−
(h) State fair operations	PR	A	12,096,700	12,136,500
(i) State fair capital expenses	PR	C	224,000	224,000
(j) State fair principal repayment, interest and rebates	PR	S	1,534,500	1,889,500
(jm) Gifts and grants	PR	C	−0−	−0−
(m) Federal funds	PR−F	C	−0−	−0−
20.190 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			497,800	884,000
PROGRAM REVENUE			13,855,200	14,250,000
FEDERAL			(−0−)	(−0−)
OTHER			(13,855,200)	(14,250,000)
TOTAL−ALL SOURCES			14,353,000	15,134,000
Commerce FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			52,554,600	46,991,700
PROGRAM REVENUE			150,147,100	148,329,500
FEDERAL			(42,200,800)	(42,203,400)
OTHER			(99,144,000)	(97,213,200)
SERVICE			(8,802,300)	(8,912,900)
SEGREGATED FUNDS			192,316,400	194,211,700
FEDERAL			(−0−)	(−0−)
OTHER			(192,316,400)	(194,211,700)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			395,018,100	389,532,900

Education

20.215 Arts board				
(1) SUPPORT OF ARTS PROJECTS				
(a) General program operations	GPR	A	309,700	309,800
(b) State aid for the arts	GPR	A	1,240,500	1,240,500
(c) Portraits of governors	GPR	A	−0−	−0−
(d) Challenge grant program	GPR	A	819,800	819,800
(f) Wisconsin regranting program	GPR	A	150,000	150,000
(g) Gifts and grants; state operations	PR	C	18,000	18,000
(h) Gifts and grants; aids to individuals and organizations	PR	C	−0−	−0−
(kb) Information technology development projects	PR−S	A	−0−	−0−
(m) Federal grants; state operations	PR−F	C	453,600	453,600
(o) Federal grants; aids to individuals and organizations	PR−F	C	400,000	400,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	20.215 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,520,000	2,520,100
	PROGRAM REVENUE			871,600	871,600
	FEDERAL			(853,600)	(853,600)
	OTHER			(18,000)	(18,000)
	SERVICE			(−0−)	(−0−)
	TOTAL−ALL SOURCES			3,391,600	3,391,700
20.225	**Educational communications board**				
(1)	INSTRUCTIONAL TECHNOLOGY				
(a)	General program operations	GPR	A	3,696,900	3,705,000
(b)	Energy costs	GPR	A	421,600	425,200
(c)	Principal repayment and interest	GPR	S	1,011,000	788,200
(d)	Milwaukee area technical college	GPR	A	330,000	330,000
(eg)	Transmitter construction	GPR	C	−0−	−0−
(er)	Transmitter operation	GPR	A	25,000	25,000
(f)	Programming	GPR	A	1,519,600	1,458,100
(g)	Gifts, grants, contracts and leases	PR	C	6,396,200	6,311,500
(h)	Instructional material	PR	A	310,300	310,300
(k)	Funds received from other state agencies	PR−S	C	−0−	−0−
(ka)	Information technoloogy development projects	PR−S	A	−0−	−0−
(kb)	Emergency weather warning system operation	PR−S	A	50,800	71,800
(m)	Federal grants	PR−F	C	471,800	471,800
	20.225 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			7,004,100	6,731,500
	PROGRAM REVENUE			7,229,100	7,165,400
	FEDERAL			(471,800)	(471,800)
	OTHER			(6,706,500)	(6,621,800)
	SERVICE			(50,800)	(71,800)
	TOTAL−ALL SOURCES			14,233,200	13,896,900
20.235	**Higher educational aids board**				
(1)	STUDENT SUPPORT ACTIVITIES				
(b)	Tuition grants	GPR	B	17,173,700	18,375,900
(cg)	Nursing student loans	GPR	A	−0−	−0−
(cr)	Minority teacher loans	GPR	A	120,000	120,000
(cu)	Teacher education loan program	GPR	A	150,000	250,000
(d)	Dental education contract	GPR	A	1,167,000	1,167,000
(e)	Minnesota−Wisconsin student reciprocity agreement	GPR	S	2,000,000	2,000,000
(fb)	Indian student assistance	GPR	B	779,800	779,800
(fc)	Independent student grants program	GPR	B	−0−	−0−
(fd)	Talent incentive grants	GPR	B	3,933,800	3,933,800
(fe)	Wisconsin higher education grants	GPR	B	16,502,200	17,244,800
(ff)	Wisconsin higher education grants; technical college students	GPR	B	11,297,700	11,749,600
(fg)	Minority undergraduate retention grants program	GPR	B	693,100	693,100
(fj)	Handicapped student grants	GPR	B	123,800	123,800

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(fy)	Academic excellence higher education scholarship program	GPR	S	3,218,000	3,016,300
(g)	Student loans	PR	A	−0−	−0−
(gg)	Nursing student loan repayments	PR	C	−0−	−0−
(gm)	Indian student assistance; contributions	PR	C	−0−	−0−
(i)	Gifts and grants	PR	C	−0−	−0−
(no)	Federal aid; aids to individuals and organizations	PR−F	C	1,042,000	1,042,000
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			57,159,100	59,454,100
	PROGRAM REVENUE			1,042,000	1,042,000
	FEDERAL			(1,042,000)	(1,042,000)
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			58,201,100	60,496,100
(2)	ADMINISTRATION				
(aa)	General program operations	GPR	A	652,200	652,200
(bb)	Student loan interest, loans sold or conveyed	GPR	S	−0−	−0−
(bc)	Write−off of uncollectible student loans	GPR	A	−0−	−0−
(bd)	Purchase of defective student loans	GPR	S	−0−	−0−
(ga)	Student interest payments	PR	C	1,000	1,000
(gb)	Student interest payments, loans sold or conveyed	PR	C	−0−	−0−
(ia)	Student loans; collection and administration	PR	C	−0−	−0−
(ja)	Write−off of defaulted student loans	PR	A	−0−	−0−
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(n)	Federal aid; state operations	PR−F	C	−0−	−0−
(qa)	Student loan revenue obligation repayment	SEG	C	−0−	−0−
(qb)	Wisconsin health education loan revenue obligation repayment	SEG	C	105,100	105,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			652,200	652,200
	PROGRAM REVENUE			1,000	1,000
	FEDERAL			(−0−)	(−0−)
	OTHER			(1,000)	(1,000)
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			105,100	105,100
	OTHER			(105,100)	(105,100)
	TOTAL−ALL SOURCES			758,300	758,300
(3)	EDUCATIONAL APPROVAL BOARD				
(g)	Proprietary school programs	PR	A	337,600	343,500
(m)	Federal aid	PR−F	C	171,900	171,900
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			509,500	515,400
	FEDERAL			(171,900)	(171,900)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
OTHER			(337,600)	(343,500)
TOTAL−ALL SOURCES			509,500	515,400
20.235 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			57,811,300	60,106,300
PROGRAM REVENUE			1,552,500	1,558,400
FEDERAL			(1,213,900)	(1,213,900)
OTHER			(338,600)	(344,500)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			105,100	105,100
OTHER			(105,100)	(105,100)
TOTAL−ALL SOURCES			59,468,900	61,769,800
20.245 Historical society				
(1) ARCHIVES, RESEARCH AND LIBRARY SERVICES				
(a) General program operations; archives and research services	GPR	A	1,963,200	2,054,700
(am) General program operations; library services	GPR	A	1,960,500	1,960,500
(b) Distribution of the history of Wisconsin	GPR	C	35,000	35,000
(d) Pilot electronic records program	GPR	A	81,300	−0−
(e) Principal repayment, interest and rebates	GPR	S	5,200	30,200
(g) Admissions, sales and other receipts	PR	C	493,300	493,300
(h) Gifts and grants	PR	C	57,400	57,400
(k) Funds received from other state agencies	PR−S	C	25,000	25,000
(m) General program operations; federal funds	PR−F	C	126,900	126,900
(r) Endowment	SEG	C	118,400	118,400
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,045,200	4,080,400
PROGRAM REVENUE			702,600	702,600
FEDERAL			(126,900)	(126,900)
OTHER			(550,700)	(550,700)
SERVICE			(25,000)	(25,000)
SEGREGATED FUNDS			118,400	118,400
OTHER			(118,400)	(118,400)
TOTAL−ALL SOURCES			4,866,200	4,901,400
(2) HISTORIC SITES				
(a) General program operations	GPR	A	317,400	317,400
(bd) Stonefield Village	GPR	A	185,000	185,000
(be) Pendarvis and First Capitol	GPR	A	149,700	149,700
(bf) Villa Louis	GPR	A	125,300	125,300
(bg) Old Wade House	GPR	A	228,400	228,400
(bh) Madeline Island	GPR	A	6,200	6,200
(bi) Old World Wisconsin	GPR	A	587,900	587,900
(c) Energy costs	GPR	A	93,500	93,500
(e) Principal repayment and interest	GPR	S	622,000	641,200
(g) Admissions, sales and other receipts	PR	A	2,007,000	2,190,000
(h) Gifts and grants	PR	C	58,000	58,000

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
(j)	Self−amortizing facilities; principal repayment, interest and rebates	PR	S	112,300	208,500	
(k)	Funds received from other state agencies	PR−S	C	−0−	−0−	
(m)	General program operations; federal funds	PR−F	C	64,300	64,300	
(r)	Endowment	SEG	C	175,900	175,900	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,315,400	2,334,600	
	PROGRAM REVENUE			2,241,600	2,520,800	
	FEDERAL			(64,300)	(64,300)	
	OTHER			(2,177,300)	(2,456,500)	
	SERVICE			(−0−)	(−0−)	
	SEGREGATED FUNDS			175,900	175,900	
	OTHER			(175,900)	(175,900)	
	TOTAL−ALL SOURCES			4,732,900	5,031,300	
(3)	HISTORIC AND BURIAL SITES PRESERVATION					
(a)	General program operations	GPR	A	1,124,000	1,123,100	
(d)	Historical markers; state−funded markers and plaques	GPR	A	10,000	10,000	
(dm)	Historic preservation	GPR	C	2,400	2,400	
(g)	Admissions, sales and other receipts	PR	A	1,000	1,000	
(gm)	Excavation and analysis; cataloged burial sites	PR	C	−0−	−0−	
(h)	Gifts and grants	PR	C	16,000	16,000	
(k)	Funds received from other state agencies	PR−S	C	−0−	−0−	
(m)	General program operations; federal funds	PR−F	C	708,500	708,500	
(n)	Federal aids	PR−F	C	−0−	−0−	
(r)	Endowment	SEG	C	−0−	−0−	
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,136,400	1,135,500	
	PROGRAM REVENUE			725,500	725,500	
	FEDERAL			(708,500)	(708,500)	
	OTHER			(17,000)	(17,000)	
	SERVICE			(−0−)	(−0−)	
	SEGREGATED FUNDS			−0−	−0−	
	OTHER			(−0−)	(−0−)	
	TOTAL−ALL SOURCES			1,861,900	1,861,000	
(4)	EXECUTIVE AND ADMINISTRATIVE SERVICES					
(a)	General program operations	GPR	A	1,762,200	1,762,200	
(c)	Energy costs	GPR	A	148,000	148,000	
(e)	Principal repayment and interest	GPR	S	−0−	−0−	
(f)	Humanities grants	GPR	B	−0−	−0−	
(g)	Admissions, sales and other receipts	PR	A	188,300	188,300	
(h)	Gifts and grants	PR	C	163,900	163,900	
(j)	Maritime project grants	PR	C	−0−	−0−	**Vetoed In Part**
(k)	General program operations − service funds	PR−S	C	357,200	357,200	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(m)	General program operations; federal funds	PR−F	C	3,000	3,000
(pz)	Indirect cost reimbursements	PR−F	C	95,000	95,000
(q)	Endowment principal	SEG	C	−0−	−0−
(r)	Endowment	SEG	C	161,400	161,400
(s)	Transfer to Historical Society endowment fund	SEG	S	−0−	−0−
(t)	Historical legacy program	SEG	S	−0−	−0−
(y)	Northern great lakes center	SEG	A	16,000	32,000
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,910,200	1,910,200
	PROGRAM REVENUE			807,400	807,400
	FEDERAL			(98,000)	(98,000)
	OTHER			(352,200)	(352,200)
	SERVICE			(357,200)	(357,200)
	SEGREGATED FUNDS			177,400	193,400
	OTHER			(177,400)	(193,400)
	TOTAL−ALL SOURCES			2,895,000	2,911,000
(5)	MUSEUM				
(a)	General program operations	GPR	A	960,300	960,300
(c)	Energy costs	GPR	A	98,700	98,700
(e)	Principal repayment and interest	GPR	S	566,900	471,100
(g)	Admissions, sales and other receipts	PR	C	339,800	339,800
(h)	Gifts and grants	PR	C	22,200	22,200
(k)	Funds received from other state agencies	PR−S	C	987,500	987,500
(m)	General program operations; federal funds	PR−F	C	15,300	15,300
(r)	Endowment	SEG	C	19,600	19,600
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,625,900	1,530,100
	PROGRAM REVENUE			1,364,800	1,364,800
	FEDERAL			(15,300)	(15,300)
	OTHER			(362,000)	(362,000)
	SERVICE			(987,500)	(987,500)
	SEGREGATED FUNDS			19,600	19,600
	OTHER			(19,600)	(19,600)
	TOTAL−ALL SOURCES			3,010,300	2,914,500
	20.245 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			11,033,100	10,990,800
	PROGRAM REVENUE			5,841,900	6,121,100
	FEDERAL			(1,013,000)	(1,013,000)
	OTHER			(3,459,200)	(3,738,400)
	SERVICE			(1,369,700)	(1,369,700)
	SEGREGATED FUNDS			491,300	507,300
	OTHER			(491,300)	(507,300)
	TOTAL−ALL SOURCES			17,366,300	17,619,200

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99	
20.250	**Medical college of Wisconsin**					
(1)	TRAINING OF HEALTH PERSONNEL					
(a)	General program operations	GPR	A	4,105,100	4,105,100	
(b)	Family medicine and practice	GPR	A	3,190,000	3,190,000	
(c)	Area health education centers and projects	GPR	A	375,000	400,000	
(e)	Principal repayment and interest	GPR	S	64,400	123,000	
	20.250 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			7,734,500	7,818,100	
	TOTAL−ALL SOURCES			7,734,500	7,818,100	
20.255	**Public instruction, department of**					
(1)	EDUCATIONAL LEADERSHIP					
(a)	General program operations	GPR	A	10,836,400 10,767,500	10,899,100 10,761,300	**Vetoed In Part**
(b)	General program operations; residential schools	GPR	A	9,037,400	9,075,600	
(c)	Energy costs	GPR	A	338,300	348,000	
(d)	Principal repayment and interest	GPR	S	1,096,600	895,900	
(dt)	Educational assessment program	GPR	A	372,000	372,000	
(dw)	Pupil assessment	GPR	A	2,255,000	2,620,000	
(g)	Student activity therapy	PR	A	6,500	6,500	
(gb)	Residential schools; nonresident fees	PR	C	56,000	60,000	
(gt)	Residential schools; pupil transportation	PR	A	826,300	906,300	
(hf)	Administrative leadership academy	PR	A	−0−	−0−	
(hg)	Personnel certific., teacher supply, info. and analysis and teacher improv.	PR	A	2,313,300	2,313,400	
(hm)	Services for drivers	PR	A	225,200	225,200	
(hr)	Alcohol and other drug abuse program	PR	C	723,500	759,600	
(i)	Publications	PR	A	530,900	535,900	
(im)	Library products and services	PR	C	660,700	660,700	
(jg)	School lunch handling charges	PR	A	3,000,500	3,000,500	
(jm)	Professional services center charges	PR	A	130,000	130,000	
(jr)	Gifts, grants and trust funds	PR	C	395,000	395,000	
(js)	State−owned housing maintenance	PR	A	7,100	7,100	
(jz)	School district boundary appeal proceedings	PR	C	10,500	10,500	
(ke)	Funds transferred from other state agencies; program operations	PR−S	C	1,811,000	1,678,500	
(km)	State agency library processing center	PR−S	A	86,400	86,400	
(ks)	Data processing	PR−S	C	1,557,400	1,557,500	
(kt)	Information technology development projects	PR−S	A	−0−	−0−	
(me)	Federal aids; program operations	PR−F	C	16,616,200	16,616,800	
(pz)	Indirect cost reimbursements	PR−F	C	912,400	912,400	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			23,935,700	24,210,600	
	PROGRAM REVENUE			29,868,900	29,862,300	
	FEDERAL			(17,528,600)	(17,529,200)	
	OTHER			(8,885,500)	(9,010,700)	

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
	SERVICE			(3,454,800)	(3,322,400)	
	TOTAL−ALL SOURCES			53,804,600	54,072,900	
(2)	AIDS FOR LOCAL EDUCATIONAL PROGRAMMING					
(ac)	General equalization aids	GPR	S	3,321,288,800 3,318,488,800	3,489,515,500 3,486,115,500	**Vetoed In Part**
(b)	Aids for handicapped education	GPR	A	275,548,700	275,548,700	
(bc)	Aid for children−at−risk programs	GPR	A	3,500,000	3,500,000	
(bh)	Aid to county handicapped children's education boards	GPR	A	2,316,300	2,316,300	
(bi)	Additional aid for county handicapped children's education boards	GPR	A	143,100	−0−	
(br)	Aid for handicapped education transportation	GPR	A	−0−	−0−	
(cc)	Bilingual−bicultural education aids	GPR	A	8,291,400	8,291,400	
(cg)	Tuition payments; full−time open enrollment transfer payments	GPR	A	7,445,100	7,595,100	
(ci)	Alternative school American Indian language and culture education aid	GPR	A	136,900	136,900	
(cm)	Grants for school breakfast programs	GPR	C	150,000	150,000	
(cn)	Aids for school lunches and nutritional improvement	GPR	A	4,320,600	4,320,600	
(cp)	Wisconsin morning milk program	GPR	A	429,300	429,300	
(cr)	Aid for pupil transportation	GPR	A	17,742,500	17,742,500	
(cu)	Achievement guarantee contracts	GPR	A	4,591,000	10,291,000	
(cv)	Achievement guarantee contracts; supplement	GPR	A	2,369,000	4,739,000	
(cw)	Aid for trans. to instit. of higher education; part−time open enrollment	GPR	A	20,000	20,000	
(cy)	Aid for transportation; full−time open enrollment	GPR	A	−0−	1,000,000	
(d)	Youth initiatives program	GPR	A	−0−	−0−	
(dc)	Professional development	GPR	A	−0−	−0−	
(dm)	Grants for early alcohol & other drug abuse prevention & intervention progs	GPR	A	2,720,000	2,720,000	
(do)	Grants for preschool to grade 5 programs	GPR	A	7,003,500	7,003,500	
(ec)	Aid to Milwaukee public schools	GPR	A	8,000,000	8,000,000	
(ed)	Youth service centers, truancy abatement and burglary suppression	GPR	A	−0−	−0−	
(ef)	Collaborative projects	GPR	A	−0−	−0−	
(eg)	Collaborative service programs	GPR	A	−0−	−0−	
(eh)	Head start supplement	GPR	A	4,950,000	4,950,000	
(em)	Driver education; local assistance	GPR	A	4,498,400	4,493,700	
(fg)	Aid for cooperative educational service agencies	GPR	A	300,000	300,000	
(fm)	Charter schools	GPR	S	−0−	−0−	
(fu)	Milwaukee parental choice program	GPR	S	6,600,000	6,600,000	
(fy)	Youth alcohol and other drug abuse programs	GPR	A	1,800,000	1,800,000	
(g)	Aid for alcohol and other drug abuse programs	PR	C	1,900,300	1,248,500	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(k)	Funds transferred from other state agencies; local aids	PR−S	C	9,281,300	9,281,300
(m)	Federal aids; local aid	PR−F	C	316,867,600	319,373,900
(q)	General equalization aids; property tax relief fund	SEG	S	−0−	−0−
(s)	School library aids	SEG	A	14,300,000	14,300,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,684,164,600	3,861,463,500
	PROGRAM REVENUE			328,049,200	329,903,700
	FEDERAL			(316,867,600)	(319,373,900)
	OTHER			(1,900,300)	(1,248,500)
	SERVICE			(9,281,300)	(9,281,300)
	SEGREGATED FUNDS			14,300,000	14,300,000
	OTHER			(14,300,000)	(14,300,000)
	TOTAL−ALL SOURCES			4,026,513,800	4,205,667,200
(3)	AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
(d)	Elks and Easter Seals center for respite and recreation	GPR	A	50,000	50,000
(e)	Aid to public library systems	GPR	A	12,863,800	13,249,800
(ea)	Library service contracts	GPR	A	945,300	973,700
(eb)	Youth village program	GPR	A	232,000	232,000
(ec)	Wisconsin geography alliance	GPR	A	50,000	50,000
(ed)	Wisconsin institute for school executives	GPR	A	−0−	−0−
(ef)	School−to−work programs for children at risk	GPR	A	250,000	250,000
(eg)	Milwaukee public museum	GPR	A	50,000	50,000
(fa)	Very special arts	GPR	A	75,000	75,000
(fg)	Special olympics	GPR	A	75,000	75,000
(fz)	Minority group pupil scholarships	GPR	A	900,000	900,000
(mm)	Federal funds; local assistance	PR−F	C	1,261,900	1,261,900
(ms)	Federal funds; individuals and organizations	PR−F	C	34,973,600	35,657,500
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			15,491,100	15,905,500
	PROGRAM REVENUE			36,235,500	36,919,400
	FEDERAL			(36,235,500)	(36,919,400)
	TOTAL−ALL SOURCES			51,726,600	52,824,900
	20.255 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			3,723,591,400	3,901,579,600
	PROGRAM REVENUE			394,153,600	396,685,400
	FEDERAL			(370,631,700)	(373,822,500)
	OTHER			(10,785,800)	(10,259,200)
	SERVICE			(12,736,100)	(12,603,700)
	SEGREGATED FUNDS			14,300,000	14,300,000
	OTHER			(14,300,000)	(14,300,000)
	TOTAL−ALL SOURCES			4,132,045,000	4,312,565,000
20.275	**Technology for educational achievement in Wisconsin board**				
(1)	EDUCATIONAL TECHNOLOGY				
(a)	General program operations	GPR	A	459,300	710,900

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
(d)	Pioneering partners grants	GPR	A	5,000,000	−0−	
(er)	Principal, interest & rebates; general purpose rev. − public library boards	GPR	S	25,000	500,000	
(es)	Principal, interest and rebates; general purpose revenue − school districts	GPR	S	250,000	5,000,000	
(et)	Educational technology training & technical assistance grants	GPR	B	2,000,000	4,000,000	
(f)	Educational technology block grants	GPR	A	10,000,000	30,000,000	
(fL)	Grants to public library boards	GPR	A	450,000	450,000	**Vetoed In Part**
(fs)	Supplemental educational technology block grants	GPR	A	2,000,000	−0−	
(g)	Gifts and grants	PR	C	−0−	−0−	
(h)	Principal, interest and rebates; program revenue − school districts	PR	S	250,000	5,000,000	
(hb)	Principal, interest & rebates; program revenue − public library boards	PR	C	25,000	500,000	
(L)	Equipment purchases and leases	PR	C	−0−	−0−	
(m)	Federal aid	PR−F	C	−0−	−0−	
(s)	Educational telec. access support; school dists. & tech. coll. dists.	SEG	B	4,375,000	5,500,000	
(t)	Educational telec. access support; private coll. & public library boards	SEG	B	730,000	1,091,400	
(tm)	Educational telecommunications access support; private schools	SEG	B	265,000	355,000	
(u)	Educational technology aid	SEG	A	15,000,000	5,000,000	
	20.275 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			20,184,300	40,660,900	
	PROGRAM REVENUE			275,000	5,500,000	
	FEDERAL			(−0−)	(−0−)	
	OTHER			(275,000)	(5,500,000)	
	SEGREGATED FUNDS			20,370,000	11,946,400	
	OTHER			(20,370,000)	(11,946,400)	
	TOTAL−ALL SOURCES			40,829,300	58,107,300	
20.285	**University of Wisconsin system**					
(1)	UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE					
(a)	General program operations	GPR	A	696,423,400 696,355,100	702,140,300 701,985,300	**Vetoed In Part**
(ab)	Student aid	GPR	A	1,315,300	1,315,300	
(am)	Distinguished professorships	GPR	A	648,700	648,700	
(as)	Industrial and economic development research	GPR	A	1,408,300	1,408,300	
(b)	Area health education centers	GPR	A	375,000	400,000	
(bm)	Fee remissions	GPR	A	15,000	15,000	
(c)	Energy costs	GPR	A	41,312,000	42,267,000	
(cg)	Driver education teachers	GPR	C	61,000	61,000	
(cm)	Educational technology	GPR	A	1,325,200	1,580,800	
(d)	Principal repayment and interest	GPR	S	72,549,800	68,540,700	
(da)	Lease rental payments	GPR	S	−0−	−0−	
(db)	Self−amortizing facilities principal and interest	GPR	S	−0−	−0−	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(ee)	Environmental educational grants	GPR	A	200,000	200,000
(em)	Schools of business	GPR	A	1,331,600	1,331,600
(eo)	Extension outreach	GPR	A	282,800	282,800
(fc)	Department of family medicine and practice	GPR	A	6,593,800	6,684,800
(fd)	State laboratory of hygiene; general program operations	GPR	A	5,812,300	6,254,800
(fh)	State laboratory of hygiene; principal repayment and interest	GPR	S	−0−	−0−
(fm)	Laboratories	GPR	A	4,185,900	4,185,900
(fs)	Farm safety program grants	GPR	A	20,000	20,000
(fx)	Alcohol and other drug abuse prevention and intervention	GPR	A	46,500	46,500
(g)	Physical plant service departments	PR	C	−0−	−0−
(ga)	Surplus auxiliary funds	PR	C	−0−	−0−
(gm)	Auxiliary enterprises building projects	PR	C	14,747,500	14,747,500
(gr)	Center for urban land economics research	PR	A	175,000	175,000
(h)	Auxiliary enterprises	PR	C	338,056,300	338,603,300
(ha)	Stores	PR	C	5,602,800	5,602,800
(hm)	Extension outreach	PR	C	171,600	171,600
(i)	State laboratory of hygiene	PR	C	15,378,900	17,001,300
(ia)	State laboratory of hygiene, drivers	PR	C	633,700	639,700
(ih)	State laboratory of hygiene; principal repayment and interest	PR	S	−0−	−0−
(im)	Academic student fees	PR	A	393,365,200	396,358,700
(ip)	Extension student fees	PR	C	7,693,600	7,693,600
(iz)	General operations receipts	PR	C	71,557,000	75,365,800
(j)	Gifts and donations	PR	C	219,442,800	221,757,600
(ja)	Gifts; student loans	PR	C	3,398,600	3,398,600
(jm)	Distinguished professorships	PR	C	432,000	432,000
(jp)	License plate scholarship programs	PR	C	−0−	−0−
(k)	Funds transferred from other state agencies	PR−S	C	−0−	−0−
(ka)	Sale of real property	PR	C	−0−	−0−
(kb)	Great Lakes studies	PR−S	A	16,000	32,000
(kc)	Information technology development projects	PR−S	A	−0−	−0−
(kd)	Principal repayment, interest and rebates	PR−S	S	19,321,200	25,146,900
(ke)	Lease rental payments	PR−S	S	−0−	−0−
(kp)	Student−related activities	PR−S	C	−0−	−0−
(L)	Recycling market development; repayments	PR	C	−0−	−0−
(Lm)	Laboratories	PR	A	4,405,400	4,405,400
(Ls)	Schools of business	PR	A	592,300	592,300
(m)	Federal aid	PR−F	C	325,529,300	325,529,300
(ma)	Federal aid; loans and grants	PR−F	C	158,245,100	158,245,100
(n)	Federal indirect cost reimbursement	PR−F	C	73,147,800	73,147,800
(q)	Telecommunications services	SEG	A	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(r)	Environmental education; environmental assessments	SEG	C	30,000	30,000
(rc)	Environmental education; forestry	SEG	A	200,000	200,000
(tb)	Extension recycling education	SEG	A	306,900	306,900
(tm)	Solid waste research and experiments	SEG	A	189,800	190,200
(u)	Trust fund income	SEG	C	28,780,800	19,829,000
(w)	Trust fund operations	SEG	C	−0−	−0−
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			833,906,600	837,383,500
	PROGRAM REVENUE			1,651,912,100	1,669,046,300
	FEDERAL			(556,922,200)	(556,922,200)
	OTHER			(1,075,652,700)	(1,086,945,200)
	SERVICE			(19,337,200)	(25,178,900)
	SEGREGATED FUNDS			29,507,500	20,556,100
	OTHER			(29,507,500)	(20,556,100)
	TOTAL−ALL SOURCES			2,515,326,200	2,526,985,900
(3)	UNIVERSITY SYSTEM ADMINISTRATION				
(a)	General program operations	GPR	A	8,770,300	8,769,900
(iz)	General operations receipts	PR	C	235,500	235,500
(ka)	Information technology development projects; system administration	PR−S	A	−0−	−0−
(n)	Federal indirect cost reimbursement	PR−F	C	1,690,200	1,690,200
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,770,300	8,769,900
	PROGRAM REVENUE			1,925,700	1,925,700
	FEDERAL			(1,690,200)	(1,690,200)
	OTHER			(235,500)	(235,500)
	SERVICE			(−0−)	(−0−)
	TOTAL−ALL SOURCES			10,696,000	10,695,600
(4)	MINORITY AND DISADVANTAGED PROGRAMS				
(a)	Minority and disadvantaged programs	GPR	A	7,148,500	7,148,500
(b)	Graduate student financial aid	GPR	A	3,932,100	4,065,500
(dd)	Lawton minority undergraduate grants program	GPR	A	2,206,900	2,406,900
(de)	Pilot minority student tuition award program	GPR	A	−0−	−0−
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			13,287,500	13,620,900
	TOTAL−ALL SOURCES			13,287,500	13,620,900
(5)	UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				
(a)	General program operations	GPR	A	576,400	576,400
(h)	Auxiliary enterprises	PR	A	25,170,300	26,006,400
(i)	Nonincome sports	PR	C	250,100	250,100
(j)	Gifts and grants	PR	C	3,108,400	3,108,400
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			576,400	576,400
	PROGRAM REVENUE			28,528,800	29,364,900
	OTHER			(28,528,800)	(29,364,900)
	TOTAL−ALL SOURCES			29,105,200	29,941,300
(6)	UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99	
(a)	Services received from authority	GPR	A	3,751,000	3,751,000	
(g)	Services provided to authority	PR	C	26,593,000	27,392,300	
	(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,751,000	3,751,000	
	PROGRAM REVENUE			26,593,000	27,392,300	
	OTHER			(26,593,000)	(27,392,300)	
	TOTAL−ALL SOURCES			30,344,000	31,143,300	
	20.285 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			860,291,800	864,101,700	
	PROGRAM REVENUE			1,708,959,600	1,727,729,200	
	FEDERAL			(558,612,400)	(558,612,400)	
	OTHER			(1,131,010,000)	(1,143,937,900)	
	SERVICE			(19,337,200)	(25,178,900)	
	SEGREGATED FUNDS			29,507,500	20,556,100	
	OTHER			(29,507,500)	(20,556,100)	
	TOTAL−ALL SOURCES			2,598,758,900	2,612,387,000	
20.292	**Technical college system, board of**					
(1)	TECHNICAL COLLEGE SYSTEM					
(a)	General program operations	GPR	A	2,824,000	2,825,200	
(am)	Fee remissions	GPR	A	15,000	15,000	
(b)	Displaced homemakers' program	GPR	A	851,700	851,700	
(bm)	Workplace literacy resource center	GPR	A	−0−	−0−	
(c)	Minority student participation and retention grants	GPR	A	617,000	617,000	
(ce)	Basic skills grants	GPR	A	−0−	−0−	
(cm)	Technical preparation aid	GPR	A	−0−	−0−	
(d)	State aid for technical colleges	GPR	A	111,852,200	113,530,000	
(dc)	Incentive grants	GPR	A	7,888,100	7,888,100	**Vetoed In Part**
(dd)	Farm training program tuition grants	GPR	A	150,000	150,000	
(de)	Services for handicapped students; local assistance	GPR	A	400,000	400,000	
(dm)	Aid for special collegiate transfer programs	GPR	A	1,124,300	1,124,300	
(e)	Technical college instructor occupational competency program	GPR	A	71,300	71,300	
(eg)	Faculty development grants	GPR	A	832,000	832,000	
(em)	Apprenticeship curriculum development	GPR	A	75,000	75,000	
(f)	Alcohol and other drug abuse prevention and intervention	GPR	A	525,000	525,000	
(fc)	Driver education, local assistance	GPR	A	322,000	322,000	
(fg)	Chauffeur training grants	GPR	C	200,000	200,000	
(fm)	Supplemental aid	GPR	A	1,500,000	1,500,000	
(fp)	Emergency medical technician − basic training; state operations	GPR	A	179,900	179,900	
(g)	Text materials	PR	A	123,000	123,000	
(gm)	Fire schools; state operations	PR	A	266,900	266,900	
(gr)	Fire schools; local assistance	PR	A	500,000	500,000	
(gt)	Telecommunications retraining	PR	C	300,000	300,000	
(h)	Gifts and grants	PR	C	20,600	20,600	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(i)	Conferences	PR	C	85,900	85,900
(j)	Personnel certification	PR	A	203,800	203,800
(k)	Gifts and grants	PR	C	30,200	30,200
(ka)	Interagency projects; local assistance	PR−S	A	3,414,700	3,414,700
(kb)	Interagency projects; state operations	PR−S	A	766,900	766,900
(kc)	Information technology development projects	PR−S	A	−0−	−0−
(L)	Services for district boards	PR	A	140,900	140,900
(m)	Federal aid, state operations	PR−F	C	2,755,300	2,721,700
(n)	Federal aid, local assistance	PR−F	C	26,074,300	26,074,300
(o)	Federal aid, aids to individuals and organizations	PR−F	C	200,000	200,000
(pz)	Indirect cost reimbursements	PR−F	C	136,000	136,000
	20.292 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			129,427,500	131,106,500
	PROGRAM REVENUE			35,018,500	34,984,900
	FEDERAL			(29,165,600)	(29,132,000)
	OTHER			(1,671,300)	(1,671,300)
	SERVICE			(4,181,600)	(4,181,600)
	TOTAL−ALL SOURCES			164,446,000	166,091,400
	Education FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			4,819,598,000	5,025,615,500
	PROGRAM REVENUE			2,153,901,800	2,180,616,000
	FEDERAL			(961,962,000)	(965,119,200)
	OTHER			(1,154,264,400)	(1,172,091,100)
	SERVICE			(37,675,400)	(43,405,700)
	SEGREGATED FUNDS			64,773,900	47,414,900
	FEDERAL			(−0−)	(−0−)
	OTHER			(64,773,900)	(47,414,900)
	SERVICE			(−0−)	(−0−)
	LOCAL			(−0−)	(−0−)
	TOTAL−ALL SOURCES			7,038,273,700	7,253,646,400

Environmental Resources

20.315 Boundary area commission, Minnesota−Wisconsin

(1)	BOUNDARY AREA COOPERATION				
(g)	Gifts or grants	PR	C	90,000	90,000
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(q)	General program operations — conservation fund	SEG	A	171,100	174,100
	20.315 DEPARTMENT TOTALS				
	PROGRAM REVENUE			90,000	90,000
	OTHER			(90,000)	(90,000)
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			171,100	174,100
	OTHER			(171,100)	(174,100)
	TOTAL−ALL SOURCES			261,100	264,100

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
20.320 Environmental improvement program				
(1) CLEAN WATER FUND PROGRAM OPERATIONS				
(a) Environmental aids — clean water fund program	GPR	A	−0−	−0−
(c) Principal repayment and interest — clean water fund program	GPR	S	22,519,200	29,636,200
(r) Clean water fund program repayment of revenue obligations	SEG	S	−0−	−0−
(s) Clean water fund program financial assistance	SEG	S	−0−	−0−
(sm) Land recycling loan program financial assistance	SEG	S	−0−	−0−
(t) Principal repayment and interest — clean water fund program bonds	SEG	A	4,000,000	4,000,000
(u) Principal repay. & interest − clean water fd. prog. rev. obligation repay.	SEG	C	−0−	−0−
(x) Clean water fund program financial assistance; federal	SEG−F	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			22,519,200	29,636,200
SEGREGATED FUNDS			4,000,000	4,000,000
FEDERAL			(−0−)	(−0−)
OTHER			(4,000,000)	(4,000,000)
TOTAL−ALL SOURCES			26,519,200	33,636,200
(2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS				
(c) Principal repayment and interest — safe drinking water loan program	GPR	S	−0−	−0−
(s) Safe drinking water loan programs financial assistance	SEG	S	−0−	−0−
(x) Safe drinking water loan programs financial assistance; federal	SEG−F	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.320 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			22,519,200	29,636,200
SEGREGATED FUNDS			4,000,000	4,000,000
FEDERAL			(−0−)	(−0−)
OTHER			(4,000,000)	(4,000,000)
TOTAL−ALL SOURCES			26,519,200	33,636,200
20.360 Lower Wisconsin state riverway board				
(1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY				
(g) Gifts and grants	PR	C	−0−	−0−
(ka) Information technology development projects	PR−S	A	−0−	−0−
(q) General program operations — conservation fund	SEG	A	112,100	112,600

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
20.360 DEPARTMENT TOTALS				
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			112,100	112,600
OTHER			(112,100)	(112,600)
TOTAL−ALL SOURCES			112,100	112,600
20.370 Natural resources, department of				
(1) LAND				
(cq) Forestry — reforestation	SEG	C	100,000	100,000
(cr) Forestry — recording fees	SEG	C	80,000	50,000
(cs) Forestry — forest fire emergencies	SEG	C	−0−	−0−
(ea) Parks — general program operations	GPR	A	4,969,900	4,969,900
(eq) Parks and forests − operation and maintenance	SEG	S	−0−	−0−
(er) Parks and forests − recycling activities	SEG	A	70,000	70,300
(fb) Endangered resources — general program operations	GPR	A	−0−	−0−
(fc) Endangered resources — Wisconsin stewardship program	GPR	A	−0−	−0−
(fd) Endangered resources — natural heritage inventory program	GPR	A	220,100	220,100
(fe) Endangered resources — general fund	GPR	S	500,000	500,000
(fs) Endangered resources — voluntary payments; sales, leases and fees	SEG	C	1,116,800	1,116,800
(ft) Endangered resources — application fees	SEG	C	−0−	−0−
(gr) Endangered resources program — gifts and grants	SEG	C	−0−	−0−
(hr) Pheasant restoration	SEG	C	448,400	448,400
(ht) Wild turkey restoration	SEG	C	212,200	212,200
(hu) Wetlands habitat improvement	SEG	C	338,400	338,400
(it) Atlas revenues	SEG	C	−0−	−0−
(jr) Rental property and equipment — maintenance and replacement	SEG	C	−0−	−0−
(kq) Taxes and assessments — conservation fund	SEG	A	300,000	300,000
(Lq) Trapper education program	SEG	C	29,100	29,100
(Lr) Beaver control; fish and wildlife account	SEG	C	100,000	100,000
(Ls) Control of wild animals	SEG	C	123,100	146,200
(ma) General program operations — state funds	GPR	A	583,200	583,200
(mg) General program operations — endangered resources	PR	C	−0−	−0−
(mi) General program operations — private and public sources	PR	C	351,000	351,000
(mk) General program operations — service funds	PR−S	C	452,700	452,700

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(mq)	General program operations — state snowmobile trails and areas	SEG	A	63,800	63,800
(ms)	General program operations — state all−terrain vehicle projects	SEG	A	40,000	40,000
(mu)	General program operations — state funds	SEG	A	−0−	−0−
	Land program management	SEG	A	3,731,600	3,731,600
	Wildlife management	SEG	A	7,938,600	7,912,300
	Forestry	SEG	A	25,801,500	25,711,300
	Southern forests	SEG	A	3,353,700	3,365,100
	Parks and recreation	SEG	A	5,833,900	6,115,700
	Facilities and lands	SEG	A	4,559,200	4,597,300
	NET APPROPRIATION			51,218,500	51,433,300
(my)	General program operations — federal funds	SEG−F	C	−0−	−0−
	Land program management	SEG−F	C	−0−	−0−
	Wildlife management	SEG−F	C	3,638,000	3,645,300
	Forestry	SEG−F	C	369,200	372,000
	Southern forests	SEG−F	C	161,800	161,800
	Parks and recreation	SEG−F	C	410,600	412,800
	Endangered resources	SEG−F	C	361,200	363,600
	Facilities and lands	SEG−F	C	1,691,600	1,694,500
	NET APPROPRIATION			6,632,400	6,650,000
(mz)	Forest fire emergencies — federal funds	SEG−F	C	−0−	−0−
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			6,273,200	6,273,200
	PROGRAM REVENUE			803,700	803,700
	OTHER			(351,000)	(351,000)
	SERVICE			(452,700)	(452,700)
	SEGREGATED FUNDS			60,872,700	61,098,500
	FEDERAL			(6,632,400)	(6,650,000)
	OTHER			(54,240,300)	(54,448,500)
	TOTAL−ALL SOURCES			67,949,600	68,175,400
(2)	AIR AND WASTE				
(bg)	Air management — stationary sources	PR	A	8,387,400	8,260,700
(bi)	Air management — asbestos management	PR	C	281,500	281,500
(bq)	Air management — vapor recovery administration	SEG	A	82,500	82,500
(br)	Air management — mobile sources	SEG	A	1,267,000	1,271,400
(cf)	Air management − motor veh. emission inspection & maint. prog., state funds	GPR	A	60,100	60,100
(cg)	Air management — recovery of ozone−depleting refrigerants	PR	A	116,100	116,100
(ch)	Air management — emission analysis	PR	C	−0−	−0−
(ci)	Air management — permit review and enforcement	PR	A	1,163,000	1,163,000

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
(cL)	Air management − air waste management−incinerator operator certification	PR	C	−0−	−0−	
(da)	Waste tire removal and recovery programs; program activities	GPR	S	1,500,000	−0−	
(dg)	Solid waste management — solid and hazardous waste disposal administration	PR	C	1,973,100	1,993,200	
(dh)	Solid waste management−remediated property	PR	C	405,000	572,300	
(di)	Solid waste management — operator certification	PR	C	−0−	−0−	
(dq)	Solid waste management — waste management fund	SEG	C	−0−	−0−	
(dt)	Solid waste management — closure and long−term care	SEG	C	−0−	−0−	
(dv)	Solid waste management — environmental repair; spills; abandoned containers	SEG	C	3,153,500	3,153,500	
(dw)	Solid waste management — environmental repair; petroleum spills; admin.	SEG	A	244,800	250,600	
(dy)	Solid waste mgt. — corrective action; proofs of financial responsibility	SEG	C	−0−	−0−	
(dz)	Solid waste management − assessments and legal action	SEG	C	−0−	−0−	
(eg)	Solid waste facility siting board fee	PR	C	−0−	−0−	
(eh)	Solid waste management — source reduction review	PR	C	−0−	−0−	
(eq)	Solid waste management − dry cleaner environmental response	SEG	A	26,100	98,200	
(fg)	Remediation professional certification	PR	C	74,500	95,100	**Vetoed In Part**
(gh)	Mining — mining regulation and administration	PR	A	60,900	60,900	
(gr)	Solid waste management — mining programs	SEG	C	−0−	−0−	
(hq)	Recycling; administration	SEG	A	1,208,700	1,223,000	
(ma)	General program operations — state funds	GPR	A	2,815,900	2,815,900	
(mi)	General program operations — private and public sources	PR	C	−0−	−0−	
(mk)	General program operations — service funds	PR−S	C	200,000	200,000	
(mm)	General program operations — federal funds	PR−F	C	6,219,800	6,183,900	
(mq)	General program operations − environmental fund	SEG	A	3,176,300	3,541,100	
(mu)	Petroleum inspection fd. suppl. to env. fd.; env. repair and well comp.	SEG−S	A	1,049,400	1,049,400	
(my)	General program operations — environmental fund; federal funds	SEG−F	C	1,332,900	1,333,100	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,376,000	2,876,000
PROGRAM REVENUE			18,881,300	18,926,700
FEDERAL			(6,219,800)	(6,183,900)
OTHER			(12,461,500)	(12,542,800)
SERVICE			(200,000)	(200,000)
SEGREGATED FUNDS			11,541,200	12,002,800
FEDERAL			(1,332,900)	(1,333,100)
OTHER			(9,158,900)	(9,620,300)
SERVICE			(1,049,400)	(1,049,400)
TOTAL−ALL SOURCES			34,798,500	33,805,500
(3) ENFORCEMENT AND SCIENCE				
(ad) Law enforcement − car killed deer; general fund	GPR	A	233,500	260,000
(aq) Law enforcement — snowmobile enforcement and safety training	SEG	A	64,200	64,200
(ar) Law enforcement — boat enforcement and safety training	SEG	A	1,612,300	1,612,300
(as) Law enforcement — all−terrain vehicle enforcement	SEG	A	144,800	177,100
(aw) Law enforcement — car kill deer	SEG	A	233,500	260,000
(bg) Enforcement — stationary sources	PR	A	60,300	60,300
(dg) Environmental impact — consultant services; printing and postage costs	PR	C	−0−	−0−
(dh) Environmental impact — power projects	PR	C	171,600	172,400
(di) Environmental consulting costs — federal power projects	PR	A	−0−	−0−
(fj) Environmental quality − lab. certification	PR	A	461,300	463,000
(is) Lake research; voluntary contributions	SEG	C	34,000	34,000
(ma) General program operations — state funds	GPR	A	4,225,900	4,225,900
(mi) General program operations — private and public sources	PR	C	277,300	277,300
(mk) General program operations — service funds	PR−S	C	714,400	714,400
(mm) General program operations — federal funds	PR−F	C	407,700	408,200
(mq) General program operations — environmental fund	SEG	A	786,000	786,000
(mr) Recycling; enforcement and research	SEG	A	82,300	82,300
(ms) General program operations − pollution prevention	SEG	A	55,000	55,100
(mt) General program operations, nonpoint source — environmental fund	SEG	A	306,700	306,700
(mu) General program operations — state funds	SEG	A	13,722,900	13,707,900
(mv) Aquatic and terrestrial resources inventory	SEG	A	75,000	75,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(my)	General program operations — federal funds	SEG−F	C	3,653,900	3,671,500
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,459,400	4,485,900
	PROGRAM REVENUE			2,092,600	2,095,600
	FEDERAL			(407,700)	(408,200)
	OTHER			(970,500)	(973,000)
	SERVICE			(714,400)	(714,400)
	SEGREGATED FUNDS			20,770,600	20,832,100
	FEDERAL			(3,653,900)	(3,671,500)
	OTHER			(17,116,700)	(17,160,600)
	TOTAL−ALL SOURCES			27,322,600	27,413,600
(4)	WATER				
(af)	Water resources − remedial action	GPR	C	150,000	150,000
(ag)	Water resources − pollution credits	PR	C	−0−	−0−
(ah)	Water resources − Great Lakes protection fund	PR	C	229,000	229,000
(aq)	Water resources management − lake and river management	SEG	A	1,539,800	1,539,800
(ar)	Water resources − groundwater management	SEG	B	125,000	125,000
(as)	Water resources − trading water pollution credits	SEG	C	50,000	50,000
(at)	Watershed − nonpoint source contracts	SEG	B	1,000,400	1,076,100
(au)	Cooperative remedial action; contributions	SEG	C	−0−	−0−
(av)	Cooperative remedial action; interest on contributions	SEG	S	−0−	−0−
(bh)	Water regulation and zoning − dam inspect. and safety administ.; gen. fund	PR	A	−0−	−0−
(bi)	Water regulation and zoning − fees	PR	C	218,900	219,500
(bj)	Storm water management − fees	PR	A	246,600	248,000
(bL)	Wastewater management − fees	PR	C	205,100	205,100
(br)	Water reg. & zoning — dam safety & wetland mapping; conservation fund	SEG	A	449,900	449,900
(ku)	Great Lakes trout and salmon	SEG	C	1,052,100	1,052,100
(kv)	Trout habitat improvement	SEG	C	1,107,100	1,107,100
(ma)	General program operations − state funds	GPR	A	−0−	−0−
	Watershed management	GPR	A	8,939,100	9,001,600
	Fisheries management and habitat protection	GPR	A	3,298,500	3,298,500
	Drinking water and groundwater	GPR	A	3,446,200	3,446,200
	Water integration team	GPR	A	395,000	395,000
	Water program management	GPR	A	2,251,500	2,251,500
	NET APPROPRIATION			18,330,300	18,392,800
(mi)	General program operations − private and public sources	PR	C	60,600	60,600
(mk)	General program operations — service funds	PR−S	C	385,200	385,200

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(mm) General program operations − federal funds	PR−F	C	−0−	−0−
Watershed management	PR−F	C	3,737,900	3,479,100
Fisheries management and habitat protection	PR−F	C	550,500	500,000
Drinking water and groundwater	PR−F	C	2,081,900	2,092,100
Water integration team	PR−F	C	16,600	16,700
Water program management	PR−F	C	147,200	147,700
NET APPROPRIATION			6,534,100	6,235,600
(mq) General program operations − environmental fund	SEG	A	−0−	−0−
Watershed management	SEG	A	459,700	459,700
Drinking water and groundwater	SEG	A	1,416,200	1,418,500
Water integration team	SEG	A	81,700	81,700
Water program management	SEG	A	84,800	84,800
NET APPROPRIATION			2,042,400	2,044,700
(mr) General program operations − nonpoint source	SEG	A	449,700	449,700
(mt) General program operations−environmental improvement programs; state funds	SEG	A	451,100	452,500
(mu) General program operations − state funds	SEG	A	12,542,600	12,539,600
(mw) Petroleum inspection fund supplement to env. fund; groundwater management	SEG−S	A	764,600	766,900
(mx) General program operations − clean water fund program; federal funds	SEG−F	C	519,900	527,500
(my) General program operations − environmental fund − federal funds	SEG−F	C	−0−	−0−
(mz) General program operations − federal funds	SEG−F	C	2,937,100	2,949,900
(nz) General program operations−safe drinking water loan programs; federal funds	SEG−F	C	32,400	50,200
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			18,480,300	18,542,800
PROGRAM REVENUE			7,879,500	7,583,000
FEDERAL			(6,534,100)	(6,235,600)
OTHER			(960,200)	(962,200)
SERVICE			(385,200)	(385,200)
SEGREGATED FUNDS			25,064,100	25,181,000
FEDERAL			(3,489,400)	(3,527,600)
OTHER			(20,810,100)	(20,886,500)
SERVICE			(764,600)	(766,900)
TOTAL−ALL SOURCES			51,423,900	51,306,800
(5) CONSERVATION AIDS				
(aq) Resource aids − Canadian agencies migratory waterfowl aids	SEG	C	169,200	169,200
(ar) Resource aids − county conservation aids	SEG	C	150,000	150,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(as)	Recreation aids − fish, wildlife, and forestry recreation aids	SEG	C	230,000	230,000
(av)	Resource aids − private forest grants	SEG	B	1,000,000	1,000,000
(aw)	Resource aids − nonprofit conservation organizations	SEG	C	75,000	75,000
(ax)	Resource aids − lake states wood utilization consortium	SEG	C	100,000	−0−
(bq)	Resource aids − county forest loans; severance share payments	SEG	C	−0−	−0−
(br)	Resource aids − forest croplands and managed forest land aids	SEG	A	1,250,000	1,250,000
(bs)	Resource aids − county forest loans	SEG	A	622,400	622,400
(bt)	Resource aids − county forest project loans	SEG	C	400,000	400,000
(bu)	Resource aids − county forest project loans; severance share payments	SEG	C	−0−	−0−
(bv)	Res. aids − county forests, forest croplands and managed forest land aids	SEG	S	1,196,300	1,248,400
(bw)	Resource aids − urban forestry and county forest administrator grants	SEG	A	832,900	832,900
(bx)	Resource aids − national forest income aids	PR−F	C	782,200	782,200
(by)	Resource aids — fire suppression grants	SEG	A	525,000	525,000
(cq)	Recreation aids − recreational boating and other projects	SEG	C	5,147,000	5,147,000
(cr)	Recreation aids − county snowmobile trail and area aids	SEG	C	2,251,400	2,951,400
(cs)	Recreation aids − snowmobile trail areas	SEG	C	3,368,200	3,706,400
(ct)	Recreation aids − all−terrain vehicle project aids; gas tax payment	SEG	C	474,700	554,900
(cu)	Recreation aids — all−terrain vehicle project aids	SEG	C	466,400	450,300
(cv)	Recreation aids — motorcycle recreation aids; trails	SEG	A	197,500	197,500
(cy)	Recreation and resource aids, federal funds	SEG−F	C	183,900	183,900
(da)	Aids in lieu of taxes	GPR	S	1,570,000	1,570,000
(dq)	Aids in lieu of taxes	SEG	S	871,600	871,600
(dx)	Resource aids — payment in lieu of taxes; federal	PR−F	C	440,000	440,000
(ea)	Enforcement aids — spearfishing enforcement	GPR	C	10,000	10,000
(eq)	Enforcement aids — boating enforcement	SEG	A	700,000	700,000
(er)	Enforcement aids — all−terrain vehicle enforcement	SEG	A	30,000	30,000
(es)	Enforcement aids — snowmobiling enforcement	SEG	A	200,000	200,000
(et)	Enforcement aids — boating	SEG	A	400,000	400,000

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
(ex)	Enforcement aids — federal funds	SEG−F	C	−0−	−0−	
(fq)	Wildlife damage claims and abatement	SEG	C	2,212,700	2,237,700	
(fr)	Wildlife abatement and control grants	SEG	B	25,000	25,000	
	(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,580,000	1,580,000	
	PROGRAM REVENUE			1,222,200	1,222,200	
	FEDERAL			(1,222,200)	(1,222,200)	
	SEGREGATED FUNDS			23,079,200	24,158,600	
	FEDERAL			(183,900)	(183,900)	
	OTHER			(22,895,300)	(23,974,700)	
	TOTAL−ALL SOURCES			25,881,400	26,960,800	
(6)	ENVIRONMENTAL AIDS					
(aa)	Environmental aids − non−point source	GPR	B	−0−	6,363,600	
(ag)	Environmental aids − nonpoint repayments	PR	C	−0−	−0−	
(aq)	Environmental aids — non−point source program	SEG	B	6,047,600	6,005,300	
(ar)	Environmental aids − lakes management grants	SEG	C	2,053,300	2,053,300	
(as)	Environmental aids − lakes managment planning grants	SEG	C	622,100	622,100	
(au)	Environmental aids − watershed activities and grants	SEG	A	50,000	50,000	**Vetoed In Part**
(ba)	Environmental aids — dump closure cost share	GPR	C	1,247,700	1,247,700	
(bj)	Environmental aids — waste reduction and recycling grants and gifts	PR	C	−0−	−0−	
(bq)	Environmental aids − municipal and county recycling grants	SEG	S	24,000,000	24,000,000	
(br)	Environmental aids − waste reduction and recycling demonstration grants	SEG	C	1,000,000	1,000,000	
(bs)	Environmental aids − household hazardous waste	SEG	A	150,000	150,000	
(bt)	Environmental aids − lake states wood utilization consortium	SEG	C	100,000	−0−	
(ca)	Environmental aids − scenic urban waterways	GPR	C	−0−	−0−	
(cm)	Environmental aids − federal funds	PR−F	C	75,000	75,000	
(cr)	Environmental aids − compensation for well contamination	SEG	C	600,000	400,000	
(da)	Environmental planning aids − local water quality planning	GPR	A	283,400	283,400	
(dm)	Environmental planning aids − federal funds	PR−F	C	260,600	260,600	
(eq)	Environmental aids − dry cleaner environmental response	SEG	A	−0−	1,600,000	
	(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,531,100	7,894,700	
	PROGRAM REVENUE			335,600	335,600	
	FEDERAL			(335,600)	(335,600)	
	OTHER			(−0−)	(−0−)	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
SEGREGATED FUNDS			34,623,000	35,880,700
OTHER			(34,623,000)	(35,880,700)
TOTAL−ALL SOURCES			36,489,700	44,111,000
(7) DEBT SERVICE AND DEVELOPMENT				
(aa) Resource acquisition and development − principal repayment and interest	GPR	S	9,600,600	11,139,500
(ac) Principal repayment and interest − recreational boating bonds	GPR	S	−0−	−0−
(aq) Resource acquisition and development − principal repayment and interest	SEG	S	22,100	148,900
(ar) Dam repair and removal − principal repayment and interest	SEG	S	230,100	459,200
(at) Recreation development − principal repayment and interest	SEG	S	−0−	−0−
(au) State forest acquisition and development−principal repayment and interest	SEG	A	8,700,000	8,700,000
(av) Recreat. boating properties acquisit. & develop. − princ. repayment & int.	SEG	A	225,000	225,000
(ba) Debt service − remedial action	GPR	S	1,429,500	1,995,900
(ca) Principal repayment and interest − nonpoint source grants	GPR	S	1,594,100	2,547,200
(cb) Principal repayment and interest − pollution abatement bonds	GPR	S	80,514,300	68,954,300
(cc) Principal repay. and int. − combined sewer overflow; pollution abat. bonds	GPR	S	18,930,700	16,674,000
(cd) Principal repayment and interest − municipal clean drinking water grants	GPR	S	845,300	857,900
(ce) Principal repayment and interest − nonpoint source compliance	GPR	S	−0−	−0−
(ea) Administrative facilities − principal repayment and interest	GPR	S	462,500	484,100
(eq) Administrative facilities − principal repayment and interest	SEG	S	1,032,400	1,240,900
(er) Administrative facilities − principal repayment & interest; env. fund	SEG	S	−0−	−0−
(fa) Resource maintenance and development − state funds	GPR	C	1,278,200	1,278,200
(fr) Resource acq. and dev. − boating access to southeastern lakes	SEG	C	100,000	100,000
(fs) Resource acquisition and development − state funds	SEG	C	940,500	1,076,800
(ft) Resource acquisition and development − boating access	SEG	C	200,000	200,000
(fu) Resource acquisition and development — nonmotorized boating improvements	SEG	C	−0−	−0−
(fv) Resource acquisition and development − fish and wildlife projects	SEG	C	283,300	283,300
(fw) Resource acq. and dev. − Mississippi and St. Croix rivers management	SEG	C	62,500	62,500

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(fy)	Resource acquisition and development — federal funds	SEG−F	C	1,960,200	1,960,200
(gg)	Ice Age trail − gifts and grants	PR	C	−0−	−0−
(gq)	State trails − gifts and grants	SEG	C	−0−	−0−
(ha)	Facilities acquisition, development and maintenance	GPR	C	183,100	183,100
(hq)	Facilities acquisition, development and maintenance − conservation fund	SEG	C	376,800	376,800
(jr)	Rental property and equipment − maintenance and replacement	SEG	C	−0−	−0−
(mc)	Resource maintenance and development − state park, forest & riverway roads	GPR	C	1,900,000	1,900,000
(mi)	General program operations − private and public sources	PR	C	−0−	−0−
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			116,738,300	106,014,200
	PROGRAM REVENUE			−0−	−0−
	OTHER			(−0−)	(−0−)
	SEGREGATED FUNDS			14,132,900	14,833,600
	FEDERAL			(1,960,200)	(1,960,200)
	OTHER			(12,172,700)	(12,873,400)
	TOTAL−ALL SOURCES			130,871,200	120,847,800
(8)	ADMINISTRATION AND TECHNOLOGY				
(ir)	Promotional activities and publications	SEG	C	83,000	83,000
(iw)	Statewide recycling administration	SEG	A	1,139,300	1,141,500
(ma)	General program operations — state funds	GPR	A	7,107,000	7,071,000
(mg)	General program operations — stationary sources	PR	A	789,800	782,100
(mh)	Information technology development projects	PR−S	A	−0−	−0−
(mi)	General program operations — private and public sources	PR	C	−0−	−0−
(mk)	General program operations — service funds	PR−S	C	5,605,000	5,605,000
(mq)	General program operations — mobile sources	SEG	A	395,400	395,600
(mr)	General program operations − environmental improvement fund	SEG	A	235,600	235,600
(mt)	Equipment pool operations	SEG−S	C	−0−	−0−
(mu)	General program operations — state funds	SEG	A	13,729,600	13,748,400
(mv)	General program operations — environmental fund	SEG	A	1,499,600	1,499,600
(mz)	Indirect cost reimbursements	SEG−F	C	4,178,200	4,178,200
(ni)	Geographic information systems, general program operations − other funds	PR	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(nk)	Geographic information systems, general program operations — service fds.	PR−S	C	1,058,700	1,058,700
(zq)	Gifts and donations	SEG	C	−0−	−0−
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			7,107,000	7,071,000
	PROGRAM REVENUE			7,453,500	7,445,800
	OTHER			(789,800)	(782,100)
	SERVICE			(6,663,700)	(6,663,700)
	SEGREGATED FUNDS			21,260,700	21,281,900
	FEDERAL			(4,178,200)	(4,178,200)
	OTHER			(17,082,500)	(17,103,700)
	SERVICE			(−0−)	(−0−)
	TOTAL−ALL SOURCES			35,821,200	35,798,700
(9)	CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS				
(eg)	Gifts and grants; environmental management systems	PR	C	−0−	−0−
(gb)	Education programs − program fees	PR	B	57,300	52,900
(ht)	Approval fees to Lac du Flambeau band	SEG	S	−0−	−0−
(hu)	Handling fees	SEG	C	380,000	380,000
(iq)	Natural resources magazine	SEG	C	792,900	792,900
(is)	Statewide recycling administration	SEG	A	760,000	761,000
(jL)	Fox river management; fees	PR	C	−0−	−0−
(ju)	Fox river management	SEG	B	121,700	121,700
(ma)	General program operations − state funds	GPR	A	2,197,900	2,215,200
(mh)	General programs operations − stationary sources	PR	A	455,700	456,700
(mi)	General program operations — private and public sources	PR	C	40,000	40,000
(mj)	General program operations — solid and hazardous waste	PR	A	125,500	126,800
(mk)	General program operations — service funds	PR−S	C	100,100	100,100
(mm)	General program operations − federal funds	PR−F	C	320,400	324,100
(mq)	General program operations − mobile sources	SEG	A	155,300	155,300
(ms)	General program operations — cooperative environmental assistance	SEG	A	118,700	119,600
(mt)	Aids administration — environmental improvement programs; state funds	SEG	A	979,000	995,400
(mu)	General program operations − state funds	SEG	A	8,974,400	9,612,400
(mv)	General program operations — environmental fund	SEG	A	556,600	556,600
(mw)	Aids administration − snowmobile recreation	SEG	A	132,900	132,900
(mx)	Aids administration − clean water fund program; federal funds	SEG−F	C	948,800	948,800

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99	
(my)	General program operations − federal funds	SEG−F	C	98,200	98,200	
(mz)	Indirect cost reimbursements	SEG−F	C	579,700	579,700	
(nq)	Aids administration − dry cleaner environmental response	SEG	A	25,200	94,400	
(ny)	Aids administration − safe drinking water loan programs; federal funds	SEG−F	C	161,700	94,600	
	(9) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,197,900	2,215,200	
	PROGRAM REVENUE			1,099,000	1,100,600	
	FEDERAL			(320,400)	(324,100)	
	OTHER			(678,500)	(676,400)	
	SERVICE			(100,100)	(100,100)	
	SEGREGATED FUNDS			14,785,100	15,443,500	
	FEDERAL			(1,788,400)	(1,721,300)	
	OTHER			(12,996,700)	(13,722,200)	
	TOTAL−ALL SOURCES			18,082,000	18,759,300	
	20.370 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			162,743,200	156,953,000	
	PROGRAM REVENUE			39,767,400	39,513,200	
	FEDERAL			(15,039,800)	(14,709,600)	
	OTHER			(16,211,500)	(16,287,500)	
	SERVICE			(8,516,100)	(8,516,100)	
	SEGREGATED FUNDS			226,129,500	230,712,700	
	FEDERAL			(23,219,300)	(23,225,800)	
	OTHER			(201,096,200)	(205,670,600)	
	SERVICE			(1,814,000)	(1,816,300)	
	TOTAL−ALL SOURCES			428,640,100	427,178,900	
20.380	**Tourism, department of**					
(1)	TOURISM DEVELOPMENT PROMOTION					
(a)	General program operations	GPR	A	3,673,900	3,726,600	
(b)	Tourism marketing	GPR	A	7,741,000	7,741,000	
(bm)	Heritage tourism program	GPR	B	134,200	134,200	
(c)	Tourism materials grants	GPR	A	30,000	45,000	**Vetoed In Part**
(g)	Gifts, grants and proceeds	PR	C	5,400	5,400	
(h)	Tourism promotion; sale of surplus property	PR	C	22,500	44,200	
(j)	Tourism promotion − private and public sources	PR	C	100,000	100,000	
(k)	Sale of materials or services−operations	PR−S	C	−0−	−0−	
(ka)	Sales of materials or services−local assistance	PR−S	C	−0−	−0−	
(kb)	Sales of materials or services−individuals and organizations	PR−S	C	−0−	−0−	
(kc)	Marketing clearinghouse charges	PR−S	A	−0−	−0−	
(kd)	Information technology development projects	PR−S	A	−0−	−0−	
(m)	Federal aid−state operations	PR−F	C	−0−	−0−	
(n)	Federal aid−local assistance	PR−F	C	−0−	−0−	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(o) Federal aid−individuals and organizations	PR−F	C	−0−	−0−
(q) Administrative services−conservation fund	SEG	A	42,500	42,500
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			11,579,100	11,646,800
PROGRAM REVENUE			127,900	149,600
FEDERAL			(−0−)	(−0−)
OTHER			(127,900)	(149,600)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			42,500	42,500
OTHER			(42,500)	(42,500)
TOTAL−ALL SOURCES			11,749,500	11,838,900
(2) KICKAPOO VALLEY RESERVE				
(dq) Kickapoo valley reserve; aids in lieu of taxes	GPR	S	−0−	−0−
(ip) Kickapoo reserve management board; program services	PR	C	−0−	−0−
(ir) Kickapoo reserve management board; gifts and grants	PR	C	−0−	−0−
(ms) Kickapoo reserve management board; federal aid	PR−F	C	−0−	−0−
(q) Kickapoo reserve management board; general program operations	SEG	A	200,800	180,800
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SEGREGATED FUNDS			200,800	180,800
OTHER			(200,800)	(180,800)
TOTAL−ALL SOURCES			200,800	180,800
20.380 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			11,579,100	11,646,800
PROGRAM REVENUE			127,900	149,600
FEDERAL			(−0−)	(−0−)
OTHER			(127,900)	(149,600)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			243,300	223,300
OTHER			(243,300)	(223,300)
TOTAL−ALL SOURCES			11,950,300	12,019,700
20.395 Transportation, department of				
(1) AIDS				
(ar) Corrections of transportation aid payments	SEG	S	−0−	−0−
(as) Transportation aids to counties, state funds	SEG	A	74,694,300	78,744,300
(at) Transportation aids to municipalities, state funds	SEG	A	234,997,200	247,739,100

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(br)	Milwaukee urban area rail transit system planning study, state funds	SEG	A	−0−	−0−
(bs)	Demand management and ride−sharing grants, state funds	SEG	A	336,000	336,000
(bt)	Urban rail transit system grants	SEG	C	−0−	−0−
(bv)	Transit and demand management aids, local funds	SEG−L	C	−0−	−0−
(bx)	Transit and demand management aids, federal funds	SEG−F	C	11,700,000	12,400,000
(cq)	Elderly and disabled capital aids, state funds	SEG	A	797,800	797,800
(cr)	Elderly and disabled county aids, state funds	SEG	A	6,439,600	6,439,600
(cv)	Elderly and disabled aids, local funds	SEG−L	C	474,500	474,500
(cx)	Elderly and disabled aids, federal funds	SEG−F	C	1,100,000	1,100,000
(dq)	Tier I transit operating aids, state funds	SEG	A	33,319,300	−0−
(dr)	Tier II transit operating aids, state funds	SEG	A	8,413,900	−0−
(ds)	Tier III transit operating aids, state funds	SEG	A	1,688,300	−0−
(dt)	Tier IV transit operating aids, state funds	SEG	A	10,492,400	−0−
(du)	Tier V transit operating aids, state funds	SEG	A	3,290,000	−0−
(ex)	Highway safety, local assistance, federal funds	SEG−F	C	1,700,000	1,700,000
(fq)	Connecting highways aids, state funds	SEG	A	12,163,400	12,851,900
(fs)	Flood damage aids, state funds	SEG	S	600,000	600,000
(ft)	Lift bridge aids, state funds	SEG	B	1,060,000	1,350,000
(fu)	County forest road aids, state funds	SEG	A	303,300	303,300
(gq)	Expressway policing aids, state funds	SEG	A	900,800	900,800
(gr)	Transportation aids to professional baseball park districts, state funds	SEG	A	3,000,000	9,000,000
(hq)	Tier A transit operating aids, state funds	SEG	A	15,197,000	61,469,200
(hr)	Tier B transit operating aids, state funds	SEG	A	4,499,100	18,004,600
(hs)	Tier C transit operating aids, state funds	SEG	A	1,201,900	4,849,800
	(1) PROGRAM TOTALS				
	SEGREGATED FUNDS			428,368,800	459,060,900
	FEDERAL			(14,500,000)	(15,200,000)
	OTHER			(413,394,300)	(443,386,400)
	LOCAL			(474,500)	(474,500)
	TOTAL−ALL SOURCES			428,368,800	459,060,900
(2)	LOCAL TRANSPORTATION ASSISTANCE				
(aq)	Accelerated local bridge improvement assistance, state funds	SEG	C	17,280,000	−0−
(av)	Accelerated local bridge improvement assistance, local funds	SEG−L	C	5,760,000	−0−

Statute, Agency and Purpose		Source	Type	1997−98	1998−99
(ax)	Accelerated local bridge improvement assistance, federal funds	SEG−F	C	−0−	−0−
(bq)	Rail service assistance, state funds	SEG	C	688,200	688,200
(bu)	Freight rail infrastructure improvements, state funds	SEG	C	4,579,800	4,079,800
(bv)	Rail service assistance, local funds	SEG−L	C	500,000	500,000
(bw)	Freight rail assistance loan repayments, local funds	SEG−L	C	1,000,000	1,500,000
(bx)	Rail service assistance, federal funds	SEG−F	C	50,000	50,000
(cq)	Harbor assistance, state funds	SEG	C	580,800	580,800
(cr)	Rail passenger service, state funds	SEG	C	730,000	682,500
(cv)	Rail passenger service, local funds	SEG−L	C	−0−	−0−
(cx)	Rail passenger service; federal funds	SEG−F	C	2,920,000	2,730,000
(dq)	Aeronautics assistance, state funds	SEG	C	11,945,600	11,945,600
(dv)	Aeronautics assistance, local funds	SEG−L	C	6,985,200	6,985,200
(dx)	Aeronautics assistance, federal funds	SEG−F	C	20,000,000	20,000,000
(eq)	Highway and local bridge improvement assistance, state funds	SEG	C	8,461,500	8,461,500
(ev)	Local bridge improvement assistance, local funds	SEG−L	C	8,280,400	8,280,400
(ex)	Local bridge improvement assistance, federal funds	SEG−F	C	24,288,200	24,288,200
(fr)	Local roads improvement program, state funds	SEG	C	20,656,200	20,656,200
(fv)	Local transportation facility improvement assistance, local funds	SEG−L	C	33,928,200	33,928,200
(fx)	Local transportation facility improvement assistance, federal funds	SEG−F	C	50,038,000	50,038,000
(gq)	Railroad crossing improvement and protection maintenance, state funds	SEG	A	2,250,000	2,250,000
(gr)	Railroad crossing improvement and protection installation, state funds	SEG	C	450,000	450,000
(gs)	Railroad crossing repair assistance, state funds	SEG	C	210,000	250,000
(gv)	Railroad crossing improvement, local funds	SEG−L	C	−0−	−0−
(gx)	Railroad crossing improvement, federal funds	SEG−F	C	1,849,300	1,849,300
(hq)	Multimodal transportation studies, state funds	SEG	C	750,000	750,000
(hx)	Multimodal transportation studies, federal funds	SEG−F	C	−0−	−0−
(iq)	Transportation facilities economic assistance and development, state funds	SEG	C	3,500,000	3,500,000
(iv)	Transportation facilities economic assistance and development, local funds	SEG−L	C	3,500,000	3,500,000
(iw)	Transportation facility improvement loans, local funds	SEG−L	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(ix) Transportation facilities economic assistance & development, federal funds	SEG−F	C	−0−	−0−
(jq) Surface transportation grants, state funds	SEG	C	−0−	−0−
(jv) Surface transportation grants, local funds	SEG−L	C	680,000	680,000
(jx) Surface transportation grants, federal funds	SEG−F	C	2,720,000	2,720,000
(kv) Congestion mitigation and air quality improvement, local funds	SEG−L	C	1,347,400	1,394,900
(kx) Congestion mitigation and air quality improvement, federal funds	SEG−F	C	5,389,500	5,579,500
(nv) Transportation enhancement activities, local funds	SEG−L	C	937,500	937,500
(nx) Transporation enhancement activities, federal funds	SEG−F	C	3,750,000	3,750,000
(ph) Transportation infrastructure loans, gifts and grants	SEG	C	−0−	−0−
(pq) Transportation infrastructure loans, state funds	SEG	C	−0−	−0−
(pu) Transportation infrastructure loans, service funds	SEG−S	C	−0−	−0−
(pv) Transportation infrastructure loans, local funds	SEG−L	C	−0−	−0−
(px) Transportation infrastructure loans, federal funds	SEG−F	C	−0−	−0−
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			246,005,800	223,005,800
FEDERAL			(111,005,000)	(111,005,000)
OTHER			(72,082,100)	(54,294,600)
SERVICE			(−0−)	(−0−)
LOCAL			(62,918,700)	(57,706,200)
TOTAL−ALL SOURCES			246,005,800	223,005,800
(3) STATE HIGHWAY FACILITIES				
(bq) Major highway development, state funds	SEG	C	20,396,800	41,108,700
(br) Major highway development, service funds	SEG−S	C	110,535,300	110,535,300
(bv) Major highway development, local funds	SEG−L	C	−0−	−0−
(bx) Major highway development, federal funds	SEG−F	C	58,655,100	40,935,100
(cq) State highway rehabilitation, state funds	SEG	C	217,675,400	257,132,800
(cv) State highway rehabilitation, local funds	SEG−L	C	2,000,000	2,000,000
(cx) State highway rehabilitation, federal funds	SEG−F	C	232,944,700	202,964,700
(eq) Highway maintenance, repair and traffic operations, state funds	SEG	B	141,958,800	145,572,800

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
(ev)	Highway maintenance, repair and traffic operations, local funds	SEG−L	C	250,000	250,000	
(ex)	Highway maintenance, repair and traffic operations, federal funds	SEG−F	C	800,000	880,000	
(iq)	Administration and planning, state funds	SEG	A	18,266,400	18,266,400	
(ir)	Disadvantaged business mobilization assistance, state funds	SEG	C	−0−	−0−	
(iv)	Administration and planning, local funds	SEG−L	C	−0−	−0−	
(ix)	Administration and planning, federal funds	SEG−F	C	2,903,300	2,903,300	
(jq)	Replacement of damaged signs, state funds	SEG	C	−0−	−0−	**Vetoed In Part**
	(3) PROGRAM TOTALS					
	SEGREGATED FUNDS			806,385,800	822,549,100	
	FEDERAL			(295,303,100)	(247,683,100)	
	OTHER			(398,297,400)	(462,080,700)	
	SERVICE			(110,535,300)	(110,535,300)	
	LOCAL			(2,250,000)	(2,250,000)	
	TOTAL−ALL SOURCES			806,385,800	822,549,100	
(4)	General transportation operations					
(aq)	Departmental management and operations, state funds	SEG	A	44,173,500	44,127,500	
(ar)	Minor construction projects, state funds	SEG	C	−0−	−0−	
(as)	Information technology development projects	PR−S	A	−0−	−0−	
(at)	Capital building projects, service funds	SEG−S	C	2,785,400	2,785,400	
(av)	Departmental management and operations, local funds	SEG−L	C	369,000	369,000	
(ax)	Departmental management and operations, federal funds	SEG−F	C	7,756,200	7,760,400	
(bh)	Hazardous materials transportation fees	PR	B	77,100	77,100	
(ch)	Gifts and grants	SEG	C	−0−	−0−	
(dq)	Demand management	SEG	A	267,600	267,600	
(eq)	Data processing services, service funds	SEG−S	C	15,109,600	15,109,600	
(er)	Fleet operations, service funds	SEG−S	C	11,662,400	11,677,300	
(es)	Other department services, operations, service funds	SEG−S	C	1,022,100	1,022,100	
(et)	Equipment acquisition	SEG	A	−0−	−0−	
(ew)	Operating budget supplements, state funds	SEG	C	−0−	−0−	
	(4) PROGRAM TOTALS					
	PROGRAM REVENUE			77,100	77,100	
	OTHER			(77,100)	(77,100)	
	SERVICE			(−0−)	(−0−)	
	SEGREGATED FUNDS			83,145,800	83,118,900	
	FEDERAL			(7,756,200)	(7,760,400)	
	OTHER			(44,441,100)	(44,395,100)	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
SERVICE			(30,579,500)	(30,594,400)
LOCAL			(369,000)	(369,000)
TOTAL−ALL SOURCES			83,222,900	83,196,000
(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
(cg) Vehicle registration, telephone renewal transactions, state funds	PR	C	−0−	−0−
(ch) Repaired salvage vehicle examinations, state funds	PR	C	−0−	−0−
(ci) Breath screening instruments, state funds	PR	C	1,990,400	−0−
(cq) Vehicle reg., inspection & maintenance & driver licensing, state funds	SEG	A	60,101,400	60,900,500
(cx) Vehicle registration and driver licensing, federal funds	SEG−F	C	200,000	200,000
(dg) Escort, security and traffic enforcement services, state funds	PR	C	79,200	79,200
(dh) Traffic academy tuition payments, state funds	PR	C	170,700	170,700
(di) Chemical testing training and services, state funds	PR	A	444,200	888,300
(dk) Public safety radio management, service funds	PR−S	C	144,700	168,900
(dq) Vehicle inspection, traffic enforcement and radio management, state funds	SEG	A	39,489,900	39,639,400
(dx) Vehicle inspection and traffic enforcement, federal funds	SEG−F	C	2,085,700	2,085,700
(hq) Motor veh. emission insp. and maint. program, contractor costs, state funds	SEG	A	7,782,900	7,782,900
(hx) Motor vehicle emission inspection and maintenance programs, federal funds	SEG−F	C	1,700,000	2,052,600
(iv) Municipal and county registration fee, local funds	SEG−L	C	−0−	−0−
(jr) Pretrial intoxicated driver intervention grants, state funds	SEG	A	150,000	150,000
(qr) Sesquicentennial commemorative registration plates	SEG	S	−0−	−0−
(5) PROGRAM TOTALS				
PROGRAM REVENUE			2,829,200	1,307,100
OTHER			(2,684,500)	(1,138,200)
SERVICE			(144,700)	(168,900)
SEGREGATED FUNDS			111,509,900	112,811,100
FEDERAL			(3,985,700)	(4,338,300)
OTHER			(107,524,200)	(108,472,800)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			114,339,100	114,118,200
(6) DEBT SERVICES				
(aq) Principal repayment and interest, transportation facilities, state funds	SEG	S	6,386,600	6,422,000
(ar) Principal repayment and interest, buildings, state funds	SEG	S	604,900	477,900

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(as) Transportation facilities and highway projects revenue obligation repayment	SEG	C	−0−	−0−
(6) PROGRAM TOTALS				
SEGREGATED FUNDS			6,991,500	6,899,900
OTHER			(6,991,500)	(6,899,900)
TOTAL−ALL SOURCES			6,991,500	6,899,900
(9) GENERAL PROVISIONS				
(qh) Highways, bridges and local transportation assistance clearing account	SEG	C	−0−	−0−
(qj) Hwys., bridges & local transp. assist. clearing acct., fed. funded pos.	SEG−F	C	−0−	−0−
(9) PROGRAM TOTALS				
SEGREGATED FUNDS			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.395 DEPARTMENT TOTALS				
PROGRAM REVENUE			2,906,300	1,384,200
OTHER			(2,761,600)	(1,215,300)
SERVICE			(144,700)	(168,900)
SEGREGATED FUNDS			1,682,407,600	1,707,445,700
FEDERAL			(432,550,000)	(385,986,800)
OTHER			(1,042,730,600)	(1,119,529,500)
SERVICE			(141,114,800)	(141,129,700)
LOCAL			(66,012,200)	(60,799,700)
TOTAL−ALL SOURCES			1,685,313,900	1,708,829,900
Environmental Resources FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			196,841,500	198,236,000
PROGRAM REVENUE			42,891,600	41,137,000
FEDERAL			(15,039,800)	(14,709,600)
OTHER			(19,191,000)	(17,742,400)
SERVICE			(8,660,800)	(8,685,000)
SEGREGATED FUNDS			1,913,063,600	1,942,668,400
FEDERAL			(455,769,300)	(409,212,600)
OTHER			(1,248,353,300)	(1,329,710,100)
SERVICE			(142,928,800)	(142,946,000)
LOCAL			(66,012,200)	(60,799,700)
TOTAL−ALL SOURCES			2,152,796,700	2,182,041,400

Human Relations and Resources

20.410 Corrections, department of

(1)	ADULT CORRECTIONAL SERVICES				
(a)	General program operations	GPR	A	246,890,300	254,922,600
(aa)	Institutional repair and maintenance	GPR	A	2,806,000	2,900,400
(ab)	Corrections contracts and agreements	GPR	A	31,442,700	33,093,500
(b)	Services for community corrections	GPR	A	100,504,800	106,297,900
(bn)	Reimbursing counties for probation and parole holds	GPR	A	3,832,000	4,019,800

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(c)	Reimbursement claims of counties containing state prisons	GPR	S	146,100	146,100
(cm)	Home detention program	GPR	A	−0−	−0−
(cw)	Mother−young child care program	GPR	A	200,000	200,000
(d)	Purchased services for offenders	GPR	A	18,118,600	19,071,500
(e)	Principal repayment and interest	GPR	S	40,016,000	46,042,800
(ec)	Prison industries principal, interest and rebates	GPR	S	−0−	−0−
(ed)	Correctional facilities rental	GPR	A	−0−	−0−
(ef)	Lease rental payments	GPR	S	−0−	−0−
(f)	Energy costs	GPR	A	8,572,100	8,967,800
(fm)	Offender release information	GPR	B	−0−	−0−
(g)	Loan fund for persons on probation and parole	PR	A	6,000	6,000
(gb)	Drug testing	PR	C	38,900	38,900
(gc)	Sex offender honesty testing	PR	C	−0−	−0−
(ge)	Administrative and minimum supervision	PR	A	545,900	465,000
(gf)	Probation and parole	PR	A	4,023,900	4,038,800
(gg)	Supervision of defendants and offenders	PR	A	23,300	23,300
(gi)	General operations	PR	A	1,110,300	1,111,600
(gm)	Sale of fuel and utility service	PR	A	−0−	−0−
(gr)	Home detention services	PR	A	1,523,600	1,584,300
(gt)	Telephone company commissions	PR	A	272,800	272,800
(h)	Administration of restitution	PR	A	513,000	521,300
(hm)	Private business employment of inmates and residents	PR	A	3,425,600	3,425,600
(i)	Gifts and grants	PR	C	33,400	33,400
(j)	State−owned housing maintenance	PR	A	5,800	5,800
(jp)	Correctional officer training	PR	A	1,451,900	1,470,300
(kc)	Correctional institution enterprises; inmate activities and employment	PR−S	C	529,800	592,200
(kf)	Correctional farms	PR−S	A	2,351,800	2,393,800
(kk)	Institutional operations and charges	PR−S	A	9,812,800	9,866,300
(km)	Prison industries	PR−S	A	15,610,500	16,500,100
(ko)	Prison industries principal repayment, interest and rebates	PR−S	S	146,000	242,800
(kw)	Information technology development projects	PR−S	A	−0−	−0−
(kx)	Interagency and intra−agency programs	PR−S	C	902,100	2,715,500
(ky)	Interagency and intra−agency aids	PR−S	C	1,442,100	1,442,100
(kz)	Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m)	Federal project operations	PR−F	C	31,000	31,000
(n)	Federal program operations	PR−F	C	−0−	−0−
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			452,528,600	475,662,400
	PROGRAM REVENUE			43,800,500	46,780,900
	FEDERAL			(31,000)	(31,000)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99	
	OTHER			(12,974,400)	(12,997,100)	
	SERVICE			(30,795,100)	(33,752,800)	
	TOTAL−ALL SOURCES			496,329,100	522,443,300	
(2)	PAROLE COMMISSION					
(a)	General program operations	GPR	A	652,700	666,100	
(kx)	Interagency and intra−agency programs	PR−S	C	41,400	41,400	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			652,700	666,100	
	PROGRAM REVENUE			41,400	41,400	
	SERVICE			(41,400)	(41,400)	
	TOTAL−ALL SOURCES			694,100	707,500	
(3)	JUVENILE CORRECTIONAL SERVICES					
(a)	General program operations	GPR	A	1,355,400	1,384,400	
(c)	Reimbursement claims of counties containing secured correctional facilities	GPR	A	200,000	200,000	
(cd)	Community youth and family aids	GPR	S	80,850,400	79,734,500	**Vetoed In Part**
(cg)	Serious juvenile offenders	GPR	A	6,569,600	10,813,200	
(d)	Youth diversion	GPR	A	380,000	380,000	
(e)	Principal repayment and interest	GPR	S	2,851,500	3,174,000	
(f)	Community intervention program	GPR	A	3,750,000	3,750,000	
(hm)	Juvenile correctional services	PR	A	59,877,500	63,345,800	
(ho)	Juvenile residential aftercare	PR	A	5,279,600	5,355,700	
(hr)	Juvenile corrective sanctions program	PR	A	3,417,800	3,691,200	
(i)	Gifts and grants	PR	C	5,300	5,300	
(j)	State−owned housing maintenance	PR	A	30,500	30,500	
(jr)	Institutional operations and charges	PR	A	198,000	190,500	
(jv)	Secure detention services	PR	C	−0−	−0−	
(kj)	Youth diversion program	PR−S	B	645,000	645,000	
(ko)	Interagency programs; community youth and family aids	PR−S	C	2,449,200	2,449,200	
(kp)	Interagency programs; alcohol and other drug abuse	PR−S	C	300,000	300,000	
(kx)	Interagency and intra−agency programs	PR−S	C	1,244,800	1,263,900	
(ky)	Interagency and intra−agency aids	PR−S	C	−0−	−0−	
(kz)	Interagency and intra−agency local assistance	PR−S	C	−0−	−0−	
(m)	Federal project operations	PR−F	C	−0−	−0−	
(n)	Federal program operations	PR−F	C	−0−	−0−	
(o)	Federal aid; foster care and treatment foster care	PR−F	C	−0−	−0−	
(q)	Girls school benevolent trust fund	SEG	C	−0−	−0−	
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			95,956,900	99,436,100	
	PROGRAM REVENUE			73,447,700	77,277,100	
	FEDERAL			(−0−)	(−0−)	
	OTHER			(68,808,700)	(72,619,000)	
	SERVICE			(4,639,000)	(4,658,100)	
	SEGREGATED FUNDS			−0−	−0−	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99	
OTHER			(−0−)	(−0−)	
TOTAL−ALL SOURCES			169,404,600	176,713,200	
20.410 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			549,138,200	575,764,600	
PROGRAM REVENUE			117,289,600	124,099,400	
FEDERAL			(31,000)	(31,000)	
OTHER			(81,783,100)	(85,616,100)	
SERVICE			(35,475,500)	(38,452,300)	
SEGREGATED FUNDS			−0−	−0−	
OTHER			(−0−)	(−0−)	
TOTAL−ALL SOURCES			666,427,800	699,864,000	
20.425 Employment relations commission					
(1) PROMOTION OF PEACE IN LABOR RELATIONS					
(a) General program operations	GPR	A	2,559,300	2,559,300	
(g) Publications	PR	A	29,500	29,500	
(h) Collective bargaining training	PR	C	−0−	−0−	
(i) Fees	PR	A	328,000	328,000	
(ka) Information technology development projects	PR−S	A	−0−	−0−	
20.425 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			2,559,300	2,559,300	
PROGRAM REVENUE			357,500	357,500	
OTHER			(357,500)	(357,500)	
SERVICE			(−0−)	(−0−)	
TOTAL−ALL SOURCES			2,916,800	2,916,800	
20.432 Board on aging and long−term care					
(1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED					
(a) General program operations	GPR	A	576,000 553,200	729,500 638,000	**Vetoed In Part**
(i) Gifts and grants	PR	C	−0−	−0−	
(k) Contracts with state agencies	PR−S	A	168,600	172,400	
(kb) Insurance and other information, counseling and assistance	PR−S	A	177,400	180,400	
(kc) Information technology development projects	PR−S	A	−0−	−0−	
(m) Federal aid	PR−F	C	−0−	−0−	
20.432 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			576,000	729,500	
PROGRAM REVENUE			346,000	352,800	
FEDERAL			(−0−)	(−0−)	
OTHER			(−0−)	(−0−)	
SERVICE			(346,000)	(352,800)	
TOTAL−ALL SOURCES			922,000	1,082,300	
20.433 Child abuse and neglect prevention board					
(1) PREVENTION OF CHILD ABUSE AND NEGLECT					
(b) Early childhood family education center grants	GPR	A	−0−	−0−	
(g) General program operations	PR	A	279,300	283,900	
(h) Grants to organizations	PR	C	1,480,000	1,480,000	
(i) Gifts and grants	PR	C	−0−	−0−	
(k) Interagency programs	PR−S	C	−0−	−0−	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(m)	Federal project operations	PR−F	C	108,500	108,500
(ma)	Federal project aids	PR−F	C	350,000	350,000
(q)	Children's trust fund grants	SEG	C	−0−	−0−
(r)	Children's trust fund; general program operations and statewide projects	SEG	A	30,000	30,000
	20.433 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	PROGRAM REVENUE			2,217,800	2,222,400
	FEDERAL			(458,500)	(458,500)
	OTHER			(1,759,300)	(1,763,900)
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			30,000	30,000
	OTHER			(30,000)	(30,000)
	TOTAL−ALL SOURCES			2,247,800	2,252,400
20.434	**Adolescent pregnancy prevention and pregnancy services board**				
(1)	ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES				
(a)	General program operations	GPR	A	105,500	105,500
(b)	Grants to organizations	GPR	A	439,300	439,300
(ka)	Information technology development projects	PR−S	A	−0−	−0−
	20.434 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			544,800	544,800
	PROGRAM REVENUE			−0−	−0−
	SERVICE			(−0−)	(−0−)
	TOTAL−ALL SOURCES			544,800	544,800
20.435	**Health and family services, department of**				
(1)	HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE OPERATIONS				
(a)	General program operations	GPR	A	11,705,800	11,559,800
(bm)	Medical assistance administration	GPR	B	15,631,900	15,124,800
(cg)	Emergency medical services; general program operations	GPR	A	362,900	362,600
(gm)	Licensing, review and certifying activities	PR	A	4,851,400	4,927,400
(gr)	Supplemental food program for women, infants and children adminstration	PR	C	−0−	−0−
(hg)	General program operations: health care information	PR	A	1,359,600	1,359,600
(hi)	Compilations and special reports	PR	C	−0−	−0−
(i)	Gifts and grants	PR	C	261,300	213,900
(in)	Community options program; estate recovery administration	PR	A	65,400	66,400
(j)	Fees for services and supplies	PR	A	1,277,200	1,296,600
(jb)	Congenital disorders; operations	PR	A	16,200	16,200
(km)	Internal services	PR−S	A	1,874,000	1,898,800
(kx)	Interagency and intra−agency programs	PR−S	C	1,783,000	1,804,000
(m)	Federal project operations	PR−F	C	11,371,100	11,469,100
(mc)	Block grant operations	PR−F	C	6,013,600	6,104,100
(n)	Federal program operations	PR−F	C	28,833,600	22,279,200

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(p)	Federal aid; medical assistance contracts administration	PR−F	C	34,412,300	26,037,700
(q)	Groundwater and air quality standards	SEG	A	292,200	291,700
(u)	Health insurance risk−sharing plan; administration	SEG	A	47,300	94,600
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			27,700,600	27,047,200
	PROGRAM REVENUE			92,118,700	77,473,000
	FEDERAL			(80,630,600)	(65,890,100)
	OTHER			(7,831,100)	(7,880,100)
	SERVICE			(3,657,000)	(3,702,800)
	SEGREGATED FUNDS			339,500	386,300
	OTHER			(339,500)	(386,300)
	TOTAL−ALL SOURCES			120,158,800	104,906,500
(2)	CARE AND TREATMENT FACILITIES				
(a)	General program operations	GPR	A	36,340,100	36,824,600
(aa)	Institutional repair and maintenance	GPR	A	499,200	499,200
(b)	Wisconsin resource center	GPR	A	15,354,500	17,226,700
(bj)	Conditional and supervised release treatment and services	GPR	B	2,803,400	3,479,500
(bm)	Secure mental health units or facilities	GPR	A	6,815,400	8,535,400
(ee)	Principal repayment and interest	GPR	S	8,039,400	7,876,800
(ef)	Lease rental payments	GPR	S	−0−	−0−
(f)	Energy costs	GPR	A	1,982,400	2,004,700
(gk)	Institutional operations and charges	PR	A	149,516,900	153,831,300
(gs)	Sex offender honesty testing	PR	C	−0−	−0−
(i)	Gifts and grants	PR	C	123,400	123,400
(kx)	Interagency and intra−agency programs	PR−S	C	5,295,100	5,564,700
(ky)	Interagency and intra−agency aids	PR−S	C	−0−	−0−
(kz)	Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m)	Federal project operations	PR−F	C	−0−	−0−
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			71,834,400	76,446,900
	PROGRAM REVENUE			154,935,400	159,519,400
	FEDERAL			(−0−)	(−0−)
	OTHER			(149,640,300)	(153,954,700)
	SERVICE			(5,295,100)	(5,564,700)
	TOTAL−ALL SOURCES			226,769,800	235,966,300
(3)	CHILDREN AND FAMILY SERVICES				
(a)	General program operations	GPR	A	3,203,500	3,177,900
(cd)	Domestic abuse grants	GPR	A	4,325,500	5,070,200
(cf)	Foster, treatment foster and family−operated group home ins. & liability	GPR	A	60,000	60,000
(cw)	Milwaukee child welfare services; general program operations	GPR	A	9,317,800	9,534,300
(cx)	Milwaukee child welfare services; aids	GPR	A	1,192,600	14,360,300
(cz)	Foster care services, kinship care and aid to minor custodial parents	GPR	A	4,678,800	1,662,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(db)	Foster care assessments	GPR	A	187,000	112,800
(dd)	State foster care and adoption services	GPR	A	14,812,500	17,601,600
(dg)	State adoption information exchange and state adoption center	GPR	A	150,000	150,000
(dn)	Food distribution grants	GPR	A	170,000	170,000
(dr)	Community−based hunger prevention program grants	GPR	A	250,000	250,000
(eg)	Programs for adolescents and adolescent parents	GPR	A	1,482,100	1,482,100
(fm)	Community alcohol and other drug abuse prevention programs	GPR	A	250,000	250,000
(gx)	Milwaukee child welfare services; collections	PR	C	2,319,700	4,639,500
(hh)	Domestic abuse assessment grants	PR	C	300,000	300,000
(i)	Gifts and grants	PR	C	−0−	−0−
(jb)	Fees for administrative services	PR	C	−0−	−0−
(jj)	Searches for birth parents and adoption record information; foreign adopt	PR	A	57,700	58,700
(jm)	Licensing activities	PR	A	682,600	733,300
(kc)	Interagency and intra−agency aids; kinship care	PR−S	A	13,985,300	20,652,400
(kd)	Kinship care assessments	PR−S	A	1,735,100	1,464,000
(ke)	Tribal kinship care	PR−S	C	−0−	−0−
(kw)	Interagency and intra−agency aids; Milwaukee child welfare services	PR−S	C	31,280,700	62,561,400
(kx)	Interagency and intra−agency programs	PR−S	C	1,841,200	1,877,800
(ky)	Interagency and intra−agency aids	PR−S	C	90,000	90,000
(kz)	Interagency and intra−agency local assistance	PR−S	C	1,090,000	1,090,000
(m)	Federal project operations	PR−F	C	285,400	291,500
(ma)	Federal project aids	PR−F	C	1,593,300	1,593,300
(mb)	Federal project local assistance	PR−F	C	−0−	−0−
(mc)	Federal block grant operations	PR−F	C	3,853,500	3,852,300
(md)	Federal block grant aids	PR−F	C	6,490,300	6,142,700
(mw)	Federal aid; Milwaukee child welfare services general program operations	PR−F	C	10,707,500	5,955,100
(mx)	Federal aid; Milwaukee child welfare services aids	PR−F	C	2,065,400	6,157,600
(n)	Federal program operations	PR−F	C	4,436,300	4,414,000
(na)	Federal program aids	PR−F	C	2,915,100	2,917,800
(nL)	Federal program local assistance	PR−F	C	7,280,100	7,110,700
(o)	Community aids; prevention activities	PR−F	A	2,710,100	2,710,100
(pd)	Federal aid; state foster care and adoption services	PR−F	C	13,951,000	16,655,900
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			40,079,800	53,881,200
	PROGRAM REVENUE			109,670,300	151,268,100
	FEDERAL			(56,288,000)	(57,801,000)
	OTHER			(3,360,000)	(5,731,500)

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
	SERVICE			(50,022,300)	(87,735,600)	
	TOTAL−ALL SOURCES			149,750,100	205,149,300	
(5)	HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; AIDS & LOCAL ASSISTANCE					
(af)	Health insurance risk−sharing plan; costs	GPR	A	6,000,000	11,900,000	
(ah)	HIRSP; premium and deductible reduction subsidy	GPR	B	435,600	780,800	
(am)	Services, reimburse & payment related to acquired immunodeficiency syndrome	GPR	A	3,669,600	4,332,500	
(b)	Medical assistance program benefits	GPR	B	912,713,800 910,023,200	938,104,500 929,612,900	**Vetoed In Part**
(bc)	Health care for low−income families	GPR	C	−0−	−0−	
(bs)	Relief block grants to tribal governing bodies	GPR	A	800,000	800,000	
(bt)	Relief block grants to counties with a population of 500,000 or more	GPR	A	−0−	−0−	
(bu)	Relief block grants to counties with a population of less than 500,000	GPR	A	2,000,000	2,000,000	
(cb)	Women's health services	GPR	A	−0−	−0−	
(cc)	Cancer treatment, training, follow−up, control and prevention	GPR	A	982,800	982,800	
(ce)	Services for homeless individuals	GPR	C	125,000	125,000	
(ch)	Emergency medical services; aids	GPR	A	2,200,000	2,200,000	
(cm)	Immunization	GPR	S	−0−	−0−	
(d)	Facility appeals mechanism	GPR	A	546,800	546,800	
(de)	Dental services	GPR	A	2,860,500	2,860,500	
(dg)	Tobacco prevention and education program	GPR	A	1,000,000	1,000,000	
(ds)	Statewide poison control program	GPR	A	375,000	375,000	
(e)	Disease aids	GPR	B	4,598,700	4,952,100	
(ed)	Radon aids	GPR	A	30,000	30,000	
(ef)	Lead poisoning or lead exposure services	GPR	A	1,004,100	1,004,100	
(eg)	Pregnancy counseling	GPR	A	275,000	275,000	
(ek)	Cooperative American Indian health projects	GPR	A	120,000	120,000	
(em)	Supplemental food program for women, infants and children benefits	GPR	C	149,200	149,200	
(ev)	Pregnancy outreach and infant health	GPR	A	350,000	350,000	
(f)	Family planning	GPR	A	1,955,200	1,955,200	
(gh)	Health insurance risk−sharing plan; premium reduction	PR	C	−0−	−0−	
(gp)	Health care; aids	PR	C	1,650,000	1,500,000	**Vetoed In Part**
(i)	Gifts and grants; aids	PR	C	−0−	−0−	
(im)	Medical assistance; recovery of correct payments	PR	C	13,654,900	14,502,700	
(ja)	Congenital disorders; diagnosis, special dietary treatment and counseling	PR	A	1,456,400	1,456,400	
(jz)	Badger care premiums	PR	C	−0−	−0−	

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
(kp)	Supplemental primary health care program	PR−S	A	−0−	−0−	**Vetoed In Part**
(ky)	Interagency and intra−agency aids	PR−S	C	517,000	517,000	
(kz)	Interagency and intra−agency local assistance	PR−S	C	234,100	234,100	
(ma)	Federal project aids	PR−F	C	3,614,100	3,614,100	
(md)	Block grant aids	PR−F	C	9,174,000	9,174,000	
(na)	Federal program aids	PR−F	C	63,891,700	63,891,700	
(o)	Federal aid; medical assistance	PR−F	C	1,584,052,800	1,637,758,200	
(p)	Federal aid; health care for low−income families	PR−F	C	−0−	38,475,800	
	(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			942,191,300	974,843,500	
	PROGRAM REVENUE			1,678,245,000	1,771,124,000	
	FEDERAL			(1,660,732,600)	(1,752,913,800)	
	OTHER			(16,761,300)	(17,459,100)	
	SERVICE			(751,100)	(751,100)	
	TOTAL−ALL SOURCES			2,620,436,300	2,745,967,500	
(6)	Supportive living; state operations					
(a)	General program operations	GPR	A	13,047,400	13,434,600	
(d)	Council on physical disabilities	GPR	A	9,500	9,500	
(dm)	Nursing home monitoring and receivership supplement	GPR	S	−0−	−0−	
(e)	Principal repayment and interest	GPR	S	34,200	33,100	
(ee)	Admin. exp. for state suppl to federal supplemental security income program	GPR	A	1,245,600	1,214,800	
(g)	Nursing facility resident protection	PR	A	−0−	−0−	
(ga)	Community−based residential facility monitoring and receivership ops	PR	C	−0−	−0−	
(gb)	Alcohol and drug abuse initiatives	PR	A	888,500	649,000	**Vetoed In Part**
(gd)	Group home revolving loan fund	PR	A	100,000	100,000	
(gg)	Contractural services	PR	C	19,200	19,500	
(hs)	Interpreter services for hearing impaired	PR	A	40,000	40,000	
(hx)	Services related to drivers, receipts	PR	A	−0−	−0−	
(i)	Gifts and grants	PR	C	451,400	427,000	
(jb)	Fees for administrative services	PR	C	156,400	156,400	
(jm)	Licensing and support services	PR	A	2,359,000	2,456,600	
(k)	Nursing home monitoring and receivership operations	PR−S	C	−0−	−0−	
(kx)	Interagency and intra−agency programs	PR−S	C	1,512,200	1,532,900	
(m)	Federal project operations	PR−F	C	5,662,700	5,656,200	
(mc)	Federal block grant operations	PR−F	C	1,754,500	1,715,500	
(n)	Federal program operations	PR−F	C	13,481,500	13,844,400	
	(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			14,336,700	14,692,000	
	PROGRAM REVENUE			26,425,400	26,597,500	
	FEDERAL			(20,898,700)	(21,216,100)	
	OTHER			(4,014,500)	(3,848,500)	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99	
	SERVICE			(1,512,200)	(1,532,900)	
	TOTAL−ALL SOURCES			40,762,100	41,289,500	
(7)	SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE					
(b)	Community aids	GPR	A	174,793,300	175,393,200	
(bc)	Grants for community programs	GPR	A	2,951,000	2,504,800	
(bd)	Community options program and long−term support pilot projects	GPR	A	84,833,800	90,152,900	
(be)	Mental health treatment services	GPR	A	11,861,000	11,861,000	
(bg)	Alzheimer's disease; training and information grants	GPR	A	132,700	132,700	
(bL)	Community support program grants	GPR	A	186,900	186,900	
(bm)	Purchased services for clients	GPR	A	163,900	163,900	
(bt)	Early intervention services for infants and toddlers with disabilities	GPR	A	4,759,200	4,759,200	
(c)	Independent living centers	GPR	A	1,130,200	1,221,000	
(ce)	Services for homeless individuals	GPR	A	45,000	45,000	
(cg)	Guardianship grant program	GPR	A	193,600	193,600	
(co)	Integrated services programs for children with severe disabilities	GPR	A	133,300	133,300	
(cp)	Capacity building for treatment programs	GPR	A	−0−	−0−	
(d)	Telecommunication aid for the hearing impaired	GPR	A	80,000	80,000	
(da)	Reimbursements to local units of government	GPR	S	400,000	400,000	
(dh)	Programs for senior citizens and elder abuse services	GPR	A	7,680,200	7,680,200	
(dj)	Benefit specialist program	GPR	A	2,516,500 2,480,900	2,516,500 2,480,900	**Vetoed In Part**
(dL)	Indian aids	GPR	A	271,600	271,600	
(dm)	Indian drug abuse prevention and education	GPR	A	500,000	500,000	
(ed)	State supplement to federal supplemental security income program	GPR	S	128,281,600	128,281,600	
(gg)	Collection remittances to local units of government	PR	C	100,000	100,000	
(hy)	Services for drivers, local assistance	PR	A	1,150,000	1,150,000	
(i)	Gifts and grants; local assistance	PR	C	−0−	−0−	
(im)	Community options program; recovery of costs of care	PR	C	10,000	15,000	
(kb)	Severely emotionally disturbed children	PR	C	6,285,900	6,285,900	
(kc)	Independent living center grants	PR−S	A	300,000	300,000	
(kd)	Rehabilitation teaching aids	PR−S	C	22,700	22,700	
(kg)	Compulsive gambling awareness campaigns	PR−S	A	100,000	100,000	**Vetoed In Part**
(kw)	Interagency community aids	PR−S	A	32,050,000	31,800,000	
(ky)	Interagency and intra−agency aids	PR−S	C	2,082,200	970,300	
(kz)	Interagency and intra−agency local assistance	PR−S	C	2,500,900	2,500,900	
(ma)	Federal project aids	PR−F	C	12,471,500	12,471,500	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(mb)	Federal project local assistance	PR−F	C	6,521,400	6,387,800
(md)	Federal block grant aids	PR−F	C	4,989,000	5,728,000
(me)	Federal block grant local assistance	PR−F	C	2,947,400	2,947,400
(na)	Federal program aids	PR−F	C	22,687,700	22,687,700
(nL)	Federal program local assistance	PR−F	C	5,553,800	5,553,800
(o)	Federal aid; community aids	PR−F	C	94,373,000	92,829,300
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			420,913,800	426,477,400
	PROGRAM REVENUE			194,145,500	191,850,300
	FEDERAL			(149,543,800)	(148,605,500)
	OTHER			(7,545,900)	(7,550,900)
	SERVICE			(37,055,800)	(35,693,900)
	TOTAL−ALL SOURCES			615,059,300	618,327,700
(8)	GENERAL ADMINISTRATION				
(a)	General program operations	GPR	A	12,318,200	12,367,800
(g)	Legal services collections	PR	C	12,200	12,200
(i)	Gifts and grants	PR	C	500	500
(k)	Administrative and support services	PR−S	A	28,503,700	25,028,000
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(kx)	Interagency and intra−agency programs	PR−S	C	61,600	110,600
(ky)	Interagency and intra−agency aids	PR−S	C	−0−	−0−
(kz)	Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m)	Federal project operations	PR−F	C	7,000	7,000
(ma)	Federal project aids	PR−F	C	−0−	−0−
(mb)	Income augmentation services receipts	PR−F	C	−0−	−0−
(mc)	Federal block grant operations	PR−F	C	1,366,200	1,393,600
(n)	Federal program operations	PR−F	C	515,600	520,500
(pz)	Indirect cost reimbursements	PR−F	C	2,021,900	2,044,400
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			12,318,200	12,367,800
	PROGRAM REVENUE			32,488,700	29,116,800
	FEDERAL			(3,910,700)	(3,965,500)
	OTHER			(12,700)	(12,700)
	SERVICE			(28,565,300)	(25,138,600)
	TOTAL−ALL SOURCES			44,806,900	41,484,600
	20.435 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,529,374,800	1,585,756,000
	PROGRAM REVENUE			2,288,029,000	2,406,949,100
	FEDERAL			(1,972,004,400)	(2,050,392,000)
	OTHER			(189,165,800)	(196,437,500)
	SERVICE			(126,858,800)	(160,119,600)
	SEGREGATED FUNDS			339,500	386,300
	OTHER			(339,500)	(386,300)
	TOTAL−ALL SOURCES			3,817,743,300	3,993,091,400
20.440	**Health and educational facilities authority**				
(1)	CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
(a)	General program operations	GPR	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	TOTAL−ALL SOURCES			−0−	−0−
(2)	RURAL HOSPITAL LOAN GUARANTEE				
(a)	Rural assistance loan fund	GPR	C	−0−	−0−
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	TOTAL−ALL SOURCES			−0−	−0−
	20.440 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	TOTAL−ALL SOURCES			−0−	−0−
20.445	**Workforce development, department of**				
(1)	WORKFORCE DEVELOPMENT				
(a)	General program operations	GPR	A	6,663,600	6,678,900
(aa)	Special death benefit	GPR	S	400,000	400,000
(bc)	Assistance for dislocated workers	GPR	A	−0−	−0−
(cm)	Wisconsin service corps member compensation and support	GPR	C	94,300	94,300
(em)	Youth apprenticeship training grants	GPR	A	690,000	1,150,000
(ev)	Division of connecting education and work	GPR	A	645,600	679,400
(f)	Death and disability benefit payments; public insurrections	GPR	S	−0−	−0−
(fg)	Employment transit aids, state funds	GPR	A	579,100	579,100
(g)	Gifts and grants	PR	C	−0−	−0−
(ga)	Auxiliary services	PR	C	649,500	649,600
(gb)	Local agreements	PR	C	6,509,700	6,294,400
(gc)	Unemployment administration	PR	C	−0−	−0−
(gd)	Unemployment interest and penalty payments	PR	C	846,000	546,000
(ge)	Unemployment reserve fund research	PR	A	282,300	282,700
(gf)	Employment security administration	PR	A	1,518,700	1,563,000
(ha)	Worker's compensation operations	PR	A	8,454,500	8,464,100
(hb)	Worker's compensation contracts	PR	C	211,000	211,000
(hp)	Uninsured employers program; administration	PR	A	866,300	867,300
(jm)	Dislocated worker program grants	PR	C	−0−	−0−
(jr)	Wisconsin service corps member compensation & support; sponsor contribution	PR	C	−0−	−0−
(ka)	Interagency and intra−agency agreements	PR−S	C	11,481,300	11,095,300
(kb)	Funds transferred from the technical college system board; school−to−work	PR−S	C	104,400	139,100
(kc)	Administrative services	PR−S	A	27,744,600	27,637,300
(kd)	Information technology development projects	PR−S	A	−0−	−0−
(km)	Wisconsin service corps member compensation and support; service funds	PR−S	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(kr)	Employment transit aids, federal oil overcharge funds	PR−F	C	−0−	−0−
(L)	Fees	PR	C	86,200	86,400
(m)	Federal funds	PR−F	C	7,309,300	7,311,900
(ma)	Federal aid — program administration	PR−F	C	5,502,200	5,508,000
(mb)	Federal aid — employment and training local assistance	PR−F	C	2,500,000	2,500,000
(mc)	Federal aid — employment and training aids	PR−F	C	33,292,800	33,292,800
(n)	Unemployment administration; federal moneys	PR−F	C	69,037,200	69,026,000
(na)	Employment security buildings and equipment	PR−F	C	53,100	−0−
(ox)	Employment transit aids, federal funds	PR−F	C	−0−	−0−
(pz)	Indirect cost reimbursements	PR−F	C	234,000	234,000
(s)	Self−insured employers liability fund	SEG	C	−0−	−0−
(sm)	Uninsured employers fund; payments	SEG	S	1,050,000	1,200,000
(t)	Work injury supplemental benefit fund	SEG	C	2,500,000	2,500,000
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,072,600	9,581,700
	PROGRAM REVENUE			176,683,100	175,708,900
	FEDERAL			(117,928,600)	(117,872,700)
	OTHER			(19,424,200)	(18,964,500)
	SERVICE			(39,330,300)	(38,871,700)
	SEGREGATED FUNDS			3,550,000	3,700,000
	OTHER			(3,550,000)	(3,700,000)
	TOTAL−ALL SOURCES			189,305,700	188,990,600
(2)	REVIEW COMMISSION				
(a)	General program operations, review commission	GPR	A	168,600	168,900
(ha)	Worker's compensation operations	PR	A	531,500	532,300
(m)	Federal moneys	PR−F	C	109,900	110,200
(n)	Unemployment administration; federal moneys	PR−F	C	1,479,900	1,483,400
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			168,600	168,900
	PROGRAM REVENUE			2,121,300	2,125,900
	FEDERAL			(1,589,800)	(1,593,600)
	OTHER			(531,500)	(532,300)
	TOTAL−ALL SOURCES			2,289,900	2,294,800
(3)	ECONOMIC SUPPORT				
(a)	General program operations	GPR	A	27,414,600	21,857,800
(br)	Public assistance reform studies	GPR	C	525,300	525,300
(cb)	Child support collections; county administration	GPR	A	1,840,100	1,840,100
(cm)	Wisconsin works child care	GPR	A	26,344,300	27,554,300
(cr)	State supplement to employment opportunity demonstration projects	GPR	A	250,000	250,000
(dc)	Emergency assistance program	GPR	A	1,659,700	1,659,700

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(dz)	Wisconsin works and other public assistance administration and benefits	GPR	A	148,190,500	149,701,000
(e)	Job access loans	GPR	B	3,645,600	866,800
(em)	Employment skills advancement program	GPR	A	291,700	350,000
(g)	Child support collections	PR	C	49,538,600	49,390,200
(i)	Gifts and grants	PR	C	15,900	15,900
(ja)	Child support state operations−fees	PR	C	327,200	1,077,600
(jb)	Fees for administrative services	PR	C	481,600	481,600
(jg)	State child care program operations	PR	C	75,000	75,000
(jL)	Job access loan repayments	PR	C	414,400	1,469,800
(jm)	Wisconsin works fees	PR	A	−0−	−0−
(k)	Child support transfers	PR	C	−0−	−0−
(kp)	Delinquent support and maintenace payments	PR−S	C	−0−	−0−
(kx)	Interagency and intra−agency programs	PR−S	C	869,000	869,100
(ky)	Interagency and intra−agency aids	PR−S	C	3,110,600	3,110,600
(kz)	Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(L)	Welfare fraud and error reductions; state operations	PR	A	894,900	895,900
(Lm)	Welfare fraud and error reduction; local assistance	PR	C	1,469,800	1,469,800
(m)	Federal project operations	PR−F	C	81,100	81,200
(ma)	Federal project aids	PR−F	C	61,000	61,000
(mb)	Federal project local assistance	PR−F	C	−0−	−0−
(mc)	Federal block grant operations	PR−F	C	63,093,000	57,511,800
(md)	Federal block grant aids	PR−F	C	360,540,300	328,549,900
(n)	Federal program operations	PR−F	C	44,922,100	41,406,100
(na)	Federal program aids	PR−F	C	5,000,000	5,000,000
(nL)	Federal program local assistance	PR−F	C	71,205,400	71,205,400
(pm)	Food stamp employment and training program; administration	PR−F	C	349,100	360,400
(ps)	Food stamp employment and training program; aids	PR−F	C	17,447,300	17,436,000
(pz)	Income augmentation services receipts	PR−F	C	−0−	−0−
(q)	Centralized support receipt and disbursement; interest	SEG	S	−0−	112,500
(r)	Support receipt and disbursement program; payments	SEG	C	−0−	−0−
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			210,161,800	204,605,000
	PROGRAM REVENUE			619,896,300	580,467,300
	FEDERAL			(562,699,300)	(521,611,800)
	OTHER			(53,217,400)	(54,875,800)
	SERVICE			(3,979,600)	(3,979,700)
	SEGREGATED FUNDS			−0−	112,500
	OTHER			(−0−)	(112,500)
	TOTAL−ALL SOURCES			830,058,100	785,184,800
(4)	ADJUDICATION OF CLAIMS				

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(a)	Administration of mining damage claims	GPR	A	−0−	−0−
(b)	Funding for mining damage claims	GPR	S	−0−	−0−
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	TOTAL−ALL SOURCES			−0−	−0−
(5)	VOCATIONAL REHABILITATION SERVICES				
(a)	General program operations	GPR	A	5,053,800	5,066,500
(bm)	Purchased services for clients	GPR	A	5,354,500	5,354,500
(gg)	Contractual services	PR	C	32,200	32,200
(gp)	Contractual services aids	PR	C	2,162,000	2,162,000
(h)	Enterprises and services for blind and visually impaired	PR	C	127,700	127,800
(hd)	Rehabilitation teaching aids	PR	A	22,700	22,700
(he)	Supervised business enterprise	PR	C	188,100	188,100
(i)	Gifts and grants	PR	C	10,100	10,100
(kx)	Interagency and intra−agency programs	PR−S	C	169,900	170,300
(ky)	Interagency and intra−agency aids	PR−S	C	60,000	60,000
(kz)	Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m)	Federal project operations	PR−F	C	494,000	494,100
(ma)	Federal project aids	PR−F	C	660,600	660,600
(n)	Federal program operations	PR−F	C	19,695,700	19,833,100
(na)	Federal program aids	PR−F	C	28,834,300	28,834,300
(nL)	Federal program local assistance	PR−F	C	−0−	−0−
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			10,408,300	10,421,000
	PROGRAM REVENUE			52,457,300	52,595,300
	FEDERAL			(49,684,600)	(49,822,100)
	OTHER			(2,542,800)	(2,542,900)
	SERVICE			(229,900)	(230,300)
	TOTAL−ALL SOURCES			62,865,600	63,016,300
(6)	WISCONSIN CONSERVATION CORPS				
(b)	General enrollee operations	GPR	B	1,082,700	1,268,300
(bm)	General enrollee operations supplement	GPR	B	281,100	281,100
(c)	Administrative support; general program operations	GPR	A	228,300	228,700
(j)	General enrollee operations; sponsor contribution	PR	C	10,000	10,000
(ja)	Administrative support; sponsor contribution	PR	C	−0−	−0−
(jb)	Gifts and related support	PR	C	−0−	−0−
(k)	General enrollee operations; service funds	PR−S	C	587,600	587,600
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(kb)	Administrative support; service funds	PR−S	C	38,900	39,000
(m)	General enrollee operations; federal funds	PR−F	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99	
(n)	Administrative support; federal funds	PR−F	C	−0−	−0−	
(u)	General enrollee operations; conservation fund	SEG	B	2,553,200	2,567,800	
(w)	General enrollee operations; environmental fund	SEG	B	76,700	76,700	
(x)	General enrollee operations; waterfront projects; conservation fund	SEG	B	141,700	141,700	
(y)	Administrative support; conservation fund	SEG	A	449,300	451,100	
	(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,592,100	1,778,100	
	PROGRAM REVENUE			636,500	636,600	
	FEDERAL			(−0−)	(−0−)	
	OTHER			(10,000)	(10,000)	
	SERVICE			(626,500)	(626,600)	
	SEGREGATED FUNDS			3,220,900	3,237,300	
	OTHER			(3,220,900)	(3,237,300)	
	TOTAL−ALL SOURCES			5,449,500	5,652,000	
	20.445 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			231,403,400	226,554,700	
	PROGRAM REVENUE			851,794,500	811,534,000	
	FEDERAL			(731,902,300)	(690,900,200)	
	OTHER			(75,725,900)	(76,925,500)	
	SERVICE			(44,166,300)	(43,708,300)	
	SEGREGATED FUNDS			6,770,900	7,049,800	
	OTHER			(6,770,900)	(7,049,800)	
	TOTAL−ALL SOURCES			1,089,968,800	1,045,138,500	
20.455	**Justice, department of**					
(1)	LEGAL SERVICES					
(a)	General program operations	GPR	A	11,692,400 11,642,600	11,828,900 11,769,900	**Vetoed In Part**
(b)	Special counsel	GPR	S	1,100,000	1,100,000	
(d)	Legal expenses	GPR	B	927,200 919,700	938,000 928,000	**Vetoed In Part**
(gh)	Investigations and prosecution	PR	A	−0−	−0−	
(gs)	Delinquent obligation collection	PR	A	100,200	100,200	
(hm)	Restitution	PR	C	−0−	−0−	
(k)	Environment litigation project	PR−S	C	294,900	294,900	
(km)	Interagency and intra−agency assistance	PR−S	A	387,400	387,400	
(kt)	Telecommunications positions	PR	C	113,200	113,200	
(m)	Federal aid	PR−F	C	795,500	810,900	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			13,719,600	13,866,900	
	PROGRAM REVENUE			1,691,200	1,706,600	
	FEDERAL			(795,500)	(810,900)	
	OTHER			(213,400)	(213,400)	
	SERVICE			(682,300)	(682,300)	
	TOTAL−ALL SOURCES			15,410,800	15,573,500	
(2)	LAW ENFORCEMENT SERVICES					

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(a)	General program operations	GPR	A	12,024,000	12,024,000
(am)	Officer training reimbursement	GPR	S	125,000	125,000
(b)	Investigations and operations	GPR	A	−0−	−0−
(c)	Crime laboratory equipment	GPR	B	−0−	−0−
(cm)	Computers for transaction information for management of enforcement system	GPR	A	1,048,500	1,048,500
(d)	County−tribal law enforcement programs	GPR	A	60,000	60,000
(dg)	Weed and seed and law enforcement technology	GPR	A	500,000	500,000
(dq)	Law enforcement community policing grants	GPR	B	−0−	−0−
(e)	Drug enforcement	GPR	A	360,400	−0−
(g)	Gaming law enforcement; racing revenues	PR	A	96,900	98,300
(gc)	Gaming law enforcement; Indian gaming	PR	A	76,100	77,800
(gm)	Criminal history searches; fingerprint identification	PR	C	1,782,000	2,156,800
(gr)	Gun purchaser record checks	PR	C	326,800	326,800
(h)	Terminal charges	PR	A	2,529,800	2,529,800
(hm)	County−tribal programs, surcharge receipts	PR	A	−0−	−0−
(hn)	County−tribal programs, local assistance	PR	A	547,200	547,200
(ho)	County−tribal programs, state operations	PR	A	48,000	48,000
(i)	Penalty assessment surcharge, receipts	PR	A	−0−	−0−
(j)	Law enforcement training fund, local assistance	PR	A	3,465,000	3,420,100
(ja)	Law enforcement training fund, state operations	PR	A	2,268,100	2,290,100
(jb)	Crime laboratory equipment and supplies	PR	B	377,300	377,300
(k)	Interagency and intra−agency assistance; investigations	PR−S	C	1,752,300	1,719,200
(kd)	Drug law enforcement and crime laboratories	PR	A	212,500	1,840,300
(kg)	Interagency and intra−agency assistance; fingerprint identification	PR−S	A	850,300	850,300
(Lm)	Crime laboratories; deoxyribonucleic acid analysis	PR	C	398,200	463,400
(m)	Federal aid, state operations	PR−F	C	74,500	74,500
(ma)	Federal aid, drug enforcement	PR−F	C	1,076,400	−0−
(n)	Federal aid, local assistance	PR−F	C	−0−	−0−
(r)	Gaming law enforcement; lottery revenues	SEG	A	225,800	229,600
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			14,117,900	13,757,500
	PROGRAM REVENUE			15,881,400	16,819,900

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
FEDERAL			(1,150,900)	(74,500)
OTHER			(12,127,900)	(14,175,900)
SERVICE			(2,602,600)	(2,569,500)
SEGREGATED FUNDS			225,800	229,600
OTHER			(225,800)	(229,600)
TOTAL−ALL SOURCES			30,225,100	30,807,000
(3) ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	3,650,200	3,650,200
(g) Gifts, grants and proceeds	PR	C	−0−	−0−
(k) Interagency and intra−agency assistance	PR−S	A	−0−	−0−
(ka) Information technology development projects	PR−S	A	−0−	−0−
(m) Federal aid, state operations	PR−F	C	−0−	−0−
(pz) Indirect cost reimbursements	PR−F	C	76,100	76,100
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,650,200	3,650,200
PROGRAM REVENUE			76,100	76,100
FEDERAL			(76,100)	(76,100)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			3,726,300	3,726,300
(5) VICTIMS AND WITNESSES				
(a) General program operations	GPR	A	807,000	810,000
(b) Awards for victims of crimes	GPR	A	1,324,200	1,324,200
(c) Reimbursement for victim and witness services	GPR	A	1,497,100	1,497,100
(g) Crime victim and witness assistance surcharge, general services	PR	A	2,342,200	2,257,400
(gc) Crime victim and witness surcharge, sexual assault victim services	PR	C	1,000,000	1,000,000
(h) Crime victim compensation services	PR	A	39,300	39,300
(i) Victim compensation, inmate payments	PR	C	−0−	−0−
(k) Interagency and intra−agency assistance	PR−S	A	954,300	954,300
(kj) Victim payments, victim surcharge	PR−S	A	488,800	488,800
(m) Federal aid; victim compensation	PR−F	C	643,900	643,900
(mh) Federal aid; victim assistance	PR−F	C	2,433,000	2,433,000
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,628,300	3,631,300
PROGRAM REVENUE			7,901,500	7,816,700
FEDERAL			(3,076,900)	(3,076,900)
OTHER			(3,381,500)	(3,296,700)
SERVICE			(1,443,100)	(1,443,100)
TOTAL−ALL SOURCES			11,529,800	11,448,000
20.455 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			35,116,000	34,905,900
PROGRAM REVENUE			25,550,200	26,419,300
FEDERAL			(5,099,400)	(4,038,400)
OTHER			(15,722,800)	(17,686,000)

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	SERVICE			(4,728,000)	(4,694,900)
	SEGREGATED FUNDS			225,800	229,600
	OTHER			(225,800)	(229,600)
	TOTAL−ALL SOURCES			60,892,000	61,554,800
20.465	**Military affairs, department of**				
(1)	NATIONAL GUARD OPERATIONS				
(a)	General program operations	GPR	A	4,611,600	4,630,400
(b)	Repair and maintenance	GPR	A	644,800	644,800
(c)	Public emergencies	GPR	S	48,500	48,500
(d)	Principal repayment and interest	GPR	S	2,493,400	2,524,800
(e)	State service flags	GPR	A	400	400
(f)	Energy costs	GPR	A	1,494,100	1,537,500
(g)	Military property	PR	A	377,700	445,000
(h)	Intergovernmental services	PR	A	186,300	186,300
(k)	Armory store operations	PR−S	A	202,400	202,400
(km)	Agency services	PR−S	A	68,200	68,200
(kn)	Information technology development projects; national guard	PR−S	A	−0−	−0−
(Li)	Gifts and grants	PR	C	−0−	−0−
(m)	Federal aid	PR−F	C	12,172,300	12,924,100
(pz)	Indirect cost reimbursements	PR−F	C	135,400	135,400
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,292,800	9,386,400
	PROGRAM REVENUE			13,142,300	13,961,400
	FEDERAL			(12,307,700)	(13,059,500)
	OTHER			(564,000)	(631,300)
	SERVICE			(270,600)	(270,600)
	TOTAL−ALL SOURCES			22,435,100	23,347,800
(2)	GUARD MEMBERS' BENEFITS				
(a)	Tuition grants	GPR	A	3,194,000	3,589,400
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,194,000	3,589,400
	TOTAL−ALL SOURCES			3,194,000	3,589,400
(3)	EMERGENCY MANAGEMENT SERVICES				
(a)	General program operations	GPR	A	514,600	514,600
(dd)	Regional emergency response teams	GPR	A	1,400,000	1,400,000
(dh)	Hazardous substance emergency response; administration	GPR	A	79,600	79,600
(dp)	Emergency response equipment	GPR	A	568,000	568,000
(dr)	Emergency response supplement	GPR	C	−0−	−0−
(dt)	Emergency response training	GPR	B	75,500	75,500
(e)	Disaster recovery aid	GPR	S	2,499,200	881,200
(f)	Civil air patrol aids	GPR	A	19,000	19,000
(g)	Program services	PR	A	1,026,500	1,018,800
(i)	Emergency planning and reporting; administration	PR	A	710,500	710,500
(j)	State emergency response board; gifts and grants	PR	C	−0−	−0−
(jm)	State emergency response board; emergency planning grants	PR	C	834,700	834,700

Statute, Agency and Purpose		Source	Type	1997−98	1998−99	
(jt)	Regional emergency response reimbursement	PR	C	−0−	−0−	
(m)	Federal aid, state operations	PR−F	C	1,307,400	1,307,400	
(n)	Federal aid, local assistance	PR−F	C	4,182,200	4,182,200	
(o)	Federal aid, individuals and organizations	PR−F	C	42,000	42,000	
(r)	State emergency response board; petroleum inspection fund	SEG	A	465,700	465,700	
(t)	Emergency response training − environmental fund	SEG	B	75,300	75,300	
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			5,155,900	3,537,900	
	PROGRAM REVENUE			8,103,300	8,095,600	
	FEDERAL			(5,531,600)	(5,531,600)	
	OTHER			(2,571,700)	(2,564,000)	
	SEGREGATED FUNDS			541,000	541,000	
	OTHER			(541,000)	(541,000)	
	TOTAL−ALL SOURCES			13,800,200	12,174,500	
	20.465 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			17,642,700	16,513,700	
	PROGRAM REVENUE			21,245,600	22,057,000	
	FEDERAL			(17,839,300)	(18,591,100)	
	OTHER			(3,135,700)	(3,195,300)	
	SERVICE			(270,600)	(270,600)	
	SEGREGATED FUNDS			541,000	541,000	
	OTHER			(541,000)	(541,000)	
	TOTAL−ALL SOURCES			39,429,300	39,111,700	
20.475	**District attorneys**					
(1)	DISTRICT ATTORNEYS					
(d)	Salaries and fringe benefits	GPR	A	30,698,200 30,648,200	31,165,600 31,115,600	**Vetoed In Part**
(h)	Gifts and grants	PR	C	1,032,300	987,000	
(i)	Other Employes	PR	A	159,000	164,600	
(k)	Interagency and intra−agency assistance	PR−S	C	−0−	−0−	
(m)	Federal aid	PR−F	C	−0−	−0−	
	20.475 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			30,698,200	31,165,600	
	PROGRAM REVENUE			1,191,300	1,151,600	
	FEDERAL			(−0−)	(−0−)	
	OTHER			(1,191,300)	(1,151,600)	
	SERVICE			(−0−)	(−0−)	
	TOTAL−ALL SOURCES			31,889,500	32,317,200	
20.485	**Veterans affairs, department of**					
(1)	HOME FOR VETERANS					
(b)	General fund supplement to institutional operations	GPR	B	−0−	−0−	
(d)	Cemetery maintenance and beautification	GPR	A	24,900	24,900	
(e)	Lease rental payments	GPR	S	−0−	−0−	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(f)	Principal repayment and interest	GPR	S	1,200,100	1,312,600
(g)	Home exchange	PR	A	262,600	267,600
(gd)	Veterans home cemetery operations	PR	C	−0−	−0−
(gk)	Institutional operations	PR	A	33,645,300	34,327,600
(gm)	Sale of fuel and utility service	PR	A	41,300	41,300
(go)	Self−amortizing housing facilities; principal repayment and interest	PR	S	17,400	94,800
(h)	Gifts and bequests	PR	C	264,700	214,700
(hm)	Gifts and grants	PR	C	−0−	−0−
(i)	State−owned housing maintenance	PR	A	65,700	65,700
(j)	Geriatric program receipts	PR	C	115,400	115,400
(m)	Federal aid; care at veterans home	PR−F	C	−0−	−0−
(mj)	Federal aid; geriatric unit	PR−F	C	−0−	−0−
(mn)	Federal projects	PR−F	C	15,000	15,000
(t)	Veterans home member accounts	SEG	C	−0−	−0−
(u)	Rentals; improvements; equipment; land acquisition	SEG	A	−0−	−0−
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,225,000	1,337,500
	PROGRAM REVENUE			34,427,400	35,142,100
	FEDERAL			(15,000)	(15,000)
	OTHER			(34,412,400)	(35,127,100)
	SEGREGATED FUNDS			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			35,652,400	36,479,600
(2)	LOANS AND AIDS TO VETERANS				
(b)	Wisconsin veterans museum space rental	GPR	A	334,700	345,800
(c)	Operation of Wisconsin veterans museum	GPR	A	476,700	479,300
(d)	Veterans memorials at The Highground	GPR	C	−0−	−0−
(db)	General fund supplement to veterans trust fund	GPR	A	−0−	−0−
(e)	Veterans memorial grants	GPR	C	−0−	−0−
(em)	Payments related to The Highground	GPR	C	−0−	−0−
(g)	Consumer reporting agency fees	PR	C	−0−	−0−
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(m)	Federal aid projects	PR−F	C	272,600	272,600
(mn)	Federal projects; museum acquisitions and operations	PR−F	C	−0−	−0−
(rm)	Veterans assistance program	SEG	B	837,200	849,500
(rp)	Veterans assistance program receipts	SEG	A	−0−	−0−
(tf)	Veterans' tuition and fee reimbursement program	SEG	A	1,821,300	1,885,000
(th)	Correspondence courses and part−time classroom study	SEG	A	762,500	771,800
(tj)	Retraining grant program	SEG	A	500,000	500,000
(tm)	Facilities	SEG	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(u)	Administration of loans and aids to veterans	SEG	A	2,607,400	2,664,100
(v)	Wisconsin veterans museum sales receipts	SEG	C	132,700	132,700
(vg)	Health care aid grants	SEG	A	915,700	915,700
(vm)	Subsistence grants	SEG	A	236,200	236,200
(vo)	Veterans of World War I	SEG	A	2,500	2,500
(vw)	Payments to veterans organizations for claims service	SEG	A	75,000	75,000
(vx)	County grants	SEG	A	301,600	292,800
(w)	Home for needy veterans	SEG	C	10,000	10,000
(wd)	Operation of Wisconsin veterans museum	SEG	A	5,000	5,000
(x)	Federal per diem payments	SEG−F	C	−0−	−0−
(yg)	Acquisition of 1981 revenue bond mortgages	SEG	S	−0−	−0−
(yn)	Veterans trust fund loans and expenses	SEG	B	15,300,000	15,300,000
(yo)	Debt payment	SEG	S	262,500	1,511,300
(z)	Gifts	SEG	C	−0−	−0−
(zm)	Museum gifts and bequests	SEG	C	−0−	−0−
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			811,400	825,100
	PROGRAM REVENUE			272,600	272,600
	FEDERAL			(272,600)	(272,600)
	OTHER			(−0−)	(−0−)
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			23,769,600	25,151,600
	FEDERAL			(−0−)	(−0−)
	OTHER			(23,769,600)	(25,151,600)
	TOTAL−ALL SOURCES			24,853,600	26,249,300
(3)	SELF−AMORTIZING MORTGAGE LOANS FOR VETERANS				
(b)	Self insurance	GPR	S	−0−	−0−
(e)	General program deficiency	GPR	S	−0−	−0−
(q)	Foreclosure loss payments	SEG	C	801,000	801,000
(r)	Funded reserves	SEG	C	50,000	50,000
(rm)	Other reserves	SEG	C	−0−	−0−
(s)	General program operations	SEG	A	3,859,100	3,920,600
(sm)	County grants	SEG	A	452,600	439,200
(t)	Debt service	SEG	C	55,697,600	67,717,600
(v)	Revenue obligation repayment	SEG	C	−0−	−0−
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	SEGREGATED FUNDS			60,860,300	72,928,400
	OTHER			(60,860,300)	(72,928,400)
	TOTAL−ALL SOURCES			60,860,300	72,928,400
(4)	VETERANS MEMORIAL CEMETERIES				
(a)	Cemetery administration and maintenance, general fund	GPR	A	100	100
(g)	Cemetery operations	PR	A	106,500	94,500
(h)	Gifts, grants and bequests	PR	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(m) Federal aid; cemetery operations and burials	PR−F	C	−0−	−0−
(q) Cemetery administration and maintenance	SEG	A	270,200	282,200
(qm) Repayment of principal and interest	SEG	S	−0−	−0−
(r) Cemetery energy costs	SEG	A	11,800	11,800
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			100	100
PROGRAM REVENUE			106,500	94,500
FEDERAL			(−0−)	(−0−)
OTHER			(106,500)	(94,500)
SEGREGATED FUNDS			282,000	294,000
OTHER			(282,000)	(294,000)
TOTAL−ALL SOURCES			388,600	388,600
20.485 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,036,500	2,162,700
PROGRAM REVENUE			34,806,500	35,509,200
FEDERAL			(287,600)	(287,600)
OTHER			(34,518,900)	(35,221,600)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			84,911,900	98,374,000
FEDERAL			(−0−)	(−0−)
OTHER			(84,911,900)	(98,374,000)
TOTAL−ALL SOURCES			121,754,900	136,045,900
20.490 Wisconsin housing and economic development authority				
(1) FACILITATION OF CONSTRUCTION				
(a) Capital reserve fund deficiency	GPR	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
(2) HOUSING REHABILITATION LOAN PROGRAM				
(a) General program operations	GPR	C	−0−	−0−
(q) Loan loss reserve fund	SEG	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
(g) Disadvantaged business mobilization loan guarantee	PR	C	−0−	−0−
(4) PROGRAM TOTALS				
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(5) WISCONSIN DEVELOPMENT LOAN GUARANTEES				
(a) Wisconsin development reserve fund	GPR	C	−0−	−0−
(q) Recycling fund transfer to Wisconsin development reserve fund	SEG	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(r) Agrichemical management fund transfer to Wisconsin development reserve fd.	SEG	C	−0−	−0−
(s) Petroleum inspection fund transfer to WDRF	SEG	A	−0−	−0−
(t) Recycling fund transfer for brownfields remediation	SEG	C	4,000,000	−0−
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			4,000,000	−0−
OTHER			(4,000,000)	(−0−)
TOTAL−ALL SOURCES			4,000,000	−0−
(6) WISCONSIN JOB TRAINING LOAN GUARANTEES				
(a) Wisconsin job training reserve fund	GPR	S	−0−	−0−
(k) Department of commerce appropriation transfer to Wisconsin job training	PR−S	C	−0−	−0−
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			−0−	−0−
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.490 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			4,000,000	−0−
OTHER			(4,000,000)	(−0−)
TOTAL−ALL SOURCES			4,000,000	−0−
20.495 University of Wisconsin hospitals and clinics board				
(1) CONTRACTUAL SERVICES				
(g) General program operations	PR	C	54,347,800	55,306,000
20.495 DEPARTMENT TOTALS				
PROGRAM REVENUE			54,347,800	55,306,000
OTHER			(54,347,800)	(55,306,000)
TOTAL−ALL SOURCES			54,347,800	55,306,000
Human Relations and Resources FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			2,399,089,900	2,476,656,800
PROGRAM REVENUE			3,397,175,800	3,485,958,300
FEDERAL			(2,727,622,500)	(2,764,698,800)
OTHER			(457,708,100)	(473,661,000)
SERVICE			(211,845,200)	(247,598,500)
SEGREGATED FUNDS			96,819,100	106,610,700
FEDERAL			(−0−)	(−0−)
OTHER			(96,819,100)	(106,610,700)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			5,893,084,800	6,069,225,800

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99	
General Executive Functions						
20.505	**Administration, department of**					
(1)	SUPERVISION AND MANAGEMENT; LAND INFORMATION BOARD					
(a)	General program operations	GPR	A	8,582,300	8,582,400	
(ab)	General program operations; state prosecutor	GPR	A	203,500	203,500	
(am)	Information technology investment fund administration	GPR	A	121,300	121,300	
(b)	Midwest interstate low−level radioactive waste compact; loan from gen. fund	GPR	C	−0−	−0−	
(d)	Energy development and demonstration fund	GPR	A	−0−	−0−	
(f)	Badger state games assistance	GPR	A	25,000	25,000	
(fn)	Free books to organizations	GPR	A	−0−	100,000	
(g)	Midwest interstate low−level radioactive waste compact; membership & costs	PR	A	60,700	60,700	
(ie)	Land information board; general program operations	PR	A	374,400	382,700	
(ig)	Land information board; technical assistance and education	PR	A	−0−	−0−	
(ij)	Land information board; aids to counties	PR	C	1,799,000	1,799,000	
(im)	Services to nonstate governmental units	PR	A	1,475,000	1,475,000	
(is)	Information technology processing services to nonstate entities	PR	C	−0−	−0−	
(iu)	Plat review	PR	C	335,600	335,600	
(j)	Gifts and donations	PR	C	−0−	−0−	
(ja)	Justice information systems	PR	A	2,699,300	3,562,100	
(jb)	Gifts and grants; free books to organizations	PR	C	−0−	−0−	
(ka)	Materials and services to state agencies and certain districts	PR−S	A	4,309,300	4,330,300	
(kb)	Transportation services	PR−S	A	15,201,400	14,081,200	
(kc)	Capital planning and building construction services	PR−S	A	9,829,400	9,868,900	
(kd)	Printing, document sales, mail distribution and record services	PR−S	A	18,010,000	18,116,400	
(ke)	Telecommunications and data processing services	PR−S	A	33,195,200	33,195,200	
(kj)	Financial services	PR−S	A	8,661,700	8,852,900	
(kL)	Information technology processing services to agencies	PR−S	A	41,563,700	41,640,000	**Vetoed In Part**
(kn)	Multi−agency information technology development projects	PR−S	A	−0−	−0−	
(ko)	Information technology development projects; justice information systems	PR−S	A	−0−	−0−	
(kp)	Interagency assistance; justice information systems	PR−S	A	754,500	1,495,300	

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(kr)	Information technology development and management services	PR−S	A	−0−	−0−
(ks)	Wisconsin land council; state agency support	PR−S	C	379,400	323,400
(ma)	Federal grants and contracts	PR−F	C	45,100	45,100
(mb)	Federal energy grants and contracts	PR−F	C	895,300	895,300
(mc)	Coastal zone management	PR−F	C	1,112,100	1,112,100
(md)	Oil overcharge restitution funds	PR−F	C	6,877,500	6,877,500
(n)	Federal aid; local assistance	PR−F	C	−0−	−0−
(pz)	Indirect cost reimbursements	PR−F	C	81,700	81,700
(qm)	Recycling activities	SEG	A	121,000	121,000
(r)	Information technology investment fund administration	SEG	A	−0−	−0−
(v)	General program operations — environmental improvement programs; state funds	SEG	A	734,900	734,900
(x)	General program operations — clean water fund program; federal funds	SEG−F	C	−0−	−0−
(y)	General program operations — safe drinking water loan program; federal funds	SEG−F	C	−0−	−0−
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,932,100	9,032,200
	PROGRAM REVENUE			147,660,300	148,530,400
	FEDERAL			(9,011,700)	(9,011,700)
	OTHER			(6,744,000)	(7,615,100)
	SERVICE			(131,904,600)	(131,903,600)
	SEGREGATED FUNDS			855,900	855,900
	FEDERAL			(−0−)	(−0−)
	OTHER			(855,900)	(855,900)
	TOTAL−ALL SOURCES			157,448,300	158,418,500
(2)	RISK MANAGEMENT				
(a)	General fund supplement — risk management claims	GPR	S	−0−	−0−
(k)	Risk management costs	PR−S	C	20,100,000	20,500,000
(ki)	Risk management administration	PR−S	A	4,397,500	4,397,500
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	PROGRAM REVENUE			24,497,500	24,897,500
	SERVICE			(24,497,500)	(24,897,500)
	TOTAL−ALL SOURCES			24,497,500	24,897,500
(3)	COMMITTEES AND INTERSTATE BODIES				
(a)	General program operations	GPR	A	367,100	367,100
(b)	Women's council operations	GPR	A	90,400	90,400
(e)	Mediation office operations	GPR	A	−0−	−0−
(g)	Gifts and grants	PR	C	−0−	−0−
(h)	Program fees	PR	A	6,100	6,100
(m)	Federal aid	PR−F	C	−0−	−0−
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			457,500	457,500

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	PROGRAM REVENUE			6,100	6,100
	FEDERAL			(−0−)	(−0−)
	OTHER			(6,100)	(6,100)
	TOTAL−ALL SOURCES			463,600	463,600
(4)	ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS				
(a)	Adjudication of tax appeals	GPR	A	506,900	511,200
(b)	Adjudication of equalization appeals	GPR	S	−0−	−0−
(c)	Claims board; general program operations	GPR	A	43,800	43,800
(d)	Claims awards	GPR	S	25,000	25,000
(f)	Hearings and appeals operations	GPR	A	1,997,600	2,015,100
(gm)	Gifts and grants	PR	C	−0−	−0−
(h)	Program services	PR	A	26,000	26,000
(is)	Relay service	PR	A	5,000,000	5,000,000
(j)	National and community service board; gifts and grants	PR	C	−0−	−0−
(k)	Waste facility siting board; general program operations	PR−S	A	115,100	115,100
(ka)	State use board — general program operations	PR−S	A	133,000	133,000
(kb)	Info tech development projects; attached divisions, boards and commissions	PR−S	A	−0−	−0−
(kp)	Hearings and appeals fees	PR−S	A	1,582,200	1,613,000
(o)	National and community service board; federal aid for administration	PR−F	C	205,500	174,900
(p)	National and community service board; federal aid for grants	PR−F	C	1,500,000	1,500,000
(r)	State capitol and executive residence board; gifts and grants	SEG	C	−0−	−0−
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,573,300	2,595,100
	PROGRAM REVENUE			8,561,800	8,562,000
	FEDERAL			(1,705,500)	(1,674,900)
	OTHER			(5,026,000)	(5,026,000)
	SERVICE			(1,830,300)	(1,861,100)
	SEGREGATED FUNDS			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			11,135,100	11,157,100
(5)	FACILITIES MANAGEMENT				
(c)	Principal repayment and interest; Black Point Estate	GPR	S	−0−	143,000
(g)	Principal repayment, interest and rebates; parking	PR−S	S	908,200	1,460,100
(ka)	Facility operations and maintenance; police and protection functions	PR−S	A	28,519,200	28,903,400
(kb)	Parking	PR	A	566,000	585,800
(kc)	Principal repayment, interest and rebates	PR−S	C	11,310,200	11,148,900
(q)	Energy efficiency	SEG	S	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	143,000
	PROGRAM REVENUE			41,303,600	42,098,200
	OTHER			(566,000)	(585,800)
	SERVICE			(40,737,600)	(41,512,400)
	SEGREGATED FUNDS			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			41,303,600	42,241,200
(6)	OFFICE OF JUSTICE ASSISTANCE				
(a)	General program operations	GPR	A	277,700	278,400
(c)	Law enforcement officer supplement grants	GPR	A	1,000,000	1,000,000
(g)	Anti−drug enforcement program, penalty assessment − local	PR	C	2,170,300	1,980,400
(h)	Anti−drug enforcement program, penalty assessment − state	PR	C	1,269,700	1,068,900
(k)	Anti−drug enforcement program — administration	PR−S	C	110,300	110,300
(m)	Federal aid, planning and administration, state operations	PR−F	C	203,600	203,700
(o)	Federal aid, criminal justice improvement projects, state operations	PR−F	C	2,453,400	587,000
(p)	Federal aid, criminal justice improvement projects, local assistance	PR−F	C	1,966,700	2,125,900
(pa)	Federal aid, criminal justice improvement projects, aid to organizations	PR−F	C	1,108,500	1,139,800
(pb)	Federal aid, anti−drug enforcement program, aids and local assistance	PR−F	C	6,490,500	6,155,400
(pc)	Federal aid, anti−drug enforcement program, state operations	PR−F	C	4,312,500	3,472,300
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,277,700	1,278,400
	PROGRAM REVENUE			20,085,500	16,843,700
	FEDERAL			(16,535,200)	(13,684,100)
	OTHER			(3,440,000)	(3,049,300)
	SERVICE			(110,300)	(110,300)
	TOTAL−ALL SOURCES			21,363,200	18,122,100
(7)	HOUSING ASSISTANCE				
(a)	General program operations	GPR	A	921,500	921,500
(b)	Housing grants and loans	GPR	B	2,800,300	2,800,300
(c)	Payments to designated agents	GPR	A	−0−	−0−
(d)	Grants to local housing organizations	GPR	B	500,000	500,000
(dm)	Transitional housing grants	GPR	A	375,000	375,000
(fm)	Shelter for homeless and transitional housing	GPR	A	1,131,000	1,131,000
(g)	Gifts and grants	PR	C	−0−	−0−
(gm)	Funding for the homeless	PR	C	−0−	−0−
(h)	Interest on real estate trust accounts	PR	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(jf)	Mobile home parks, dealers and salespersons	PR−S	A	132,600	132,600
(k)	Sale of materials or services	PR−S	C	−0−	−0−
(kg)	Housing program services	PR−S	C	6,696,100	6,696,100
(km)	Weatherization assistance	PR−S	C	10,000,000	10,000,000
(m)	Federal aid; state operations	PR−F	C	4,023,300	4,023,300
(n)	Federal aid; local assistance	PR−F	C	1,777,000	1,777,000
(o)	Federal aid; individuals and organizations	PR−F	C	72,269,300	72,269,300
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,727,800	5,727,800
	PROGRAM REVENUE			94,898,300	94,898,300
	FEDERAL			(78,069,600)	(78,069,600)
	OTHER			(−0−)	(−0−)
	SERVICE			(16,828,700)	(16,828,700)
	TOTAL−ALL SOURCES			100,626,100	100,626,100
(8)	DIVISION OF GAMING				
(g)	General program operations; racing	PR	A	2,226,100	2,240,500
(h)	General program operations; Indian gaming	PR	A	846,100	824,300
(i)	County fair association grants	PR	C	50,000	50,000
(j)	General program operations; charitable and crane games	PR	A	278,000	308,100
	(8) PROGRAM TOTALS				
	PROGRAM REVENUE			3,400,200	3,422,900
	OTHER			(3,400,200)	(3,422,900)
	TOTAL−ALL SOURCES			3,400,200	3,422,900
(9)	COLLEGE TUITION PREPAYMENT PROGRAM				
(a)	Administrative expenses; initial funds	GPR	C	−0−	−0−
(q)	Payment of tuition	SEG	S	−0−	−0−
(r)	Payment of refunds	SEG	S	−0−	−0−
(s)	Administrative expenses	SEG	A	691,200	691,200
	(9) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	SEGREGATED FUNDS			691,200	691,200
	OTHER			(691,200)	(691,200)
	TOTAL−ALL SOURCES			691,200	691,200
	20.505 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			18,968,400	19,234,000
	PROGRAM REVENUE			340,413,300	339,259,100
	FEDERAL			(105,322,000)	(102,440,300)
	OTHER			(19,182,300)	(19,705,200)
	SERVICE			(215,909,000)	(217,113,600)
	SEGREGATED FUNDS			1,547,100	1,547,100
	FEDERAL			(−0−)	(−0−)
	OTHER			(1,547,100)	(1,547,100)
	TOTAL−ALL SOURCES			360,928,800	360,040,200
20.507	**Board of commissioners of public lands**				
(1)	TRUST LANDS AND INVESTMENTS				

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(h)	Trust lands and investments − general program operations	PR−S	A	1,170,300	813,400
(j)	Payments to American Indian tribes or bands for raised sunken logs	PR	C	−0−	−0−
(k)	Trust lands and investments − interagency and intra−agency assistance	PR−S	A	−0−	−0−
(mg)	Federal aid — flood control	PR−F	C	52,700	52,700
	20.507 DEPARTMENT TOTALS				
	PROGRAM REVENUE			1,223,000	866,100
	FEDERAL			(52,700)	(52,700)
	OTHER			(−0−)	(−0−)
	SERVICE			(1,170,300)	(813,400)
	TOTAL−ALL SOURCES			1,223,000	866,100
20.510	**Elections board**				
(1)	ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS				
(a)	General program operations; general purpose revenue	GPR	B	909,300	741,400
(g)	Recount fees	PR	C	−0−	−0−
(h)	Materials and services	PR	A	25,400	25,400
(i)	General program operations; program revenue	PR	A	27,100	27,200
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(q)	Wisconsin election campaign fund	SEG	C	100,000	700,000
	20.510 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			909,300	741,400
	PROGRAM REVENUE			52,500	52,600
	OTHER			(52,500)	(52,600)
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			100,000	700,000
	OTHER			(100,000)	(700,000)
	TOTAL−ALL SOURCES			1,061,800	1,494,000
20.512	**Employment relations, department of**				
(1)	EMPLOYMENT RELATIONS				
(a)	General program operations	GPR	A	5,477,600	5,492,500
(i)	Services to nonstate governmental units	PR	A	149,900	150,400
(j)	Gifts and donations	PR	C	−0−	−0−
(jm)	Employe development and training services	PR	A	342,300	342,300
(ka)	Publications	PR−S	A	141,400	141,400
(kb)	Information technology development projects	PR−S	A	−0−	−0−
(km)	Collective bargaining grievance arbitrations	PR−S	A	70,000	70,000
(m)	Federal grants and contracts	PR−F	C	−0−	−0−
(pz)	Indirect cost reimbursements	PR−F	C	−0−	−0−
	20.512 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			5,477,600	5,492,500

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	PROGRAM REVENUE			703,600	704,100
	FEDERAL			(−0−)	(−0−)
	OTHER			(492,200)	(492,700)
	SERVICE			(211,400)	(211,400)
	TOTAL−ALL SOURCES			6,181,200	6,196,600
20.515	**Employe trust funds, department of**				
(1)	EMPLOYE BENEFIT PLANS				
(a)	Annuity supplements and payments	GPR	S	2,322,900	3,001,500
(am)	Payment of judgment against the state	GPR	A	215,000,000	−0−
(b)	Health insurance payments for certain retired state employees	GPR	S	−0−	−0−
(c)	Contingencies	GPR	S	−0−	−0−
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(t)	Automated operating system	SEG	C	527,200	394,200
(u)	Employe−funded reimbursement account plan	SEG	C	−0−	−0−
(um)	Benefit administration	SEG	B	5,000	5,000
(ut)	Health insurance data collection and analysis contracts	SEG	A	269,800	149,400
(w)	Administration	SEG	A	12,049,900	12,283,500
	20.515 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			217,322,900	3,001,500
	PROGRAM REVENUE			−0−	−0−
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			12,851,900	12,832,100
	OTHER			(12,851,900)	(12,832,100)
	TOTAL−ALL SOURCES			230,174,800	15,833,600
20.521	**Ethics board**				
(1)	ETHICS AND LOBBYING REGULATION				
(a)	General program operations; general purpose revenue	GPR	A	192,100	192,100
(g)	General program operations; program revenue	PR	A	261,600	261,600
(h)	Gifts and grants	PR	C	−0−	−0−
(i)	Materials and services	PR	A	15,000	15,000
(ka)	Information technology development projects	PR−S	A	−0−	−0−
	20.521 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			192,100	192,100
	PROGRAM REVENUE			276,600	276,600
	OTHER			(276,600)	(276,600)
	SERVICE			(−0−)	(−0−)
	TOTAL−ALL SOURCES			468,700	468,700
20.525	**Office of the governor**				
(1)	EXECUTIVE ADMINISTRATION				
(a)	General program operations	GPR	S	2,472,400	2,472,400
(b)	Contingent fund	GPR	S	21,700	21,700
(c)	Membership in national associations	GPR	S	101,000	103,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(cm) National Governors Association conference	GPR	C	200,000	−0−
(d) Disability board	GPR	S	−0−	−0−
(e) Wisconsin sesquicentennial commission; gen prog ops	GPR	B	−0−	−0−
(em) Wisconsin sesquicentennial commission; gen. prog. operations supplement	GPR	C	−0−	−0−
(f) Literacy improvement aids	GPR	A	28,000	28,000
(g) Gifts and grants; Wisconsin sesquicentennial commission	PR	C	−0−	−0−
(gm) Wisconsin sesquicentennial commission; vehicle registration plates	PR	C	−0−	−0−
(h) Wisconsin sesquicentennial commission; license revenue	PR	C	−0−	−0−
(i) Gifts and grants	PR	C	−0−	−0−
(k) Wisconsin sesquicentennial commission; supplementable gifts & grants	PR	C	−0−	−0−
(ka) Information technology development projects	PR−S	A	−0−	−0−
(m) Federal aid	PR−F	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,823,100	2,625,100
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			2,823,100	2,625,100
(2) EXECUTIVE RESIDENCE				
(a) General program operations	GPR	S	171,100	171,100
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			171,100	171,100
TOTAL−ALL SOURCES			171,100	171,100
20.525 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,994,200	2,796,200
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			2,994,200	2,796,200
20.536 Investment board				
(1) INVESTMENT OF FUNDS				
(k) General program operations	PR−S	A	11,847,600	12,317,300
(ka) General program operations; environmental improvement fund	PR−S	C	−0−	−0−
20.536 DEPARTMENT TOTALS				
PROGRAM REVENUE			11,847,600	12,317,300
SERVICE			(11,847,600)	(12,317,300)
TOTAL−ALL SOURCES			11,847,600	12,317,300

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
20.540	**Office of the lieutenant governor**				
(1)	EXECUTIVE COORDINATION				
(a)	General program operations	GPR	A	470,500	470,500
(g)	Gifts, grants and proceeds	PR	C	−0−	−0−
(k)	Grants from state agencies	PR−S	C	−0−	−0−
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(m)	Federal aid	PR−F	C	−0−	−0−
	20.540 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			470,500	470,500
	PROGRAM REVENUE			−0−	−0−
	FEDERAL			(−0−)	(−0−)
	OTHER			(−0−)	(−0−)
	SERVICE			(−0−)	(−0−)
	TOTAL−ALL SOURCES			470,500	470,500
20.547	**Personnel commission**				
(1)	REVIEW OF PERSONNEL DECISIONS				
(a)	General program operations	GPR	A	800,600	804,000
(h)	Publications	PR	A	3,000	3,000
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(m)	Federal aid	PR−F	C	−0−	−0−
	20.547 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			800,600	804,000
	PROGRAM REVENUE			3,000	3,000
	FEDERAL			(−0−)	(−0−)
	OTHER			(3,000)	(3,000)
	SERVICE			(−0−)	(−0−)
	TOTAL−ALL SOURCES			803,600	807,000
20.550	**Public defender board**				
(1)	LEGAL ASSISTANCE				
(a)	Program administration	GPR	A	1,250,300	1,278,400
(b)	Appellate representation	GPR	A	3,643,200	3,673,100
(c)	Trial representation	GPR	A	32,253,900	32,069,200
(d)	Private bar and investigator reimbursement	GPR	B	17,755,200	19,239,000
(e)	Private bar and investigator payments; administration costs	GPR	A	504,700	504,700
(f)	Transcript and record payments	GPR	A	1,399,600	1,399,600
(fb)	Payments from clients; administrative costs	PR	A	122,500	122,500
(g)	Gifts and grants	PR	C	−0−	−0−
(h)	Contractual agreements	PR−S	A	−0−	−0−
(i)	Tuition payments	PR	C	−0−	−0−
(j)	Conferences and training	PR	A	117,800	117,800
(L)	Private bar and inv. reimbursement; payments for legal representation	PR	C	1,055,900	1,024,700
(m)	Federal aid	PR−F	C	−0−	−0−
	20.550 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			56,806,900	58,164,000

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	PROGRAM REVENUE			1,296,200	1,265,000
	FEDERAL			(−0−)	(−0−)
	OTHER			(1,296,200)	(1,265,000)
	SERVICE			(−0−)	(−0−)
	TOTAL−ALL SOURCES			58,103,100	59,429,000
20.566	**Revenue, department of**				
(1)	COLLECTION OF TAXES				
(a)	General program operations	GPR	A	32,401,400	32,687,600
(g)	Administration of county sales and use taxes	PR	A	2,083,000	2,052,000
(ga)	Cigarette tax stamps	PR	A	177,800	177,800
(gb)	Business tax registration	PR	A	1,410,500	1,395,500
(gc)	Audits of occasional sales of motor vehicles	PR	A	590,600	587,500
(gd)	Administration of special district taxes	PR	A	−0−	−0−
(gf)	Administration of resort tax	PR	A	−0−	−0−
(gg)	Administration of local taxes	PR	A	184,600	192,200
(gm)	Administration of tax on controlled substances dealers	PR	A	−0−	−0−
(h)	Debt collection	PR	A	155,600	164,300
(ha)	Administration of liquor tax	PR	A	145,000	143,400
(hm)	Collections under contracts	PR	S	352,700	352,700
(hp)	Administration of endangered resources voluntary payments	PR	A	29,600	29,600
(hq)	Delinquent tax collection fees	PR	C	9,968,500	9,970,100
(i)	Gifts and grants	PR	C	−0−	−0−
(m)	Federal funds; state operations	PR−F	C	−0−	−0−
(q)	Recycling surcharge administration	SEG	A	309,000	309,000
(r)	Administration of dry cleaner fees	SEG	A	37,700	55,500
(s)	Petroleum inspection fee collection	SEG	A	114,400	114,400
(u)	Motor fuel tax administration	SEG	A	1,028,700	1,027,200
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			32,401,400	32,687,600
	PROGRAM REVENUE			15,097,900	15,065,100
	FEDERAL			(−0−)	(−0−)
	OTHER			(15,097,900)	(15,065,100)
	SEGREGATED FUNDS			1,489,800	1,506,100
	OTHER			(1,489,800)	(1,506,100)
	TOTAL−ALL SOURCES			48,989,100	49,258,800
(2)	STATE AND LOCAL FINANCE				
(a)	General program operations	GPR	A	9,933,700	9,864,100
(g)	County assessment studies	PR	C	−0−	−0−
(gi)	Municipal finance report compliance	PR	A	40,300	40,300
(h)	Reassessments	PR	A	635,700	635,700
(hi)	Wisconsin property assessment manual	PR	A	68,500	194,600
(i)	Gifts and grants	PR	C	−0−	−0−
(m)	Federal funds; state operations	PR−F	C	−0−	−0−
(q)	Railroad and air carrier tax administration	SEG	A	76,100	173,700
(r)	Lottery credit administration	SEG	A	119,800	119,800

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,933,700	9,864,100
	PROGRAM REVENUE			744,500	870,600
	FEDERAL			(−0−)	(−0−)
	OTHER			(744,500)	(870,600)
	SEGREGATED FUNDS			195,900	293,500
	OTHER			(195,900)	(293,500)
	TOTAL−ALL SOURCES			10,874,100	11,028,200
(3)	ADMINISTRATIVE SERVICES AND SPACE RENTAL				
(a)	General program operations	GPR	A	13,052,300	14,064,500
(c)	Expert professional services	GPR	A	8,000	8,000
(g)	Services	PR	A	56,800	56,800
(gm)	Reciprocity agreement and publications	PR	A	216,900	200,900
(i)	Gifts and grants	PR	C	−0−	−0−
(k)	Internal services	PR−S	A	180,300	180,300
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(m)	Federal funds; state operations	PR−F	C	−0−	−0−
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			13,060,300	14,072,500
	PROGRAM REVENUE			454,000	438,000
	FEDERAL			(−0−)	(−0−)
	OTHER			(273,700)	(257,700)
	SERVICE			(180,300)	(180,300)
	TOTAL−ALL SOURCES			13,514,300	14,510,500
(7)	INVESTMENT AND LOCAL IMPACT FUND				
(e)	Investment and local impact fund supplement	GPR	A	−0−	−0−
(g)	Investment and local impact fund administrative expenses	PR	A	41,800	41,800
(n)	Federal mining revenue	PR−F	C	−0−	−0−
(v)	Investment and local impact fund	SEG	C	−0−	−0−
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	PROGRAM REVENUE			41,800	41,800
	FEDERAL			(−0−)	(−0−)
	OTHER			(41,800)	(41,800)
	SEGREGATED FUNDS			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			41,800	41,800
(8)	LOTTERY				
(q)	General program operations	SEG	A	20,382,900	20,711,500
(r)	Retailer compensation	SEG	S	27,473,200	30,091,200
(s)	Prizes	SEG	S	−0−	−0−
(v)	Vendor fees	SEG	S	11,829,800	12,075,500
	(8) PROGRAM TOTALS				
	SEGREGATED FUNDS			59,685,900	62,878,200
	OTHER			(59,685,900)	(62,878,200)
	TOTAL−ALL SOURCES			59,685,900	62,878,200

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	20.566 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			55,395,400	56,624,200
	PROGRAM REVENUE			16,338,200	16,415,500
	FEDERAL			(−0−)	(−0−)
	OTHER			(16,157,900)	(16,235,200)
	SERVICE			(180,300)	(180,300)
	SEGREGATED FUNDS			61,371,600	64,677,800
	OTHER			(61,371,600)	(64,677,800)
	TOTAL−ALL SOURCES			133,105,200	137,717,500
20.575	**Secretary of state**				
(1)	MANAGING AND OPERATING PROGRAM RESPONSIBILITIES				
(g)	Program fees	PR	A	422,700	426,800
(ka)	Agency collections	PR−S	A	4,000	4,000
	20.575 DEPARTMENT TOTALS				
	PROGRAM REVENUE			426,700	430,800
	OTHER			(422,700)	(426,800)
	SERVICE			(4,000)	(4,000)
	TOTAL−ALL SOURCES			426,700	430,800
20.585	**Treasurer, state**				
(1)	CUSTODIAN OF STATE FUNDS				
(b)	Insurance	GPR	A	−0−	−0−
(e)	Unclaimed property; contingency appropriation	GPR	S	−0−	−0−
(g)	Processing services	PR	A	150,100	150,900
(h)	Training conferences	PR	C	−0−	−0−
(i)	Gifts and grants	PR	C	5,000	10,000
(j)	Unclaimed property; claims and adminstrative expenses	PR	C	654,500	869,300
(jt)	Cash management services	PR	A	8,500	6,300
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(kb)	General program operations	PR−S	A	404,400	420,800
(km)	Credit card use charges	PR−S	C	−0−	−0−
	20.585 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	PROGRAM REVENUE			1,222,500	1,457,300
	OTHER			(818,100)	(1,036,500)
	SERVICE			(404,400)	(420,800)
	TOTAL−ALL SOURCES			1,222,500	1,457,300
	General Executive Functions FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			359,337,900	147,520,400
	PROGRAM REVENUE			373,803,200	373,047,400
	FEDERAL			(105,374,700)	(102,493,000)
	OTHER			(38,701,500)	(39,493,600)
	SERVICE			(229,727,000)	(231,060,800)
	SEGREGATED FUNDS			75,870,600	79,757,000
	FEDERAL			(−0−)	(−0−)
	OTHER			(75,870,600)	(79,757,000)
	SERVICE			(−0−)	(−0−)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			809,011,700	600,324,800

Judicial

20.625	**Circuit courts**				
(1)	COURT OPERATIONS				
(a)	Circuit courts	GPR	S	43,843,100	43,994,400
(as)	Violent crime court costs	GPR	A	−0−	−0−
(b)	Permanent reserve judges	GPR	A	−0−	−0−
(c)	Court interpreter fees	GPR	A	182,500	188,800
(d)	Circuit court support payments	GPR	B	16,489,600	16,489,600
(e)	Guardian ad litum costs	GPR	A	4,738,500	4,738,500
(k)	Drug court costs; local assistance	PR	C	160,000	160,000
(km)	Court interpreter fees	PR	A	45,000	45,000
(m)	Federal aid	PR−F	C	−0−	−0−
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			65,253,700	65,411,300
	PROGRAM REVENUE			205,000	205,000
	FEDERAL			(−0−)	(−0−)
	OTHER			(205,000)	(205,000)
	TOTAL−ALL SOURCES			65,458,700	65,616,300
(3)	CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES				
(a)	General program operations	GPR	S	−0−	−0−
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	TOTAL−ALL SOURCES			−0−	−0−
	20.625 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			65,253,700	65,411,300
	PROGRAM REVENUE			205,000	205,000
	FEDERAL			(−0−)	(−0−)
	OTHER			(205,000)	(205,000)
	TOTAL−ALL SOURCES			65,458,700	65,616,300
20.660	**Court of appeals**				
(1)	APPELLATE PROCEEDINGS				
(a)	General program operations	GPR	S	6,177,300	6,181,900
(k)	Automated information systems	PR	A	28,000	10,400
(m)	Federal aid	PR−F	C	−0−	−0−
	20.660 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			6,177,300	6,181,900
	PROGRAM REVENUE			28,000	10,400
	FEDERAL			(−0−)	(−0−)
	OTHER			(28,000)	(10,400)
	TOTAL−ALL SOURCES			6,205,300	6,192,300
20.665	**Judicial commission**				
(1)	JUDICIAL CONDUCT				
(a)	General program operations	GPR	A	199,300	199,700
(cm)	Contractual agreements	GPR	B	18,200	18,200
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(mm)	Federal aid	PR−F	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
20.665 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			217,500	217,900
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			217,500	217,900
20.680 Supreme court				
(1) SUPREME COURT PROCEEDINGS				
(a) General program operations	GPR	S	3,370,000	3,380,500
(km) Automated information systems	PR	A	29,100	29,600
(m) Federal aid	PR−F	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,370,000	3,380,500
PROGRAM REVENUE			29,100	29,600
FEDERAL			(−0−)	(−0−)
OTHER			(29,100)	(29,600)
TOTAL−ALL SOURCES			3,399,100	3,410,100
(2) DIRECTOR OF STATE COURTS				
(a) General program operations	GPR	A	4,482,200	4,506,800
(b) Judicial planning and research	GPR	A	−0−	−0−
(g) Gifts and grants	PR	C	−0−	−0−
(h) Materials and services	PR	A	50,900	50,900
(i) Municipal judge training	PR	A	111,300	111,300
(j) Court information systems and interpreters	PR	A	5,749,600	6,053,700
(ka) Information technology development projects	PR−S	A	−0−	−0−
(kc) Central services	PR−S	A	154,100	170,200
(kd) Court operations information technology	PR−S	A	−0−	−0−
(ke) Interagency and intra−agency automation assistance	PR−S	C	−0−	−0−
(m) Federal aid	PR−F	C	−0−	−0−
(qm) Mediation fund	SEG	C	643,900	643,900
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,482,200	4,506,800
PROGRAM REVENUE			6,065,900	6,386,100
FEDERAL			(−0−)	(−0−)
OTHER			(5,911,800)	(6,215,900)
SERVICE			(154,100)	(170,200)
SEGREGATED FUNDS			643,900	643,900
OTHER			(643,900)	(643,900)
TOTAL−ALL SOURCES			11,192,000	11,536,800
(3) BAR EXAMINERS AND RESPONSIBILITY				
(g) Board of bar examiners	PR	C	463,300	463,300
(h) Board of attorneys professional responsibility	PR	C	1,319,800	1,319,800
(3) PROGRAM TOTALS				
PROGRAM REVENUE			1,783,100	1,783,100

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
OTHER			(1,783,100)	(1,783,100)
TOTAL−ALL SOURCES			1,783,100	1,783,100
(4) LAW LIBRARY				
(a) General program operations	GPR	A	952,500	961,200
(g) Library collections and services	PR	A	84,600	84,600
(h) Gifts and grants	PR	C	−0−	−0−
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			952,500	961,200
PROGRAM REVENUE			84,600	84,600
OTHER			(84,600)	(84,600)
TOTAL−ALL SOURCES			1,037,100	1,045,800
20.680 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			8,804,700	8,848,500
PROGRAM REVENUE			7,962,700	8,283,400
FEDERAL			(−0−)	(−0−)
OTHER			(7,808,600)	(8,113,200)
SERVICE			(154,100)	(170,200)
SEGREGATED FUNDS			643,900	643,900
OTHER			(643,900)	(643,900)
TOTAL−ALL SOURCES			17,411,300	17,775,800
Judicial FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			80,453,200	80,659,600
PROGRAM REVENUE			8,195,700	8,498,800
FEDERAL			(−0−)	(−0−)
OTHER			(8,041,600)	(8,328,600)
SERVICE			(154,100)	(170,200)
SEGREGATED FUNDS			643,900	643,900
FEDERAL			(−0−)	(−0−)
OTHER			(643,900)	(643,900)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			89,292,800	89,802,300

Legislative

20.765 Legislature

(1) ENACTMENT OF STATE LAWS				
(a) General program operations — assembly	GPR	S	19,537,000	19,537,000
(b) General program operations — senate	GPR	S	12,729,800	12,732,900
(d) Legislative documents; exhibit	GPR	S	7,132,100	7,309,100
(e) H. Rupert Theobald plaque	GPR	C	−0−	−0−
(ka) Information technology development projects	PR−S	A	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			39,398,900	39,579,000
PROGRAM REVENUE			−0−	−0−
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			39,398,900	39,579,000
(2) SPECIAL STUDY GROUPS				

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(a)	Retirement committees	GPR	A	165,700	165,700
(ab)	Retirement actuarial studies	GPR	B	15,000	15,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			180,700	180,700
	TOTAL−ALL SOURCES			180,700	180,700
(3)	SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
(a)	Revisor of statutes bureau	GPR	B	652,900	679,500
(b)	Legislative reference bureau	GPR	B	3,236,600	3,231,200
(c)	Legislative audit bureau	GPR	B	4,024,600	4,024,600
(d)	Legislative fiscal bureau	GPR	B	2,331,300	2,341,700
(e)	Joint legislative council	GPR	B	2,627,600	2,651,200
(em)	Integrated legislative information system staff	GPR	B	1,064,400	1,132,700
(f)	Joint committee on legislative organization	GPR	B	−0−	−0−
(fa)	Membership in national associations	GPR	S	149,200	155,100
(g)	Gifts and grants to service agencies	PR	C	−0−	−0−
(ka)	Audit bureau reimbursable audits	PR−S	A	1,312,900	1,331,300
(m)	Federal aid	PR−F	C	−0−	−0−
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			14,086,600	14,216,000
	PROGRAM REVENUE			1,312,900	1,331,300
	FEDERAL			(−0−)	(−0−)
	OTHER			(−0−)	(−0−)
	SERVICE			(1,312,900)	(1,331,300)
	TOTAL−ALL SOURCES			15,399,500	15,547,300
	20.765 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			53,666,200	53,975,700
	PROGRAM REVENUE			1,312,900	1,331,300
	FEDERAL			(−0−)	(−0−)
	OTHER			(−0−)	(−0−)
	SERVICE			(1,312,900)	(1,331,300)
	TOTAL−ALL SOURCES			54,979,100	55,307,000
	Legislative FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			53,666,200	53,975,700
	PROGRAM REVENUE			1,312,900	1,331,300
	FEDERAL			(−0−)	(−0−)
	OTHER			(−0−)	(−0−)
	SERVICE			(1,312,900)	(1,331,300)
	SEGREGATED FUNDS			−0−	−0−
	FEDERAL			(−0−)	(−0−)
	OTHER			(−0−)	(−0−)
	SERVICE			(−0−)	(−0−)
	LOCAL			(−0−)	(−0−)
	TOTAL−ALL SOURCES			54,979,100	55,307,000

General Appropriations

20.835 Shared revenue and tax relief

(1) SHARED REVENUE PAYMENTS

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99	
(b)	Small municipalities shared revenue	GPR	S	10,000,000	10,000,000	
(c)	Expenditure restraint program account	GPR	S	48,000,000	48,000,000	
(d)	Shared revenue account	GPR	S	930,459,800	930,459,800	
(f)	County mandate relief account	GPR	S	20,159,000	20,159,000	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,008,618,800	1,008,618,800	
	TOTAL−ALL SOURCES			1,008,618,800	1,008,618,800	
(2)	TAX RELIEF					
(b)	Claim of right credit	GPR	S	−0−	−0−	
(c)	Homestead tax credit	GPR	S	88,800,000	90,600,000	
(ci)	Development zones investment credit	GPR	S	2,500	2,500	
(cL)	Development zones location credit	GPR	S	2,000	2,000	
(cm)	Development zones jobs credit	GPR	S	1,250,000	450,000	
(cn)	Development zones sales tax credit	GPR	S	350,000	125,000	
(d)	Farmers' drought property tax credit	GPR	S	−0−	−0−	
(dm)	Farmland preservation credit	GPR	S	22,000,000	22,000,000	
(ep)	Cigarette tax refunds	GPR	S	12,200,000	14,150,000	
(f)	Earned income tax credit	GPR	S	72,400,000	81,100,000	
(k)	Earned income tax credit; community service job participants	PR−S	C	−0−	−0−	
(q)	Farmland tax relief credit	SEG	S	12,000,000	11,800,000	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			197,004,500	208,429,500	
	PROGRAM REVENUE			−0−	−0−	
	SERVICE			(−0−)	(−0−)	
	SEGREGATED FUNDS			12,000,000	11,800,000	
	OTHER			(12,000,000)	(11,800,000)	
	TOTAL−ALL SOURCES			209,004,500	220,229,500	
(3)	STATE PROPERTY TAX CREDITS					
(b)	School levy tax credit	GPR	S	469,305,000	469,305,000	
(q)	Lottery credit	SEG	S	258,841,200	136,102,900	
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			469,305,000	469,305,000	
	SEGREGATED FUNDS			258,841,200	136,102,900	
	OTHER			(258,841,200)	(136,102,900)	
	TOTAL−ALL SOURCES			728,146,200	605,407,900	
(4)	COUNTY AND LOCAL TAXES					
(g)	County taxes	PR	C	−0−	−0−	
(gb)	Special district taxes	PR	C	−0−	−0−	
(gd)	Premier resort area tax	PR	C	−0−	−0−	
(gg)	Local taxes	PR	C	−0−	−0−	
	(4) PROGRAM TOTALS					
	PROGRAM REVENUE			−0−	−0−	
	OTHER			(−0−)	(−0−)	
	TOTAL−ALL SOURCES			−0−	−0−	
(5)	PAYMENTS IN LIEU OF TAXES					
(a)	Payments for municipal services	GPR	A	18,065,300 16,828,800	18,065,300	**Vetoed In Part**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			18,065,300	18,065,300
TOTAL−ALL SOURCES			18,065,300	18,065,300
20.835 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,692,993,600	1,704,418,600
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			270,841,200	147,902,900
OTHER			(270,841,200)	(147,902,900)
TOTAL−ALL SOURCES			1,963,834,800	1,852,321,500
20.855 Miscellaneous appropriations				
(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
(a) Obligation on operating notes	GPR	S	9,800,000	19,600,000
(b) Operating note expenses	GPR	S	110,000	110,000
(c) Interest payments to program revenue accounts	GPR	S	−0−	−0−
(d) Interest payments to segregated funds	GPR	S	−0−	−0−
(e) Interest on prorated local government payments	GPR	S	−0−	−0−
(q) Redemption of operating notes	SEG	S	−0−	−0−
(r) Interest payments to general fund	SEG	S	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			9,910,000	19,710,000
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			9,910,000	19,710,000
(3) RELOCATION EXPENSES				
(a) Capitol offices relocation	GPR	S	2,295,800	2,417,600
(b) Capitol restoration and relocation planning	GPR	B	2,375,000	−0−
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,670,800	2,417,600
TOTAL−ALL SOURCES			4,670,800	2,417,600
(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
(a) Interest on overpayment of taxes	GPR	S	500,000	500,000
(am) Great Lakes protection fund contribution	GPR	C	−0−	−0−
(b) Election campaign payments	GPR	S	295,000	285,000
(c) Minnesota income tax reciprocity	GPR	S	33,800,000	34,800,000
(ca) Minnesota income tax reciprocity bench mark	GPR	A	16,000	−0−
(e) Transfer to conservation fund; land acquisition reimbursement	GPR	S	22,100	116,900
(f) Supplemental title fee matching	GPR	S	10,275,000	10,275,000
(q) Terminal tax distribution	SEG	S	914,100	855,500
(r) Petroleum allowance	SEG	S	400,000	400,000
(s) Transfer to conservation fund; motorboat formula	SEG	S	8,828,800	9,572,800

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(t) Transfer to conservation fund; snowmobile formula	SEG	S	3,368,200	3,706,400
(u) Transfer to conservation fund; all−terrain vehicle formula	SEG	S	474,700	554,900
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			44,908,100	45,976,900
SEGREGATED FUNDS			13,985,800	15,089,600
OTHER			(13,985,800)	(15,089,600)
TOTAL−ALL SOURCES			58,893,900	61,066,500
(5) STATE HOUSING AUTHORITY RESERVE FUND				
(a) Enhancement of credit of authority debt	GPR	A	−0−	−0−
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
(6) MISCELLANEOUS RECEIPTS				
(g) Gifts and grants	PR	C	−0−	−0−
(h) Vehicle and aircraft receipts	PR	A	−0−	−0−
(i) Miscellaneous program revenue	PR	A	−0−	−0−
(j) Custody accounts	PR	C	−0−	−0−
(k) Aids to individuals and organizations	PR−S	C	−0−	−0−
(ka) Local assistance	PR−S	C	−0−	−0−
(m) Federal aid	PR−F	C	−0−	−0−
(pz) Indirect cost reimbursements	PR−F	C	−0−	−0−
(6) PROGRAM TOTALS				
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(7) DEBT COLLECTIONS				
(j) Delinquent support and maintenance payments	PR	C	−0−	−0−
(7) PROGRAM TOTALS				
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(9) STATE CAPITOL RENOVATION AND RESTORATION				
(a) South wing renovation and restoration	GPR	C	−0−	−0−
(9) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
20.855 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			59,488,900	68,104,500
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			13,985,800	15,089,600

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
	OTHER			(13,985,800)	(15,089,600)
	TOTAL−ALL SOURCES			73,474,700	83,194,100
20.865	**Program supplements**				
(1)	EMPLOYE COMPENSATION AND SUPPORT				
(a)	Judgments and legal expenses	GPR	S	50,000	50,000
(c)	Compensation and related adjustments	GPR	S	−0−	−0−
(ci)	Nonrepresented university system faculty and academic pay adjustments	GPR	S	−0−	−0−
(cj)	Pay adjustments for certain university employes	GPR	A	−0−	−0−
(d)	Employer fringe benefit costs	GPR	S	−0−	−0−
(em)	Financial services	GPR	A	90,900	172,200
(fm)	Risk management	GPR	A	−0−	−0−
(fn)	Physically handicapped supplements	GPR	A	6,900	6,900
(g)	Judgments and legal expenses; program revenues	PR	S	−0−	−0−
(i)	Compensation and related adjustments; program revenues	PR	S	−0−	−0−
(ic)	Nonrepresented university system faculty and academic pay adjustments	PR	S	−0−	−0−
(j)	Employer fringe benefit costs; program revenues	PR	S	−0−	−0−
(js)	Financial services; program revenues	PR	S	−0−	−0−
(kr)	Risk management; program revenues	PR−S	S	−0−	−0−
(Ln)	Physically handicapped supplements; program revenues	PR	S	−0−	−0−
(q)	Judgments and legal expenses; segregated revenues	SEG	S	−0−	−0−
(s)	Compensation and related adjustments; segregated revenues	SEG	S	−0−	−0−
(si)	Nonrepresented university system faculty and academic pay adjustments	SEG	S	−0−	−0−
(t)	Employer fringe benefit costs; segregated revenues	SEG	S	−0−	−0−
(ts)	Financial services; segregated revenues	SEG	S	−0−	−0−
(ur)	Risk management; segregated revenues	SEG	S	−0−	−0−
(vn)	Physically handicapped supplements; segregated revenues	SEG	S	−0−	−0−
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			147,800	229,100
	PROGRAM REVENUE			−0−	−0−
	OTHER			(−0−)	(−0−)
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			147,800	229,100
(2)	STATE PROGRAMS AND FACILITIES				
(a)	Space management and child care	GPR	A	1,197,500	1,219,600
(ag)	State−owned office rent supplement	GPR	A	−0−	−0−
(d)	State deposit fund	GPR	S	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(e)	Maintenance of capitol and executive residence	GPR	A	3,874,600	3,874,600
(eb)	Executive residence furnishings replacement	GPR	C	25,000	25,000
(em)	Groundwater survey and analysis	GPR	A	231,200	231,200
(g)	Space management and child care; program revenues	PR	S	−0−	−0−
(gg)	State−owned office rent supplement; program revenues	PR	S	−0−	−0−
(j)	State deposit fund; program revenues	PR	S	−0−	−0−
(L)	Data processing and telecommunications study; program revenues	PR−S	S	−0−	−0−
(q)	Space management and child care; segregated revenues	SEG	S	−0−	−0−
(qg)	State−owned office rent supplement; segregated revenues	SEG	S	−0−	−0−
(t)	State deposit fund; segregated revenues	SEG	S	−0−	−0−
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,328,300	5,350,400
	PROGRAM REVENUE			−0−	−0−
	OTHER			(−0−)	(−0−)
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			5,328,300	5,350,400
(3)	TAXES AND SPECIAL CHARGES				
(a)	Property taxes	GPR	S	−0−	−0−
(g)	Property taxes; program revenues	PR	S	−0−	−0−
(i)	Payments for municipal services; program revenues	PR	S	−0−	−0−
(q)	Property taxes; segregated revenues	SEG	S	−0−	−0−
(s)	Payments for municipal services; segregated revenues	SEG	S	−0−	−0−
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	PROGRAM REVENUE			−0−	−0−
	OTHER			(−0−)	(−0−)
	SEGREGATED FUNDS			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			−0−	−0−
(4)	JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
(a)	General purpose revenue funds general program supplementation	GPR	B	24,598,100	54,245,300
(c)	Wisconsin sesquicentennial commission appropriation supplementation	GPR	C	−0−	−0−
(g)	Program revenue funds general program supplementation	PR	S	−0−	160,300

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(m) Federal funds general program supplementation	PR−F	C	15,000,000	2,000,000
(u) Segregated funds general program supplementation	SEG	S	1,208,000	1,384,400
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			24,598,100	54,245,300
PROGRAM REVENUE			15,000,000	2,160,300
FEDERAL			(15,000,000)	(2,000,000)
OTHER			(−0−)	(160,300)
SEGREGATED FUNDS			1,208,000	1,384,400
OTHER			(1,208,000)	(1,384,400)
TOTAL−ALL SOURCES			40,806,100	57,790,000
(8) SUPPLEMENTATION OF PROGRAM REVENUE AND PROGRAM REV.−SERVICE APPROPRIATIONS				
(g) Supplementation of program revenue and program rev.−service appropriations	PR	S	−0−	−0−
(8) PROGRAM TOTALS				
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.865 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			30,074,200	59,824,800
PROGRAM REVENUE			15,000,000	2,160,300
FEDERAL			(15,000,000)	(2,000,000)
OTHER			(−0−)	(160,300)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			1,208,000	1,384,400
OTHER			(1,208,000)	(1,384,400)
TOTAL−ALL SOURCES			46,282,200	63,369,500
20.866 Public debt				
(1) BOND SECURITY AND REDEMPTION FUND				
(u) Principal repayment and interest	SEG	S	−0−	−0−
20.866 DEPARTMENT TOTALS				
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.867 Building commission				
(1) STATE OFFICE BUILDINGS				
(a) Principal repayment and interest; housing of state agencies	GPR	S	−0−	−0−
(b) Principal repayment and interest; capitol and executive residence	GPR	S	4,437,200	6,055,900
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,437,200	6,055,900
TOTAL−ALL SOURCES			4,437,200	6,055,900
(2) ALL STATE−OWNED FACILITIES				
(b) Asbestos removal	GPR	A	−0−	−0−
(c) Hazardous materials removal	GPR	A	−0−	−0−
(f) Facilities preventive maintenance	GPR	A	−0−	−0−

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1997−98	1998−99
(ka)	Information technology development projects	PR−S	A	−0−	−0−
(q)	Building trust fund	SEG	C	−0−	−0−
(r)	Planning and design	SEG	C	−0−	−0−
(u)	Aids for buildings	SEG	C	−0−	−0−
(v)	Building program funding contingency	SEG	C	−0−	−0−
(w)	Building program funding	SEG	C	−0−	−0−
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			−0−	−0−
	PROGRAM REVENUE			−0−	−0−
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			−0−	−0−
	OTHER			(−0−)	(−0−)
	TOTAL−ALL SOURCES			−0−	−0−
(3)	STATE BUILDING PROGRAM				
(a)	Principal repayment and interest	GPR	S	16,574,500	24,103,700
(b)	Principal repayment and interest	GPR	S	−0−	−0−
(c)	Lease rental payments	GPR	S	−0−	−0−
(d)	Interest rebates on obligation proceeds; general fund	GPR	S	−0−	−0−
(e)	Principal repayment, interest and rebates; parking ramp	GPR	S	−0−	−0−
(g)	Principal repayment, interest and rebates; program revenues	PR	S	−0−	−0−
(h)	Principal repayment, interest and rebates	PR	S	−0−	−0−
(i)	Principal repayment, interest and rebates; capital equipment	PR	S	−0−	−0−
(k)	Interest rebates on obligation proceeds; program revenues	PR−S	C	−0−	−0−
(q)	Principal repayment and interest; segregated revenues	SEG	S	−0−	−0−
(r)	Interest rebates on obligation proceeds; conservation fund	SEG	S	−0−	−0−
(s)	Interest rebates on obligation proceeds; transportation fund	SEG	S	−0−	−0−
(t)	Interest rebates on obligation proceeds; veterans trust fund	SEG	S	−0−	−0−
(w)	Bonding services	SEG	S	1,024,200	1,024,200
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,574,500	24,103,700
	PROGRAM REVENUE			−0−	−0−
	OTHER			(−0−)	(−0−)
	SERVICE			(−0−)	(−0−)
	SEGREGATED FUNDS			1,024,200	1,024,200
	OTHER			(1,024,200)	(1,024,200)
	TOTAL−ALL SOURCES			17,598,700	25,127,900
(4)	CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
(q)	Funding in lieu of borrowing	SEG	C	−0−	−0−
(r)	Interest on veterans obligations	SEG	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
(4) PROGRAM TOTALS				
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.867 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			21,011,700	30,159,600
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			1,024,200	1,024,200
OTHER			(1,024,200)	(1,024,200)
TOTAL−ALL SOURCES			22,035,900	31,183,800
20.870 Information technology development projects				
(1) INFORMATION TECHNOLOGY INVESTMENT FUND				
(q) Special projects; fee revenue	SEG	A	−0−	−0−
(r) Special projects; agency revenues	SEG	A	−0−	−0−
(s) Special projects; gifts and grants	SEG	A	−0−	−0−
(1) PROGRAM TOTALS				
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(2) GENERAL FUND				
(a) Information technology development projects	GPR	A	914,800	914,800
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			914,800	914,800
TOTAL−ALL SOURCES			914,800	914,800
20.870 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			914,800	914,800
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			914,800	914,800
20.875 Budget stabilization fund				
(1) TRANSFERS TO FUND				
(a) General fund transfer	GPR	A	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
(2) TRANSFERS FROM FUND				
(q) Budget stabilization fund transfer	SEG	A	−0−	−0−
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.875 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1997−98	1998−99
General Appropriations				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			1,804,483,200	1,863,422,300
PROGRAM REVENUE			15,000,000	2,160,300
FEDERAL			(15,000,000)	(2,000,000)
OTHER			(−0−)	(160,300)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			287,059,200	165,401,100
FEDERAL			(−0−)	(−0−)
OTHER			(287,059,200)	(165,401,100)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			2,106,542,400	2,030,983,700
S T A T E T O T A L			18,538,999,300	18,670,864,300
GENERAL PURPOSE REVENUES			9,766,024,500	9,893,078,000
PROGRAM REVENUE			6,142,428,100	6,241,078,600
FEDERAL			(3,867,199,800)	(3,891,224,000)
OTHER			(1,777,050,600)	(1,808,690,200)
SERVICE			(498,177,700)	(541,164,400)
SEGREGATED FUNDS			2,630,546,700	2,536,707,700
FEDERAL			(455,769,300)	(409,212,600)
OTHER			(1,965,836,400)	(1,923,749,400)
SERVICE			(142,928,800)	(142,946,000)
LOCAL			(66,012,200)	(60,799,700)

SECTION 170. 20.115 (1) (j) of the statutes is amended to read:

20.115 **(1)** (j) *Weights and measures inspection.* The amounts in the schedule for weights and measures inspection, testing and enforcement under ch. 98. All moneys received under ss. 93.06 (1p), 97.30 (3) (am), 98.04 (2), 98.05 (5), 98.16 ~~and~~, 98.18 and 98.245 (7) shall be credited to this appropriation.

SECTION 170m. 20.115 (1) (q) of the statutes is renumbered 20.115 (1) (c) and amended to read:

20.115 **(1)** (c) *Automobile repair regulation.* ~~From the transportation fund, the~~ The amounts in the schedule for the enforcement of ch. Ag 132, Wis. adm. code.

SECTION 170p. 20.115 (2) (d) of the statutes is created to read:

20.115 **(2)** (d) *Principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of department facilities and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing this acquisition, construction, development, enlargement or improvement.

SECTION 170r. 20.115 (2) (ha) of the statutes is amended to read:

20.115 **(2)** (ha) *Inspection, testing and enforcement.* All moneys received under ss. 93.06 (1f) and (1g), 95.55, 95.60 (5), 95.68, 95.69, 95.71 and 95.715, to be used for animal health inspection and testing and for enforcement of animal health laws.

SECTION 170v. 20.115 (3) (je) of the statutes is created to read: **Vetoed In Part**

20.115 **(3)** (je) *Stray voltage research.* Biennially, the amounts in the schedule for research on stray voltage under s. 93.41 (2m). All moneys received under s. 196.857 (1m) (c) shall be credited to this appropriation.

SECTION 171. 20.115 (3) (jm) of the statutes is created to read:

20.115 **(3)** (jm) *Stray voltage program; rural electric cooperatives.* The amounts in the schedule for the administration of s. 93.41. All moneys received under s. 93.41 (3) shall be credited to this appropriation account.

SECTION 172m. 20.115 (4) (c) of the statutes is amended to read:

20.115 **(4)** (c) (title) ~~*Research and development grants*~~ *Agricultural investment aids.* Biennially, the amounts in the schedule for agricultural research and development grants under s. 93.46 (2) and sustainable agriculture grants under s. 93.47.

SECTION 173. 20.115 (4) (cd) of the statutes is created to read:

20.115 **(4)** (cd) *Federal dairy policy reform.* Biennially, the amounts in the schedule to provide assistance to organizations to reform federal dairy pricing policies under s. 93.06 (12).

SECTION 173b. 20.115 (4) (cd) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 174. 20.115 (4) (d) of the statutes is created to read:

20.115 **(4)** (d) *Farmer tuition assistance grants.* Biennially, the amounts in the schedule for farmer tuition assistance grants under s. 93.51.

SECTION 175. 20.115 (4) (g) of the statutes is amended to read:

20.115 **(4)** (g) *Pari−mutuel racing supplemental aid.* All moneys ~~received~~ transferred from ~~s. 20.197 (1)~~ the appropriation account under s. 20.505 (8) (g) 1., to provide state aids to counties and agricultural societies, associations or boards and to incorporated dairy or livestock associations.

SECTION 176. 20.115 (4) (h) of the statutes is amended to read:

20.115 **(4)** (h) *Pari−mutuel racing supplemental aid to Wisconsin livestock breeders association.* All moneys transferred from the appropriation account under s. ~~20.197 (1)~~ 20.505 (8) (g) 1r. to provide aid to the Wisconsin livestock breeders association for the conduct of junior livestock shows and other livestock educational programs under s. 93.31.

SECTION 176e. 20.115 (4) (i) of the statutes is created to read:

20.115 **(4)** (i) *Agricultural investment aids; gifts and grants.* All moneys received from gifts and grants for agricultural research and development grants under s. 93.46 (2) and sustainable agriculture grants under s. 93.47 to carry out the purposes for which made.

SECTION 177. 20.115 (7) (dm) of the statutes is repealed.

SECTION 178. 20.115 (7) (e) of the statutes is amended to read:

20.115 **(7)** (e) *Agricultural chemical cleanup program; general fund.* ~~As a continuing appropriation~~ Biennially, the amounts in the schedule for reimbursement of corrective action costs under s. 94.73.

SECTION 178e. 20.115 (7) (f) of the statutes is created to read:

20.115 **(7)** (f) *Principal repayment and interest; soil and water.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in providing funds for soil and water resource management projects under s. 92.14 and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing those projects.

SECTION 179. 20.115 (7) (h) of the statutes is amended to read:

20.115 **(7)** (h) *Fertilizer research assessments.* All moneys collected under ~~s.~~ ss. 94.64 (4) ~~(am)~~ (a) 2. and 94.65 (6) (a) 3. to be used as provided in s. 94.64 (8m) for fertilizer research. ~~From this paragraph,~~ The department may use up to 3.5% of the gross amount collected ~~shall be transferred to the appropriation under sub. (1) (a) as reimbursement~~ for administrative expenses incurred by the department ~~in connection with the moneys collected~~ to collect moneys under ~~s.~~ ss. 94.64 (4) ~~(am)~~ (a) 2. and 94.65 (6) (a) 3. Moneys under this paragraph may not be ~~utilized~~ used for any other research or to influence either state or federal legislation.

SECTION 181. 20.115 (7) (w) of the statutes is repealed.

SECTION 181g. 20.115 (7) (wm) of the statutes is created to read:

20.115 **(7)** (wm) *Agricultural chemical cleanup reimbursement.* From the agricultural chemical cleanup fund, as a continuing appropriation, the amounts in the schedule for reimbursement of corrective action costs under s. 94.73.

SECTION 182. 20.115 (8) (hm) of the statutes is created to read:

20.115 **(8)** (hm) *Restitution.* All moneys received by the department as court−ordered restitution to victims or payments for other persons represented by the department for the purpose of making the restitution or payments and for the department's costs in administering the restitution or payments, as authorized by court order.

SECTION 183. 20.115 (8) (j) of the statutes is renumbered 20.115 (3) (j).

SECTION 184. 20.115 (8) (k) of the statutes is amended to read:

20.115 **(8)** (k) *Computer system equipment, staff and services.* The amounts in the schedule for the costs of computer system equipment, staff and services. All moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), ~~(j),~~ (kp), (ks), (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i), (j), (ja), (L) and (m)~~,~~ and (7) (g), (ga), (gm), (k) and (m) ~~and (9) (m)~~ shall be credited to this appropriation account.

SECTION 185. 20.115 (9) of the statutes is repealed.

SECTION 186. 20.143 (1) (b) of the statutes is amended to read:

20.143 **(1)** (b) (title) *Economic development promotion, plans and studies.* The amounts in the schedule for economic development promotion under ch. 560 and for economic development plans and studies under ss. 560.01, 560.03, 560.07, 560.08, 560.09 and 560.905.

SECTION 186c. 20.143 (1) (br) of the statutes is created to read:

20.143 **(1)** (br) *Brownfields grant program.* The amounts in the schedule for grants under s. 560.13.

SECTION 187. 20.143 (1) (c) of the statutes is amended to read:

20.143 **(1)** (c) (title) *Wisconsin development fund~~,~~; grants ~~and~~, loans ~~and~~, reimbursements and assistance.* Biennially, the amounts in the schedule for grants under s. 560.615; for grants and loans under ss. 560.62, ~~560.625,~~ 560.63 and 560.66; for ~~loans~~ grants under s. 560.16; for reimbursements under s. 560.167; for providing assistance under s. 560.06; for the grant or loan under 1997 Wisconsin Act .... (this act), section 9110 (7f); and for the grants under 1995 Wisconsin Act 27, section 9116 (7gg), ~~and~~ 1995 Wisconsin Act 119, section 2 (1), and 1997 Wisconsin Act .... (this act), 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).

Vetoed In Part

SECTION 189. 20.143 (1) (f) of the statutes is created to read:

20.143 **(1)** (f) *Physician and health care provider loan assistance programs, repayments and contract.* As a continuing appropriation, the amounts in the schedule for loan repayments under ss. 560.183 and 560.184 and for contracting under ss. 560.183 (8) and 560.184 (7).

SECTION 190. 20.143 (1) (fc) of the statutes is repealed.

SECTION 191. 20.143 (1) (fd) of the statutes is repealed.

SECTION 192. 20.143 (1) (fe) of the statutes is repealed.

SECTION 194. 20.143 (1) (fm) of the statutes is amended to read:

20.143 **(1)** (fm) *Minority business projects; grants and loans.* Biennially, the amounts in the schedule for grants under ss. 560.033, 560.038, 560.039 ~~and~~, 560.82 and 560.837, grants and loans under s. 560.83 and the grant under 1993 Wisconsin Act 110, section 3.

SECTION 195. 20.143 (1) (gc) of the statutes is created to read:

20.143 **(1)** (gc) *Business development assistance center.* All moneys received under s. 560.42 (3) (a) for providing materials and services under subch. III of ch. 560.

SECTION 196. 20.143 (1) (gm) of the statutes is created to read:

20.143 **(1)** (gm) *Wisconsin development fund, administration of grants and loans.* All moneys received from origination fees under s. 560.68 (3) for administering the programs under subch. V of ch. 560 and for the costs of underwriting grants and loans awarded under subch. V of ch. 560.

SECTION 197. 20.143 (1) (ie) of the statutes, as affected by 1995 Wisconsin Act 27, section 512bc, 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. 560.16, 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) ~~and~~, 1989 Wisconsin Act 336, section 3015 (3gx), and 1997 Wisconsin Act .... (this act), section 9110 (7f), to be used for grants and loans under subch. V of ch. 560 except s. 560.65, for ~~loans~~ grants under s. 560.16, for the grant or loan under 1997 Wisconsin Act .... (this act), section 9110 (7f), and for reimbursements under s. 560.167.

Vetoed In Part

SECTION 198. 20.143 (1) (if) of the statutes is created to read:

20.143 **(1)** (if) *Mining economic development grants and loans; repayments.* All moneys received in repayment of grants or loans under s. 560.135 to be used for grants and loans under s. 560.135.

SECTION 199. 20.143 (1) (ij) of the statutes is renumbered 20.505 (1) (iu).

SECTION 199n. 20.143 (1) (im) of the statutes is amended to read:

20.143 **(1)** (im) *Minority business projects; repayments.* All moneys received in repayment of grants or loans under s. 560.83 to be used for grants and loans under ss. 560.82 ~~and~~, 560.83 and 560.837 and the grant under 1993 Wisconsin Act 110, section 3.

SECTION 200. 20.143 (1) (L) of the statutes is amended to read:

20.143 **(1)** (L) *Recycling market development; repayments.* All moneys received in repayment of loans ~~made~~ awarded by the recycling market development board under s. 287.46 (1) and received under s. 287.46 (3) in repayment of loans made by recipients of financial assistance ~~from~~ awarded by the recycling market development board under s. 287.46 (1), to be used to provide financial assistance under ~~s. 287.46 (1)~~ subch. III of ch. 287.

SECTION 200d. 20.143 (1) (L) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.143 **(1)** (L) *Recycling market development; repayments.* All moneys received in repayment of loans awarded ~~by the recycling market development board~~ under s. 287.46 (1), 1995 stats., and s. 560.031 and received under s. 287.46 (3), 1995 stats., and s. 560.031 in repayment of loans made by recipients of financial assistance awarded ~~by the recycling market development board~~ under s. 287.46 (1), 1995 stats., and s. 560.031 to be used to provide financial assistance under ~~subch. III of ch. 287~~ s. 560.031.

SECTION 202. 20.143 (1) (qa) of the statutes is created to read:

20.143 **(1)** (qa) *Business development assistance center; activities and staff.* 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.

SECTION 202m. 20.143 (1) (qm) of the statutes is created to read:

20.143 **(1)** (qm) *Brownfields grant program; environmental fund.* From the environmental fund, the amounts in the schedule for grants under s. 560.13.

SECTION 203. 20.143 (1) (r) of the statutes is created to read:

20.143 **(1)** (r) *Mining economic development grants and loans.* From the investment and local impact fund, as a continuing appropriation, the amounts in the schedule for mining and economic development grants and loans under s. 560.135.

SECTION 204. 20.143 (1) (st) of the statutes is amended to read:

20.143 **(1)** (st) *Recycling market development board; operations.* From the recycling fund, the amounts in the schedule for ~~staff,~~ permanent property, supplies ~~and~~, services and department of commerce staff support for the recycling market development board.

SECTION 204d. 20.143 (1) (st) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 204m. 20.143 (1) (t) of the statutes is created to read:

20.143 **(1)** (t) *Forestry education grant program.* From the conservation fund, as a continuing appropriation, the amounts in the schedule for forestry education grants under s. 560.18.

SECTION 205. 20.143 (1) (tm) of the statutes is amended to read:

20.143 **(1)** (tm) (title) *Recycling market development board; contracts and assistance.* Biennially, from the recycling fund, the amounts in the schedule for recycling market development board contracts under s. 287.42 (3) and (3m) and financial assistance under ~~s. 287.46~~ subch. III of ch. 287.

SECTION 205d. 20.143 (1) (tm) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 206. 20.143 (3) (j) of the statutes is amended to read:

20.143 **(3)** (j) *Safety and building operations.* The amounts in the schedule for the purposes of subchs. I, II, III, IV and VI of ch. 101 ~~and~~, chs. 145 and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys received under ch. 145 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4) ~~and~~, 101.973 (7) and 236.12 (7) shall be credited to this appropriation.

SECTION 208. 20.145 (1) (g) of the statutes is amended to read:

20.145 **(1)** (g) *General program operations.* The amounts in the schedule for general program operations ~~and for funding the activities of the office of health care information under s. 153.05 (8)~~. Ninety percent of all moneys received under ss. 601.31, 601.32, 601.45 and 601.47 shall be credited to this appropriation.

SECTION 209. 20.145 (1) (k) of the statutes is created to read:

20.145 **(1)** (k) *Administrative and support services.* The amounts in the schedule for administrative and support services and products. All moneys received by the office of the commissioner of insurance from the office of the commissioner of insurance as payment for administrative and support services and products shall be credited to this appropriation account.

SECTION 210. 20.145 (7) (title) of the statutes is repealed.

SECTION 211. 20.145 (7) (a) of the statutes is renumbered 20.435 (5) (ah) and amended to read:

20.435 **(5)** (ah) (title) ~~*Premium*~~ *Health insurance risk−sharing plan; premium and deductible reduction subsidy.* Biennially, the amounts in the schedule for the purpose of subsidizing premium reductions under s. ~~619.165~~ 149.165 and deductible reductions under s. ~~619.14~~ 149.14 (5) (a).

SECTION 212. 20.145 (7) (b) of the statutes is repealed.

SECTION 213h. 20.145 (7) (g) of the statutes is repealed.

SECTION 214. 20.145 (7) (u) of the statutes is renumbered 20.435 (1) (u) and amended to read:

20.435 **(1)** (u) (title) ~~*Administration*~~ *Health insurance risk−sharing plan; administration.* The amounts in the schedule from the health insurance risk−sharing plan fund for the administration of ~~subch. II of~~ ch. ~~619~~ 149.

SECTION 215. 20.145 (8) (title) of the statutes is repealed.

SECTION 216. 20.145 (8) (hg) of the statutes is renumbered 20.435 (1) (hg) and amended to read:

20.435 **(1)** (hg) (title) *General program operations; ~~office of~~ health care information.* The amounts in the schedule to fund the activities of the ~~office of health care information~~ department of health and family services and the board on health care information under ch. 153. The assessments paid under s. 153.60 shall be credited to this appropriation account.

SECTION 217. 20.145 (8) (hi) of the statutes is renumbered 20.435 (1) (hi), and 20.435 (1) (hi) (title), as renumbered, is amended to read:

20.435 **(1)** (hi) (title) *Compilations and special reports~~; office of health care information~~.*

SECTION 218. 20.145 (8) (hj) of the statutes is repealed.

SECTION 219. 20.145 (8) (kx) of the statutes is repealed.

SECTION 220. 20.145 (8) (mr) of the statutes is repealed.

SECTION 221. 20.155 (1) (q) of the statutes is created to read:

20.155 **(1)** (q) *Universal telecommunications service.* Biennially, from the universal service fund, the amounts in the schedule for the promotion of universal telecommunications service for the purposes specified in s. 196.218 (5) (a) 1. to 4.

SECTION 222m. 20.155 (2) (x) of the statutes is renumbered 20.155 (2) (m) and amended to read:

20.155 **(2)** (m) *Railroad regulation; federal funds.* ~~From the transportation fund, all~~ All moneys received from the federal government for the regulation of railroads, for such purposes.

SECTION 223. 20.165 (1) (g) of the statutes is amended to read:

20.165 **(1)** (g) *General program operations.* The amounts in the schedule for the licensing, rule making and regulatory functions of the department, except for preparing, administering and grading examinations. Ninety percent of all moneys received under chs. 440 to 480, except ~~s.~~ ss. 440.03 (13) and 440.05 (1) (b), less $10 of each renewal fee received under s. 452.12 (5), and all moneys transferred from the appropriation under par. (i) and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

SECTION 224. 20.165 (1) (gm) of the statutes, as created by 1995 Wisconsin Act 461, is repealed and recreated to read:

20.165 **(1)** (gm) *Applicant investigation reimbursement.* All moneys received from applicants for credentials under s. 440.03 (13), for the purpose of conducting investigations under s. 440.03 (13).

SECTION 224p. 20.190 (1) (d) of the statutes is created to read:

20.190 **(1)** (d) *Principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of park facilities and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing this acquisition, construction, development, enlargement or improvement.

SECTION 225. 20.190 (1) (m) of the statutes is created to read:

20.190 **(1)** (m) *Federal funds.* All moneys received from the federal government for the state fair park board as authorized under s. 16.54 to be used for the purposes for which received.

SECTION 226. 20.197 (intro.) of the statutes is repealed.

SECTION 227. 20.197 (1) (title) of the statutes is renumbered 20.505 (8) (title) and amended to read:

20.505 **(8)** (title) ~~GAMING OPERATIONS~~ DIVISION OF GAMING.

SECTION 228. 20.197 (1) (g) of the statutes is renumbered 20.505 (8) (g), and 20.505 (8) (g) (intro.), as renumbered, is amended to read:

20.505 **(8)** (g) *General program operations; racing.* (intro.) The amounts in the schedule for general program operations under ch. 562. All moneys received by the ~~gaming board~~ department of administration under ss. 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d), 562.05 (2), 562.065 (3) (d) and (4) ~~and~~, 562.09 (2) (e) and 562.124 (2), less the amounts appropriated under s. 20.455 (2) (g), shall be credited to this appropriation account. Annually, of the moneys received under this appropriation account, an amount equal to 14% of the amount in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation account under s. 20.435 (7) (kg). The unencumbered balance in this appropriation on June 30 of each fiscal year which exceeds 10% of that fiscal year's expenditures under this appropriation, but not more than the total amount received during that fiscal year under s. 562.065 (3) (d) and (4), shall be transferred as follows:

SECTION 229m. 20.197 (1) (h) of the statutes is renumbered 20.505 (8) (h) and amended to read:

20.505 **(8)** (h) (title) *General program operations; Indian gaming ~~regulation~~.* The amounts in the schedule for general program operations under ch. 569. All Indian gaming receipts, as defined in s. 569.01 (1m), less the amounts appropriated under s. 20.455 (2) (gc), shall be credited to this appropriation account. Annually, of the moneys received under this appropriation account, an amount equal to 50% of the amount in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation account under s. 20.435 (7) (kg).

SECTION 230. 20.197 (1) (j) of the statutes is renumbered 20.505 (8) (j) and amended to read:

20.505 **(8)** (j) *General program operations; charitable and crane games.* The amounts in the schedule for general program operations under chs. 563 and 564. All moneys received by the ~~gaming board~~ department of administration under ch. 563, except s. 563.80, and under s. 564.02 (2) shall be credited to this appropriation account.

SECTION 231. 20.197 (1) (q) of the statutes is repealed.

SECTION 232. 20.197 (3) (title) of the statutes is repealed.

SECTION 233. 20.197 (3) (i) of the statutes is renumbered 20.505 (8) (i).

SECTION 233rb. 20.215 (1) (k) of the statutes is repealed. **Vetoed In Part**

SECTION 233re. 20.215 (1) (ka) of the statutes is repealed.

SECTION 234. 20.225 (1) (b) of the statutes is amended to read:

20.225 **(1)** (b) *Energy costs.* The amounts in the schedule to pay for utilities and for fuel, heat and air conditioning, and to pay costs incurred under ~~s.~~ ss. 16.858 and 16.895, by or on behalf of the board, and to repay to the energy efficiency fund loans made to the board under s. 16.847 (6).

SECTION 235. 20.225 (1) (e) of the statutes is repealed.

SECTION 235m. 20.225 (1) (kb) of the statutes is created to read:

20.225 **(1)** (kb) *Emergency weather warning system operation.* From the moneys received by the department of administration for the provision of state telecommunications and data processing services and sale of telecommunications and data processing inventory items primarily to state agencies, the amounts in the schedule for the operation of the emergency weather warning system under s. 39.11 (21).

SECTION 236. 20.235 (title) of the statutes is amended to read:

20.235 (title) ~~**Department of education; higher**~~ **Higher educational aids board.**

SECTION 236L. 20.235 (1) (cu) of the statutes is created to read:

20.235 **(1)** (cu) *Teacher education loan program.* The amounts in the schedule for the teacher education loan program under s. 39.395.

SECTION 237e. 20.235 (1) (fy) of the statutes is amended to read:

20.235 **(1)** (fy) *Academic excellence higher education scholarships.* ~~Biennially, the amounts in the schedule~~ A sum sufficient for payments to institutions of higher education under s. 39.41.

SECTION 238. 20.235 (1) (g) of the statutes is amended to read:

20.235 **(1)** (g) *Student loans.* The amounts in the schedule for additional loans under s. 39.32, for repurchase of loans assigned, sold or conveyed and for repayment of advances by the investment board. All moneys received from the principal repaid on student loans made under s. 49.42, 1963 stats., and s. 39.32 other than principal repaid on loans assigned, sold or conveyed, and all moneys received as an advance from the investment board, under s. 25.17 (3) (bf), 1977 stats., shall be credited to this appropriation. Moneys credited to the ~~department of education~~ higher educational aids board as a result of investments shall be considered under this appropriation as repayments. The amount of advances to the ~~department of education~~ higher educational aids board charged against the authorization under s. 25.17 (3) (bf), 1977 stats., shall be decreased by the amount of any repayments to the investment board under this appropriation. Advances repaid to the investment board shall be reappropriated to the ~~department of education~~ higher educational aids board for the purpose of providing additional loans subject to s. 25.17 (3) (bf) 2., 1977 stats. Principal repayments on loans assigned, sold or conveyed shall be repaid under this appropriation. The state auditor may annually audit the portfolio of student loans and notes thereon in the possession of the ~~department of education~~ higher educational aids board and report his or her determination of the current condition of the student notes receivable portfolio to the investment board, the joint committee on finance, the ~~department of education~~ higher educational aids board and the department of administration.

SECTION 239. 20.235 (2) (aa) of the statutes is created to read:

20.235 **(2)** (aa) *General program operations.* The amounts in the schedule for general program operations.

SECTION 239m. 20.235 (2) (ba) of the statutes is repealed.

SECTION 240. 20.235 (2) (bd) of the statutes is amended to read:

20.235 **(2)** (bd) *Purchase of defective student loans.* A sum sufficient for the repurchase of student loans made under s. 39.32 that have been sold by the ~~department of education~~ higher educational aids board or the building commission and subsequently found to be defective.

SECTION 241. 20.235 (2) (n) of the statutes is created to read:

20.235 **(2)** (n) *Federal aid; state operations.* All moneys received from the federal government as authorized by the governor under s. 16.54 to carry out the purpose for which made. The executive secretary of the board may transfer not more than $150,000 from this appropriation for purposes of carrying out the functions under s. 39.33.

SECTION 242. 20.235 (3) (title) of the statutes is created to read:

20.235 **(3)** (title) EDUCATIONAL APPROVAL BOARD.

SECTION 242m. 20.245 (intro.) of the statutes is amended to read:

20.245 Historical society. (intro.) There is appropriated to the historical society for the following ~~program~~ programs:

SECTION 243. 20.245 (2) (c) of the statutes is amended to read:

20.245 **(2)** (c) *Energy costs.* The amounts in the schedule to be used at the historic sites operated by the society at Eagle, Greenbush, Cassville, Mineral Point, Madeline Island and Prairie du Chien to pay for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the historical society under ~~s.~~ ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the society under s. 16.847 (6).

SECTION 243j. 20.245 (3) (h) of the statutes is amended to read:

20.245 **(3)** (h) *Gifts and grants.* All moneys received from gifts ~~and grants, including those made to the historical markers council under s. 44.15~~, grants and bequests, except moneys that are otherwise specifically appropri-

ated, for the historic preservation program under subch. II of ch. 44.

SECTION 243m. 20.245 (3) (u) of the statutes is renumbered 20.245 (3) (dm) and amended to read:

20.245 **(3)** (dm) (title) *Historic preservation~~; transportation fund~~.* ~~From the transportation fund, as~~ As a continuing appropriation, the amounts in the schedule for performing the duties of the historical society under s. 44.02 (27).

SECTION 244. 20.245 (4) (c) of the statutes is amended to read:

20.245 **(4)** (c) *Energy costs.* The amounts in the schedule to be used at the historical society building located at 816 State Street in the city of Madison to pay for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the society under ~~s.~~ ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the society under s. 16.847 (6).

Vetoed In Part

SECTION 244e. 20.245 (4) (j) of the statutes is created to read:

20.245 **(4)** (j) *Maritime project grants.* All moneys received under s. 170.12 (9m) (b) 2. for maritime projects under s. 44.085.

SECTION 244g. 20.245 (4) (k) of the statutes is repealed and recreated to read:

20.245 **(4)** (k) *General program operations — service funds.* All moneys received by the historical society from the historical society and from other state agencies to carry out the purposes for which received.

SECTION 244m. 20.245 (4) (s) of the statutes is created to read:

20.245 **(4)** (s) *Transfer to historical society endowment fund.* From the historical legacy trust fund, a sum sufficient to make the transfers required under s. 44.025 (2) (b).

SECTION 244n. 20.245 (4) (t) of the statutes is created to read:

20.245 **(4)** (t) *Historical legacy program.* From the historical society endowment fund, a sum sufficient equal to the earnings credited to the fund under s. 25.14 (3), for the historical legacy program under s. 44.025.

SECTION 244r. 20.245 (4) (y) of the statutes is created to read:

20.245 **(4)** (y) *Northern Great Lakes Center.* From the conservation fund, the amounts in the schedule for interpretative programming at the Northern Great Lakes Center.

SECTION 245. 20.245 (5) (c) of the statutes is amended to read:

20.245 **(5)** (c) *Energy costs.* The amounts in the schedule to be used at the historical society museum to pay for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the historical society under ~~s.~~ ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the society under s. 16.847 (6).

SECTION 246. 20.255 (title) and (intro.) of the statutes are amended to read:

20.255 (title) ~~**Education**~~ **Public instruction, department of.** (intro.) There is appropriated to the department of ~~education~~ public instruction for the following programs:

SECTION 247. 20.255 (1) (a) of the statutes is amended to read:

20.255 **(1)** (a) *General program operations.* The amounts in the schedule for the improvement of curriculum, instruction and educational resources for local educational agencies~~,~~ and the improvement of library services ~~and the administration of higher educational aids~~. The amounts include the matching of federal funds available under applicable federal acts or programs. ~~At least $5,000 of the amounts in the schedule in each fiscal year shall be allocated for support of the governor's council on business and education partnerships.~~

SECTION 248. 20.255 (1) (c) of the statutes is amended to read:

20.255 **(1)** (c) *Energy costs.* The amounts in the schedule to be used at the schools for the deaf and visually handicapped to pay for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the department under ~~s.~~ ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the department under s. 16.847 (6).

SECTION 249. 20.255 (1) (dw) of the statutes is amended to read:

20.255 **(1)** (dw) *Pupil assessment.* The amounts in the schedule for the costs of the examinations developed and administered under s. 118.30 and for the review and modification of academic standards, as provided under 1997 Wisconsin Act .... (this act), section 9140 (5r).

SECTION 250. 20.255 (1) (gb) of the statutes is created to read:

20.255 **(1)** (gb) *Residential schools; nonresident fees.* All moneys received from fees charged nonresident pupils under s. 115.52 (3) for services provided at the residential schools under s. 115.52.

SECTION 253. 20.255 (1) (u) of the statutes is renumbered 20.235 (2) (qb).

SECTION 253k. 20.255 (2) (ac) of the statutes 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 $3,321,288,800 $3,318,488,800 in the 1997–98 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). **Vetoed In Part**

SECTION 253p. 20.255 (2) (bi) of the statutes is created to read:

20.255 **(2)** (bi) *Additional aid for county handicapped children's education boards.* The amounts in the

schedule for additional aid to county handicapped children's education boards under 1997 Wisconsin Act .... (this act), section 9140 (6m). No moneys may be expended or encumbered from this appropriation after June 30, 1998.

SECTION 253r. 20.255 (2) (cg) of the statutes is amended to read:

20.255 **(2)** (cg) (title) *Tuition payments; full−time open enrollment transfer payments.* The amounts in the schedule for payment of tuition under subch. V of ch. 121 and full−time open enrollment transfer payments under s. 118.51 (16) (b) 2.

SECTION 253s. 20.255 (2) (cu) of the statutes is amended to read:

20.255 **(2)** (cu) *Achievement guarantee contracts.* The amounts in the schedule for aid to school districts and the program evaluation under s. 118.43. No funds may be encumbered from this appropriation after June 30, ~~2001~~ 2003.

SECTION 254t. 20.255 (2) (cv) of the statutes is created to read:

20.255 (2) (cv) *Achievement guarantee contracts; supplement.* The amounts in the schedule for aid to school districts under s. 118.43. No funds may be encumbered from this appropriation after June 30, 2003.

SECTION 255m. 20.255 (2) (cw) of the statutes is amended to read:

20.255 **(2)** (cw) (title) *Aid for transportation to institutions of higher education and technical colleges; part−time open enrollment.* The amounts in the schedule for the payment of state aid for the transportation of pupils attending an institution of higher education or technical college under s. ~~118.37~~ 118.55 (7g) and for the reimbursement of parents for the costs of transportation of pupils who are eligible for assistance under s. 118.52 (11) (b).

SECTION 256m. 20.255 (2) (cy) of the statutes is created to read:

20.255 **(2)** (cy) *Aid for transportation; full−time open enrollment.* The amounts in the schedule to reimburse parents for the costs of transportation of full−time open enrollment pupils under s. 118.51 (14) (b).

SECTION 257. 20.255 (2) (ec) of the statutes is amended to read:

20.255 **(2)** (ec) *Aid to Milwaukee public schools.* The amounts in the schedule to correct the academic deficiencies of educationally and economically disadvantaged pupils and to achieve a more effective and responsive educational program in the school district operating under ch. 119. In the 1993−94 fiscal year and in each fiscal year thereafter, the amount in the schedule shall be distributed according to the spending plan under s. 119.80. The department of ~~education~~ public instruction may not distribute any funds in the appropriation under this paragraph in the 1993−94 fiscal year or in any fiscal year thereafter until the spending plan for that fiscal year has been approved under s. 119.80.

SECTION 257m. 20.255 (2) (ee) of the statutes is renumbered 20.285 (1) (ee) and amended to read:

20.285 **(1)** (ee) *Environmental education grants.* The amounts in the schedule for environmental education grants under s. ~~115.375~~ 36.54 (2).

SECTION 258. 20.255 (2) (fm) of the statutes is created to read:

20.255 **(2)** (fm) *Charter schools.* A sum sufficient to make the payments to charter schools under s. 118.40 (2r) (e).

SECTION 260m. 20.255 (2) (q) of the statutes is created 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 .... (this act), section 9256 (3x) (c) 2., and in the 1998−99 fiscal year a sum sufficient equal to the sum of the amounts transferred to the property tax relief fund under 1997 Wisconsin Act .... (this act), section 9256 (3x) (d) 2. and (e) 2.

SECTION 263g. 20.255 (2) (r) of the statutes is renumbered 20.255 (2) (em) and amended to read:

20.255 **(2)** (em) *Driver education; local assistance.* ~~From the transportation fund, the~~ The amounts in the schedule to be distributed to school districts which operate driver education courses in accordance with s. 121.41 (1). The distribution shall be made to school districts upon such reports in such form and containing such information as the ~~department of education~~ state superintendent of public instruction requires.

SECTION 263m. 20.255 (2) (ra) of the statutes is renumbered 20.285 (1) (r) and amended to read:

20.285 **(1)** (r) *Environmental education; environmental assessments.* From the environmental fund, as a continuing appropriation, an amount equal to 50% of the environmental assessments under s. 299.93 (1) for environmental education grants under s. ~~115.375~~ 36.54 (2).

SECTION 264. 20.255 (2) (s) of the statutes is amended to read:

20.255 **(2)** (s) *School library aids.* ~~All moneys received as~~ From the common school fund income, the amounts in the schedule to be distributed as provided in ss. 24.78 and 43.70.

SECTION 264c. 20.255 (2) (s) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.255 **(2)** (s) *School library aids.* All moneys received as the common school fund income to be distributed as provided in ss. 24.78 and 43.70.

SECTION 265. 20.255 (2) (t) of the statutes is repealed.

SECTION 265m. 20.255 (2) (u) of the statutes is renumbered 20.255 (2) (br) and amended to read:

20.255 **(2)** (br) *Aid for handicapped education transportation.* ~~From the transportation fund, the~~ The amounts in the schedule for the payment of handicapped education transportation aid under s. 115.88 (2). If the amount appropriated under this paragraph is insufficient to pay the full amount of aid under s. 115.88 (2), the balance shall be paid from the appropriation under par. (b). No moneys may be encumbered from the appropriation under this paragraph after June 30, 1993.

SECTION 265mm. 20.255 (3) (d) of the statutes is created to read:

20.255 **(3)** (d) *Elks and Easter Seals Center for Respite and Recreation.* The amounts in the schedule for payments to the Wisconsin Elks and Easter Seals Center for Respite and Recreation under s. 115.28 (41).

SECTION 265mp. 20.255 (3) (ec) of the statutes is amended to read:

20.255 **(3)** (ec) *Wisconsin geography alliance.* The amounts in the schedule for payments to the Wisconsin geography alliance under s. 115.28 (27). ~~No money may be encumbered from the appropriation under this paragraph after June 30, 1996.~~

SECTION 265n. 20.255 (3) (ef) of the statutes is created to read:

20.255 **(3)** (ef) *School–to–work programs for children at risk.* The amounts in the schedule for grants to nonprofit organizations under s. 118.153 (3m).

SECTION 265r. 20.255 (3) (eg) of the statutes is created to read:

20.255 **(3)** (eg) *Milwaukee Public Museum.* The amounts in the schedule for payments to the Milwaukee Public Museum under s. 115.28 (40).

SECTION 266. 20.255 (4) (title) of the statutes is repealed.

SECTION 267. 20.255 (4) (g) of the statutes is renumbered 20.235 (3) (g) and amended to read:

20.235 **(3)** (g) *Proprietary school programs.* The amounts in the schedule for the examination and approval of proprietary school programs. All moneys received from the issuance of solicitor's permits under s. ~~38.51~~ 39.51 (8) and fees under s. ~~38.51~~ 39.51 (10) shall be credited to this appropriation.

SECTION 268. 20.255 (4) (m) of the statutes is renumbered 20.235 (3) (m).

SECTION 269. 20.265 of the statutes is repealed.

SECTION 270. 20.275 of the statutes is created to read:

20.275 Technology for educational achievement in Wisconsin board. There is appropriated to the technology for educational achievement in Wisconsin board for the following program:

(1) EDUCATIONAL TECHNOLOGY. (a) *General program operations.* The amounts in the schedule for general program operations.

(d) *Pioneering partners grants.* The amounts in the schedule for distance education and educational technology grants under 1997 Wisconsin Act .... (this act), section 9101 (10) (dm) 1. No moneys may be encumbered from this appropriation after June 30, 1998.

(er) *Principal, interest and rebates; general purpose revenue — public library boards.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing subsidized educational technology infrastructure loans to public library boards under s. 44.72 (4) and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m), to the extent that these costs and payments are not paid under par. (hb).

(es) *Principal, interest and rebates; general purpose revenue — school districts.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing subsidized educational technology infrastructure loans to school districts under s. 44.72 (4) and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m), to the extent that these costs and payments are not paid under par. (h).

(et) *Educational technology training and technical assistance grants.* Biennially, the amounts in the schedule for grants to cooperative educational service agencies and consortia under s. 44.72 (1).

(f) *Educational technology block grants.* The amounts in the schedule to make payments to school districts under s. 44.72 (2) (b) 2.

(fL) *Grants to public library boards.* The amounts in the schedule for grants to public library boards under s. 44.72 (3). **Vetoed In Part**

(fs) *Supplemental educational technology block grants.* The amounts in the schedule to make payments to school districts under s. 44.72 (2) (b) 3. No moneys may be encumbered from this appropriation after June 30, 1998.

(g) *Gifts and grants.* All moneys received from gifts, grants and bequests to carry out the purposes for which made or received.

(h) *Principal, interest and rebates; program revenue — school districts.* All moneys received under s. 44.72 (4) (c) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing subsidized educational technology infrastructure loans to school districts under s. 44.72 (4) and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m).

(hb) *Principal, interest and rebates; program revenue — public library boards.* All moneys received under

s. 44.72 (4) (c) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing subsidized educational technology infrastructure loans to public library boards under s. 44.72 (4) and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m).

(L) *Equipment purchases and leases.* All moneys received from school districts, cooperative educational service agencies and public educational institutions for the purchase or lease of educational technology equipment under s. 44.71 (2) (h), for the purpose of purchasing such equipment.

(m) *Federal aid.* All federal moneys received as authorized under s. 16.54 to be administered and expended in accordance with the provisions of the federal grant or program under which the moneys were received.

(s) *Educational telecommunications access support; school districts and technical college districts.* 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) (a) 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 school districts under s. 196.218 (4r) (g).

(t) *Educational telecommunications access support; private colleges and public library boards.* 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) (b) to the extent that the amounts due are not paid from the appropriation under s. 20.505 (1) (is).

(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).

(u) *Educational technology aid.* From the common school fund income, the amounts in the schedule to make payments to school districts under s. 44.72 (2) (a). No moneys may be encumbered from this appropriation after June 30, 1999.

Vetoed In Part

SECTION 271. 20.285 (1) (c) of the statutes is amended to read:

20.285 **(1)** (c) *Energy costs.* The amounts in the schedule to pay for utilities and for fuel, heat and air conditioning, and to pay costs incurred under ~~s.~~ ss. 16.858 and 16.895, including all operating costs recommended by the department of administration that result from the installation of pollution abatement equipment in state−owned or operated heating, cooling or power plants, by or on behalf of the board of regents, and to repay to the energy efficiency fund loans made to the board under s. 16.847 (6).

SECTION 272. 20.285 (1) (cm) of the statutes is created to read:

20.285 **(1)** (cm) *Educational technology.* The amounts in the schedule for educational technology projects under s. 36.25 (38).

SECTION 272m. 20.285 (1) (db) of the statutes is amended to read:

20.285 **(1)** (db) *Self−amortizing facilities principal and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for any amounts advanced to meet principal and interest costs on self−amortizing university facilities whenever the combined balances of all accounts of activities, of any campus, included in par. (h) and sub. (6) (g) are insufficient, as determined by the department of administration, to make transfers to pars. (kd) and (ke) as required by par. (h) and sub. (6) (g). Amounts advanced under the authority of this paragraph shall be repaid to the general fund in instalments to be determined jointly by the department of administration and the campus concerned. ~~Annually,~~ For projects authorized by the building commission before July 1, 1998, annually an amount equal to 80% of the principal and interest costs for maintenance of university of Wisconsin−Madison intercollegiate athletic facilities shall be paid from the appropriation under this paragraph. For projects authorized by the building commission on or after July 1, 1998, annually an amount equal to 70% of the principal and interest costs for maintenance of University of Wisconsin−Madison intercollegiate athletic facilities shall be paid from the appropriation under this paragraph.

SECTION 273. 20.285 (1) (h) of the statutes 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. Subject to s. 36.46 (2) (b), upon the request of the extension or any institution or center within the system, the board of regents may transfer surplus moneys appropriated under this paragraph to the appropriation account under par. (kp).

Vetoed In Part

SECTION 274. 20.285 (1) (hm) of the statutes is amended to read:

20.285 **(1)** (hm) *Extension outreach.* All moneys collected under s. 94.64 (4) ~~(ar)~~ (a) 3. to be used for university of Wisconsin−extension outreach services.

SECTION 275. 20.285 (1) (im) of the statutes is amended to read:

20.285 **(1)** (im) *Academic student fees.* Except as provided in sub. (2) (i) 1., the amounts in the schedule for degree credit instruction, other than for credit outreach instruction sponsored by the University of Wisconsin−Extension. Except as provided under pars. (ip), (Lm) and (Ls), all moneys received from academic student fees shall be credited to this appropriation.

SECTION 276. 20.285 (1) (ip) of the statutes is created to read:

20.285 **(1)** (ip) *Extension student fees.* Except as provided under pars. (Lm) and (Ls), all moneys received from academic student fees at the University of Wisconsin−Extension, for credit outreach instruction sponsored by the University of Wisconsin−Extension.

SECTION 276g. 20.285 (1) (kb) of the statutes is created to read:

20.285 **(1)** (kb) *Great Lakes studies.* The amounts in the schedule for studies of Great Lakes fish. All moneys transferred from the appropriation account under s. 20.370 (4) (mu) shall be credited to this appropriation account.

SECTION 276m. 20.285 (1) (kd) of the statutes is amended to read:

20.285 **(1)** (kd) *Principal repayment, interest and rebates.* From the revenues credited under par. (h) and sub. (6) (g), a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of self−amortizing university facilities and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities. ~~Annually,~~ For projects authorized by the building commission before July 1, 1998, annually an amount equal to 20% of the principal and interest costs for maintenance of university of Wisconsin−Madison intercollegiate athletic facilities shall be paid from the appropriation under this paragraph. For projects authorized by the building commission on or after July 1, 1998, annually an amount equal to 30% of the principal and interest costs for maintenance of University of Wisconsin−Madison intercollegiate athletic facilities shall be paid from the appropriation under this paragraph.

SECTION 277. 20.285 (1) (kp) of the statutes is created to read:

20.285 **(1)** (kp) *Student − related activities.* All moneys transferred from par. (h) for the one−time, fixed−duration costs of any student−related activity, as those terms are defined by the board under s. 36.46 (2) (a) 1.

Vetoed In Part

SECTION 277g. 20.285 (1) (q) of the statutes is created to read:

20.285 **(1)** (q) *Telecommunications services.* From the universal service fund, the amounts in the schedule to provide telecommunications services as specified in s. 196.218 (5) (a) 6.

SECTION 277m. 20.285 (1) (rc) of the statutes is created 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).

SECTION 277n. 20.285 (1) (tm) of the statutes is created to read:

20.285 **(1)** (tm) *Solid waste research and experiments.* From the recycling fund, the amounts in the schedule for research into alternative methods of solid waste management and for administering solid waste experiment centers.

SECTION 277r. 20.285 (1) (x) of the statutes is renumbered 20.285 (1) (cg) and amended to read:

20.285 **(1)** (cg) *Driver education teachers.* ~~All moneys received from the transportation fund~~ As a continuing appropriation, the amounts in the schedule for the purpose of providing driver education teacher training.

SECTION 278. 20.285 (2) (a) 1. of the statutes is amended to read:

20.285 **(2)** (a) 1. Any moneys in program revenue appropriations to the board of regents for operation may be temporarily transferred to or from any other program revenue appropriation, but any moneys so transferred shall be repaid to the appropriation from which taken before the close of the fiscal year in which the transfer was made. This subdivision does not apply to moneys transferred from the appropriation account under par. (h) to the appropriation account under par. (kp).

SECTION 278g. 20.285 (2) (d) of the statutes is amended to read:

20.285 **(2)** (d) *Fee and tuition remissions.* The aggregate amount of nonresident remissions of tuition and fees for any fiscal year for the institutions formerly governed under ch. 36, 1971 stats., may not exceed the aggregate amount so remitted for those institutions in the 1970−71 fiscal year as adjusted for proportional increases in tuition charges since 1976−77, and for the institutions formerly governed under ch. 37, 1971 stats., the aggregate amount shall not exceed the aggregate amount so remitted for those institutions in the 1972−73 fiscal year as adjusted for proportional increases in tuition charges since 1976−77. The limits under this paragraph do not

apply to fee remissions granted under s. 36.27 (3) (g). This paragraph does not restrict the granting of remissions when required under the terms of a contract or gift, or when such remissions are reimbursed as an indirect cost.

SECTION 279. 20.285 (2) (i) 1. of the statutes is renumbered 20.285 (2) (i) 1. (intro.) and amended to read:

20.285 **(2)** (i) 1. (intro.) Notwithstanding s. 20.001 (3) (a), the amount of the appropriation under sub. (1) (im) ~~for the 1987–88 fiscal year and any fiscal year thereafter~~ consists of the amount in the schedule, together with ~~an~~ all of the following:

a. For the 1997–98 fiscal year and any fiscal year thereafter, an amount equal to not more than the amount by which the expenditure estimate under s. 16.50 (1) for ~~that~~ the appropriation under sub. (1) (im) exceeded actual expenditures from that appropriation for the previous fiscal year, to the extent that sufficient revenues are available in the appropriation account under sub. (1) (im) to finance this appropriation.

SECTION 280. 20.285 (2) (i) 1. b. of the statutes is created to read:

20.285 **(2)** (i) 1. b. For the first fiscal year of a fiscal biennium, an amount equal to 4% of the amount in the schedule for the appropriation under sub. (1) (im), to the extent that sufficient revenues are available in the appropriation account under sub. (1) (im) to finance this ap-
Vetoed propriation. This subdivision 1. b. does not apply after
In Part June 30, 1998.

SECTION 281. 20.285 (2) (i) 1. c. of the statutes is created to read:

20.285 **(2)** (i) 1. c. For the 2nd fiscal year of a fiscal biennium, an amount equal to 7% of the amount in the schedule for the appropriation under sub. (1) (im), to the extent that sufficient revenues are available in the appropriation account under sub. (1) (im) to finance this ap-
Vetoed propriation. This subdivision 1. c. does not apply after
In Part June 30, 1999.

Vetoed In Part **SECTION 282m.** 20.292 (1) (dc) of the statutes is amended to read:

20.292 **(1)** (dc) *Incentive grants.* ~~As a continuing appropriation, the~~ The amounts in the schedule for incentive grants to district boards under s. 38.27.

SECTION 283. 20.292 (1) (eg) of the statutes is created to read:

20.292 **(1)** (eg) *Faculty development grants.* The amounts in the schedule for faculty development grants under s. 38.33.

SECTION 284g. 20.292 (1) (r) of the statutes is renumbered 20.292 (1) (fp) and amended to read:

20.292 **(1)** (fp) *Emergency medical technician — basic training; state operations.* ~~From the transportation fund, the~~ The amounts in the schedule for technical assistance and administrative support for emergency medical technician — basic training under s. 146.55 (5).

SECTION 284m. 20.292 (1) (u) of the statutes is renumbered 20.292 (1) (fc) and amended to read:

20.292 **(1)** (fc) *Driver education, local assistance.* ~~From the transportation fund, the~~ The amounts in the schedule, to be distributed to technical college districts for operating driver training programs under ss. 38.28 (2) (c) and (g) and 121.41 (1).

SECTION 284r. 20.292 (1) (v) of the statutes is renumbered 20.292 (1) (fg) and amended to read:

20.292 **(1)** (fg) *Chauffeur training grants.* ~~From the transportation fund, as~~ As a continuing appropriation, the amounts in the schedule for advanced chauffeur training grants under s. 38.29.

SECTION 285. 20.315 (1) (a) of the statutes is repealed.

SECTION 286. 20.315 (1) (q) of the statutes is amended to read:

20.315 **(1)** (q) *General program operations — conservation fund.* From the conservation fund, the amounts in the schedule for general program operations, including the cost of the actual and necessary expenses incurred by the members of the commission and members of the advisory committees in the performance of their duties under s. 14.82 (1).

SECTION 287. 20.320 (intro.) of the statutes is amended to read:

20.320 (title) ~~**Clean water fund**~~ **Environmental improvement program.** (intro.) There is appropriated for the ~~clean water fund~~ environmental improvement program:

SECTION 288. 20.320 (1) (title) of the statutes is amended to read:

20.320 **(1)** (title) CLEAN WATER FUND PROGRAM OPERATIONS.

SECTION 289. 20.320 (1) (a) of the statutes is amended to read:

20.320 **(1)** (a) (title) *Environmental aids — clean water fund program.* The amounts in the schedule to be paid into the environmental improvement fund for the clean water fund program under s. 281.58.

SECTION 290. 20.320 (1) (c) of the statutes is amended to read:

20.320 **(1)** (c) (title) *Principal repayment and interest — clean water fund program.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the ~~clean water~~ environmental improvement fund for the purposes ~~specified in s. 25.43 (3)~~ of the clean water fund program under s. 281.58.

SECTION 291. 20.320 (1) (q) of the statutes is amended to read:

20.320 **(1)** (q) (title) *Clean water fund program revenue obligation funding.* As a continuing appropriation, all proceeds from revenue obligations issued under subch. II or IV of ch. 18, as authorized under s. 281.59 (4)

and deposited in the fund in the state treasury created under s. 18.57 (1), providing for reserves and for expenses of issuance and management of the revenue obligations, and the remainder to be transferred to the ~~clean water~~ environmental improvement fund for the purposes ~~specified in s. 25.43 (3)~~ of the clean water fund program under s. 281.58. Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 292. 20.320 (1) (r) of the statutes is amended to read:

20.320 **(1)** (r) (title) *Clean water fund program repayment of revenue obligations.* From the ~~clean water~~ environmental improvement fund, a sum sufficient to repay the fund in the state treasury created under s. 18.57 (1) the amount needed to retire revenue obligations issued under subch. II or IV of ch. 18, as authorized under s. 281.59 (4).

SECTION 293. 20.320 (1) (s) of the statutes is amended to read:

20.320 **(1)** (s) (title) *Clean water fund program financial assistance.* From the ~~clean water~~ environmental improvement fund, a sum sufficient for the purposes of ~~ss. 25.43,~~ providing clean water fund program financial assistance under s. 281.58 ~~and 281.59, other than general program operations specified under s. 20.370 (2) (mt) or (mx) or 20.505 (1) (v) or (x) and other than administration of ss. 25.43, 281.58 and 281.59~~.

SECTION 294. 20.320 (1) (sm) of the statutes is created to read:

20.320 **(1)** (sm) *Land recycling loan program financial assistance.* From the clean water fund program federal revolving loan fund account in the environmental improvement fund, a sum sufficient, not to exceed a total of $20,000,000, to provide land recycling loan program financial assistance under s. 281.60.

SECTION 295. 20.320 (1) (t) of the statutes is amended to read:

20.320 **(1)** (t) (title) *Principal repayment and interest — clean water fund program bonds.* From the ~~clean water~~ environmental improvement fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the ~~clean water~~ environmental improvement fund for the purposes ~~specified in s. 25.43 (3)~~ of the clean water fund program under s. 281.58. Fifty percent of all moneys received from municipalities as payment of interest on loans or portions of loans under ~~ss. 144.241 and 144.2415~~ s. 281.58 the revenues of which have not been pledged to secure revenue obligations shall be credited to this appropriation account.

SECTION 296. 20.320 (1) (u) of the statutes is amended to read:

20.320 **(1)** (u) (title) *Principal repayment and interest — clean water fund program revenue obligation repayment.* From the fund in the state treasury created under s. 18.57 (1), all moneys received by the fund and not transferred under s. 281.59 (4) (c) to the ~~clean water~~ environmental improvement fund, for the purpose of the retirement of revenue obligations, providing for reserves and for operations relating to the management and retirement of revenue obligations issued under subch. II or IV of ch. 18, as authorized under s. 281.59 (4). All moneys received are irrevocably appropriated in accordance with subch. II of ch. 18 and further established in resolutions authorizing the issuance of the revenue obligations and setting forth the distribution of funds to be received thereafter.

SECTION 297. 20.320 (1) (x) of the statutes is created 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, for financial assistance under the clean water fund program under s. 281.58.

SECTION 298. 20.320 (2) of the statutes is created to read:

20.320 **(2)** SAFE DRINKING WATER LOAN PROGRAM OPERATIONS. (c) *Principal repayment and interest — safe drinking water loan program.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the safe drinking water loan program under s. 20.866 (2) (td).

(s) *Safe drinking water loan programs financial assistance.* From the environmental improvement fund, a sum sufficient for financial assistance under the safe drinking water loan program under s. 281.61, for other drinking water quality activities under s. 281.62 and to transfer funds to the Wisconsin drinking water reserve fund under s. 234.933, as authorized under s. 281.625 (4).

(x) *Safe drinking water loan programs financial assistance; federal.* From the safe drinking water loan program federal revolving loan fund account in the environmental improvement fund, all moneys received from the federal government to provide financial assistance under the safe drinking water loan program under s. 281.61, for other drinking water quality activities under s. 281.62 and for drinking water loan guarantees under s. 234.86, as authorized by the governor under s. 16.54, for financial assistance under the safe drinking water loan program under s. 281.61, other drinking water quality activities under s. 281.62 and to transfer funds to the Wisconsin drinking water reserve fund under s. 234.933, as authorized under s. 281.625 (4).

SECTION 299. 20.360 (1) (a) of the statutes is repealed.

SECTION 300. 20.370 (1) (title) of the statutes is repealed and recreated to read:

20.370 **(1)** (title) LAND.

SECTION 301. 20.370 (1) (fs) of the statutes is amended to read:

20.370 **(1)** (fs) *Endangered resources — voluntary payments; sales, leases and fees.* As a continuing appropriation, from moneys received as amounts designated under s. 71.10 (5) (b), the net amounts certified under s. 71.10 (5) (h) 4., all moneys received from the sale or lease of resources derived from the land in the state natural areas system and all moneys received from fees collected under ss. 23.27 (3) (b), 29.092 (11) (g) and (h) and 341.14 (6r) (b) 5., for the purposes of the endangered resources program, as defined under s. 71.10 (5) (a) 2. Three−percent of the moneys certified under s. 71.10 (5) (h) 4. in each fiscal year, but not to exceed $100,000, shall be allocated for wildlife damage control and payment of claims for damage associated with endangered or threatened species.

SECTION 302. 20.370 (1) (gg) of the statutes is renumbered 20.370 (7) (gg).

SECTION 303. 20.370 (1) (gh) of the statutes is renumbered 20.370 (7) (gq) and amended to read:

20.370 **(7)** (gq) *State trails — gifts and grants.* ~~All~~ From the conservation fund, all moneys received from gifts, grants or bequests for the development of state trails under s. 23.175 to be expended for the purposes for which made and received.

SECTION 304. 20.370 (1) (hq) of the statutes is renumbered 20.370 (7) (fw) and amended to read:

20.370 **(7)** (fw) *Resource acquisition and development — Mississippi and St. Croix rivers management.* ~~As~~ From the conservation fund, as a continuing appropriation, the amounts in the schedule for river management activities for habitat and recreational projects on the Mississippi and lower St. Croix rivers and for environmental and resource management studies on the Mississippi and lower St. Croix rivers.

SECTION 305. 20.370 (1) (hr) (title) of the statutes is amended to read:

20.370 **(1)** (hr) (title) ~~*Resource acquisition and development — pheasant*~~ *Pheasant restoration.*

SECTION 306. 20.370 (1) (hs) of the statutes is renumbered 20.370 (7) (fv) and amended to read:

20.370 **(7)** (fv) *Resource acquisition and development — fish and wildlife projects.* ~~As~~ From the conservation fund, as a continuing appropriation, the amounts in the schedule for fish and wildlife habitat projects for the payment of conservation corps enrollee compensation and for the payment of other costs incurred with these projects if those costs are not paid by project sponsors. Conservation corps enrollee compensation includes the costs of salaries, benefits, incentive payments and vouchers.

SECTION 307. 20.370 (1) (ht) (title) of the statutes is amended to read:

20.370 **(1)** (ht) (title) ~~*Resource acquisition and development — wild*~~ *Wild turkey restoration.*

SECTION 308. 20.370 (1) (is) of the statutes is renumbered 20.370 (3) (is).

SECTION 309. 20.370 (1) (jr) of the statutes is amended to read:

20.370 **(1)** (jr) *Rental property and equipment — maintenance and replacement.* All moneys received by the department from the rental of real property and equipment that are owned by the department and are utilized for ~~resource~~ land and wildlife management, to be used for the maintenance and replacement of this real property and equipment.

SECTION 310. 20.370 (1) (kb) of the statutes is renumbered 20.370 (7) (fa) and amended to read:

20.370 **(7)** (fa) *Resource maintenance and development — state funds.* As a continuing appropriation ~~from the general fund~~, the amounts in the schedule for the maintenance and development of state parks under ch. 27; of recreation areas, other than game or fish refuges, in state forests under ch. 28; of lands owned, managed, supervised or controlled by the department in the lower Wisconsin state riverway as defined in s. 30.40 (15); and of other recreational lands owned by the department, and for the maintenance of the ice age trail. Of the amounts appropriated under this paragraph, $50,000 may be expended only to match at the ratio of 1 to 1 funds received under par. (gg) from a county, city, village, town or organization after August 9, 1989, that are given specifically for the purchase of equipment and materials for maintenance of the ice age trail. At least $150,000 in each fiscal year shall be expended from this appropriation for maintaining and developing historic sites at least $10,000 of which shall be expended in each fiscal year for maintaining and developing Heritage Hill state park.

SECTION 311. 20.370 (1) (kp) of the statutes is renumbered 20.370 (7) (ft) and amended to read:

20.370 **(7)** (ft) *Resource acquisition and development — boating access.* ~~As~~ From the conservation fund, as a continuing appropriation, the amounts in the schedule for state recreational boating projects which provide public access to inland waters, as defined in s. 29.01 (9), which are lakes in the region identified under s. 25.29 (7) (a).

SECTION 312. 20.370 (1) (kq) (title) of the statutes is amended to read:

20.370 **(1)** (kq) (title) ~~*Resource acquisition and development — taxes*~~ *Taxes and assessments; conservation fund.*

SECTION 313. 20.370 (1) (kr) of the statutes is renumbered 20.370 (7) (fu) and amended to read:

20.370 **(7)** (fu) *Resource acquisition and development — nonmotorized boating improvements.* ~~All~~ From the conservation fund, all moneys received from contributions collected under s. 30.525 for the development or enhancement of programs or services which provide benefits relating directly to nonmotorized boating activities including, but not limited to, land acquisition and the

development of public access sites and camping sites with access to water.

SECTION 314. 20.370 (1) (ks) of the statutes is renumbered 20.370 (7) (fs) and amended to read:

20.370 **(7)** (fs) *Resource acquisition and development — state funds.* ~~As~~ From the conservation fund, as a continuing appropriation, the amounts in the schedule for land acquisition, development and improvement under s. 23.09 (2).

SECTION 315. 20.370 (1) (kt) (title) of the statutes is renumbered 20.370 (1) (hu) (title) and amended to read:

20.370 **(1)** (hu) (title) ~~*Resource acquisition and development wetlands*~~ *Wetlands habitat improvement.*

SECTION 316. 20.370 (1) (kt) of the statutes is renumbered 20.370 (1) (hu).

SECTION 317. 20.370 (1) (ku) (title) of the statutes is renumbered 20.370 (4) (ku) (title) and amended to read:

20.370 **(4)** (ku) (title) ~~*Resource acquisition and development*~~ *Great Lakes trout and salmon.*

SECTION 318. 20.370 (1) (ku) of the statutes is renumbered 20.370 (4) (ku).

SECTION 319. 20.370 (1) (kv) (title) of the statutes is renumbered 20.370 (4) (kv) (title) and amended to read:

20.370 **(4)** (kv) (title) ~~*Resource acquisition and development trout*~~ *Trout habitat improvement.*

SECTION 320. 20.370 (1) (kv) of the statutes is renumbered 20.370 (4) (kv).

SECTION 321. 20.370 (1) (ky) of the statutes is renumbered 20.370 (7) (fy) and amended to read:

20.370 **(7)** (fy) *Resource acquisition and development — federal funds.* ~~All~~ From the conservation fund, all moneys received from the federal government for land acquisition and development and improvement of land and facilities.

SECTION 322. 20.370 (1) (kz) of the statutes is renumbered 20.370 (7) (fr) and amended to read:

20.370 **(7)** (fr) *Resource acquisition and development — boating access to southeastern lakes.* ~~As~~ From the conservation fund, as a continuing appropriation, the amounts in the schedule for state recreational boating projects that provide public access to lakes.

Vetoed In Part **SECTION 322m.** 20.370 (1) (Ls) of the statutes is amended to read:

20.370 **(1)** (Ls) *Control of wild animals.* As a continuing appropriation, the amounts in the schedule from moneys received under s. 29.092 (14) (c) for removal activities by the department under s. 29.59. No moneys may be expended under this appropriation without the approval of the joint committee on finance under s. 29.598 (8c).

SECTION 324. 20.370 (1) (Lu) of the statutes is renumbered 20.370 (9) (hu).

SECTION 325. 20.370 (1) (mg) of the statutes is amended to read:

20.370 **(1)** (mg) *General program operations — endangered resources.* ~~All~~ From the general fund, all moneys received from gifts and contributions under the Wisconsin natural areas heritage program and all moneys received from the sale of state–owned lands withdrawn from the state natural areas system for the purposes of natural heritage land acquisition activities, natural area land acquisition activities and administration of the natural areas inventory program.

SECTION 326m. 20.370 (1) (mr) of the statutes is renumbered 20.370 (7) (mc) and amended to read:

20.370 **(7)** (mc) (title) ~~*General program operations*~~ *Resource maintenance and development — state park, forest and riverway roads.* As a continuing appropriation ~~from the transportation fund~~, the amounts in the schedule for state park and forest roads and roads in the lower Wisconsin state riverway as defined in s. 30.40 (15) under s. 84.28 and for the maintenance of roads in state parks under ch. 27 and recreation areas in state forests under ch. 28 which are not eligible for funding under s. 84.28. The department may expend up to $400,000 from this appropriation in each fiscal year for state park and forest roads and roads in the lower Wisconsin state riverway as defined in s. 30.40 (15) under s. 84.28 and shall expend the balance from the appropriation for the maintenance of roads which are not eligible for funding under s. 84.28.

SECTION 328. 20.370 (1) (mt) (title) of the statutes is renumbered 20.370 (3) (mt) (title) and amended to read:

20.370 **(3)** (mt) (title) *General program operations, nonpoint source — environmental fund.*

SECTION 329. 20.370 (1) (mt) of the statutes is renumbered 20.370 (3) (mt).

SECTION 330. 20.370 (1) (mu) of the statutes is amended to read:

20.370 **(1)** (mu) *General program operations — state funds.* The amounts in the schedule for general program operations that do not relate to the management and protection of the state's fishery resources under ss. 23.09 to 23.11, 27.01, 30.203 and 30.277, subch. VI of ch. 77 and chs. 26, 28 and 29.

SECTION 331. 20.370 (1) (my) of the statutes is amended to read:

20.370 **(1)** (my) *General program operations — federal funds.* All moneys received as federal aid for land and wildlife management, as authorized by the governor under s. 16.54 for the purposes for which received.

SECTION 332. 20.370 (2) (title) of the statutes is repealed and recreated to read:

20.370 **(2)** (title) AIR AND WASTE.

SECTION 333. 20.370 (2) (af) of the statutes is renumbered 20.370 (4) (af) and amended to read:

20.370 **(4)** (af) *Water resources — remedial action.* As a continuing appropriation from the general fund, the amounts in the schedule for remedial action in the Great Lakes and their tributaries under s. 281.83.

SECTION 334. 20.370 (2) (ah) of the statutes is renumbered 20.370 (4) (ah) and amended to read:

20.370 **(4)** (ah) *Water resources — Great Lakes protection fund.* ~~All~~ From the general fund, all moneys received from the Great Lakes protection fund for Great Lakes protection activities under s. 281.85.

SECTION 335. 20.370 (2) (aq) of the statutes is renumbered 20.370 (4) (aq) and amended to read:

20.370 **(4)** (aq) *Water resources management — lake and river management.* ~~From the conservation fund, the~~ The amounts in the schedule for lake and river management activities.

SECTION 336. 20.370 (2) (ar) of the statutes is renumbered 20.370 (4) (ar).

SECTION 337. 20.370 (2) (bg) of the statutes is amended to read:

20.370 **(2)** (bg) *Air management — stationary sources.* The amounts in the schedule for purposes related to stationary sources of air contaminants as specified in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc) to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees imposed under s. 285.69 (2) (a), except moneys appropriated under ~~sub.~~ subs. (3) (bg), (8) (mg) and (9) (mh), and all moneys received from fees imposed under s. 285.69 (7) shall be credited to this appropriation.

SECTION 338. 20.370 (2) (bj) of the statutes is renumbered 20.370 (4) (bj) and amended to read:

20.370 **(4)** (bj) *Storm water management — fees.* ~~The~~ From the general fund, the amounts in the schedule for the administration of the storm water discharge permit program under s. 283.33. All moneys received under s. 283.33 (9) shall be credited to this appropriation account.

SECTION 339. 20.370 (2) (bL) of the statutes is renumbered 20.370 (4) (bL) and amended to read:

20.370 **(4)** (bL) *Wastewater management — fees.* ~~All~~ From the general fund, all moneys received under s. 281.17 (3) for the certification of operators of water systems, wastewater treatment plants and septage servicing vehicles and under s. 281.48 (4s) (a) and (b) for wastewater management activities.

SECTION 340. 20.370 (2) (ci) of the statutes is amended to read:

20.370 **(2)** (ci) *Air management — permit review and enforcement.* The amounts in the schedule for any purpose specified under s. 285.69 (1) or (5), except for purposes described in par. ~~(ei)~~ (bi), and for other activities to reduce air pollution, as provided in s. 285.69 (6). All moneys received from fees imposed under s. 285.69 (1) and (5), except moneys appropriated under par. ~~(ei)~~ (bi), shall be credited to this appropriation.

SECTION 341. 20.370 (2) (cj) of the statutes is repealed.

SECTION 341m. 20.370 (2) (cq) of the statutes is renumbered 20.370 (2) (cf) and amended to read:

20.370 **(2)** (cf) *Air management — motor vehicle emission inspection and maintenance program, state funds.* ~~From the transportation fund, the~~ The amounts in the schedule for the administration of the motor vehicle emission inspection and maintenance program under s. 285.30.

SECTION 341sm. 20.370 (2) (da) of the statutes is created 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, for waste tire grant payments under 1997 Wisconsin Act .... (this act), section 9137 (4eq), and tire dump nuisance abatement under s. 289.55.

SECTION 341t. 20.370 (2) (da) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 342. 20.370 (2) (dg) of the statutes is amended to read:

20.370 **(2)** (dg) *Solid waste management — solid and hazardous waste disposal administration.* All moneys received from fees under ss. 289.43 (7) (e) 1. and 2., 289.61, 291.05 (7) and 291.33, except for moneys appropriated under sub. (9) (mj), for the purpose of administering ss. 289.43, 289.47, 289.53, 289.95, 291.23, 291.25, 291.29, 291.31 and 291.87 and subch. III of ch. 289.

SECTION 343. 20.370 (2) (dh) of the statutes is amended to read:

20.370 **(2)** (dh) *Solid waste management — remediated property.* All moneys received under ss. 292.11 (7) (d) 2., 292.13 (3), 292.15 (5) ~~and~~, 292.21 (1) (c) 1. d., 292.35 (13) and 292.55 (2) for the department's activities related to the issuance of determinations under s. 292.13 (2), remedial action cost recovery under s. 292.35 and remediation of property under ~~s.~~ ss. 292.11 (7) (d), 292.15 (2) and (4) and 292.55 (1).

SECTION 344m. 20.370 (2) (dv) of the statutes is amended to read: **Vetoed In Part**

20.370 **(2)** (dv) *Solid waste management — environmental repair; spills; abandoned containers.* As a continuing appropriation, from the environmental fund, the amounts in the schedule for payments under s. 292.65 (3) (cm) 1.; the administration of the environmental repair program under s. 292.31; for the hazardous substance spills program under s. 292.11; for the abandoned container program under s. 292.41; consistent with a court order under s. 283.87, to remove, terminate or remedy the adverse effects of a discharge or deposit of pollutants into the waters of the state, to restore or develop the water environment for public use or to provide grants under s. 66.365; and for the payment of this state's share of environmental repair which is funded under 42 USC 9601, et seq., and any additional costs which this state is required to incur under 42 USC 9601, et seq.

SECTION 346. 20.370 (2) (ei) of the statutes is renumbered 20.370 (2) (bi).

SECTION 346m. 20.370 (2) (eq) of the statutes is created to read:

20.370 **(2)** (eq) *Solid waste management — dry cleaner environmental response.* From the dry cleaner environmental response fund, the amounts in the schedule for review of remedial action under ss. 292.65 and 292.66.

Vetoed In Part **SECTION 346s.** 20.370 (2) (fg) of the statutes is created to read:

20.370 **(2)** (fg) *Remediation professional certification.* All moneys received under s. 292.85 to be used for activities related to certified remediation professionals under s. 292.85.

SECTION 347. 20.370 (2) (fj) of the statutes is renumbered 20.370 (3) (fj).

SECTION 348. 20.370 (2) (fr) of the statutes is renumbered 20.370 (4) (au).

SECTION 349. 20.370 (2) (fs) of the statutes is renumbered 20.370 (4) (av) and amended to read:

20.370 **(4)** (av) *Cooperative remedial action; interest on contributions.* From the environmental fund, a sum sufficient equal to the amounts earned by the investment fund on revenue received by the department of natural resources under par. ~~(fr)~~ (au), as determined quarterly by the department of administration, to conduct cooperative remedial action.

SECTION 349g. 20.370 (2) (gi) of the statutes is repealed.

SECTION 350. 20.370 (2) (ma) of the statutes is amended to read:

20.370 **(2)** (ma) *General program operations — state funds.* The amounts in the schedule ~~for the management and protection of the state's water resources,~~ for the management and regulation of solid waste disposal and for related technical services.

SECTION 351. 20.370 (2) (mk) of the statutes is amended to read:

20.370 **(2)** (mk) *General program operations — service funds.* All moneys received by the department from the department and from other state agencies for purposes relating to its ~~environmental quality~~ air and waste functions.

SECTION 352. 20.370 (2) (mq) of the statutes is amended to read:

20.370 **(2)** (mq) *General program operations — environmental fund.* From the environmental fund, the amounts in the schedule for administration of environmental activities under chs. ~~160, 281 to~~ 285 and 289 to 299~~, except s. 281.48~~.

SECTION 353. 20.370 (2) (mr) of the statutes is renumbered 20.370 (4) (mr).

SECTION 354. 20.370 (2) (mt) of the statutes is renumbered 20.370 (4) (mt) and amended to read:

20.370 **(4)** (mt) (title) *General program operations — ~~clean water fund program~~ environmental improvement programs; state funds.* From the ~~clean water~~ environmental improvement fund, the amounts in the schedule for general program operations under s. 281.58 ~~or~~, 281.59, 281.60, 281.61 or 281.62.

SECTION 355. 20.370 (2) (mu) of the statutes is amended to read:

20.370 **(2)** (mu) *Petroleum inspection fund supplement to environmental fund; environmental repair and well compensation.* From the petroleum inspection fund, the amounts in the schedule, including $80,000 in each fiscal year as a well compensation fee, to be transferred to the environmental fund for environmental ~~repair~~ management.

SECTION 356. 20.370 (2) (mw) of the statutes is renumbered 20.370 (4) (mw) and amended to read:

20.370 **(4)** (mw) *Petroleum inspection fund supplement to environmental fund; groundwater management.* From the petroleum inspection fund, the amounts in the schedule to be transferred to the environmental fund for ~~groundwater~~ environmental management.

SECTION 357. 20.370 (2) (mx) of the statutes is renumbered 20.370 (4) (mx) and amended to read:

20.370 **(4)** (mx) *General program operations — clean water fund program; federal funds.* As a continuing appropriation, from the clean water fund program federal revolving loan fund account in the ~~clean water~~ environmental improvement fund, the amounts in the schedule for general program operations of the clean water fund program under s. 281.58 or 281.59.

SECTION 358. 20.370 (3) (title) of the statutes is amended to read:

20.370 **(3)** (title) ENFORCEMENT AND SCIENCE.

SECTION 358m. 20.370 (3) (ay) of the statutes is renumbered 20.370 (3) (ad) and amended to read:

20.370 **(3)** (ad) (title) *Law enforcement — car kill deer; ~~transportation~~ general fund.* From the ~~transportation~~ general fund, the amounts in the schedule to pay 50% of the costs of the removal and disposal of car kill deer from highways.

SECTION 359. 20.370 (3) (bg) of the statutes is created to read:

20.370 **(3)** (bg) *Enforcement — stationary sources.* From the general fund, from the moneys received from fees imposed, under s. 285.69 (2) (a), the amounts in the schedule for enforcement operations related to stationary sources of air contaminants.

SECTION 360. 20.370 (3) (bh) of the statutes is renumbered 20.370 (4) (bh).

SECTION 361. 20.370 (3) (bi) of the statutes is renumbered 20.370 (4) (bi) and amended to read:

20.370 **(4)** (bi) *Water regulation and zoning — fees.* ~~All~~ From the general fund, all moneys received under ss. 23.32 (3), 30.28, 31.39 and 281.22 for activities relating to permits and approvals issued under chs. 30 and 31, water quality standards under subch. II of ch. 281 and for wetland mapping under s. 23.32.

SECTION 362. 20.370 (3) (br) of the statutes is renumbered 20.370 (4) (br).

SECTION 363. 20.370 (3) (mr) of the statutes is created to read:

20.370 **(3)** (mr) *Recycling; enforcement and research.* From the recycling fund, the amounts in the schedule for research and enforcement under subch. II of ch. 287, other than under ss. 287.21, 287.23 and 287.25.

SECTION 364. 20.370 (3) (ms) of the statutes is created to read:

20.370 **(3)** (ms) *General program operations — pollution prevention.* From the petroleum inspection fund, the amounts in the schedule for science services related to pollution prevention.

SECTION 364m. 20.370 (3) (mv) of the statutes is created to read:

20.370 **(3)** (mv) *Aquatic and terrestrial resources inventory.* The amounts in the schedule for developing the system under s. 23.09 (2) (km).

SECTION 365. 20.370 (4) (title) of the statutes is created to read:

20.370 **(4)** (title) WATER.

SECTION 366. 20.370 (4) (ag) of the statutes is created to read:

20.370 **(4)** (ag) *Water resources — pollution credits.* From the general fund, all moneys received under s. 283.84 (1) (c) for activities to reduce water pollution in pilot project areas.

SECTION 367. 20.370 (4) (as) of the statutes is created to read:

20.370 **(4)** (as) *Water resources — trading water pollution credits.* As a continuing appropriation, from the environmental fund, the amounts in the schedule for water pollution credit trading pilot projects under s. 283.84.

SECTION 368. 20.370 (4) (ma) of the statutes is created to read:

20.370 **(4)** (ma) *General program operations — state funds.* From the general fund, the amounts in the schedule for the management and protection of the state's water resources and the state's fishery resources.

SECTION 369. 20.370 (4) (mi) of the statutes is created to read:

20.370 **(4)** (mi) *General program operations — private and public sources.* From the general fund, all moneys not otherwise appropriated that are received from private or public sources, other than state agencies and the federal government, for facilities, materials or services provided by the department relating to the management of the state's water resources and the state's fishery resources to pay for expenses associated with those facilities, materials or services.

SECTION 370. 20.370 (4) (mk) of the statutes is created to read:

20.370 **(4)** (mk) *General program operations — service funds.* All moneys received by the department from the department and from other state agencies for purposes relating to the department's function relating to the state's water resources and the state's fishery resources.

SECTION 371. 20.370 (4) (mm) of the statutes is created to read:

20.370 **(4)** (mm) *General program operations — federal funds.* From the general fund, all moneys received as federal aid for the state's water resources and the state's fishery resources, as authorized by the governor under s. 16.54, for the purposes for which received.

SECTION 372. 20.370 (4) (mq) of the statutes is created to read:

20.370 **(4)** (mq) *General program operations — environmental fund.* From the environmental fund, the amounts in the schedule for administration of environmental activities under chs. 160, 281 and 283, except s. 281.48.

SECTION 373. 20.370 (4) (mu) of the statutes is created to read:

20.370 **(4)** (mu) *General program operations — state funds.* The amounts in the schedule for general program operations that relate to the management and protection of the state's fishery resources under ss. 23.09 to 23.11, 30.203 and 30.277 and ch. 29 and for transfers to the appropriation account under s. 20.285 (1) (kb).

SECTION 374. 20.370 (4) (my) of the statutes is created to read:

20.370 **(4)** (my) *General program operations — environmental fund; federal funds.* From the environmental fund, all moneys received as federal aid for the state's water resources, as authorized by the governor under s. 16.54, for the purposes for which received.

SECTION 375. 20.370 (4) (mz) of the statutes is created to read:

20.370 **(4)** (mz) *General program operations — federal funds.* Except as provided in sub. (9) (my), all moneys received as federal aid for the state's water resources and the state's fishery resources, as authorized by the governor under s. 16.54, for the purposes for which received.

SECTION 376. 20.370 (4) (nz) of the statutes is created to read:

20.370 **(4)** (nz) *General program operations — safe drinking water loan programs; federal funds.* As a continuing appropriation, from the safe drinking water loan program federal revolving loan fund account in the environmental improvement fund, the amounts in the schedule for general program operations of the safe drinking water loan program under s. 281.59 or 281.61 and other drinking water quality activities under s. 281.62.

SECTION 377. 20.370 (5) (av) of the statutes is created to read:

20.370 **(5)** (av) *Resource aids — private forest grants.* Biennially, the amounts in the schedule for private forest grants under s. 26.38.

SECTION 378. 20.370 (5) (by) of the statutes is created to read:

20.370 **(5)** (by) *Resource aids — fire suppression grants.* The amounts in the schedule for grants for fire suppression clothing, supplies, equipment and vehicles under s. 26.145. No moneys may be encumbered under this paragraph after June 30, 1999.

SECTION 378m. 20.370 (5) (cq) of the statutes is amended to read:

20.370 **(5)** (cq) (title) *Recreation aids — recreational boating and other projects; ~~Portage levee system; Milwaukee river study~~.* 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 projects, plans and responsibilities of the Southeastern Wisconsin Fox River commission under s. 33.54 (2), for financial assistance to the Wisconsin Lake Schooner Education Association under 1997 Wisconsin Act .... (this act), section 9137 (12f), for the Portage levee system under s. 31.309 and for the engineering and environmental study under s. 31.307.

Vetoed In Part

SECTION 378no. 20.370 (5) (cq) of the statutes, as affected by 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 projects, plans and responsibilities of the Southeastern Wisconsin Fox River commission under s. 33.54 (2), for the Portage levee system under s. 31.309 and for the engineering and environmental study under s. 31.307.

Vetoed In Part

SECTION 378r. 20.370 (5) (ct) of the statutes is amended to read:

20.370 **(5)** (ct) *Recreation aids — all−terrain vehicle project aids; gas tax payment.* As a continuing appropriation, an amount equal to the estimated all−terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties and federal agencies for nonstate all−terrain vehicle projects.

SECTION 378s. 20.370 (5) (cu) of the statutes is amended to read:

20.370 **(5)** (cu) *Recreation aids — all−terrain vehicle project aids.* As a continuing appropriation, the amounts in the schedule from moneys received from all−terrain vehicle fees under s. 23.33 (2) to provide aid to towns, villages, cities, counties and federal agencies for nonstate all−terrain vehicle projects.

SECTION 379. 20.370 (5) (cw) of the statutes is repealed.

SECTION 380. 20.370 (5) (eq) of the statutes is amended to read:

20.370 **(5)** (eq) *Enforcement aids — boating enforcement.* From the moneys received under s. 30.52 (3), the amounts in the schedule for the payment of state aids under s. 30.79, after first deducting the amounts appropriated under ~~subs.~~ sub. (3) (ar) ~~and (8) (dr)~~.

SECTION 381. 20.370 (5) (et) of the statutes is created to read:

20.370 **(5)** (et) *Enforcement aids — boating.* From the moneys transferred to the conservation fund from the appropriation account under s. 20.855 (4) (s), the amounts in the schedule for the payment of state aids under s. 30.79.

SECTION 381g. 20.370 (5) (fa) of the statutes is repealed.

SECTION 381r. 20.370 (5) (fq) of the statutes is amended to read:

Vetoed In Part

20.370 **(5)** (fq) *Wildlife damage claims and abatement.* All moneys received under par. (fr) and ss. 29.092 (14) and 29.1075 (3) and not appropriated under sub. (1) (Ls) to provide state aid under the wildlife damage abatement program under s. 29.598 (5) (c) and the wildlife damage claim program under s. 29.598 (7) (d) and for county administration costs under s. 29.598 (2) (d).

SECTION 381t. 20.370 (5) (fq) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

Vetoed In Part

20.370 **(5)** (fq) *Wildlife damage claims and abatement.* All moneys received under ss. 29.092 (14) and 29.1075 (3) and not appropriated under par. (fr) and sub. (1) (Ls) to provide state aid under the wildlife damage abatement program under s. 29.598 (5) (c) and the wildlife damage claim program under s. 29.598 (7) (d) and for county administration costs under s. 29.598. No moneys may be expended under this appropriation without the approval of the joint committee on finance under s. 29.598 (8c).

Vetoed In Part

SECTION 381v. 20.370 (5) (fr) of the statutes is created to read:

20.370 **(5)** (fr) *Wildlife abatement and control grants.* Biennially, the amounts in the schedule from moneys received under s. 29.092 (14) (c) for wildlife abatement and control grants under s. 29.595. No moneys may be expended under this appropriation without the approval of the joint committee on finance under s. 29.598 (8c).

Vetoed In Part

SECTION 382. 20.370 (5) (ga) of the statutes is repealed.

SECTION 383. 20.370 (5) (gb) of the statutes is renumbered 20.370 (9) (gb) and amended to read:

20.370 **(9)** (gb) *Education programs — program fees.* ~~From~~ Biennially, from the general fund, the amounts in the schedule for department educational activities at the MacKenzie environmental center. All moneys received from fees collected under s. ~~23.405~~ 23.425 (2) for the use of the center shall be credited to this appropriation.

SECTION 384. 20.370 (5) (gq) of the statutes is repealed.

SECTION 385. 20.370 (5) (gr) of the statutes is repealed.

SECTION 386. 20.370 (5) (gx) of the statutes is repealed.

SECTION 387. 20.370 (5) (hL) (title) of the statutes is renumbered 20.370 (9) (jL) (title) and amended to read:

20.370 **(9)** (jL) (title) ~~*Water resources*~~ *Fox river management; fees.*

SECTION 388. 20.370 (5) (hL) of the statutes is renumbered 20.370 (9) (jL).

SECTION 389. 20.370 (5) (hu) (title) of the statutes is renumbered 20.370 (9) (ju) (title) and amended to read:

20.370 **(9)** (ju) (title) ~~*Water resources*~~ *Fox river management.*

SECTION 390. 20.370 (5) (hu) of the statutes is renumbered 20.370 (9) (ju).

SECTION 391. 20.370 (5) (hx) of the statutes is repealed.

SECTION 392. 20.370 (5) (mk) of the statutes is repealed.

SECTION 393. 20.370 (5) (mu) of the statutes is repealed.

SECTION 394. 20.370 (5) (mv) of the statutes is repealed.

SECTION 395. 20.370 (5) (mw) of the statutes is renumbered 20.370 (9) (mw).

SECTION 396. 20.370 (5) (my) of the statutes is repealed.

SECTION 397. 20.370 (6) (aa) of the statutes is amended to read:

20.370 **(6)** (aa) *Environmental aids; nonpoint source.* Biennially, the amounts in the schedule for grants and assistance under the nonpoint source water pollution abatement program under s. 281.65 and for transfers to the appropriation account under s. 20.115 (7) (km) as provided in s. 281.65 (4) (t). Beginning in fiscal year 1999−2000, the department may not expend more than 50% of the funds appropriated under this paragraph in each fiscal year for local assistance. The department shall allocate $300,000 in each fiscal year from this appropriation for grants under s. 281.65 (8) (cm).

SECTION 398. 20.370 (6) (ag) of the statutes is created to read:

20.370 **(6)** (ag) *Environmental aids — nonpoint repayments.* All moneys received as repayments of cash surpluses and cash advances from recipients of grants under the nonpoint source water pollution abatement program under s. 281.65, for grants and assistance under the nonpoint source water pollution abatement program under s. 281.65.

SECTION 399. 20.370 (6) (at) (title) of the statutes is renumbered 20.370 (4) (at) (title) and amended to read:

20.370 **(4)** (at) (title) ~~*Environmental aids*~~ *Watershed — nonpoint source contracts.*

SECTION 400. 20.370 (6) (at) of the statutes is renumbered 20.370 (4) (at).

Vetoed In Part

SECTION 400g. 20.370 (6) (au) of the statutes is created to read:

20.370 **(6)** (au) *Environmental aids — watershed activities and grants.* From the conservation fund, the amounts in the schedule for the activities and grants authorized to benefit local watershed groups under s. 281.70. No moneys may be encumbered under this paragraph after June 30, 2001.

SECTION 400p. 20.370 (6) (bq) 8. of the statutes is amended to read:

20.370 **(6)** (bq) 8. In fiscal year 1998−99, ~~$200,749,200~~ $207,749,200 plus the amount of any refunds under s. 287.23 in prior fiscal years, less the amount encumbered under subds. 1. to 7.

SECTION 400pm. 20.370 (6) (bq) 9. of the statutes is created to read:

20.370 **(6)** (bq) 9. In fiscal year 1999−2000, $231,749,200 plus the amount of any refunds under s. 287.23 in prior fiscal years, less the amount encumbered under subds. 1. to 8.

SECTION 401. 20.370 (6) (cq) of the statutes is repealed.

SECTION 401m. 20.370 (6) (eq) of the statutes is created to read:

20.370 **(6)** (eq) *Environmental aids — dry cleaner environmental response.* From the dry cleaner environmental response fund, the amounts in the schedule for financial assistance under ss. 292.65 and 292.66.

SECTION 402. 20.370 (6) (ma) of the statutes is repealed.

SECTION 403. 20.370 (6) (mk) of the statutes is repealed.

SECTION 404. 20.370 (6) (mm) of the statutes is repealed.

SECTION 405. 20.370 (6) (mq) of the statutes is repealed.

SECTION 406. 20.370 (6) (mr) of the statutes is repealed.

SECTION 407. 20.370 (6) (ms) of the statutes is renumbered 20.370 (9) (is) and amended to read:

20.370 **(9)** (is) (title) ~~*Aids*~~ *Statewide recycling administration* ~~*recycling grants*~~*.* From the recycling fund, the amounts in the schedule for the administration of ~~municipal and county grants under s. 287.23 and waste reduction and recycling demonstration grants under s. 287.25~~ recycling activities under ch. 287.

SECTION 408. 20.370 (6) (mu) of the statutes is renumbered 20.370 (9) (mt) and amended to read:

20.370 **(9)** (mt) (title) *Aids administration —* ~~*clean water fund program*~~ *environmental improvement programs; state funds.* From the ~~clean water~~ environmental improvement fund, the amounts in the schedule for the administration of ~~s.~~ ss. 281.58, 280.60, 281.61 and 281.62.

SECTION 409. 20.370 (6) (mx) of the statutes is renumbered 20.370 (9) (mx) and amended to read:

20.370 **(9)** (mx) *Aids administration — clean water fund program; federal funds.* From the clean water fund program federal revolving loan fund account in the ~~clean water~~ environmental improvement fund, all moneys received from the federal government to administer the clean water fund program, as authorized by the governor under s. 16.54, for the administration of the clean water fund program under s. 281.58 or 281.59.

SECTION 410. 20.370 (7) (title) of the statutes is amended to read:

20.370 **(7)** (title) DEBT SERVICE AND DEVELOPMENT.

SECTION 411. 20.370 (7) (aa) of the statutes, as affected by 1995 Wisconsin Act 225, is amended to read:

20.370 **(7)** (aa) *Resource acquisition and development — principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the placement of structures and fill under s. 30.203, in financing the acquisition, construction, development, enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and (tr), in financing state aids for land acquisition and development of local parks under s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and (tt), in financing the aid program for dams under s. 20.866 (2) (tx), in financing ice age trail development under s. 20.866 (2) (tw) and in funding the stewardship program under s. 20.866 (2) (tz), but not including payments made under sub.(7) (ac), (au) and (av).

SECTION 412. 20.370 (7) (aa) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.370 **(7)** (aa) *Resource acquisition and development — principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the placement of structures and fill under s. 30.203, in financing the acquisition, construction, development, enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and (tr), in financing state aids for land acquisition and development of local parks under s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and (tt), in financing the aid program for dams under s. 20.866 (2) (tx), in financing ice age trail development under s. 20.866 (2) (tw) and in funding the stewardship program under s. 20.866 (2) (tz), but not including payments made under sub. (7) (ac).

SECTION 413. 20.370 (7) (au) of the statutes is created to read:

20.370 **(7)** (au) *State forest acquisition and development — principal repayment and interest.* From the conservation fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing land acquisition and development for state forests from the appropriation under s. 20.866 (2) (tz).

SECTION 414. 20.370 (7) (au) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 414b. 20.370 (7) (av) of the statutes is created to read:

20.370 **(7)** (av) *Recreational boating properties acquisition and development — principal repayment and interest.* From the conservation fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing land acquisition and development of properties relating to recreational boating from the appropriation under s. 20.866 (2) (tz).

SECTION 414c. 20.370 (7) (av) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 414g. 20.370 (7) (ce) of the statutes is created to read:

20.370 **(7)** (ce) *Principal repayment and interest — nonpoint source compliance.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing nonpoint source compliance projects under s. 20.866 (2) (tf) and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing those projects.

SECTION 414m. 20.370 (7) (er) of the statutes is created to read:

20.370 **(7)** (er) *Administrative facilities — principal repayment and interest; environmental fund.* From the environmental fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of administrative office, laboratory, equipment storage or maintenance facilities under s. 20.866 (2) (tk) and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing this acquisition, construction, development, enlargement or improvement.

SECTION 415. 20.370 (7) (jr) of the statutes is created to read:

20.370 **(7)** (jr) *Rental property and equipment — maintenance and replacement.* From the conservation fund all moneys received by the department from the rental of real property and equipment that are owned by the department, except moneys appropriated under sub. (1) (jr), to be used for the maintenance and replacement of this real property and equipment.

SECTION 416. 20.370 (7) (mi) of the statutes is created to read:

20.370 **(7)** (mi) *General program operations — private and public sources.* All moneys not otherwise appropriated that are received from private or public sources, other than state agencies and the federal government, for facilities, materials or services provided by the department relating to resource acquisition or develop-

ment to pay for expenses associated with those facilities, materials or services.

SECTION 417. 20.370 (8) (title) of the statutes is repealed and recreated to read:

20.370 **(8)** (title) ADMINISTRATION AND TECHNOLOGY.

SECTION 418. 20.370 (8) (ba) of the statutes is renumbered 20.370 (7) (ha) and amended to read:

20.370 **(7)** (ha) (title) *Facilities ~~— general fund~~ acquisition, development and maintenance.* As a continuing appropriation, ~~from the general fund,~~ the amounts in the schedule for the acquisition, development and construction costs of new structures and buildings and for the maintenance costs of existing structures and buildings under the control of the department.

SECTION 419. 20.370 (8) (br) of the statutes is renumbered 20.370 (7) (hq) and amended to read:

20.370 **(7)** (hq) (title) *Facilities acquisition, development and maintenance — conservation fund.* ~~As~~ From the conservation fund, as a continuing appropriation, the amounts in the schedule for the acquisition, development and construction costs of new structures and buildings and for the maintenance costs of existing structures and buildings under the control of the department.

SECTION 420. 20.370 (8) (cq) of the statutes is repealed.

SECTION 421. 20.370 (8) (dq) of the statutes is repealed.

SECTION 422. 20.370 (8) (dr) of the statutes is repealed.

SECTION 423. 20.370 (8) (ds) of the statutes is repealed.

SECTION 424. 20.370 (8) (es) of the statutes is repealed.

SECTION 425. 20.370 (8) (ez) of the statutes is repealed.

SECTION 426. 20.370 (8) (iq) of the statutes is renumbered 20.370 (9) (iq).

SECTION 427. 20.370 (8) (is) of the statutes is repealed.

SECTION 428. 20.370 (8) (ix) of the statutes is renumbered 20.370 (9) (ms) and amended to read:

20.370 **(9)** (ms) (title) *General program operations ~~— pollution prevention~~ cooperative environmental assistance.* From the petroleum inspection fund, the amounts in the schedule for ~~pollution prevention~~ cooperative environmental assistance.

SECTION 429. 20.370 (8) (Lu) of the statutes is repealed.

SECTION 430. 20.370 (8) (mg) of the statutes is amended to read:

20.370 **(8)** (mg) *General program operations — stationary sources.* From the general fund, from the moneys received from fees imposed under s. 285.69 (2) (a), the amounts in the schedule for the administration of the operation permit program under ch. 285 and s. 299.15.

SECTION 431. 20.370 (8) (mi) of the statutes is amended to read:

20.370 **(8)** (mi) *General program operations — private and public sources.* From the general fund, all moneys received from public or private sources, other than state agencies and the federal government, for facilities, materials or services provided by the department related to administration and technology, to pay for costs and expenses associated with those facilities, materials or services.

SECTION 432. 20.370 (8) (mn) of the statutes is repealed.

SECTION 433. 20.370 (8) (mr) of the statutes is amended to read:

20.370 **(8)** (mr) (title) *General program operations ~~— clean water~~ environmental improvement fund.* From the ~~clean water~~ environmental improvement fund, the amounts in the schedule for the general administration and field administration of the department.

SECTION 434. 20.370 (9) (title) of the statutes is repealed and recreated to read:

20.370 **(9)** (title) CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS.

SECTION 435. 20.370 (9) (eg) of the statutes is created to read:

20.370 **(9)** (eg) *Gifts and grants; environmental management systems.* From the general fund, all moneys received from gifts, grants or bequests for the department's activities related to environmental management systems to be used for the purposes for which made.

SECTION 438. 20.370 (9) (ht) of the statutes is created to read:

20.370 **(9)** (ht) *Approval fees to Lac du Flambeau band.* A sum sufficient that is equal to the amount calculated under s. 29.139 (4) (b), for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.139 (4) (a).

SECTION 439. 20.370 (9) (ma) of the statutes is created to read:

20.370 **(9)** (ma) *General program operations — state funds.* From the general fund, the amounts in the schedule for communications, customer services and aids administration.

SECTION 440. 20.370 (9) (mg) of the statutes is repealed.

SECTION 441. 20.370 (9) (mh) of the statutes is created to read:

20.370 **(9)** (mh) *General program operations — stationary sources.* From the general fund, from the moneys received from fees imposed under s. 285.69 (2) (a), the amounts in the schedule for customer service, communications and aids administration for the operation permit program under ch. 285 and s. 299.15.

SECTION 442. 20.370 (9) (mi) of the statutes is created to read:

20.370 **(9)** (mi) *General program operations — private and public sources.* From the general fund, all moneys received from public or private sources, other than state agencies and the federal government, for facilities, materials or services provided by the department related to customer service and external relations, to pay for costs and expenses associated with those facilities, materials or services.

SECTION 443. 20.370 (9) (mj) of the statutes is created to read:

20.370 **(9)** (mj) *General program operations — solid and hazardous waste.* From the general fund, from the moneys received from fees under ss. 289.43 (7) (e) 1. and 2., 289.61, 291.05 (7) and 291.33, the amounts in the schedule for customer assistance and external relations relating to ss. 289.43, 289.47, 289.53, 289.95, 291.23, 291.25, 291.31 and 291.87 and subch. III of ch. 289.

SECTION 444. 20.370 (9) (mk) of the statutes is created to read:

20.370 **(9)** (mk) *General program operations — service funds.* From the general fund, all moneys received by the department from the department and from other state agencies for facilities, materials or services provided by the department relating to communications, customer services, licensing and aids administration.

SECTION 445. 20.370 (9) (mm) of the statutes is created to read:

20.370 **(9)** (mm) *General program operations — federal funds.* From the general fund, all moneys received as federal aid for communications, customer services and aids administration, as authorized by the governor under s. 16.54, for the purposes for which received.

SECTION 446. 20.370 (9) (mq) of the statutes is renumbered 20.370 (8) (zq).

SECTION 447. 20.370 (9) (mq) of the statutes is created to read:

20.370 **(9)** (mq) *General program operations — mobile sources.* From the petroleum inspection fund, the amounts in the schedule for customer services, communications and aids administration for the mobile source air pollution program under ch. 285.

SECTION 448. 20.370 (9) (mr) of the statutes is renumbered 20.370 (8) (mt) and amended to read:

20.370 **(8)** (mt) *Equipment pool operations.* All moneys received by the department from the department from car, truck, airplane, heavy equipment ~~and~~, information technology or radio pools for operation, maintenance, replacement and purchase of vehicles ~~and~~, equipment and information technology. No expenditures for information technology may be made from this appropriation except in accordance with a plan submitted and approved under 1997 Wisconsin Act .... (this act), section 9137 (7m).

Vetoed In Part

SECTION 449. 20.370 (9) (mu) of the statutes is created to read:

20.370 **(9)** (mu) *General program operations — state funds.* The amounts in the schedule for communications, customer services, licensing, registration and aids administration.

SECTION 450. 20.370 (9) (mv) of the statutes is created to read:

20.370 **(9)** (mv) *General program operations — environmental fund.* From the environmental fund, the amounts in the schedule for communications, customer services and aids administration.

SECTION 451. 20.370 (9) (my) of the statutes is created to read:

20.370 **(9)** (my) *General program operations — federal funds.* All moneys received as federal aid for the restoration and repair of the Fox river navigational system, for expenses of the Fox river management commission, for the Fox−Winnebago regional management commission and for communications, customer services and aids administration, as authorized by the governor under s. 16.54, for the purposes for which received.

SECTION 452. 20.370 (9) (mz) of the statutes is created to read:

20.370 **(9)** (mz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts relating to communications, customer services and aids administration for the purposes authorized in s. 16.54 (9) (b).

SECTION 452m. 20.370 (9) (nq) of the statutes is created to read:

20.370 **(9)** (nq) *Aids administration — dry cleaner environmental response.* From the dry cleaner environmental response fund, the amounts in the schedule to administer ss. 292.65 and 292.66.

SECTION 453. 20.370 (9) (ny) of the statutes is created to read:

20.370 **(9)** (ny) *Aids administration — safe drinking water loan programs; federal funds.* From the safe drinking water loan program federal revolving loan fund account in the environmental improvement fund, all moneys received from the federal government to administer the safe drinking water loan program, as authorized by the governor under s. 16.54, for the administration of the safe drinking water loan program under s. 281.59 or 281.61, the drinking water loan guarantee program under ss. 234.86 and 281.625 and other drinking water quality activities under s. 281.62.

SECTION 454. 20.370 (9) (yx) of the statutes is renumbered 20.9045 (1) and amended to read:

20.9045 **(1)** PROGRAM BALANCES. At the close of each fiscal year the unencumbered balances of appropriations financed by unassigned revenues of the conservation fund under ~~subs. (1), (3), (5), (6) and (8)~~ s. 20.370 shall revert to the respective accounts under ~~sub. (1)~~ s. 20.370 in the ratio that revenues were allotted from such

accounts and, together with the anticipated respective unassigned revenues by programs in the succeeding year, shall constitute the source of moneys available for appropriation to the programs under ~~such subsections~~ s. 20.370 in the succeeding year.

SECTION 455. 20.370 (9) (yy) of the statutes is renumbered 20.9045 (2) and amended to read:

20.9045 **(2)** REVENUES AND APPROPRIATIONS. All moneys received pursuant to the operation of programs under ~~subs. (1), (3), (5) and (6)~~ s. 20.370 shall be credited to the program which generated them. Revenues which are assigned by law to a particular purpose shall be credited to and may be expended for that purpose. Unassigned revenue shall be credited to the general purpose segregated revenue of the proper program, but the expenditure from such revenue shall be limited to the appropriation of general purpose segregated revenue appearing in the schedule. Whenever the estimated unassigned revenues and available unassigned revenue appropriation balances are insufficient to cover the appropriations of general purpose segregated revenue under each program, the department shall so inform the department of administration and shall indicate the amounts which should be deducted from respective unassigned revenue appropriations to bring the appropriated amounts into agreement with the money available, and the department of administration shall adjust its records accordingly. Actual unassigned revenues in excess of estimated unassigned revenues appropriated may not be spent unless released by the joint committee on finance.

SECTION 457. 20.380 (1) (b) of the statutes is amended to read:

20.380 **(1)** (b) *Tourism marketing.* The amounts in the schedule for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 and the grants under 1997 Wisconsin Act .... (this act), section 9148 (2f) and (2x). Of the amounts under this paragraph, not more than 50% shall be used to match funds allocated under s. 41.17 by private or public organizations for the joint effort marketing of tourism with the state. The department shall expend at least $125,000 in each fiscal year from this appropriation to conduct or contract for marketing activities related to sporting activities and events. Of the amounts in the schedule, $25,000 shall be allocated in each fiscal year for state sponsorship of, and advertising during, media broadcasts of the Milwaukee symphony.

SECTION 458h. 20.380 (1) (bm) of the statutes is amended to read:

20.380 **(1)** (bm) (title) *Heritage tourism ~~pilot~~ program.* Biennially, the amounts in the schedule to ~~establish and~~ operate the heritage tourism ~~pilot~~ program under s. 41.19.

Vetoed In Part **SECTION 458m.** 20.380 (1) (c) of the statutes is created to read:

20.380 **(1)** (c) *Tourism materials grants.* The amounts in the schedule for the grants under 1997 Wisconsin Act .... (this act), section 9148 (3m). **Vetoed In Part**

SECTION 458p. 20.380 (1) (c) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 459. 20.380 (1) (h) of the statutes is created to read:

20.380 **(1)** (h) *Tourism promotion; sale of surplus property receipts.* Fifty percent of all moneys received under s. 41.23 for the purpose of administering the program established under s. 41.23 and for tourism promotion. **Vetoed In Part**

SECTION 461. 20.380 (3) (title) of the statutes is repealed.

SECTION 462. 20.380 (3) (a) of the statutes is repealed.

SECTION 463. 20.380 (3) (j) of the statutes is renumbered 20.380 (1) (j) and amended to read:

20.380 **(1)** (j) (title) ~~*Administrative services*~~ *Tourism promotion — private and public sources.* All moneys not otherwise appropriated that are received from private or public sources, other than state agencies and the federal government, for facilities, materials or services provided by the department relating to ~~administrative services~~ tourism promotion to pay for expenses associated with those facilities, materials or services.

SECTION 464. 20.380 (3) (k) of the statutes is repealed.

SECTION 465. 20.380 (3) (q) of the statutes is renumbered 20.380 (1) (q).

SECTION 466. 20.380 (3) (y) of the statutes is repealed.

SECTION 467. 20.380 (4) of the statutes is repealed.

SECTION 468. 20.395 (1) (bv) of the statutes is amended to read:

20.395 **(1)** (bv) (title) *Transit and demand management aids, local funds.* All moneys received from any local unit of government or other source for urban mass transit purposes under s. 85.20 ~~or~~, for rural public transportation purposes under s. 85.23 or for demand management and ride−sharing purposes under s. 85.24 that are not funded from other appropriations under this subsection, for such purposes.

SECTION 469. 20.395 (1) (bx) of the statutes is amended to read:

20.395 **(1)** (bx) (title) *Transit and demand management aids, federal funds.* All moneys received from the federal government for urban mass transit purposes under s. 85.20 ~~or~~, for rural public transportation purposes under s. 85.23 or for demand management and ride−sharing purposes under s. 85.24 that are not funded from other appropriations under this subsection, for such purposes.

SECTION 469g. 20.395 (1) (dq) of the statutes is repealed.

SECTION 469h. 20.395 (1) (dr) of the statutes is repealed.

SECTION 469j. 20.395 (1) (ds) of the statutes is repealed.

SECTION 469k. 20.395 (1) (dt) of the statutes is repealed.

SECTION 469m. 20.395 (1) (du) of the statutes is repealed.

SECTION 470. 20.395 (1) (gr) of the statutes is created to read:

20.395 **(1)** (gr) *Transportation aids to professional baseball park districts, state funds.* The amounts in the schedule for transportation aids to professional baseball park districts under s. 85.60.

SECTION 470m. 20.395 (1) (gr) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 470p. 20.395 (1) (hq) of the statutes is created to read:

20.395 **(1)** (hq) *Tier A transit operating aids, state funds.* The amounts in the schedule for mass transit aids under s. 85.20 (4m) (a) 6.

SECTION 470r. 20.395 (1) (hr) of the statutes is created to read:

20.395 **(1)** (hr) *Tier B transit operating aids, state funds.* The amounts in the schedule for mass transit aids under s. 85.20 (4m) (a) 7.

SECTION 470s. 20.395 (1) (hs) of the statutes is created to read:

20.395 **(1)** (hs) *Tier C transit operating aids, state funds.* The amounts in the schedule for mass transit aids under s. 85.20 (4m) (a) 8.

SECTION 471. 20.395 (2) (bq) of the statutes is amended to read:

20.395 **(2)** (bq) *Rail service assistance, state funds.* As a continuing appropriation, the amounts in the schedule for rail property and rail property improvements acquisition, ~~for s. 85.08,~~ for freight railroad ~~planning and technical~~ assistance under s. 85.08 ~~(4)~~, for administrative activities related to railroad crossings under chs. 84 to 86 and for administration of railroad programs under ch. 85.

SECTION 472m. 20.395 (2) (br) of the statutes is renumbered 20.395 (2) (cr) and amended to read:

20.395 **(2)** (cr) *Rail passenger service, state funds.* ~~Biennially~~ As a continuing appropriation, the amounts in the schedule for purposes of rail passenger service assistance and promotion under s. 85.06.

SECTION 474. 20.395 (2) (bv) of the statutes is amended to read:

20.395 **(2)** (bv) *Rail service assistance, local funds.* All moneys received from any local unit of government or other sources for the purposes of freight railroad assistance under s. 85.08, except for moneys received under par. (bw), for abandoned rail property and rail property improvements acquisition under s. 85.09, ~~for technical assistance under s. 85.08 (4), for grants and loans under s. 85.08 (4m) (c) and (d), for loans under s. 85.08 (4m) (e)~~ for administrative activities related to railroad crossings under chs. 84 to 86 and for administration of railroad programs under ch. 85, for such purposes.

SECTION 475. 20.395 (2) (bx) of the statutes is amended to read:

20.395 **(2)** (bx) *Rail service assistance, federal funds.* All moneys received from the federal government for the purposes of abandoned rail property and rail property improvements acquisition under s. 85.09, for ~~technical~~ freight railroad assistance under s. 85.08 ~~(4), for grants and loans under s. 85.08 (4m) (c) and (d), for loans under s. 85.08 (4m) (e)~~, for administrative activities related to railroad crossings under chs. 84 to 86 and for administration of railroad programs under ch. 85, for such purposes.

SECTION 476. 20.395 (2) (cv) of the statutes is created to read:

20.395 **(2)** (cv) *Rail passenger service, local funds.* All moneys received from any local unit of government or other sources for purposes of rail passenger service assistance and promotion under s. 85.06, for such purposes.

SECTION 477. 20.395 (2) (cx) of the statutes is created to read:

20.395 **(2)** (cx) *Rail passenger service, federal funds.* All moneys received from the federal government for purposes of rail passenger service assistance and promotion under s. 85.06, for such purposes.

SECTION 477m. 20.395 (2) (fr) of the statutes is amended to read:

20.395 **(2)** (fr) *Local roads improvement program, state funds.* As a continuing appropriation, the amounts in the schedule for the local roads improvement program under s. 86.31, and for the payment required under 1997 Wisconsin Act .... (this act), section 9149 (4z).

SECTION 479. 20.395 (2) (gr) of the statutes is amended to read:

20.395 **(2)** (gr) *Railroad crossing improvement and protection installation, state funds.* ~~The~~ As a continuing appropriation, the amounts in the schedule to pay the costs for railroad crossing protection improvements under s. 195.28 (2).

SECTION 480. 20.395 (2) (mq) of the statutes is repealed.

SECTION 481. 20.395 (2) (mv) of the statutes is repealed.

SECTION 482. 20.395 (2) (mx) of the statutes is repealed.

SECTION 483. 20.395 (2) (nv) of the statutes is created to read:

20.395 **(2)** (nv) *Transportation enhancement activities, local funds.* All moneys received from any local unit of government for purposes of transportation enhancement activities under s. 85.026, for such purposes.

SECTION 484. 20.395 (2) (nx) of the statutes is created to read:

20.395 **(2)** (nx) *Transportation enhancement activities, federal funds.* All moneys received from the federal

government for purposes of transportation enhancement activities under s. 85.026 and for grants under s. 85.024, for such purposes.

SECTION 485. 20.395 (2) (ph) of the statutes is created to read:

20.395 **(2)** (ph) *Transportation infrastructure loans, gifts and grants.* From the transportation infrastructure loan fund, all moneys received from gifts, grants and bequests under s. 25.405 (2) (e), to be expended for the purposes for which made and received.

SECTION 486. 20.395 (2) (pq) of the statutes is created to read:

20.395 **(2)** (pq) *Transportation infrastructure loans, state funds.* From the transportation infrastructure loan fund, as a continuing appropriation, the amounts in the schedule for the purpose of making transportation infrastructure loans and providing other assistance under s. 85.52, for the costs of issuance and management of revenue obligations issued under s. 85.52 and for providing related reserve funds.

SECTION 487. 20.395 (2) (pu) of the statutes is created to read:

20.395 **(2)** (pu) *Transportation infrastructure loans, service funds.* From the transportation infrastructure loan fund, all moneys transferred under s. 85.52 (3) (cm) to make loans and to provide other assistance under s. 85.52, for such purposes.

SECTION 488. 20.395 (2) (pv) of the statutes is created to read:

20.395 **(2)** (pv) *Transportation infrastructure loans, local funds.* From the transportation infrastructure loan fund, all moneys received from any local unit of government for purposes of making loans and providing other assistance under s. 85.52 (3), for retiring revenue obligations issued under s. 85.52, for providing related reserve funds and for administering the loan program under s. 85.52. All moneys received are irrevocably appropriated in accordance with subch. II of ch. 18 and further established in resolutions authorizing the issuance of the revenue obligations and setting forth the distribution of funds received thereunder.

SECTION 489. 20.395 (2) (px) of the statutes is created to read:

20.395 **(2)** (px) *Transportation infrastructure loans, federal funds.* From the transportation infrastructure loan fund, all moneys received from the federal government to make transportation infrastructure loans and to provide other assistance under s. 85.52 and for the administration of s. 85.52, for such purposes.

SECTION 490. 20.395 (3) (bq) of the statutes is amended to read:

20.395 **(3)** (bq) *Major highway development, state funds.* As a continuing appropriation, the amounts in the schedule for major development of state trunk and connecting highways and~~, before October 1, 1997,~~ for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 490g. 20.395 (3) (bv) of the statutes is amended to read:

20.395 **(3)** (bv) *Major highway development, local funds.* All moneys received from any local unit of government or other source for major development of state trunk and connecting highways, including the railroad and utility alteration and relocation loan program under s. 84.065, and~~, before October 1, 1997,~~ the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 490m. 20.395 (3) (bx) of the statutes is amended to read:

20.395 **(3)** (bx) *Major highway development, federal funds.* All moneys received from the federal government for major development of state trunk and connecting highways and~~, before October 1, 1997,~~ the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 491. 20.395 (3) (cq) of the statutes is amended to read:

20.395 **(3)** (cq) *State highway rehabilitation, state funds.* As a continuing appropriation, the amounts in the schedule for improvement of existing state trunk and connecting highways; for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at−grade crossing improvements; for the construction and rehabilitation of the national system of interstate and defense highways and bridges and related appurtenances; for special maintenance activities under s. 84.04 on roadside improvements; for bridges under s. 84.10; for payment to a local unit of government for a jurisdictional transfer under s. 84.02 (8); for review of drainage plans under s. 85.195 (3); and~~, before October 1, 1997,~~ for the disadvantaged business demonstration and training program under s. 84.076. **Vetoed In Part**

SECTION 491c. 20.395 (3) (cv) of the statutes is amended to read:

20.395 **(3)** (cv) *State highway rehabilitation, local funds.* All moneys received from any local unit of government or other source for the specific information sign program under s. 86.195; for improvement of existing state trunk and connecting highways; for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at−grade crossing improvements; for the construction and rehabilitation of the national system of interstate and defense highways and bridges and related appurtenances; for special maintenance activities under s. 84.04 on roadside improvements; for the railroad and utility alteration and reloca-

tion loan program under s. 84.065 and~~, before October 1, 1997,~~ for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 491g. 20.395 (3) (cx) of the statutes is amended to read:

20.395 **(3)** (cx) *State highway rehabilitation, federal funds.* All moneys received from the federal government for improvement of existing state trunk and connecting highways; for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at−grade crossing improvements; for the construction and rehabilitation of the national system of interstate and defense highways and bridges and related appurtenances; for special maintenance activities under s. 84.04 on roadside improvements and~~, before October 1, 1997,~~ for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 491n. 20.395 (3) (eq) of the statutes is amended to read:

20.395 **(3)** (eq) *Highway maintenance, repair and traffic operations, state funds.* Biennially, the amounts in the schedule for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07 and bridges that are not on the state trunk highway system under s. 84.10; for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; for the grant under 1997 Wisconsin Act .... (this act), section 9149 (3d); and~~, before October 1, 1997,~~ for the disadvantaged business demonstration and training program under s. 84.076. This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.

SECTION 491r. 20.395 (3) (ev) of the statutes is amended to read:

20.395 **(3)** (ev) *Highway maintenance, repair and traffic operations, local funds.* All moneys received from any local unit of government or other sources for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07 and bridges that are not on the state trunk highway system under s. 84.10; for signing under s. 86.195; for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; and~~, before October 1, 1997,~~ for the disadvantaged business demonstration and training program under s. 84.076; for such purposes. This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.

SECTION 491w. 20.395 (3) (ex) of the statutes is amended to read:

20.395 **(3)** (ex) *Highway maintenance, repair and traffic operations, federal funds.* All moneys received from the federal government for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07 and bridges that are not on the state trunk highway system under s. 84.10; for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; and~~, before October 1, 1997,~~ for the disadvantaged business demonstration and training program under s. 84.076; for such purposes. This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.

SECTION 492. 20.395 (3) (iq) of the statutes is amended to read:

20.395 **(3)** (iq) *Administration and planning, state funds.* The amounts in the schedule for the administration and planning of departmental programs ~~by the division of highways and transportation services~~ under subs. (1) to (3).

SECTION 493. 20.395 (3) (iv) of the statutes is amended to read:

20.395 **(3)** (iv) *Administration and planning, local funds.* All moneys received from any local unit of government or other source for the administration and planning of departmental programs ~~by the division of highways and transportation services~~ under subs. (1) to (3).

SECTION 494. 20.395 (3) (ix) of the statutes is amended to read:

20.395 **(3)** (ix) *Administration and planning, federal funds.* All moneys received from the federal government for the administration and planning of departmental programs ~~by the division of highways and transportation services~~ under subs. (1) to (3).

SECTION 494m. 20.395 (3) (jq) of the statutes is created to read: **Vetoed In Part**

20.395 **(3)** (jq) *Replacement of damaged signs, state funds.* All moneys received under s. 86.19 (7) for the replacement of damaged or deteriorated signs, for such purposes.

SECTION 495. 20.395 (4) (aq) of the statutes is amended to read:

20.395 **(4)** (aq) *Departmental management and operations, state funds.* The amounts in the schedule for departmental planning and administrative activities and the administration and management of departmental programs except those programs under subs. (2) (bq), (cq)~~,~~ and (dq) ~~and (mq)~~ and (3) (iq), including those activities in s. 85.07 and including not less than $220,000 in each fiscal year to reimburse the department of justice for legal services provided the department under s. 165.25 (4) (a) and including activities related to the demand management and ride−sharing program under s. 85.24 that are not funded from the ~~appropriations~~ appropriation under

~~subs. (1) and (2)~~ sub. (1) (bs), (bv) or (bx), the minority civil engineer scholarship and loan repayment incentive grant program under s. 85.107, the Type 1 motorcycle, moped and motor bicycle safety program under s. 85.30 ~~and the grant under 1993 Wisconsin Act 16, section 9154 (1g)~~ and to match federal funds for mass transit planning.

SECTION 495m. 20.395 (4) (ar) of the statutes is amended to read:

20.395 **(4)** (ar) *Minor construction projects, state funds.* As a continuing appropriation, the amounts in the schedule for minor construction projects approved under s. 13.48 (10) or 16.855 (16) (b). The total construction cost of any project funded under this paragraph may not exceed ~~$250,000~~ the amount specified in s. 13.48 (3).

SECTION 495r. 20.395 (4) (at) of the statutes is amended to read:

20.395 **(4)** (at) *Capital building projects, service funds.* All moneys received from the fund created under s. 18.57 (1) as reimbursement for the temporary financing under sub. (9) (th) of projects for transportation administrative facilities under s. 84.01 (28) approved under s. 13.48 (10) or authorized under s. 84.01 (30) that are financed under s. 84.59, for the purpose of financing such projects.

SECTION 496. 20.395 (4) (av) of the statutes is amended to read:

20.395 **(4)** (av) *Departmental management and operations, local funds.* All moneys received from any local unit of government or other source for departmental planning and administrative activities, for the administration and management of departmental programs except those programs under subs. (2) (bv)~~,~~ and (dv) ~~and (mv)~~ and (3) (iv), and for activities related to the demand management and ride−sharing program under s. 85.24 that are not funded from the ~~appropriations~~ appropriation under ~~subs. (1) and (2)~~ sub. (1) (bs), (bv) or (bx), for such purposes.

SECTION 497. 20.395 (4) (ax) of the statutes is amended to read:

20.395 **(4)** (ax) *Departmental management and operations, federal funds.* All moneys received from the federal government for the administration and management of departmental programs except those programs under subs. (2) (bx)~~,~~ and (dx) ~~and (mx)~~ and (3) (ix), and for departmental planning and administrative activities including all moneys received as federal aid as authorized by the governor under s. 16.54 to promote highway safety and continue the local traffic safety representatives program and for purposes of s. 85.07 and for activities related to the demand management and ride−sharing program under s. 85.24 that are not funded from the ~~appropriations~~ appropriation under ~~subs. (1) and (2)~~ sub. (1) (bs), (bv) or (bx), for such purposes.

SECTION 497m. 20.395 (4) (ew) of the statutes is created to read:

20.395 **(4)** (ew) *Operating budget supplements, state funds.* All moneys received under s. 85.15 (2), for the purpose of supplementing the costs of departmental management and operations.

SECTION 498d. 20.395 (5) (ci) of the statutes is created to read:

20.395 **(5)** (ci) *Breath screening instruments, state funds.* From the general fund, all moneys transferred from s. 20.435 (6) (hx) for the purchase and maintenance of breath screening instruments. Notwithstanding s. 20.001 (3) (a), the unencumbered balance in this appropriation account on June 30 of each year shall be transferred to the appropriation account under s. 20.435 (6) (hx).

SECTION 499. 20.395 (5) (dg) of the statutes is created to read:

20.395 **(5)** (dg) *Escort, security and traffic enforcement services, state funds.* From the general fund, all moneys received under s. 348.26 (2) for motor carrier escort services and under s. 85.51 (1) for security and traffic enforcement services, for those purposes. **Vetoed In Part**

SECTION 500. 20.395 (5) (dh) of the statutes is created to read:

20.395 **(5)** (dh) *Traffic academy tuition payments, state funds.* From the general fund, all moneys received as payment for tuition charges under s. 110.065 to sponsor training under s. 110.065.

SECTION 500d. 20.395 (5) (di) of the statutes is created to read:

20.395 **(5)** (di) *Chemical testing training and services, state funds.* From the general fund, the amounts in the schedule for the chemical testing training and services provided by the state traffic patrol. All moneys transferred from the appropriation account under s. 20.435 (6) (hx) shall be credited to this appropriation account.

SECTION 500mg. 20.395 (5) (jr) of the statutes is created to read:

20.395 **(5)** (jr) *Pretrial intoxicated driver intervention grants, state funds.* The amounts in the schedule for the purpose of awarding grants under s. 85.53.

SECTION 500r. 20.395 (9) (th) of the statutes is amended to read:

20.395 **(9)** (th) *Temporary funding of projects financed by revenue bonds.* A sum sufficient to provide initial, temporary funding for any project to be financed under s. 84.59 which is a major highway project enumerated under s. 84.013 (3) or a project under s. 84.01 (28) approved under s. 13.48 (10) or authorized under s. 84.01 (30). The department shall keep a separate account of expenditures under this paragraph for each such project. As soon as moneys become available from the proceeds of the obligation issued under s. 84.59 to finance that project, an amount equal to the amounts expended under this paragraph shall be paid from those proceeds into the

transportation fund and credited to the appropriation account under sub. (3) (br) or (4) (at).

SECTION 501m. 20.410 (1) (ab) of the statutes is amended to read:

20.410 **(1)** (ab) (title) ~~*Intergovernmental corrections*~~ *Corrections contracts and agreements.* The amounts in the schedule for payments made in accordance with contracts entered into ~~with other states party to the interstate corrections compact under s. 302.25, including payments in accordance with contracts entered into~~ under ~~s.~~ ss. 301.21, 302.25 and ~~for payments for placements in accordance with contracts under s.~~ 302.27, contracts entered into with the federal government under 18 USC 5003 and intra−agency agreements relating to the placement of prisoners.

SECTION 503. 20.410 (1) (ai) of the statutes is repealed.

SECTION 504. 20.410 (1) (b) of the statutes is amended to read:

20.410 **(1)** (b) (title) ~~*Field supervision*~~ *Services for community corrections.* The amounts in the schedule to provide services related to probation and parole, the intensive sanctions program under s. 301.048, the community residential confinement program under s. 301.046, programs of intensive supervision of adult offenders and minimum security correctional institutions established under s. 301.13. No payments may be made under this paragraph for payments in accordance with other states party to the interstate corrections compact under s. 302.25.

SECTION 506. 20.410 (1) (d) of the statutes is amended to read:

20.410 **(1)** (d) *Purchased services for offenders.* The amounts in the schedule for the purchase of goods, care and services, including community−based residential care, authorized under s. 301.08 (1) (b) 1., for inmates, probationers~~,~~ and parolees ~~and other offenders, except as provided in par. (dd)~~. In addition, funds from this appropriation shall be used to reimburse programs under s. 38.04 (12).

SECTION 507. 20.410 (1) (dd) of the statutes is repealed.

SECTION 508. 20.410 (1) (f) of the statutes is amended to read:

20.410 **(1)** (f) *Energy costs.* The amounts in the schedule to be used at state correctional institutions to pay for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the department under ~~s.~~ ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the department under s. 16.847 (6).

SECTION 512. 20.410 (1) (ge) of the statutes is amended to read:

20.410 **(1)** (ge) *Administrative and minimum supervision.* The amounts in the schedule for the supervision of probationers and parolees under minimum or administrative supervision and for the department's costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from vendors under ~~contracts under~~ s. 301.08 (1) (c) ~~2.~~ 4. and from fees charged under s. 304.073 (2) shall be credited to this appropriation account.

SECTION 513. 20.410 (1) (gf) of the statutes is amended to read:

20.410 **(1)** (gf) *Probation and parole.* The amounts in the schedule for probation and parole. All moneys received from fees charged under s. 304.074 (2) shall be credited to this appropriation account.

SECTION 513e. 20.410 (1) (gi) of the statutes is amended to read:

20.410 **(1)** (gi) *General operations.* The amounts in the schedule to operate institutions and provide field services and administrative services. All moneys received under s. 303.01 (8) that are attributable to moneys collected from earnings of inmates and residents under s. 303.01 (2) (em) and all moneys received under ss. 302.386 (2m) and (3) (d) and 303.065 (6) shall be credited to this appropriation account.

SECTION 513m. 20.410 (1) (hm) of the statutes is created to read:

20.410 **(1)** (hm) *Private business employment of inmates and residents.* The amounts in the schedule for the establishment and operation of the program under s. 303.01 (2) (em). All moneys received under contracts entered into by the department of corrections under s. 303.01 (2) (em) shall be credited to this appropriation account. No expenditure may be made from this appropriation for the construction of buildings or purchase of equipment for the program under s. 303.01 (2) (em), except upon approval of the joint committee on finance after a determination that the moneys are needed. **Vetoed In Part**

SECTION 513r. 20.410 (1) (km) of the statutes is amended to read:

20.410 **(1)** (km) *Prison industries.* The amounts in the schedule for the establishment and operation of prison industries, but not including the program under s. 303.01 (2) (em). All moneys received from prison industries sales shall be credited to this appropriation. All moneys credited to this appropriation shall be expended first for the purpose under par. (ko). No expenditure may be made from this appropriation for the construction of buildings or purchase of equipment for new prison industries, except upon approval of the joint committee on finance after a determination that the moneys are needed and that no other appropriation is available for that purpose.

SECTION 514d. 20.410 (3) (a) of the statutes is amended to read:

20.410 **(3)** (a) *General program operations.* The amounts in the schedule to operate the department's juvenile correctional institutions~~,~~ and to provide field services and administrative services ~~and to provide for the operating costs of the gang violence prevention council~~.

SECTION 514m. 20.410 (3) (cd) of the statutes is amended to read:

20.410 **(3)** (cd) *Community youth and family aids.* **Vetoed In Part** ~~The~~ A sum sufficient equal to the amounts in the schedule plus the amounts transferred from the appropriation account under par. (cg) for the improvement and provision of juvenile delinquency−related services under s. 301.26 and for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services as provided in s. 938.06 (4). Disbursements may be made from this appropriation account under s. 301.085. Refunds received relating to payments made under s. 301.085 shall be returned to this appropriation account. All moneys transferred from the appropriation account under par. (cg) shall be credited to this appropriation account. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of corrections may transfer moneys under this paragraph between fiscal years. Except for moneys authorized for transfer under s. 301.26 (3), all moneys from this paragraph allocated under s. 301.26 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.

SECTION 514p. 20.410 (3) (cg) of the statutes is amended to read:

20.410 **(3)** (cg) *Serious juvenile offenders.* The amounts in the schedule for juvenile correctional institution, corrective sanctions, alternate care, aftercare and other juvenile program services specified in s. 938.538 (3) provided for the persons specified in s. 301.26 (4) (cm), for juvenile correctional institution services for persons placed in juvenile correctional institutions under s. 973.013 (3m) and for juvenile correctional services for persons under 18 years of age placed with the department under s. 48.366 (8). Notwithstanding s. 20.001 (3) (a), the unencumbered balance of this appropriation account on June 30 of each fiscal year is transferred to the appropriation account under par. (cd).

SECTION 514r. 20.410 (3) (d) of the statutes is created to read:

20.410 **(3)** (d) *Youth diversion.* The amounts in the schedule for youth diversion services under s. 301.265 (1) and (3).

SECTION 515. 20.410 (3) (e) of the statutes is amended to read:

20.410 **(3)** (e) *Principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of the department's juvenile correctional facilities.

SECTION 519. 20.410 (3) (hm) of the statutes 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 .... (this act), 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) shall be credited to this appropriation account. If moneys generated by the ~~monthly~~ 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 520. 20.410 (3) (ho) of the statutes 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 ~~children~~ 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 ~~children~~ juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 as specified in s. 301.26 (4) (e) shall be credited to this appropriation account. If moneys generated by the ~~monthly~~ 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 520g. 20.410 (3) (jk) of the statutes is renumbered 20.410 (3) (kj).

SECTION 521. 20.410 (3) (jv) of the statutes is created to read:

20.410 **(3)** (jv) *Secure detention services.* All moneys received from counties under s. 938.224 (3) (a) for holding juveniles in secure custody in secured correctional facilities under s. 938.224 (1).

SECTION 522. 20.410 (3) (ko) of the statutes is created to read:

20.410 **(3)** (ko) *Interagency programs; community youth and family aids.* All moneys transferred from the appropriation account under s. 20.435 (3) (nL) for the purposes of s. 301.26, to be used for those purposes.

SECTION 523. 20.410 (3) (kp) of the statutes is created to read:

20.410 **(3)** (kp) *Interagency programs; alcohol and other drug abuse.* All moneys transferred from the appropriation account under s. 20.435 (7) (md) for alcohol and other drug abuse education and treatment under s. 301.265 (2), to be used to provide that education and treatment.

SECTION 524. 20.410 (3) (oo) of the statutes is repealed.

SECTION 525. 20.410 (3) (p) of the statutes is repealed.

SECTION 527. 20.435 (1) (title) of the statutes is amended to read:

20.435 **(1)** (title) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE OPERATIONS.

SECTION 528. 20.435 (1) (am) of the statutes is renumbered 20.435 (5) (am).

SECTION 529. 20.435 (1) (b) of the statutes is renumbered 20.435 (5) (b) and amended to read:

20.435 **(5)** (b) *Medical assistance program benefits.* Biennially, the amounts in the schedule to provide the state share of medical assistance program benefits administered under s. 49.45, to provide medical assistance program benefits administered under s. 49.45 that are not also provided under par. (o)~~, to provide health care coverage under s. 49.153~~ and to fund the pilot project under s. 46.27 (9) and (10). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation under sub. ~~(3)~~ (7) (kb) funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation and may transfer between fiscal years funds that it transfers from the appropriation under sub. ~~(3)~~ (7) (kb) for the purposes specified in s. 46.485 (3r). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation account under sub. (7) (bd) funds in the amount and for the purposes specified in s. 49.45 (6v).

SECTION 529m. 20.435 (1) (bm) of the statutes 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 ~~s.~~ ss. 49.45 ~~and health care coverage under s. 49.153~~ and 49.665 and to reimburse insurers for their costs under s. 49.475. 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 themedical 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 530. 20.435 (1) (br) of the statutes is repealed.

SECTION 531. 20.435 (1) (bs) of the statutes is renumbered 20.435 (5) (bs).

SECTION 532. 20.435 (1) (bt) of the statutes is renumbered 20.435 (5) (bt).

SECTION 533. 20.435 (1) (bu) of the statutes is renumbered 20.435 (5) (bu).

SECTION 534. 20.435 (1) (cc) of the statutes is renumbered 20.435 (5) (cc) and amended to read:

20.435 **(5)** (cc) *Cancer treatment, training, follow−up,control and prevention.* The amounts in the schedule for cancer control and prevention grants under s. 255.05, for the breast cancer screening program under s. 255.06 ~~and~~, for grants for training to perform colposcopic examinations and follow−up activities under s. 255.07 and for breast cancer screening activities under 1997 Wisconsin Act .... (this act), section 9123 (10). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds for grants under s. 255.05, funds for screening and services under s. 255.06 and funds for grants under s. 255.07 between fiscal years under this paragraph. All funds allocated by the department under s. 255.05 (2) but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 535. 20.435 (1) (cd) of the statutes is renumbered 20.435 (3) (cd).

SECTION 536. 20.435 (1) (ce) of the statutes is renumbered 20.435 (5) (ce).

SECTION 537. 20.435 (1) (cj) of the statutes is repealed.

SECTION 538b. 20.435 (1) (cm) of the statutes is renumbered 20.435 (5) (cm) and amended to read:

20.435 **(5)** (cm) *Immunization.* ~~Biennially, the amounts in the schedule~~ A sum sufficient not to exceed in fiscal year 1997–98 the difference between $8,550,700 and the sum of the moneys received from the federal government under the federal vaccines for children program and under section 317 of the Public Health Service Act in fiscal year 1997–98 and not to exceed in fiscal year 1998–99 the difference between $8,776,400 and the sum of the moneys received from the federal government under the federal vaccines for children program and under section 317 of the Public Health Service Act in fiscal year 1998–99 for the provision of vaccine to immunize children under s. 252.04 (1).

SECTION 539. 20.435 (1) (cp) of the statutes is repealed.

SECTION 540. 20.435 (1) (d) of the statutes is renumbered 20.435 (5) (d).

SECTION 541. 20.435 (1) (de) of the statutes is renumbered 20.435 (5) (de).

SECTION 542. 20.435 (1) (dm) of the statutes is renumbered 20.435 (6) (dm).

SECTION 543. 20.435 (1) (ds) of the statutes is renumbered 20.435 (5) (ds).

SECTION 544. 20.435 (1) (e) of the statutes is renumbered 20.435 (5) (e).

SECTION 545. 20.435 (1) (ed) of the statutes is renumbered 20.435 (5) (ed).

SECTION 546. 20.435 (1) (ef) of the statutes is renumbered 20.435 (5) (ef).

SECTION 547. 20.435 (1) (eg) of the statutes is renumbered 20.435 (5) (eg).

SECTION 548. 20.435 (1) (ei) of the statutes is repealed.

SECTION 549. 20.435 (1) (ek) of the statutes is renumbered 20.435 (5) (ek).

SECTION 550. 20.435 (1) (em) of the statutes is renumbered 20.435 (5) (em).

SECTION 551b. 20.435 (1) (ev) of the statutes is renumbered 20.435 (5) (ev) and amended to read:

20.435 **(5)** (ev) (title) *Pregnancy outreach and infant health.* The amounts in the schedule for outreach to low–income pregnant women and for maternal and infant health projects under s. 253.085.

SECTION 552. 20.435 (1) (f) of the statutes is renumbered 20.435 (5) (f).

SECTION 553. 20.435 (1) (g) of the statutes is renumbered 20.435 (6) (g).

SECTION 553m. 20.435 (1) (gm) of the statutes is amended to read:

20.435 **(1)** (gm) *Licensing, review and certifying activities.* The amounts in the schedule for the purposes specified in ss. ~~50.135, 50.49 (2) (b), 50.52 (2) (a),~~ 146.50 (8), 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and 255.08 (2)~~, subch. IV of ch. 50~~ and ch. 150. All moneys received under ss. ~~50.135, 50.49 (2) (b), 50.52 (2) (a), 50.93 (1) (c),~~ 146.50 (8) (d), 150.13, 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and 255.08 (2) (b) shall be credited to this appropriation account. From the fees collected under s. 50.135 (2), $444,700 in fiscal year 1997–98 and $451,600 in fiscal year 1998–99 shall be credited to this appropriation account.

SECTION 554b. 20.435 (1) (gp) of the statutes is renumbered 20.435 (5) (gp) and amended to read: **Vetoed In Part**

20.435 **(5)** (gp) *Health care; aids.* All moneys received under s. 146.99, to be used for ~~purchase of~~ primary health care ~~services~~ grants under s. ~~146.93~~ 146.92 and to transfer $150,000 in fiscal year 1997–98 to the appropriation account under par. (kp).

SECTION 555. 20.435 (1) (gr) of the statutes is created to read:

20.435 **(1)** (gr) *Supplemental food program for women, infants and children administration.* All moneys received from the enforcement assessments on fines, forfeitures and recoupments that are levied by a court under s. 253.06 (4) (c) and on forfeitures and recoupments that are levied by the department under s. 253.06 (5) (c) to finance fraud reduction in the supplemental food program for women, infants and children under s. 253.06.

SECTION 556. 20.435 (1) (hh) of the statutes is renumbered 20.435 (3) (hh).

SECTION 557. 20.435 (1) (im) of the statutes is renumbered 20.435 (5) (im).

SECTION 558. 20.435 (1) (j) of the statutes is amended to read:

20.435 **(1)** (j) *Fees for services and supplies.* The amounts in the schedule for the purposes provided in ch. 69 and ~~ss. 50.02 (2), 50.025, 50.13, 50.36 (2) and~~ s. 254.41 ~~and to conduct health facility plan and rule development activities, for accrediting nursing homes, convalescent homes and homes for the aged~~, for the purchase and distribution of the medical supplies and to ~~conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2)~~ analyze and provide data under s. 250.04. All moneys received under ch. 69 and ss. ~~50.02 (2), 50.025, 50.13, 50.36 (2)~~ 250.04 (3m) and 254.41 and as reimbursement for medical supplies shall be credited to this appropriation.

SECTION 559. 20.435 (1) (ja) of the statutes is renumbered 20.435 (5) (ja) and amended to read:

20.435 **(5)** (ja) *Congenital disorders; diagnosis, special dietary treatment and counseling.* The amounts in the schedule to provide diagnostic services, special dietary treatment and follow–up counseling for congenital disorders and periodic evaluation of infant screening programs as specified under s. 253.13. All moneys received by the department under s. 253.13 (2), less the amounts appropriated under ~~par.~~ sub. (1) (jb), shall be credited to this appropriation.

SECTION 560. 20.435 (1) (k) of the statutes is renumbered 20.435 (6) (k).

SECTION 561. 20.435 (1) (kx) of the statutes is amended to read:

20.435 **(1)** (kx) *Interagency and intra−agency programs.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. ~~(k) or~~ (km) or sub. (6) (k) for the administration of programs or projects for which received.

SECTION 562. 20.435 (1) (ky) of the statutes is renumbered 20.435 (5) (ky) and amended to read:

20.435 **(5)** (ky) *Interagency and intra−agency aids.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under ~~par. (k) or (km)~~ sub. (1) (km) or (6) (k) for aids to individuals and organizations.

SECTION 563. 20.435 (1) (kz) of the statutes is renumbered 20.435 (5) (kz) and amended to read:

20.435 **(5)** (kz) *Interagency and intra−agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. ~~(k) or (km)~~ sub. (1) (km) or (6) (k) for local assistance.

SECTION 564. 20.435 (1) (ma) of the statutes is renumbered 20.435 (5) (ma).

SECTION 565. 20.435 (1) (md) of the statutes is renumbered 20.435 (5) (md).

SECTION 566. 20.435 (1) (na) of the statutes is renumbered 20.435 (5) (na).

SECTION 567b. 20.435 (1) (o) of the statutes is renumbered 20.435 (5) (o) and amended to read:

20.435 **(5)** (o) *Federal aid; medical assistance.* All federal moneys received for meeting costs of medical assistance administered under ~~s.~~ ss. 49.45 ~~and for meeting the costs of health care coverage under s. 49.153~~ and 49.665.

SECTION 567m. 20.435 (1) (rg) of the statutes is renumbered 20.435 (1) (cg) and amended to read:

20.435 **(1)** (cg) *Emergency medical services; general program operations.* ~~From the transportation fund, the~~ The amounts in the schedule for general program operations relating to emergency medical services.

SECTION 568g. 20.435 (1) (rm) of the statutes is renumbered 20.435 (5) (ch) and amended to read:

20.435 **(5)** (ch) *Emergency medical services; aids.* ~~From the transportation fund, the~~ The amounts in the schedule to pay the costs for emergency medical technician — basic training and examination aid under s. 146.55 (5) and for ambulance service vehicles or vehicle equipment, emergency medical services supplies or equipment or emergency medical training for personnel under s. 146.55 (4).

SECTION 568m. 20.435 (2) (bm) of the statutes is amended to read:

20.435 **(2)** (bm) *Secure mental health units or facilities.* The amounts in the schedule for the general program operations of secure mental health units or facilities under s. 980.065 for persons committed to ~~a secure mental health placement~~ institutional care under s. 980.06 (2) (b) and placed in a secure mental health unit or facility.

SECTION 569mm. 20.435 (2) (f) of the statutes is amended to read:

20.435 **(2)** (f) *Energy costs.* The amounts in the schedule to be used at mental health institutes and centers for the developmentally disabled to pay for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the department under ~~s.~~ ss.16.858 and 16.895, and to repay to the energy efficiency fund loans made to the department under s. 16.847 (6).

SECTION 570mm. 20.435 (2) (gk) of the statutes is amended to read:

20.435 **(2)** (gk) *Institutional operations and charges.* The amounts in the schedule for care provided by the centers for the developmentally disabled to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of state−owned housing at centers for the developmentally disabled and mental health institutes; for repair or replacement of property damaged at the mental health institutes or at centers for the developmentally disabled; and for reimbursing the total cost of using, producing and providing services, products and care. All moneys received as payments from medical assistance on and after August 1, 1978; as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical assistance payments, other payments under s. 46.10 and payments under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments under s. 51.07 (4); as payments for the rental of state−owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes; for the sale of electricity, steam or chilled water; as payments in restitution of property damaged at the mental health institutes or at centers for the developmentally disabled; for the sale of surplus property, including vehicles, at the mental health institutes or at centers for the developmentally disabled; and for other services, products and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed

under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of patients transferred from a state prison under s. 51.37 (5), to Mendota mental health institute or Winnebago mental health institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4).

SECTION 571. 20.435 (3) (title) of the statutes is amended to read:

20.435 **(3)** (title) ~~YOUTH~~ CHILDREN AND FAMILY SERVICES.

SECTION 572. 20.435 (3) (bt) of the statutes is renumbered 20.435 (7) (bt).

SECTION 573. 20.435 (3) (co) of the statutes is renumbered 20.435 (7) (co).

SECTION 574. 20.435 (3) (cw) of the statutes is amended to read:

20.435 **(3)** (cw) (title) *~~Child~~ Milwaukee child welfare services ~~in Milwaukee County~~; general program operations*. The amounts in the schedule for ~~activities under 1995 Wisconsin Act 303, section 9127 (1), (5), (6) and (7)~~ general program operations relating to ~~the assumption by the department of the duty and authority to provide child welfare services in Milwaukee County~~ providing services to children and families under s. 48.48 (17).

SECTION 575. 20.435 (3) (cx) of the statutes is created to read:

20.435 **(3)** (cx) *Milwaukee child welfare services; aids.* The amounts in the schedule for providing services to children and families under s. 48.48 (17).

SECTION 576m. 20.435 (3) (cz) of the statutes is created to read:

20.435 **(3)** (cz) *Foster care services, kinship care and aid to minor custodial parents.* The amounts in the schedule for the cost of foster care and treatment foster care provided by nonlegally responsible relatives under s. 46.261 (2) (a) 3. or 4., for kinship care payments under s. 48.57 (3m) and for aid to minor custodial parents under s. 46.261 (2) (a) 1.

SECTION 576p. 20.435 (3) (db) of the statutes is created to read:

20.435 **(3)** (db) *Foster care assessments.* The amounts in the schedule for assessments of nonlegally responsible relatives who provide care and maintenance for children to determine if those relatives are eligible to receive foster care payments.

SECTION 580. 20.435 (3) (gx) of the statutes is created to read:

20.435 **(3)** (gx) *Milwaukee child welfare services; collections.* All moneys received by the department in payment for services provided to children and families under s. 48.48 (17), to be used to provide those services.

SECTION 581. 20.435 (3) (jb) of the statutes is created to read:

20.435 **(3)** (jb) *Fees for administrative services.* All moneys received from fees charged for providing state mailings, special computer services, training programs, printed materials and publications, for the purpose of providing state mailings, special computer services, training programs, printed materials and publications.

SECTION 582. 20.435 (3) (jm) of the statutes is created to read:

20.435 **(3)** (jm) *Licensing activities.* The amounts in the schedule for the costs of licensing child welfare agencies under s. 48.60, foster homes and treatment foster homes under s. 48.62, group homes under s. 48.625, day care centers under s. 48.65 and shelter care facilities under s. 938.22 (7). All moneys received for these licensing activities and from fees under ss. 48.615, 48.625, 48.65 (3) and 938.22 (7) (b) and (c) shall be credited to this appropriation account.

SECTION 583. 20.435 (3) (kb) of the statutes is renumbered 20.435 (7) (kb) and amended to read:

20.435 **(7)** (kb) *Severely emotionally disturbed children.* As a continuing appropriation, all moneys transferred from the appropriation under sub. ~~(1)~~ (5) (b) to this appropriation to provide, under s. 46.485, mental health care and treatment and community−based mental health services for severely emotionally disturbed children. Notwithstanding s. 20.002 (1), the department of health and family services may transfer from this appropriation to the appropriation under sub. ~~(1)~~ (5) (b) funds as specified in s. 46.485 (3r).

SECTION 584. 20.435 (3) (kc) of the statutes is created to read:

20.435 **(3)** (kc) *Interagency and intra−agency aids; kinship care.* The amounts in the schedule for payments under s. 48.57 (3m). All moneys transferred from the appropriation account under s. 20.445 (3) (md) to this appropriation account shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year is transferred to the appropriation account under s. 20.445 (3) (ky).

SECTION 584m. 20.435 (3) (kd) of the statutes is created to read:

20.435 **(3)** (kd) *Kinship care assessments.* The amounts in the schedule for assessments of kinship care relatives, as defined in s. 48.57 (3m) (a), who provide care and maintenance for children to determine if those kinship care relatives are eligible to receive payments under s. 48.57 (3m). All moneys transferred from the appropriation account under s. 20.445 (3) (md) to this appropriation account shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year is transferred to the appropriation account under s. 20.445 (3) (ky).

SECTION 584r. 20.435 (3) (ke) of the statutes is created to read:

20.435 **(3)** (ke) *Tribal kinship care.* All moneys transferred from the appropriation accounts under s. 20.445 (3) (d) and (p), 1995 stats., under 1997 Wisconsin Act .... (this act), section 9226 (1n), for payments to fed-

erally recognized American Indian tribes or bands in reimbursement of payments made under s. 48.57 (3m).

SECTION 584t. 20.435 (3) (ke) of the statutes, created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 585. 20.435 (3) (kw) of the statutes is created to read:

20.435 **(3)** (kw) *Interagency and intra–agency aids; Milwaukee child welfare services.* All moneys received from other state agencies and all moneys received by the department from the department for providing services to children and families under s. 48.48 (17), for such purposes.

SECTION 586. 20.435 (3) (kx) of the statutes is amended to read:

20.435 **(3)** (kx) *Interagency and intra–agency programs.* ~~All~~ Except as provided in par. (kw), all moneys received from other state agencies and all moneys received by the department from the department for the administration of programs or projects for which received, for such purposes.

SECTION 587. 20.435 (3) (ky) of the statutes is amended to read:

20.435 **(3)** (ky) *Interagency and intra–agency aids.* ~~All~~ Except as provided in par. (kw), all moneys received from other state agencies and all moneys received by the department from the department for aids to individuals and organizations, for such purposes.

SECTION 588. 20.435 (3) (kz) of the statutes is amended to read:

20.435 **(3)** (kz) *Interagency and intra–agency local assistance.* ~~All~~ Except as provided in par. (kw), all moneys received from other state agencies and all moneys received by the department from the department for local assistance, for such purposes.

SECTION 589. 20.435 (3) (mw) of the statutes is amended to read:

20.435 **(3)** (mw) (title) *Federal aid; Milwaukee child welfare services ~~in Milwaukee County~~ general program operations.* All federal moneys received for ~~activities under 1995 Wisconsin Act 303, section 9127 (1),~~ general program operations relating to ~~the assumption by the department of the duty and authority to provide child welfare services in Milwaukee County~~ providing services to children and families under s. 48.48 (17), to carry out the purposes for which received.

SECTION 590. 20.435 (3) (mx) of the statutes is created to read:

20.435 **(3)** (mx) *Federal aid; Milwaukee child welfare services aids.* All federal moneys received for providing services to children and families under s. 48.48 (17), to carry out the purposes for which received.

SECTION 590m. 20.435 (3) (o) of the statutes is created to read:

20.435 **(3)** (o) *Community aids; prevention activities.* All federal moneys received under 42 USC 300x–21 to 300x–35 in amounts pursuant to allocation plans developed by the department of health and family services for the provision or purchase of services authorized under sub. (7) (b) and s. 46.70 for distribution under s. 46.40 (2m) (a) for prevention related activities.

SECTION 591. 20.435 (5) (title) of the statutes is created to read:

20.435 **(5)** (title) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; AIDS AND LOCAL ASSISTANCE.

SECTION 591c. 20.435 (5) (af) of the statutes is created to read:

20.435 **(5)** (af) *Health insurance risk–sharing plan; costs.* The amounts in the schedule for paying a portion of the operating costs of the health insurance risk–sharing plan under ch. 149.

SECTION 591cm. 20.435 (5) (bc) of the statutes is created to read:

20.435 **(5)** (bc) *Health care for low–income families.* As a continuing appropriation, the amounts in the schedule for the badger care health care program for low–income families under s. 49.665.

SECTION 592. 20.435 (5) (cb) of the statutes is created to read:

20.435 **(5)** (cb) *Women's health services.* The amounts in the schedule for health screening for low–income women under s. 255.075, for conduct of a women's health campaign under 1997 Wisconsin Act .... (this act), section 9123 (6) (a) and for women's health projects under 1997 Wisconsin Act .... (this act), section 9123 (6) (b) and (6m).

SECTION 592fm. 20.435 (5) (dg) of the statutes is created to read:

20.435 **(5)** (dg) *Tobacco prevention and education program.* The amounts in the schedule for the Thomas T. Melvin tobacco prevention and education program under s. 255.10.

SECTION 592h. 20.435 (5) (gh) of the statutes is created to read:

20.435 **(5)** (gh) *Health insurance risk–sharing plan; premium reduction.* All moneys received from the plan administrator under s. 149.143 (2) (a) 1. c., to be used as specified in s. 149.143 (1) (b) 1. b.

SECTION 594. 20.435 (5) (i) of the statutes is created to read:

20.435 **(5)** (i) *Gifts and grants; aids.* All moneys received from gifts, grants and bequests to provide aids to individuals for health services consistent with the purpose of the gift, grant or bequest.

SECTION 594gm. 20.435 (5) (jz) of the statutes is created to read:

20.435 **(5)** (jz) *Badger care premiums.* All moneys received from payments under s. 49.665 (5) to be used for the badger care health care program for low–income families under s. 49.466.

SECTION 594m. 20.435 (5) (kp) of the statutes is created to read: **Vetoed In Part**

Vetoed In Part 20.435 **(5)** (kp) *Supplemental primary health care program.* The amounts in the schedule to provide supplemental primary health care services under s. 146.93. All moneys transferred from the appropriation account under par. (gp) shall be credited to this appropriation account.

SECTION 594mm. 20.435 (5) (p) of the statutes is created to read:

20.435 **(5)** (p) *Federal aid; health care for low−income families.* All federal moneys received for the badger care health care program for low−income families under s. 49.665, to be used for that purpose.

SECTION 595. 20.435 (6) (title) of the statutes is amended to read:

20.435 **(6)** (title) ~~COMMUNITY SERVICES~~ SUPPORTIVE LIVING; STATE OPERATIONS.

SECTION 595m. 20.435 (6) (gb) of the statutes is amended to read:

20.435 **(6)** (gb) *Alcohol and drug abuse initiatives.* **Vetoed In Part** ~~All moneys received from the state treasurer under s. 961.41 (5) (c), to be expended on~~ The amounts in the schedule for programs providing prevention, intervention and treatment for alcohol and other drug abuse problems. **Vetoed In Part** All moneys received under s. 961.41 (5) (c) shall be credited to this appropriation account. The department shall allocate at least $112,500 annually for grants to local organizations that conduct community−based programs to prevent alcohol and other drug abuse. In fiscal year 1997−98, the department shall transfer $250,000 from the appropriation account under this paragraph to the appropriation account under sub. (7) (kw).

Vetoed In Part **SECTION 595n.** 20.435 (6) (gb) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.435 **(6)** (gb) *Alcohol and drug abuse initiatives.* The amounts in the schedule for programs providing prevention, intervention and treatment for alcohol and other drug abuse problems. All moneys received under s. 961.41 (5) (c) shall be credited to this appropriation account. The department shall allocate at least $112,500 annually for grants to local organizations that conduct community−based programs to prevent alcohol and other drug abuse. ~~In fiscal year 1997−98, the department shall transfer $250,000 from the appropriation account under this paragraph to the appropriation account under sub. (7) (kw).~~

SECTION 596. 20.435 (6) (gs) of the statutes is renumbered 20.435 (2) (gs).

SECTION 597. 20.435 (6) (hx) of the statutes is amended to read:

20.435 **(6)** (hx) (title) *Services ~~for~~ related to drivers, receipts.* The amounts in the schedule for services ~~for~~ related to drivers. ~~Of the~~ All moneys received by the state treasurer from the driver improvement surcharge on court fines and forfeitures authorized under s. 346.655~~, 15%~~ shall be credited to this appropriation. ~~These moneys~~ The secretary of administration shall annually transfer to the appropriation account under s. 20.395 (5) (di) 31.29% of all moneys credited to this appropriation. The moneys remaining may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5) (ci) and 20.455 (5) (h) by the secretary of administration after consultation with the secretaries of health and family services~~, education~~ and transportation, the superintendent of public instruction, the attorney general and the president of the university of Wisconsin system.

SECTION 597m. 20.435 (6) (jm) of the statutes is amended to read:

20.435 **(6)** (jm) *Licensing and support services.* The amounts in the schedule for the purposes specified in ss. 50.02 (2), 50.025, 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50 and to conduct health facilities plan and rule development activities, for accrediting nursing homes, convalescent homes and homes for the aged, to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and for the costs of inspecting, licensing and approving facilities, issuing permits and providing technical assistance that are not specified under any other paragraph in this subsection. All moneys received under ss. 50.02 (2), 50.025, 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys received from fees for ~~these activities~~ the costs of inspecting, licensing and approving facilities, issuing permits and providing technical assistance that are not specified under any other paragraph in this subsection, and all moneys received under 50.135 (2), less the amounts credited to the appropriation account under sub. (1) (gm), shall be credited to this appropriation account.

SECTION 598. 20.435 (7) (title) of the statutes is amended to read:

20.435 **(7)** (title) ~~COMMUNITY SERVICES~~ SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE.

SECTION 599. 20.435 (7) (bd) of the statutes is amended to read:

20.435 **(7)** (bd) *Community options program and long−term support pilot projects.* The amounts in the schedule for assessments, case planning, services and administration under s. 46.27 and for pilot projects ~~for home and community−based long−term support services~~ under s. 46.271 (1), and the amounts carried forward under 1997 Wisconsin Act .... (this act), section 9123 (2), for the pilot project under s. 46.271 (2m). If the department transfers funds to this appropriation from the appropriation account under sub. (5) (b), the amounts in the schedule for the fiscal year for which the transfer is made are increased by the amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer moneys between fiscal years. Except for moneys authorized for transfer under this appropriation ~~or~~, under s. 46.27 (7) (fm) or (g) or under 1997 Wisconsin

Act .... (this act), section 9123 (2), all moneys under this appropriation that are allocated under s. 46.27 and are not spent or encumbered by counties or by the department by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 600. 20.435 (7) (ce) of the statutes is amended to read:

20.435 **(7)** (ce) *Services for homeless individuals.* ~~As a continuing appropriation, the~~ The amounts in the schedule for services for homeless individuals under s. 46.972 (3).

SECTION 600m. 20.435 (7) (dh) of the statutes is amended to read:

20.435 **(7)** (dh) *Programs for senior citizens and elder abuse services.* The amounts in the schedule for the programs for senior citizens, including but not limited to the purpose of distributing funds under s. 46.80 (2m) (b) to supplement any federal foster grandparent project funds received under 42 USC 5011 (a) and the purposes of ss. 46.80 (5) and 46.85, and for direct services for elder persons and other individuals under s. 46.90 (5m). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and family services may transfer funds between fiscal years under this paragraph. All funds allocated under ss. 46.80 (2m) (b) and (5) and 46.85 but not encumbered by December 31 of each year lapse to the general fund on the next January 1, unless transferred to the next calendar year by the joint committee on finance, but the department may carry forward funds allocated under s. 46.90 (5m) that are not encumbered by June 30 of each year for allocation under s. 46.90 (5m) in the following state fiscal year. For the purposes of this paragraph, funds are encumbered by December 31 if allocated for services received or for goods ordered by December 31.

SECTION 601. 20.435 (7) (dn) of the statutes is renumbered 20.435 (3) (dn).

SECTION 602. 20.435 (7) (dr) of the statutes is renumbered 20.435 (3) (dr).

SECTION 603. 20.435 (7) (ed) of the statutes 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 for payments for the support of children of supplemental security income recipients under s. 49.775.

SECTION 604. 20.435 (7) (f) of the statutes is renumbered 20.435 (3) (fm) and amended to read:

20.435 **(3)** (fm) (title) *Community alcohol and other drug abuse prevention ~~pilot~~ program.* The amounts in the schedule for the community alcohol and other drug abuse prevention ~~pilot~~ program under s. 51.45 (5).

SECTION 605. 20.435 (7) (hz) of the statutes is repealed.

SECTION 605m. 20.435 (7) (kg) of the statutes is created to read:

20.435 **(7)** (kg) *Compulsive gambling awareness campaigns.* The amounts in the schedule for the purpose of awarding grants under s. 46.03 (43). All moneys transferred from ss. 20.505 (8) (g) and (h) and 20.566 (8) (q) shall be credited to this appropriation account.

SECTION 606. 20.435 (7) (kw) of the statutes is created to read:

20.435 **(7)** (kw) *Interagency community aids.* The amounts in the schedule for human services under s. 46.40, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, for foster care and treatment foster care under s. 49.19 (10) and for mental health services under s. 51.423 (1). All moneys transferred from the appropriation accounts under sub. (6) (gb) and under s. 20.445 (3) (md) for those purposes shall be credited to this appropriation account.

SECTION 606b. 20.435 (7) (kw) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.435 **(7)** (kw) *Interagency community aids.* The amounts in the schedule for human services under s. 46.40, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, for foster care and treatment foster care under s. 49.19 (10) and for mental health services under s. 51.423 (1). All moneys transferred from the appropriation ~~accounts~~ account under ~~sub. (6) (gb) and under~~ s. 20.445 (3) (md) for those purposes shall be credited to this appropriation account.

SECTION 607. 20.435 (8) (gg) of the statutes is renumbered 20.435 (6) (gg).

SECTION 608d. 20.435 (8) (mb) of the statutes is created to read:

20.435 **(8)** (mb) *Income augmentation services receipts.* All moneys that are received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd and 42 USC 1396 to 1396v as the result of income augmentation activities for which the state has contracted, to be used as provided in s. 46.46.

SECTION 609. 20.435 (8) (mc) of the statutes is created to read:

20.435 **(8)** (mc) *Federal block grant operations.* All block grant moneys received from the federal government for the state administration of federal block grants for the purposes specified.

SECTION 610. 20.445 (1) (ev) of the statutes is amended to read:

20.445 **(1)** (ev) (title) *Division of ~~workforce excellence~~ connecting education and work.* The amounts in the schedule for the general program operations of the

division of ~~workforce excellence~~ connecting education and work under s. 106.12 ~~and 106.13~~.

SECTION 612. 20.445 (1) (gd) of the statutes is amended to read:

20.445 **(1)** (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and 108.22 and assessments under s. 108.19 (1m), all moneys not appropriated under par. (ge) and (gf) for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m) and for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, ~~and~~ for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20, and for the payment of career counseling center grants under s. 106.14.

SECTION 612m. 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act .... (this act), section 612, is amended to read:

20.445 **(1)** (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and 108.22 ~~and~~, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all moneys not appropriated under par. (ge) and (gf) for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m) and for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20, and for payment of career counseling center grants under s. 106.14.

SECTION 613. 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act .... (this act), sections 612 and 612m, is repealed and recreated to read:

20.445 **(1)** (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and 108.22, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all moneys not appropriated under par. (ge) and (gf) for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m) and for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20.

SECTION 614b. 20.445 (1) (k) of the statutes is renumbered 20.445 (1) (L).

SECTION 615. 20.445 (1) (ka) of the statutes is amended to read:

20.445 **(1)** (ka) (title) *Interagency and intra−agency agreements.* All moneys received through contracts or financial agreements ~~for~~ from other state agencies for the provision of services to ~~other~~ those state agencies and all moneys received by the department from the department for the provision of services to the department, except moneys appropriated under par. ~~(k) or~~ (kc) or (L), for the purpose of providing the services.

SECTION 617. 20.445 (1) (kb) of the statutes is created to read:

20.445 **(1)** (kb) *Funds transferred from the technical college system board; school−to−work programs.* All moneys transferred from the appropriation account under s. 20.292 (1) (m) for school−to−work programs under s. 106.13 (1).

SECTION 617g. 20.445 (1) (ux) of the statutes is renumbered 20.445 (1) (ox) and amended to read:

20.445 **(1)** (ox) *Employment transit aids, federal funds.* ~~From the transportation fund, all~~ All moneys received from the federal government for the employment transit assistance program under s. 106.26, for that purpose.

SECTION 617m. 20.445 (1) (uy) of the statutes is renumbered 20.445 (1) (kr) and amended to read:

20.445 **(1)** (kr) *Employment transit aids, federal oil overcharge funds.* ~~From the transportation fund, all~~ All moneys transferred from the appropriation under s. 20.505 (1) (md) to this appropriation for the employment transit assistance program under s. 106.26, for that purpose.

SECTION 617r. 20.445 (1) (uz) of the statutes is renumbered 20.445 (1) (fg) and amended to read:

20.445 **(1)** (fg) *Employment transit aids, state funds.* ~~From the transportation fund, the~~ The amounts in the schedule for the employment transit assistance program under s. 106.26.

SECTION 618. 20.445 (3) (a) of the statutes is amended to read:

20.445 **(3)** (a) *General program operations.* The amounts in the schedule for general program operations relating to economic support, including field services and administrative services, for costs associated with receiving and disbursing support and support−related payments, including any contract costs, and for administering the program under s. 49.22 and all other purposes specified in s. 49.22. No moneys may be expended under this paragraph for the program under, or any other purpose specified in, s. 49.22 unless moneys appropriated under par. (ja) are insufficient for the purposes specified under that paragraph.

SECTION 619. 20.445 (3) (cm) of the statutes is created to read:

20.445 **(3)** (cm) *Wisconsin works child care.* The amounts in the schedule for paying child care subsidies under s. 49.155. Before October 1, 1997, moneys appropriated under this paragraph may be used to fund child care costs of individuals who secure unsubsidized employment and lose eligibility for aid to families with dependent children as provided under s. 49.191 (2), for child care and related transportation costs under s. 49.26 (1) (e), for at–risk and low–income child care under s. 49.132 and for child care costs under ss. 49.191 (1) and 49.193 (8).

SECTION 620. 20.445 (3) (cn) of the statutes is repealed.

SECTION 621. 20.445 (3) (cp) of the statutes is repealed.

SECTION 622. 20.445 (3) (d) of the statutes is repealed.

SECTION 623. 20.445 (3) (de) of the statutes is repealed.

SECTION 624. 20.445 (3) (df) of the statutes is repealed.

SECTION 625. 20.445 (3) (dg) of the statutes is repealed.

SECTION 625m. 20.445 (3) (dk) of the statutes is repealed.

SECTION 626. 20.445 (3) (dy) of the statutes is repealed.

SECTION 627. 20.445 (3) (dz) of the statutes is amended to read:

20.445 **(3)** (dz) (title) *Wisconsin works and other public assistance administration and benefits.* The amounts in the schedule for administration and benefit payments under Wisconsin works under ss. 49.141 to 49.161, the job opportunities and basic skills program under s. 49.193, the learnfare program under s. 49.26, the work experience and job search program under s. 49.36, the food stamp employment and training program under s. 49.124 (1m) and the parental responsibility pilot program under s. 49.25; for payment distribution under s. 49.33 (8) for county administration of public assistance benefits and medical assistance eligibility determination and payments to American Indian tribes for administration of public assistance programs; to provide state aid for county administered public assistance programs for which reimbursement is provided under s. 49.33 (9); for child care costs under ss. 49.191 (1) and (2), 49.193 (8) and 49.26 (1) (e); for payments required under s. 49.170; for the new hope project under s. 49.37; for aid to 18–year–old students under s. 49.20; and for funeral expenses under s. 49.30. Payments may be made from this appropriation to counties for fraud investigation and error reduction under s. 49.197 (1m) and (4). Moneys appropriated under this paragraph may be used to match federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

Vetoed In Part

SECTION 627b. 20.445 (3) (dz) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.445 **(3)** (dz) *Wisconsin works and other public assistance administration and benefits.* The amounts in the schedule for administration and benefit payments under Wisconsin works under ss. 49.141 to 49.161, the job opportunities and basic skills program under s. 49.193, the learnfare program under s. 49.26, the work experience and job search program under s. 49.36, the food stamp employment and training program under s. 49.124 (1m) and the parental responsibility pilot program under s. 49.25; for payment distribution under s. 49.33 (8) for county administration of public assistance benefits and medical assistance eligibility determination and payments to American Indian tribes for administration of public assistance programs; to provide state aid for county administered public assistance programs for which reimbursement is provided under s. 49.33 (9); for child care costs under ss. 49.191 (1) and (2), 49.193 (8) and 49.26 (1) (e); for payments required under s. 49.170; for the new hope project under s. 49.37; for aid to 18–year–old students under s. 49.20; ~~and~~ for funeral expenses under s. 49.30; and to transfer to the appropriation account under s. 20.835 (2) (k) the amount determined by the department of revenue under s. 49.175 (1) (b) 2. Payments may be made from this appropriation to counties for fraud investigation and error reduction under s. 49.197 (1m) and (4). Moneys appropriated under this paragraph may be used to match federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

Vetoed In Part

SECTION 628b. 20.445 (3) (g) of the statutes is amended to read:

20.445 **(3)** (g) *Child support collections.* All moneys received for the support of dependent children, to be expended under the Wisconsin works program under subch. III of ch. 49 and to be distributed as provided in s. 49.24 and in accordance with federal and state laws, rules and regulations.

SECTION 628c. 20.445 (3) (g) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 629. 20.445 (3) (ja) of the statutes is amended to read:

20.445 **(3)** (ja) *Child support state operations — fees.* All moneys received from fees charged under s. 49.22 (8), from fees ordered under s. 767.29 (1) (d) and from

fees charged and incentive payments and collections retained under s. 49.22 (7m), for costs associated with receiving and disbursing support and support−related payments, including any contract costs, and for administering the program under s. 49.22 and all other purposes specified in s. 49.22.

SECTION 630. 20.445 (3) (jL) of the statutes is created to read:

20.445 **(3)** (jL) *Job access loan repayments.* All moneys received from repayments of loans made under s. 49.147 (6) for the purpose of making loans under s. 49.147 (6).

SECTION 631. 20.445 (3) (k) of the statutes is created to read:

20.445 **(3)** (k) *Child support transfers.* All moneys transferred from the appropriation account under par. (r), to be expended under the Wisconsin works program under subch. III of ch. 49 and to be distributed as provided in s. 49.24 and for the support of dependent children in accordance with applicable federal and state statutes, federal regulations and state rules.

SECTION 632. 20.445 (3) (md) of the statutes is amended to read:

20.445 **(3)** (md) *Federal block grant aids.* All block grant moneys received from the federal government or any of its agencies to be expended as aids to individuals or organizations and to be transferred to the appropriation accounts under s. 20.435 (3) (kc) and (kd), (7) (kw) and (ky) and (8) (kx).

SECTION 633. 20.445 (3) (my) of the statutes is repealed.

SECTION 634. 20.445 (3) (p) of the statutes is repealed.

SECTION 635. 20.445 (3) (pm) of the statutes is amended to read:

20.445 **(3)** (pm) (title) ~~*Employment programs*~~ *Food stamp employment and training program; administration.* All federal moneys received for the administrative costs associated with ~~the learnfare program under s. 49.26 (1), the job opportunities and basic skills program under s. 49.193 and~~ the food stamp employment and training program under s. 49.124 (1m), to carry out ~~those purposes~~ that purpose.

SECTION 636. 20.445 (3) (ps) of the statutes is amended to read:

20.445 **(3)** (ps) (title) ~~*Employment programs*~~ *Food stamp employment and training program; aids.* All federal moneys received for the provision or purchase of services for ~~the learnfare program under s. 49.26 (1), the job opportunities and basic skills program under s. 49.193, the parental responsibility pilot program under s. 49.25 and~~ the food stamp employment and training program under s. 49.124 (1m), to carry out ~~those purposes~~ that purpose.

SECTION 637. 20.445 (3) (pz) of the statutes is created to read:

20.445 **(3)** (pz) *Income augmentation services receipts.* All moneys received from the federal government as the result of income augmentation services for which the state has contracted, for the state administration of continuing programs to be expended for the purposes specified.

SECTION 638. 20.445 (3) (q) of the statutes is created to read:

20.445 **(3)** (q) *Centralized support receipt and disbursement; interest.* From the support collections trust fund, a sum sufficient equal to the amounts earned by the support collections trust fund for costs associated with receiving and disbursing payments under ss. 767.265 and 767.29, including any contract costs, and for costs associated with any other support enforcement function.

SECTION 639b. 20.445 (3) (r) of the statutes is created to read:

20.445 **(3)** (r) *Support receipt and disbursement program; payments.* From the support collections trust fund, all moneys received under ss. 767.265 and 767.29 for child or family support, maintenance, spousal support, health care expenses or birth expenses, and all other moneys received under judgments or orders in actions affecting the family, as defined in s. 767.02 (1), for disbursement to the persons for whom the payments are awarded and for transfer to the appropriation account under par. (k) if assigned under s. 46.261, 48.57 (3m) (b) 2., 49.145 (2) (s), 49.19 (4) (h) 1. b. or 49.775 (2) (bm). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 641. 20.445 (6) (k) of the statutes is amended to read:

20.445 **(6)** (k) *General enrollee operations; service funds.* All moneys received by the department from other state agencies and by the department from the department under agreements entered into under s. 106.215 (8) (i) ~~with state agencies~~, except moneys appropriated under par. (kb), for the payment of the sponsor's share of costs for Wisconsin conservation corps projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 642. 20.445 (6) (kb) of the statutes is amended to read:

20.445 **(6)** (kb) *Administrative support; service funds.* All moneys received by the department from other state agencies and by the department from the department under agreements entered into under s. 106.215 (8) (i) ~~with state agencies~~, except moneys appropriated under par. (k), for the payment of administrative expenses related to the Wisconsin conservation corps program as specified in those agreements.

SECTION 642g. 20.445 (6) (u) of the statutes is amended to read:

20.445 **(6)** (u) *General enrollee operations; conservation fund.* Biennially, from the conservation fund, the amounts in the schedule for the payment of Wisconsin conservation corps enrollee compensation and for the payment of other Wisconsin conservation corps costs for ~~conservation~~ activities authorized under s. 106.215 (7) (a) or (c) if those costs are not paid by project sponsors. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 642m. 20.445 (6) (v) of the statutes is renumbered 20.445 (6) (bm) and amended to read:

20.445 **(6)** (bm) (title) *General enrollee operations~~; transportation fund~~ supplement.* Biennially, ~~from the transportation fund,~~ the amounts in the schedule for the payment of Wisconsin conservation corps enrollee compensation and for the payment of other Wisconsin conservation corps costs for projects if those costs are not paid by project sponsors. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

Vetoed In Part

SECTION 642q. 20.455 (1) (d) of the statutes is amended to read:

20.455 **(1)** (d) *Legal expenses.* Biennially, the amounts in the schedule for the payment of expenses, except staff salaries and fringe benefits, incurred by the department of justice in the prosecution or defense of any action or proceeding in which the state may be a party or may have an interest, in the prosecution of any action or proceeding brought under s. 165.251, for any abstract of title, clerk of court's fees, sheriff's fees or any other expense actually necessary to the prosecution or defense of those cases, for the payment of expenses incurred where the department of justice is not involved, and where the statutes provide that those expenses shall be paid from this appropriation, unless the cost or expenses are charged to some other appropriation.

SECTION 643. 20.455 (2) (e) of the statutes is amended to read:

20.455 **(2)** (e) *Drug enforcement.* The amounts in the schedule for drug law enforcement programs to work with local law enforcement agencies in a coordinated effort~~,~~ and for operating costs of the crime laboratory in the city of Wausau~~, and to match federal funds under par. (ma) if matching funds under s. 20.505 (6) (h) are insufficient~~.

SECTION 644. 20.455 (2) (kd) of the statutes is created to read:

20.455 **(2)** (kd) *Drug law enforcement and crime laboratories.* The amounts in the schedule for activities relating to drug law enforcement, drug law violation prosecution assistance and activities of the state and regional crime laboratories. All moneys transferred from the appropriation account under par. (Lm) shall be credited to this appropriation account.

SECTION 645. 20.455 (2) (Lm) of the statutes is amended to read:

20.455 **(2)** (Lm) (title) *~~Deoxyribonucleic~~ Crime laboratories; deoxyribonucleic acid analysis.* All moneys received from crime laboratories and drug law enforcement assessments authorized under s. 165.755 and deoxyribonucleic acid analysis surcharges authorized under s. 973.046 to provide deoxyribonucleic acid analysis, to administer s. 165.77, ~~to pay for the salary and fringe benefits of one assistant district attorney for Milwaukee county who conducts prosecutions using deoxyribonucleic acid analysis,~~ to pay for the costs of mailing and materials under s. 165.76 for the submission of biological specimens by the departments of corrections and health and family services and by county sheriffs and to ~~provide statewide training regarding prosecutions using deoxyribonucleic acid analysis~~ transfer to the appropriation account under par. (kd) the amounts in the schedule under par. (kd).

SECTION 645m. 20.455 (2) (q) of the statutes is renumbered 20.455 (2) (cm) and amended to read:

20.455 **(2)** (cm) *Computers for transaction information for management of enforcement system.* ~~From the transportation fund, the~~ The amounts in the schedule for payments for a lease with option to purchase regarding computers for the transaction information for the management of enforcement system.

SECTION 646m. 20.455 (5) (g) of the statutes is amended to read:

20.455 **(5)** (g) *Crime victim and witness assistance surcharge, general services.* The amounts in the schedule for purposes of ch. 950. All moneys received from part A of crime victim and witness assistance surcharges authorized under s. 973.045 (3) (a) 1. shall be credited to this appropriation account. The department of justice shall transfer ~~not more than $488,800 in fiscal year 1995–96 and not more than $488,800 in fiscal year 1996–97~~ from this appropriation account to the appropriation account under par. ~~(j)~~ (kj) the amounts in the schedule under par. (kj).

SECTION 646p. 20.455 (5) (g) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.455 **(5)** (g) *Crime victim and witness assistance surcharge, general services.* The amounts in the schedule for purposes of ch. 950. All moneys received from part A of crime victim and witness assistance surcharges authorized under s. 973.045 (3) (a) 1. and from delinquency victim and witness assistance surcharges authorized under s. 938.34 (8d) (a) shall be credited to this appropriation account. The department of justice shall transfer from this appropriation account to the appropriation account under par. (kj) the amounts in the schedule under par. (kj).

SECTION 646q. 20.455 (5) (i) of the statutes is amended to read:

20.455 **(5)** (i) *Victim compensation, inmate payments.* All moneys received under s. 303.06 (2) and (3)

for the administration of ch. 949 and for crime victim compensation payments or services.

SECTION 646r. 20.455 (5) (j) of the statutes is renumbered 20.455 (5) (kj).

SECTION 647. 20.465 (1) (f) of the statutes is amended to read:

20.465 **(1)** (f) *Energy costs.* The amounts in the schedule to be used at military buildings under control of the department to pay for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the department under ~~s.~~ ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the department under s. 16.847 (6).

SECTION 648. 20.465 (1) (g) of the statutes is amended to read:

20.465 **(1)** (g) *Military property.* The amounts in the schedule for rent of state–owned military lands or buildings used by, acquired for or erected for the Wisconsin national guard under s. 21.19 (2), for rental of buildings and grounds maintenance equipment owned by the state and required to properly maintain properties supported by state–federal cooperative funding agreements, for the repair and maintenance of state–owned military lands or buildings, for the payment of municipal assessments related to state–owned military property and for the purchase and construction of new military property, real and personal. All moneys received on account of lost military property, from the sale of obsolete or unserviceable military property, from the sale of any state–owned military property, real and personal, under s. 21.19 (3), from the rental of state–owned housing, or from the provision of housing–related services to military personnel shall be credited to this appropriation.

SECTION 649. 20.465 (2) (a) of the statutes is amended to read:

20.465 **(2)** (a) *Tuition grants.* The amounts in the schedule for the payment of tuition grants to members of the Wisconsin national guard under s. 21.49 (3)~~, less the amounts appropriated as applied receipts under par. (g)~~.

SECTION 650. 20.465 (2) (g) of the statutes is repealed.

SECTION 651. 20.465 (3) (d) of the statutes is repealed.

SECTION 651d. 20.465 (3) (dt) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.465 **(3)** (dt) *Emergency response training.* Biennially, the amounts in the schedule for the division of emergency management to provide training for emergency response to releases of hazardous substances.

SECTION 651g. 20.465 (3) (i) of the statutes is amended to read:

20.465 **(3)** (i) *Emergency planning and reporting; administration.* From the moneys received by the ~~state emergency response board~~ division of emergency management from fees assessed under s. 166.20 (7), the amounts in the schedule for emergency planning, notification and response and reporting activities under s. 166.20 and administration of the grant program under s. 166.21.

SECTION 651m. 20.465 (3) (j) of the statutes is amended to read:

20.465 **(3)** (j) (title) ~~*State emergency response board*~~ *Division of emergency management; gifts and grants.* All moneys received as gifts and grants by the ~~state emergency response board~~ division of emergency management, to be used for the purposes for which made.

SECTION 652. 20.465 (3) (jm) of the statutes is amended to read:

20.465 **(3)** (jm) *State emergency response board; emergency planning grants.* All moneys received by the state emergency response board from fees assessed under s. 166.20 (7), except moneys appropriated under par. (i) for the payment of grants under s. 166.21, except grants under s. 166.21 (2) ~~(bm). The secretary of administration shall lapse from this appropriation amounts totaling the amount expended under par. (d) at the times and in the instalments determined by the secretary of administration~~ (br).

SECTION 652am. 20.465 (3) (jm) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.465 **(3)** (jm) *Division of emergency management; emergency planning grants.* All moneys received by the division of emergency management from fees assessed under s. 166.20 (7), except moneys appropriated under par. (i) for the payment of grants under s. 166.21, except grants under s. 166.21 (2) (br).

SECTION 652ap. 20.465 (3) (jt) of the statutes is amended to read:

20.465 **(3)** (jt) *Regional emergency response reimbursement.* All moneys received by the ~~state emergency response board~~ division of emergency management under s. 166.215 (3) for reimbursement of regional emergency response teams under s. 166.215 (2).

SECTION 652b. 20.465 (3) (q) of the statutes is renumbered 20.465 (3) (f) and amended to read:

20.465 **(3)** (f) *Civil air patrol aids.* ~~From the transportation fund, the~~ The amounts in the schedule to provide assistance to the civil air patrol under s. 166.03 (2) (a) 5.

SECTION 652bh. 20.465 (3) (r) (title) of the statutes is amended to read:

20.465 **(3)** (r) (title) ~~*State emergency response board*~~ *Division of emergency management; petroleum inspection fund.*

SECTION 652c. 20.465 (3) (rg) of the statutes is renumbered 20.465 (3) (dd) and amended to read:

20.465 **(3)** (dd) *Regional emergency response teams.* ~~As a continuing appropriation, from the transportation fund, the~~ The amounts in the schedule for payments to

regional emergency response teams under s. 166.215 (1) ~~and (2)~~.

SECTION 652cm. 20.465 (3) (rk) of the statutes is renumbered 20.465 (3) (dh) and amended to read:

20.465 **(3)** (dh) *Hazardous substance emergency response; administration.* ~~From the transportation fund, the~~ The amounts in the schedule for hazardous substance emergency response activities under s. 166.215.

SECTION 652d. 20.465 (3) (rp) of the statutes is renumbered 20.465 (3) (dp) and amended to read:

20.465 **(3)** (dp) *Emergency response equipment.* ~~From the transportation fund, the~~ The amounts in the schedule for grants for the costs of computers and emergency response equipment under s. 166.21 (2) ~~(bm). Notwithstanding s. 20.001 (3) (a), the unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation account under par. (rt), except that transfers to the appropriation account under par. (rt) shall cease whenever the balance in the appropriation account under par. (rt) exceeds $500,000 and shall not recommence until the balance in the appropriation account under par. (rt) is less than $400,000. No moneys may be transferred from this appropriation account to the appropriation account under par. (rt) after June 30, 1998~~ (br).

SECTION 652g. 20.465 (3) (rt) of the statutes is renumbered 20.465 (3) (dr) and amended to read:

20.465 **(3)** (dr) *Emergency response supplement.* ~~All moneys transferred from the appropriation under par. (rp),~~ As a continuing appropriation, the amounts in the schedule to be used for response costs of a regional emergency response team that are not reimbursed under s. 166.215 (2) or (3) and for response costs of a local agency that are not reimbursed under s. 166.22 (4). ~~No moneys may be encumbered from the appropriation under this paragraph after June 30, 1999.~~

SECTION 652x. 20.465 (3) (s) of the statutes is renumbered 20.465 (3) (dt) and amended to read:

20.465 **(3)** (dt) (title) *Emergency response training ~~— transportation fund~~.* Biennially, ~~from the transportation fund,~~ the amounts in the schedule for the state emergency response board to provide training for emergency response to releases of hazardous substances ~~and for providing equipment under 1989 Wisconsin Act 31, section 3039 (1q)~~.

SECTION 652y. 20.465 (3) (t) of the statutes is amended to read:

20.465 **(3)** (t) *Emergency response training — environmental fund.* Biennially, from the environmental fund, the amounts in the schedule for the ~~state emergency response board~~ division of emergency management to provide training for emergency response to releases of hazardous substances and for providing equipment under 1989 Wisconsin Act 31, section 3039 (1q).

Vetoed In Part **SECTION 652z.** 20.475 (1) (d) of the statutes is amended to read:

20.475 **(1)** (d) *Salaries and fringe benefits.* The amounts in the schedule for salaries and fringe benefits of district attorneys and state employes of the office of the district attorney, for payments under s. 40.05 (2) (bz) 3. and for payments under s. 978.045 (2) (b). **Vetoed In Part**

SECTION 653. 20.485 (2) (rm) of the statutes is amended to read:

20.485 **(2)** (rm) (title) *Veterans ~~rehabilitation~~ assistance program.* Biennially, the amounts in the schedule for general program operations of the veterans ~~rehabilitation~~ assistance program under s. 45.357.

SECTION 654. 20.485 (2) (rp) of the statutes is created to read:

20.485 **(2)** (rp) *Veterans assistance program receipts.* The amounts in the schedule for the provision of assistance to veterans under s. 45.357 (1). All moneys received from fees under s. 45.357 (2) shall be credited to this appropriation account.

SECTION 654g. 20.485 (2) (s) of the statutes is renumbered 20.485 (2) (e) and amended to read:

20.485 **(2)** (e) *Veterans memorial grants.* From the ~~transportation~~ general fund, as a continuing appropriation, the amounts in the schedule for the veterans memorial grant program under s. 45.04.

SECTION 654m. 20.485 (2) (sm) of the statutes is renumbered 20.485 (2) (em) and amended to read:

20.485 **(2)** (em) *Payments related to The Highground.* From the ~~transportation~~ general fund, as a continuing appropriation, the amounts in the schedule to make payments under s. 45.03 (3) related to the veterans memorial at The Highground in Clark county. Moneys may not be spent from this appropriation without the approval of the joint committee on finance.

SECTION 655g. 20.485 (2) (th) of the statutes is created to read:

20.485 **(2)** (th) *Correspondence courses and part−time classroom study.* The amounts in the schedule for the veterans' correspondence courses and part−time classroom study program under s. 45.396. Notwithstanding ss. 16.52 (5) and 20.001 (3) (a), after June 30, 1998, the department may encumber moneys under this appropriation for the fiscal year up to 60 days after the end of that fiscal year if an estimate is first submitted to and approved by the secretary of administration showing the amounts that will be encumbered during that 60−day period.

SECTION 655m. 20.485 (2) (tj) of the statutes is created to read:

20.485 **(2)** (tj) *Retraining grant program.* The amounts in the schedule for the veterans' retraining grant program under s. 45.397.

SECTION 655r. 20.485 (2) (vg) of the statutes is created to read:

20.485 **(2)** (vg) *Health care aid grants.* The amounts in the schedule for the payment of benefits to veterans and their dependents under s. 45.351 (1j).

SECTION 656. 20.485 (2) (vm) of the statutes, as affected by 1995 Wisconsin Act 27, section 1040q, is amended to read:

20.485 **(2)** (vm) (title) ~~*Veterans aids and treatment*~~ *Subsistence grants.* The amounts in the schedule for payment of ~~benefits~~ subsistence grants to veterans and their dependents under ~~ss.~~ s. 45.351 (1)~~, 45.396 and 45.397~~.

SECTION 658m. 20.485 (2) (x) of the statutes is created to read:

20.485 **(2)** (x) *Federal per diem payments.* All moneys received from the federal government as per diem payments for veterans participating in the veterans assistance program under s. 45.357 to be used for the purposes under s. 45.357.

SECTION 659. 20.485 (2) (y) of the statutes is repealed.

SECTION 660. 20.485 (2) (ym) of the statutes is repealed.

SECTION 661m. 20.485 (2) (yn) of the statutes is created to read:

20.485 **(2)** (yn) *Veterans trust fund loans and expenses.* Biennially, the amounts in the schedule for the purpose of providing loans under s. 45.356 and for the payment of expenses and other payments as a consequence of being a mortgagee or owner under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.80, 1989 stats., and s. 45.356. All moneys received under ss. 45.356 (9) (a) and (b) and 45.79 (7) (c) for the purpose of providing loans under the personal loan program under s. 45.356 shall be credited to this appropriation account. All payments of interest and repayments of principal for loans made under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.80, 1989 stats., and s. 45.356 shall revert to the veterans trust fund.

SECTION 662m. 20.485 (2) (yo) of the statutes is created to read:

20.485 **(2)** (yo) *Debt payment.* A sum sufficient for the payment of obligations incurred for moneys received under s. 45.356 (9) (a) or (b).

SECTION 663. 20.485 (3) (u) of the statutes is repealed.

SECTION 664. 20.485 (4) (qm) of the statutes is created to read:

20.485 **(4)** (qm) *Repayment of principal and interest.* From the veterans trust fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of veterans cemeteries provided under s. 20.866 (2) (z).

SECTION 665. 20.485 (4) (r) of the statutes is amended to read:

20.485 **(4)** (r) *Cemetery energy costs.* From the veterans trust fund, the amounts in the schedule to be used at the veterans memorial cemeteries operated under s. 45.358 for utilities and for fuel, heat and air conditioning and for costs incurred by or on behalf of the department of veterans affairs under ~~s.~~ ss. 16.858 and 16.895.

SECTION 666. 20.490 (5) (t) of the statutes is created to read:

20.490 **(5)** (t) *Recycling fund transfer for brownfields remediation.* From the recycling fund, as a continuing appropriation, the amounts in the schedule to be transferred to the Wisconsin development reserve fund under s. 234.93 for the program under s. 234.88.

SECTION 666g. 20.505 (1) (title) of the statutes is amended to read:

20.505 **(1)** (title) SUPERVISION AND MANAGEMENT; LAND INFORMATION BOARD.

SECTION 666h. 20.505 (1) (title) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.505 **(1)** (title) SUPERVISION AND MANAGEMENT~~; LAND INFORMATION BOARD~~.

SECTION 666m. 20.505 (1) (am) of the statutes is created to read:

20.505 **(1)** (am) *Information technology investment fund administration.* The amounts in the schedule for the administration of the information technology investment fund under s. 16.971.

SECTION 666n. 20.505 (1) (am) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 666nm. 20.505 (1) (fn) of the statutes is created to read:

20.505 **(1)** (fn) *Free books to organizations.* The amounts in the schedule for the purpose of contracting to supply free books to organizations under s. 16.23 (1).

SECTION 666p. 20.505 (1) (ie) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 666q. 20.505 (1) (ig) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 666r. 20.505 (1) (ij) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 667. 20.505 (1) (is) of the statutes is amended to read:

20.505 **(1)** (is) *Information technology processing services to nonstate entities.* All moneys received from local governmental units and entities in the private sector for provision of computer services, telecommunications services and supercomputer services under s. 16.973 (2) (b) and ~~(3)~~ (c) or under s. 196.218 (4r) (c) 4., to be used for the purpose of providing those services.

SECTION 667m. 20.505 (1) (j) of the statutes is amended to read:

20.505 **(1)** (j) *Gifts and donations.* ~~All~~ Except as provided in par. (jb), all moneys received from gifts, grants, bequests and devises, to carry out the purposes for which made and received.

SECTION 668. 20.505 (1) (ja) of the statutes is amended to read:

20.505 **(1)** (ja) *Justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). ~~Eighty percent~~ Four−sevenths of the moneys received under s. 814.635 (1) shall be credited to this appropriation account.

SECTION 668p. 20.505 (1) (jb) of the statutes is created to read:

20.505 **(1)** (jb) *Gifts and grants; free books to organizations.* All moneys received from gifts, grants and bequests provided by foundations and private donors to supply free books to organizations under s. 16.23 (1).

SECTION 669. 20.505 (1) (ka) of the statutes is amended to read:

20.505 **(1)** (ka) *Materials and services to state agencies and certain districts.* The amounts in the schedule to provide services primarily to state agencies or local professional baseball park districts created under subch. III of ch. 229, other than services specified in pars. (im), (is) and (kb) to ~~(kr)~~ (ks) and subs. (2) (k) and (5) (ka), and to repurchase inventory items sold primarily to state agencies or such districts. All moneys received from the provision of services primarily to state agencies and such districts and from the sale of inventory items primarily to state agencies and such districts, other than moneys received and disbursed under pars. (im), (is) and (kb) to ~~(kr)~~ (ks) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

SECTION 669am. 20.505 (1) (ka) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.505 **(1)** (ka) *Materials and services to state agencies and certain districts.* The amounts in the schedule to provide services primarily to state agencies or local professional baseball park districts created under subch. III of ch. 229, other than services specified in pars. (im), (is) and (kb) to ~~(ks)~~ (kr) and subs. (2) (k) and (5) (ka), and to repurchase inventory items sold primarily to state agencies or such districts. All moneys received from the provision of services primarily to state agencies and such districts and from the sale of inventory items primarily to state agencies and such districts, other than moneys received and disbursed under pars. (im), (is) and (kb) to ~~(ks)~~ (kr) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

SECTION 670g. 20.505 (1) (ke) of the statutes is amended to read:

20.505 **(1)** (ke) *Telecommunications and data processing services.* The amounts in the schedule to provide state telecommunications services and data processing oversight and management services and telecommunications and data processing inventory items primarily to state agencies and to provide for the initial costs of establishment and operation of the division of information technology services. All moneys received from the provision of state telecommunications and data processing services and sale of telecommunications and data processing inventory items primarily to state agencies, other than moneys received and disbursed under par. (kL) and s. 20.225 (1) (kb), and all reimbursements of advances received by the division of information technology services shall be credited to this appropriation account.

SECTION 670p. 20.505 (1) (kk) of the statutes is repealed.

SECTION 670r. 20.505 (1) (kL) of the statutes is amended to read: **Vetoed In Part**

20.505 **(1)** (kL) *Information technology processing services to agencies.* ~~All moneys received from state agencies~~ The amounts in the schedule for the provision of information technology processing services under ss. 16.973 and 16.974~~, to be used~~. All moneys received from state agencies for the purpose of providing ~~those~~ information technology processing services shall be credited to this appropriation account.

SECTION 671. 20.505 (1) (kp) of the statutes is created to read:

20.505 **(1)** (kp) *Interagency assistance; justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). All moneys transferred from the appropriation account under sub. (6) (pc) shall be credited to this appropriation account.

SECTION 672. 20.505 (1) (ks) of the statutes is created to read:

20.505 **(1)** (ks) *Wisconsin land council; state agency support.* All moneys received from assessments levied against state agencies under s. 16.966 for the functions of the Wisconsin land council under s. 16.023.

SECTION 672m. 20.505 (1) (ks) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 673m. 20.505 (1) (qm) of the statutes is created to read:

20.505 **(1)** (qm) *Recycling activities.* From the recycling fund, the amounts in the schedule for recycling procurement specifications activities under s. 16.72 (2) and administering the recycled materials clearinghouse under s. 16.72 (6).

SECTION 675. 20.505 (1) (v) of the statutes is amended to read:

20.505 **(1)** (v) (title) *General program operations — ~~clean water fund program~~ environmental improvement programs; state funds.* From the ~~clean water~~ environmental improvement fund, the amounts in the schedule for general program operations under s. 281.58 ~~or~~, 281.59, 281.60 or 281.61.

SECTION 676. 20.505 (1) (x) of the statutes is amended to read:

20.505 **(1)** (x) *General program operations — clean water fund program; federal funds.* As a continuing appropriation, from the clean water fund program federal revolving loan fund account in the ~~clean water~~ environmental improvement fund, the amounts in the schedule

for general program operations of the clean water fund program under s. 281.58 or 281.59.

SECTION 677. 20.505 (1) (y) of the statutes is created to read:

20.505 **(1)** (y) *General program operations — safe drinking water loan program; federal funds.* As a continuing appropriation, from the safe drinking water loan program federal revolving loan fund account in the environmental improvement fund, the amounts in the schedule for general program operations of the safe drinking water loan program under s. 281.59 or 281.61.

SECTION 678. 20.505 (3) (a) of the statutes is amended to read:

20.505 **(3)** (a) *General program operations.* The amounts in the schedule for the expenses of committees created by law or executive order, for the state's contribution to the advisory commission on intergovernmental relations, and for state membership dues and travel expenses and miscellaneous expenses for state participation in the Council of State Governments, Education Commission of the States under s. 39.76, Midwestern Higher Education Compact under s. 39.80, Northeast Midwest Institute, Council of Great Lakes Governors, Great Lakes Commission, and such other national or regional interstate governmental bodies as the governor determines.

SECTION 679. 20.505 (3) (be) of the statutes is repealed.

SECTION 680. 20.505 (4) (ee) of the statutes is repealed.

SECTION 681. 20.505 (4) (er) of the statutes is repealed.

SECTION 682ad. 20.505 (4) (ie) of the statutes is renumbered 20.505 (1) (ie).

SECTION 683ad. 20.505 (4) (ig) of the statutes is renumbered 20.505 (1) (ig).

SECTION 684ad. 20.505 (4) (im) of the statutes is renumbered 20.505 (1) (ij).

SECTION 685. 20.505 (4) (kp) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

20.505 **(4)** (kp) *Hearings and appeals fees.* The amounts in the schedule for hearings and appeals services to the ~~departments~~ department of health and family services ~~and~~ under s. 227.43 (1) (bu), the department of workforce development under s. 227.43 (1) (by) and to all agencies under s. 227.43 (1m). All moneys received from the fees charged under s. 227.43 (3) (c) ~~and~~, (d) and (e) shall be credited to this appropriation account.

SECTION 685g. 20.505 (4) (q) of the statutes is repealed.

SECTION 685m. 20.505 (5) (c) of the statutes is created to read:

20.505 **(5)** (c) *Principal repayment and interest; Black Point Estate.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in adapting for public use the property known as Black Point Estate.

SECTION 686. 20.505 (5) (ka) of the statutes is amended to read:

20.505 **(5)** (ka) *Facility operations and maintenance; police and protection functions.* The amounts in the schedule for the purpose of financing the costs of operation of state−owned or operated facilities that are not funded from other appropriations, including custodial and maintenance services; minor projects; utilities, fuel, heat and air conditioning; costs incurred under ~~s.~~ ss.16.858 and 16.895 by or on behalf of the department; repayment to the energy efficiency fund loans made to the department under s. 16.847 (6); and supplementing the costs of operation of child care facilities for children of state employes under s. 16.841; and for police and protection functions under s. 16.84 (2) and (3). All moneys received from state agencies for the operation of such facilities, parking rental fees established under s. 16.843 (2) (bm) and miscellaneous other sources, all moneys received from assessments under s. 16.895, all moneys received for the performance of gaming protection functions under s. 16.84 (3), and all moneys transferred from the appropriation account under s. 20.865 (2) (e) for this purpose shall be credited to this appropriation account.

SECTION 687. 20.505 (6) (g) of the statutes is amended to read:

20.505 **(6)** (g) *Anti−drug enforcement program, penalty assessment — local.* All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) to match federal funds made available under subtitle K of title I of P.L. 99−570, except as provided in par. (h) and s. 20.410 (3) ~~(jk)~~ (kj). The executive staff director of the office of justice assistance may transfer moneys not needed as matching funds under this paragraph to par. (h). The secretary of administration shall transfer ~~$450,000~~ $645,000 from this paragraph to s. 20.410 (3) ~~(jk)~~ (kj) in each fiscal year. The secretary of administration shall transfer $200,000 in fiscal year ~~1995−96~~ 1997−98 and $200,000 in fiscal year ~~1996−97~~ 1998−99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug enforcement tactical intelligence unit and shall transfer $948,800 in fiscal year 1998−99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug enforcement strategic intelligence unit.

SECTION 687r. 20.505 (7) (d) of the statutes is amended to read:

20.505 **(7)** (d) *Grants to local housing organizations.* Biennially, the amounts in the schedule to make grants to community−based organizations, organizations operated for profit or housing authorities under s. 16.336.

SECTION 688. 20.505 (7) (jf) of the statutes is amended to read:

20.505 **(7)** (jf) (title) *Mobile home parks, dealers and salespersons.* The amounts in the schedule for the licensing and regulation of mobile home parks under s. 16.366 and the regulation of mobile home dealers and salespersons under subch. VI of ch. 218. All moneys received under s. 16.366 and subch. VI of ch. 218 shall be credited to this appropriation.

SECTION 689. 20.505 (7) (ji) of the statutes is repealed.

SECTION 690. 20.505 (8) (title) of the statutes is repealed.

SECTION 691. 20.505 (8) (a) of the statutes is renumbered 20.505 (1) (ab), and 20.505 (1) (ab) (title), as renumbered, is amended to read:

20.505 **(1)** (ab) (title) *General program operations; state prosecutor.*

SECTION 692. 20.505 (9) (a) of the statutes is amended to read:

20.505 **(9)** (a) *Administrative expenses; initial funds.* ~~The~~ As a continuing appropriation, the amounts in the schedule for the administrative expenses of the college tuition prepayment program under s. 16.24, including the expense of promoting the program. ~~No funds may be encumbered from this appropriation after June 30, 1997.~~

SECTION 693. 20.507 (intro.) of the statutes is created to read:

20.507 Board of commissioners of public lands. (intro.) There is appropriated to the board of commissioners of public lands for the following program:

SECTION 693m. 20.507 (1) (j) of the statutes is created to read:

20.507 **(1)** (j) *Payments to American Indian tribes or bands for raised sunken logs.* All moneys received under s. 170.12 (9m) (a) for making payments to American Indian tribes or bands under s. 170.12 (9m) (a).

Vetoed In Part

SECTION 694. 20.510 (1) (a) (title) of the statutes is amended to read:

20.510 **(1)** (a) (title) *General program operations; general purpose revenue.*

SECTION 695. 20.510 (1) (i) of the statutes is created to read:

20.510 **(1)** (i) *General program operations; program revenue.* The amounts in the schedule for general program operations. All moneys received from fees imposed under s. 11.055 (1) shall be credited to this appropriation account.

Vetoed In Part

SECTION 695n. 20.512 (2) of the statutes is repealed.

SECTION 695g. 20.515 (1) (am) of the statutes is created to read:

20.515 **(1)** (am) *Payment of judgment against the state.* The amounts in the schedule to pay the judgment against the state under Retired Teachers Ass'n v. Employe Trust Funds Bd., 207 Wis. 2d 1 (1997).

SECTION 695h. 20.515 (1) (am) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 695m. 20.521 (1) (g) of the statutes is amended to read:

20.521 **(1)** (g) *General program operations; program revenue.* The amounts in the schedule for general program operations under subch. III of ch. 13 and subch III of ch. 19. ~~Ninety percent of all~~ All moneys received from fees collected under s. 13.75 shall be credited to this appropriation account.

SECTION 696. 20.525 (1) (cm) of the statutes is created to read:

20.525 **(1)** (cm) *National Governors Association conference.* As a continuing appropriation, the amounts in the schedule to provide programmatic support for a meeting of the National Governors Association to be held in the city of Milwaukee on August 1 to 4, 1998.

SECTION 697. 20.525 (1) (cm) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 697j. 20.525 (1) (e) of the statutes is repealed.

SECTION 697m. 20.525 (1) (em) of the statutes is repealed.

SECTION 698. 20.525 (1) (f) of the statutes is created to read:

20.525 **(1)** (f) *Literacy improvement aids.* The amounts in the schedule for the governor to provide grants for literacy improvement under s. 14.20.

SECTION 698c. 20.525 (1) (g) of the statutes is amended to read:

20.525 **(1)** (g) *Gifts and grants; Wisconsin sesquicentennial commission.* All moneys received before October 1, 1998, by the Wisconsin sesquicentennial commission from gifts, grants or bequests to be used for the purposes for which made and received.

SECTION 698e. 20.525 (1) (g) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 698f. 20.525 (1) (gm) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 698g. 20.525 (1) (h) of the statutes is amended to read:

20.525 **(1)** (h) *Wisconsin sesquicentennial commission; license revenue.* All moneys received before October 1, 1998, by the Wisconsin sesquicentennial commission from license fees, to be used for the general program operations of the commission under s. 14.26.

SECTION 698h. 20.525 (1) (h) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 698m. 20.525 (1) (qr) of the statutes is renumbered 20.525 (1) (gm) and amended to read:

20.525 **(1)** (gm) *Wisconsin sesquicentennial commission; vehicle registration plates.* ~~From the transportation fund, all~~ All moneys received under s. 341.14 (6r) (bg) 2. that are credited to this appropriation account under s. 341.14 (6r) (bg) 3. b., to be used for the general program operations of the Wisconsin sesquicentennial commission under s. 14.26.

SECTION 699. 20.536 (1) (ka) of the statutes is amended to read:

20.536 **(1)** (ka) (title) *General program operations; ~~clean water~~ environmental improvement fund.* All moneys received for providing services to the department of administration or the department of natural resources in administering ss. 25.43, 281.58 ~~and~~, 281.59, 281.60, 281.61 and 281.62, for general program operations.

SECTION 700. 20.566 (1) (g) of the statutes is amended to read:

20.566 **(1)** (g) *Administration of county sales and use taxes.* From moneys received from the appropriation under s. 20.835 (4) (g), the amounts in the schedule for the purpose of administering the county taxes under subch. V of ch. 77. The balance of all taxes collected under subch. V of ch. 77, after the distribution under s. 77.76 (3), shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered balance of this appropriation account lapses to the general fund.

SECTION 700mm. 20.566 (1) (gf) of the statutes is created to read:

20.566 **(1)** (gf) *Administration of resort tax.* From moneys received from the appropriation account under s. 20.835 (4) (gd), the amounts in the schedule for administering the tax under subch. X of ch. 77. Three percent of those taxes reported for periods beginning before January 1, 2000, and 1.3% of those taxes for periods beginning on or after January 1, 2000, shall be credited to this appropriation account.

Vetoed In Part

SECTION 700r. 20.566 (1) (gm) of the statutes is created to read:

20.566 **(1)** (gm) *Administration of tax on controlled substances dealers.* From moneys received from the collection of taxes, penalties and interest from dealers of controlled substances under s. 139.96, the amounts in the schedule to pay the costs of the department of revenue in administering subch. IV of ch. 139.

SECTION 701m. 20.566 (1) (r) of the statutes is created to read:

20.566 **(1)** (r) *Administration of dry cleaner fees.* From the dry cleaner environmental response fund, the amounts in the schedule for the purpose of administering the fees under subch. XII of ch. 77.

SECTION 702m. 20.566 (2) (ht) of the statutes is repealed.

SECTION 704. 20.566 (7) (v) of the statutes is amended to read:

20.566 **(7)** (v) *Investment and local impact fund.* From the investment and local impact fund, all moneys received under s. 70.395 ~~(1) (a), (1g) (b)~~ (1e) and (2) (dc) and (dg), less the moneys appropriated under ~~s.~~ ss. 20.143 (1) (r) and 20.370 (2) (gr), to be disbursed under ss. 70.395 (2) (d) to (g), 293.33 (4) and ~~293.85~~ 293.65 (5) (a) .

SECTION 704g. 20.566 (8) (q) of the statutes is amended to read:

20.566 **(8)** (q) *General program operations.* From the lottery fund, the amounts in the schedule for general program operations under ch. 565. Annually, of the moneys appropriated under this paragraph, an amount equal to 36% of the amount in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation account under s. 20.435 (7) (kg).

SECTION 704m. 20.566 (8) (v) of the statutes is amended to read:

20.566 **(8)** (v) (title) ~~*On−line vendor*~~ *Vendor fees.* From the lottery fund, a sum sufficient to pay vendors for on−line and instant ticket services and supplies provided by the vendors under contract under s. 565.25 (2) (a).

SECTION 705. 20.575 (1) (g) of the statutes is amended to read:

20.575 **(1)** (g) *Program fees.* The amounts in the schedule for the purpose of carrying out general program operations. Except as provided under par. (ka), all amounts received by the secretary of state, including fees under chs. 132 and 137 and all moneys transferred from the appropriation under s. ~~20.566 (4)~~ 20.144 (1) (g), shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), any unencumbered balance at the close of a fiscal year exceeding 10% of that fiscal year's expenditures under this appropriation shall lapse to the general fund.

SECTION 706. 20.575 (1) (h) of the statutes is repealed.

SECTION 707. 20.575 (1) (i) of the statutes is repealed.

SECTION 707m. 20.585 (1) (i) of the statutes is created to read:

20.585 **(1)** (i) *Gifts and grants.* All moneys received from gifts, grants and bequests made for the operations of the office of the state treasurer to carry out the purposes for which the gifts, grants and bequests are made.

SECTION 708. 20.585 (2) (title) of the statutes is renumbered 20.507 (1) (title) and amended to read:

20.507 **(1)** (title) ~~DIVISION OF TRUST~~ TRUST LANDS AND INVESTMENTS.

SECTION 709. 20.585 (2) (h) of the statutes is renumbered 20.507 (1) (h) and amended to read:

20.507 **(1)** (h) *Trust lands and investments — general program operations.* The amounts in the schedule for the general program operations of the ~~division of trust lands and investments~~ board as provided under ss. 24.04, 24.09 (1) (bm), 24.53 and 24.62 (1). ~~All~~ Ninety percent of all amounts deducted from the gross receipts of the appropriate funds as provided under ss. 24.04, 24.09 (1) (bm), 24.53 and 24.62 (1) shall be credited to this appropriation account. ~~On each June 30, an amount shall lapse to the general fund as determined by the secretary of administration by multiplying the average rate deter-~~

~~mined by the department of administration for the office of state treasurer during that fiscal year to establish indirect cost reimbursements, as defined in s. 16.54 (9) (a) 2., by the cost to continue payment under this paragraph of salaries for all positions for the division of trust lands and investments at the beginning of that fiscal year, as affected by the applicable biennial budget act.~~ Notwithstanding s. 20.001 (3) (a), the unencumbered balance at the end of each fiscal year shall be transferred to the trust funds, as defined under s. 24.60 (5). The amount transferred to each trust fund, as defined under s. 24.60 (5), shall bear the same proportion to the total amount transferred to the trust funds that the gross receipts of that trust fund bears to the total gross receipts credited to this appropriation account during that fiscal year.

SECTION 710. 20.585 (2) (k) of the statutes is renumbered 20.507 (1) (k) and amended to read:

20.507 **(1)** (k) *Trust lands and investments — interagency and intra−agency assistance.* The amounts in the schedule to provide services to state agencies relating to trust lands and investments. All moneys received from the ~~office of the state treasurer~~ department of administration or any other state agency for services relating to trust lands and investments shall be credited to this appropriation account.

SECTION 711. 20.585 (2) (mg) of the statutes is renumbered 20.507 (1) (mg).

SECTION 712d. 20.625 (1) (km) of the statutes is created to read:

20.625 **(1)** (km) *Court interpreter fees.* The amounts in the schedule to pay court interpreter fees under s. 885.37 (4) (a) 2. All moneys transferred for this purpose from the appropriation account under s. 20.680 (2) (j) shall be credited to this appropriation account.

SECTION 712g. 20.660 (1) (k) of the statutes is created to read:

20.660 **(1)** (k) *Automated information systems.* The amounts in the schedule for the operation of the court of appeals automated information system. All moneys transferred for this purpose from the appropriation account under s. 20.680 (2) (j) shall be credited to this appropriation account.

SECTION 712j. 20.680 (1) (km) of the statutes is created to read:

20.680 **(1)** (km) *Automated information systems.* The amounts in the schedule for the operation of the supreme court automated information system. All moneys transferred for this purpose from the appropriation account under sub. (2) (j) shall be credited to this appropriation account.

SECTION 712m. 20.680 (2) (j) of the statutes is amended to read:

20.680 **(2)** (j) (title) ~~*Circuit court automation systems*~~ *Court information systems and interpreters.* The amounts in the schedule for the operation of circuit court ~~automation~~ automated systems under s. 758.19 (4), the court of appeals automated information system and the supreme court automated information system and for the payment of interpreter fees under s. 885.37 (4) (a) 2. All moneys received under ss. 814.61, 814.62 and 814.63 that are required to be credited to this appropriation account under those sections shall be credited to this appropriation account. The supreme court may transfer moneys from this appropriation account to the appropriation accounts under sub. (1) (km) and ss. 20.625 (1) (km) and 20.660 (1) (k).

SECTION 712r. 20.680 (2) (j) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.680 **(2)** (j) *Court information systems and interpreters.* The amounts in the schedule for the operation of circuit court automated systems under s. 758.19 (4), the court of appeals automated information system and the supreme court automated information system and for the payment of interpreter fees under s. 885.37 (4) (a) 2. All moneys received under ss. 814.61, 814.62 and 814.63 that are required to be credited to this appropriation account under those sections and two−sevenths of the moneys received under s. 814.635 (1) shall be credited to this appropriation account. The supreme court may transfer moneys from this appropriation account to the appropriation accounts under sub. (1) (km) and ss. 20.625 (1) (km) and 20.660 (1) (k).

SECTION 714. 20.680 (2) (k) of the statutes is repealed.

SECTION 715. 20.680 (2) (kd) of the statutes is amended to read:

20.680 **(2)** (kd) *Court operations information technology.* ~~All moneys transferred from the appropriation account under s. 20.505 (1) (ja)~~ The amounts in the schedule to provide information technology development and management services to the court system. All moneys transferred from the appropriation account under s. 20.505 (1) (ja) shall be credited to this appropriation account.

SECTION 716. 20.680 (2) (ke) of the statutes is created to read:

20.680 **(2)** (ke) *Interagency and intra−agency automation assistance.* All moneys received from a court or any state agency for services provided to the court or state agency related to the circuit court automation system for automated justice information systems.

SECTION 716d. 20.765 (1) (d) of the statutes is amended to read:

20.765 **(1)** (d) (title) *Legislative documents; exhibit.* A sum sufficient to pay legislative expenses for acquisition, production, retention, sales and distribution of legislative documents authorized under ss. 13.17, 13.90 (1) (g), 13.92 (1) (e), 13.93 (3) and 35.78 (1) or the rules of the senate and assembly, except as provided in sub. (3) (em) and to establish and support production of the

exhibit specified in 1997 Wisconsin Act .... (this act), section 9132 (2g).

SECTION 716e. 20.765 (1) (d) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.765 **(1)** (d) (title) *Legislative documents~~; exhibit~~.* A sum sufficient to pay legislative expenses for acquisition, production, retention, sales and distribution of legislative documents authorized under ss. 13.17, 13.90 (1) (g), 13.92 (1) (e), 13.93 (3) and 35.78 (1) or the rules of the senate and assembly, except as provided in sub. (3) (em) ~~and to establish and suport production of the exhibit specifed in 1997 Wisconsin Act .... (this act), section 9132 (2g)~~.

SECTION 716g. 20.765 (2) (b) of the statutes is repealed.

SECTION 716m. 20.765 (3) (em) of the statutes is repealed and recreated to read:

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

SECTION 716p. 20.765 (3) (fa) of the statutes is amended to read:

20.765 **(3)** (fa) *Membership in national associations.* A sum sufficient to be disbursed under s. 13.90 (4) for payment of the annual fees entitling the legislature to membership in national organizations including, without limitation because of enumeration, the national conference of state legislatures, ~~the council of state governments~~ the national conference of the Commission on Uniform State Laws and the national committee on uniform traffic laws and ordinances.

SECTION 716r. 20.765 (3) (g) of the statutes is amended to read:

20.765 **(3)** (g) *Gifts and grants to service agencies.* For the legislative service agency under s. 13.81, 13.82, 13.90, 13.91, 13.92, 13.93, 13.94 ~~or~~, 13.95 or 13.96 to which directed, as a continuing appropriation, all gifts, grants, bequests and devises for the purposes for which made not inconsistent with said sections.

SECTION 716t. 20.835 (2) (f) of the statutes is amended to read:

20.835 **(2)** (f) *Earned income tax credit.* A sum sufficient to pay the claims approved under s. 71.07 (9e), except the claims paid under par. (k).

SECTION 716v. 20.835 (2) (k) of the statutes is created to read:

20.835 **(2)** (k) *Earned income tax credit; community service job participants.* All moneys transferred from the appropriation account under s. 20.445 (3) (dz) to be used to pay the claims approved under s. 71.07 (9e).

SECTION 717. 20.835 (3) (r) of the statutes is repealed.

Vetoed In Part **SECTION 717m.** 20.835 (4) (g) of the statutes is amended to read:

20.835 **(4)** (g) *County taxes.* All moneys received from the taxes imposed under s. 77.70 for distribution to the counties that enact an ordinance imposing taxes under that section and for interest payments on refunds under s. 77.76 (3), except that ~~1.5%~~ 1.3% of those tax revenues collected under that section shall be credited to the appropriation account under s. 20.566 (1) (g). **Vetoed In Part**

SECTION 719c. 20.835 (4) (gd) of the statutes is created to read:

20.835 **(4)** (gd) *Premier resort area tax.* All moneys received from the tax imposed under subch. X of ch. 77, for distribution to the municipality or county that imposed the tax, except that 3.0% of those moneys for periods beginning before January 1, 2000, and 1.3% of those moneys for periods beginning on or after January 1, 2000, shall be credited to the appropriation account under s. 20.566 (1) (gf). **Vetoed In Part**

SECTION 719m. 20.855 (3) (b) of the statutes is created to read:

20.855 **(3)** (b) *Capitol restoration and relocation planning.* Biennially, the amounts in the schedule for the planning of capitol restoration projects and for planning a facility to house offices to be relocated from the capitol, legislative branch agencies or judicial branch agencies.

SECTION 719r. 20.855 (4) (f) of the statutes is created to read:

20.855 **(4)** (f) *Supplemental title fee matching.* From the general fund, a sum sufficient equal to the amount of supplemental title fees collected under s. 342.14 (3m), as determined under s. 85.037, to be transferred to the environmental fund on October 1 annually.

SECTION 720. 20.855 (4) (r) of the statutes is created to read:

20.855 **(4)** (r) *Petroleum allowance.* From the petroleum inspection fund, a sum sufficient for the payment of allowances and interest under s. 168.12 (6).

SECTION 721. 20.855 (7) (title) of the statutes is repealed.

SECTION 722. 20.855 (7) (j) of the statutes is renumbered 20.445 (3) (kp) and amended to read:

20.445 **(3)** (kp) *Delinquent support and maintenance payments.* All moneys received from the department of revenue and the department of administration under s. 49.855 for child support, maintenance, medical expenses or birth expenses, to be distributed ~~to clerks of court~~ in accordance with state law and federal regulations.

SECTION 725r. 20.865 (4) (m) of the statutes is created to read:

20.865 **(4)** (m) *Federal funds general program supplementation.* All moneys received from the federal government to supplement appropriations as provided in s. 13.101 for the administration of federally funded programs.

SECTION 726. 20.866 (1) (u) of the statutes is amended to read:

20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (au), (av), (ba), (ca), (cb), (cc), (cd), (ce), (ea) ~~and~~, (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go) ~~and~~, (3) (t) and (4) (qm), 20.505 (5) (c),(g) and (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

SECTION 727. 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c),(g) and (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

SECTION 727g. 20.866 (2) (s) of the statutes, as affected by 1995 Wisconsin Act 246, is amended to read:

20.866 **(2)** (s) *University of Wisconsin; academic facilities.* From the capital improvement fund, a sum sufficient for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university academic educational facilities and facilities to support such facilities. The state may contract public debt in an amount not to exceed ~~$740,111,300~~ $762,124,100 for this purpose.

SECTION 727m. 20.866 (2) (s) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.866 **(2)** (s) *University of Wisconsin; academic facilities.* From the capital improvement fund, a sum sufficient for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university academic educational facilities and facilities to support such facilities. The state may contract public debt in an amount not to exceed ~~$762,124,100~~ $791,009,100 for this purpose.

SECTION 727r. 20.866 (2) (t) of the statutes, as affected by 1995 Wisconsin Act 246, is amended to read:

20.866 **(2)** (t) *University of Wisconsin; self−amortizing facilities.* From the capital improvement fund, a sum sufficient for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university self−amortizing educational facilities. The state may contract public debt in an amount not to exceed ~~$373,781,600~~ $438,248,600 for this purpose. Of this amount, $4,500,000 is allocated only for the university of Wisconsin−Madison indoor practice facility for athletic programs and only at the time that ownership of the facility is transferred to the state.

SECTION 728. 20.866 (2) (tc) of the statutes is amended to read:

20.866 **(2)** (tc) (title) *Clean water fund program.* From the capital improvement fund, a sum sufficient for the purpose of s. 281.57 (10m) and to be transferred to the ~~clean water~~ environmental improvement fund for the purposes of the clean water fund program under ss. 281.58 and 281.59. The state may contract public debt in an amount not to exceed ~~$553,194,000~~ $552,743,200 for this purpose. Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is allocated for those deposits. Of this amount, $8,250,000 is allocated to fund the minority business development and training program under s. 66.905 (2) (b). Moneys from this appropriation account may be expended for the purpose of s. 281.57 (10m) only in the amount by which the department of natural resources and the department of administration determine that moneys available under par. (tn) are insufficient for the purpose for s. 281.57 (10m).

SECTION 729. 20.866 (2) (td) of the statutes is created to read:

20.866 **(2)** (td) *Safe drinking water loan program.* From the capital improvement fund, a sum sufficient to be transferred to the environmental improvement fund for the safe drinking water loan program under s. 281.61. The state may contract public debt in an amount not to exceed $12,130,000 for this purpose.

SECTION 730. 20.866 (2) (te) of the statutes is amended to read:

20.866 **(2)** (te) *Natural resources; nonpoint source grants.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide funds for nonpoint source water pollution abatement projects under ~~s.~~ ss. 281.16 (5) and 281.65. The state may contract public debt in an amount not to exceed ~~$20,000,000~~ $34,363,600 for this purpose. Of this amount, $2,000,000 may only be used for projects selected under s. 281.65 (4c) (c) after July 1, 1998.

SECTION 730m. 20.866 (2) (tf) of the statutes is created to read:

20.866 **(2)** (tf) *Natural resources; nonpoint source compliance.* From the capital improvement fund, a sum sufficient for the department of natural resources to fund cost−sharing grants under s. 281.16 (5) for projects to

assist agricultural facilities to comply with the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3) and, before any rules promulgated under s. 281.16 (3) take effect, to fund nonpoint source water pollution abatement projects under s. 281.65. The state may contract public debt in an amount not to exceed $2,000,000 for this purpose.

SECTION 731. 20.866 (2) (tg) of the statutes is amended to read:

20.866 **(2)** (tg) *Natural resources; environmental repair.* From the capital improvement fund, a sum sufficient for the department of natural resources to fund investigations and remedial action under s. 292.11 (7) (a) or 292.31 and remedial action under s. 281.83 and for payment of this state's share of environmental repair that is funded under 42 USC 6991 to 6991i or 42 USC 9601 to 9675. The state may contract public debt in an amount not to exceed ~~$31,500,000~~ $43,000,000 for this purpose. Of this amount, ~~$9,000,000~~ $5,000,000 is allocated for remedial action under s. 281.83.

SECTION 731g. 20.866 (2) (tk) of the statutes is created to read:

20.866 **(2)** (tk) *Natural resources; environmental segregated fund supported administrative facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment storage and maintenance facilities. The state may contract public debt in an amount not to exceed $145,000 for this purpose.

SECTION 731h. 20.866 (2) (tL) of the statutes is amended to read:

20.866 **(2)** (tL) *Natural resources; segregated revenue supported dam maintenance, repair, modification, abandonment and removal.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns and public inland lake protection and rehabilitation districts in conducting dam maintenance, repair, modification, abandonment and removal under s. 31.385. The state may contract public debt in an amount not to exceed ~~$4,000,000~~ $6,350,000 for this purpose.

SECTION 731k. 20.866 (2) (tn) of the statutes is amended to read:

20.866 **(2)** (tn) *Natural resources; pollution abatement and sewage collection facilities.* From the capital improvement fund, a sum sufficient to the department of natural resources to acquire, construct, develop, enlarge or improve point source water pollution abatement facilities and sewage collection facilities under s. 281.57 including eligible engineering design costs. Payments may be made from this appropriation for capital improvement expenditures and encumbrances authorized under s. 281.57 before July 1, 1990, except for reimbursements made under s. 281.57 (9m) (a) and except as provided in s. 281.57 (10m). Payments may also be made from this appropriation for expenditures and encumbrances resulting from disputed costs under s. 281.57 if an appeal of an eligibility determination is filed before July 1, 1990, and the result of the dispute requires additional funds for an eligible project. The state may contract public debt in an amount not to exceed $902,449,800 for this purpose.

SECTION 731r. 20.866 (2) (tu) of the statutes is amended to read:

20.866 **(2)** (tu) *Natural resources; segregated revenue supported facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment storage or maintenance facilities and to acquire, construct, develop, enlarge or improve state recreation facilities and state fish hatcheries. The state may contract public debt in an amount not to exceed ~~$14,749,900~~ $18,746,600 for this purpose.

SECTION 731t. 20.866 (2) (tv) of the statutes is amended to read:

20.866 **(2)** (tv) *Natural resources; general fund supported administrative facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment, storage or maintenance facilities. The state may contract public debt in an amount not to exceed ~~$6,733,500~~ $8,295,800 for this purpose.

SECTION 732. 20.866 (2) (tw) of the statutes is amended to read:

20.866 **(2)** (tw) *Natural resources; ice age trail.* From the capital improvement fund, as a part of the outdoor recreation land acquisition program, a sum sufficient for the department of natural resources for the acquisition and development of the ice age trail under s. 23.17. The state may contract public debt in an amount not to exceed $750,000 for this purpose. Moneys expended from this appropriation in each fiscal year may not exceed an amount equal to the sum of the amount received under s. 20.370 ~~(1) (gg)~~ (7) (gg) from gifts, grants and bequests for that fiscal year plus an amount equal to the valuation of the land accepted for dedication under s. 23.293 (5) in that fiscal year.

SECTION 732m. 20.866 (2) (up) of the statutes is amended to read:

20.866 **(2)** (up) *Transportation; rail passenger route development.* From the capital improvement fund, a sum sufficient for the department of transportation to fund rail passenger route development under s. 85.061 (3). The state may contract public debt in an amount not to exceed $50,000,000 for this purpose. Of this amount, not more than $10,000,000 may be used to fund the purposes specified in s. 85.061 (3) (a) 2. and 3.

SECTION 733. 20.866 (2) (uv) of the statutes is amended to read:

20.866 **(2)** (uv) *Transportation, harbor improvements.* From the capital improvement fund, a sum sufficient for the department of transportation to provide grants for harbor improvements. The state may contract public debt in an amount not to exceed ~~$12,000,000~~ $15,000,000 for this purpose.

SECTION 734. 20.866 (2) (uw) of the statutes is amended to read:

20.866 **(2)** (uw) *Transportation; rail acquisitions and improvements.* From the capital improvement fund, a sum sufficient for the department of transportation to acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d). The state may contract public debt in an amount not to exceed ~~$14,500,000~~ $19,000,000 for these purposes.

SECTION 734e. 20.866 (2) (ux) of the statutes is amended to read:

20.866 **(2)** (ux) *Corrections; correctional facilities.* From the capital improvement fund, a sum sufficient for the department of corrections to acquire, construct, develop, enlarge or improve adult and juvenile correctional facilities. The state may contract public debt in an amount not to exceed ~~$480,087,500~~ $594,680,500 for this purpose.

SECTION 734m. 20.866 (2) (uy) of the statutes is amended to read:

20.866 **(2)** (uy) *Corrections; self−amortizing facilities and equipment.* From the capital improvement fund, a sum sufficient for the department of corrections to acquire, develop, enlarge or improve facilities and equipment used in prison industries. The state may contract public debt in an amount not to exceed ~~$6,110,000~~ $7,337,000 for this purpose.

SECTION 734s. 20.866 (2) (v) of the statutes is amended to read:

20.866 **(2)** (v) (title) *Health and family services; mental health and secure treatment facilities.* From the capital improvement fund, a sum sufficient for the department of health and family services to acquire, construct, develop, enlarge or extend mental health and secure treatment facilities. The state may contract public debt in an amount not to exceed ~~$88,712,500~~ $118,712,500 for this purpose.

SECTION 735. 20.866 (2) (w) of the statutes is renumbered 20.866 (2) (uz) and amended to read:

20.866 **(2)** (uz) (title) ~~*Health and family services*~~ *Corrections; juvenile correctional facilities.* From the capital improvement fund, a sum sufficient for the department of ~~health and family services~~ corrections to acquire, construct, develop, enlarge or improve juvenile correctional facilities. The state may contract public debt in an amount not to exceed ~~$29,441,500~~ $26,441,500 for this purpose.

SECTION 735ag. 20.866 (2) (we) of the statutes is created to read:

20.866 **(2)** (we) *Agriculture; soil and water.* From the capital improvement fund, a sum sufficient for the department of agriculture, trade and consumer protection to provide for soil and water resource management under s. 92.14. The state may contract public debt in an amount not to exceed $3,000,000 for this purpose.

SECTION 735am. 20.866 (2) (wr) of the statutes is created to read:

20.866 **(2)** (wr) *Administration; Black Point Estate.* From the capital improvement fund, a sum sufficient for the department of administration to adapt for public use the property known as Black Point Estate. The state may contract public debt in an amount not to exceed $1,600,000 for this purpose.

SECTION 735b. 20.866 (2) (x) of the statutes is amended to read:

20.866 **(2)** (x) *Building commission; previous lease rental authority.* From the capital improvement fund, a sum sufficient to the building commission to acquire, construct, develop, enlarge or improve facilities authorized by the legislature prior to July 1, 1969. The state may contract public debt in an amount not to exceed ~~$143,171,600~~ $143,071,600 for this purpose.

SECTION 735c. 20.866 (2) (xb) of the statutes is amended to read:

20.866 **(2)** (xb) *Building commission; refunding corporation self−amortizing debt.* From the capital improvement fund, a sum sufficient to fund or refund the whole or any part of any unpaid indebtedness used to finance self−amortizing facilities in which program revenues or corresponding segregated revenues from program receipts reimburse lease rental payments advanced by general purpose revenue, and incurred prior to January 1, 1970, by the Wisconsin state agencies building corporation, Wisconsin state colleges building corporation or Wisconsin university building corporation. The state may contract public debt in an amount not to exceed ~~$2,686,600~~ $1,940,000 for this purpose. Such indebtedness shall be construed to include any premium payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred under par. (t), (u), (ur) or (zz) in proportional amounts to the purposes for which the debt was refinanced. The refunding authority provided in this paragraph may be used only if the true interest costs to the state can be reduced thereby.

SECTION 735d. 20.866 (2) (y) of the statutes is amended to read:

20.866 **(2)** (y) *Building commission; housing state departments and agencies.* From the capital improvement fund, a sum sufficient to the building commission for the purpose of housing state departments and agen-

cies. The state may contract public debt in an amount not to exceed ~~$219,525,600~~ $259,727,600 for this purpose.

SECTION 735h. 20.866 (2) (yg) of the statutes is amended to read:

20.866 **(2)** (yg) *Building commission; project contingencies.* From the capital improvement fund, a sum sufficient to the building commission for the purpose of funding project contingencies for projects enumerated in the authorized state building program for state departments and agencies. The state may contract public debt in an amount not to exceed ~~$19,659,000~~ $28,233,200 for this purpose.

SECTION 735j. 20.866 (2) (ym) of the statutes is amended to read:

20.866 **(2)** (ym) *Building commission; capital equipment acquisition.* From the capital improvement fund, a sum sufficient to the state building commission to acquire capital equipment for state departments and agencies. The state may contract public debt in an amount not to exceed ~~$67,129,800~~ $84,312,100 for this purpose.

SECTION 735k. 20.866 (2) (z) (intro.) of the statutes is amended to read:

20.866 **(2)** (z) *Building commission; other public purposes.* From the capital improvement fund, a sum sufficient to the building commission for relocation assistance and capital improvements for other public purposes authorized by law but not otherwise specified in this chapter. The state may contract public debt in an amount not to exceed ~~$736,956,000~~ $919,466,000 for this purpose. Of this amount~~, $150,000,000 is allocated for the Wisconsin initiative for state technology and applied research program. The total amount of debt authorized for this program may not exceed the following amounts on the following dates~~:

SECTION 735p. 20.866 (2) (z) 1. to 7. of the statutes are renumbered 20.866 (2) (z) 1m. a. to g., and 20.866 (2) (z) 1m. g., as renumbered, is amended to read:

20.866 **(2)** (z) 1m. g. July 1, 1997, ~~or thereafter~~ to June 30, 1999, $150,000,000.

SECTION 735s. 20.866 (2) (z) 1m. (intro.) of the statutes is created to read:

20.866 **(2)** (z) 1m. (intro.) An amount equal to $162,500,000 may be used for the Wisconsin initiative for state technology and applied research program. The total amount of debt authorized under this subdivision may not exceed the following amounts on the following dates:

SECTION 735wm. 20.866 (2) (z) 1m. i. of the statutes is created to read:

20.866 **(2)** (z) 1m. i. July 1, 1999, or thereafter, $162,500,000.

SECTION 735y. 20.866 (2) (z) 2m. of the statutes is created to read:

20.866 **(2)** (z) 2m. An amount equal to $72,000,000 is allocated for the healthstar program. The total amount of debt authorized under this subdivision may not exceed the following amounts on the following dates:

a. July 1, 1997, to June 30, 1999, $22,000,000.

b. July 1, 1999, to June 30, 2001, $57,000,000.

c. July 1, 2001, or thereafter, $72,000,000.

SECTION 736. 20.866 (2) (zc) of the statutes is created to read:

20.866 **(2)** (zc) *Technology for educational achievement in Wisconsin board; school district educational technology infrastructure loans.* From the capital improvement fund, a sum sufficient for the technology for educational achievement in Wisconsin board to make subsidized educational technology infrastructure loans to school districts under s. 44.72 (4). The state may contract public debt in an amount not to exceed $50,000,000 for this purpose.

SECTION 737. 20.866 (2) (zc) of the statutes, as created by 1997 Wisconsin Act .... (this act), is amended to read:

20.866 **(2)** (zc) *Technology for educational achievement in Wisconsin board; school district educational technology infrastructure loans.* From the capital improvement fund, a sum sufficient for the technology for educational achievement in Wisconsin board to make subsidized educational technology infrastructure loans to school districts under s. 44.72 (4). The state may contract public debt in an amount not to exceed ~~$50,000,000~~ $100,000,000 for this purpose.

SECTION 737b. 20.866 (2) (zcm) of the statutes is created to read:

20.866 **(2)** (zcm) *Technology for educational achievement in Wisconsin board; public library educational technology infrastructure loans.* From the capital improvement fund, a sum sufficient for the technology for educational achievement in Wisconsin board to make subsidized educational technology infrastructure loans to public library boards under s. 44.72 (4). The state may contract public debt in an amount not to exceed $5,000,000 for this purpose.

SECTION 737c. 20.866 (2) (zcm) of the statutes, as created by 1997 Wisconsin Act .... (this act), is amended to read:

20.866 **(2)** (zcm) *Technology for educational achievement in Wisconsin board; public library educational technology infrastructure loans.* From the capital improvement fund, a sum sufficient for the technology for educational achievement in Wisconsin board to make subsidized educational technology infrastructure loans to public library boards under s. 44.72 (4). The state may contract public debt in an amount not to exceed ~~$5,000,000~~ $10,000,000 for this purpose.

SECTION 737d. 20.866 (2) (zd) of the statutes is amended to read:

20.866 **(2)** (zd) *Educational communications board; educational communications facilities.* From the capital

improvement fund, a sum sufficient for the educational communications board to acquire, construct, develop, enlarge or improve educational communications facilities. The state may contract public debt in an amount not to exceed ~~$7,429,600~~ $8,354,100 for this purpose.

SECTION 737m. 20.866 (2) (zf) of the statutes 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 ~~$1,839,000~~ $1,939,000 for this purpose.

SECTION 739. 20.866 (2) (zh) of the statutes is amended to read:

20.866 **(2)** (zh) (title) *~~Education~~ public instruction; state schools and library facilities.* From the capital improvement fund, a sum sufficient for the department of ~~education~~ public instruction to acquire, construct, develop, enlarge or improve institutional facilities for the hearing impaired and the visually handicapped and reference and loan library facilities. The state may contract public debt in an amount not to exceed $7,367,700 for this purpose.

SECTION 739e. 20.866 (2) (zj) of the statutes is amended to read:

20.866 **(2)** (zj) *Military affairs; armories and military facilities.* From the capital improvement fund, a sum sufficient for the department of military affairs to acquire, construct, develop, enlarge, or improve armories and other military facilities. The state may contract public debt in an amount not to exceed ~~$18,215,200~~ $19,590,200 for this purpose.

SECTION 739m. 20.866 (2) (zm) of the statutes is amended to read:

20.866 **(2)** (zm) (title) *Veterans affairs; ~~Wisconsin~~ veterans ~~home~~ facilities.* From the capital improvement fund, a sum sufficient for the department of veterans affairs to acquire, construct, develop, enlarge or improve facilities at ~~the Wisconsin~~ state veterans ~~home~~ homes, veterans cemeteries and the veterans museum. The state may contract public debt in an amount not to exceed ~~$9,990,100~~ $10,090,100 for this purpose.

SECTION 739n. 20.866 (2) (zn) of the statutes is amended to read:

20.866 **(2)** (zn) *Veterans affairs; self–amortizing mortgage loans.* From the capital improvement fund, a sum sufficient for the department of veterans affairs for loans to veterans under s. 45.79 (6) (a). The state may contract public debt in an amount not to exceed ~~$1,661,000,000~~ $1,807,500,000 for this purpose.

SECTION 740. 20.866 (2) (zo) of the statutes is amended to read:

20.866 **(2)** (zo) *Veterans affairs; refunding bonds.* From the funds and accounts under s. 18.04 (6) (b), a sum sufficient for the department of veterans affairs to fund, refund or acquire the whole or any part of public debt as set forth in s. 18.04 (5). The building commission may contract public debt in an amount not to exceed ~~$625,000,000~~ $665,000,000 for these purposes, exclusive of any amount issued to fund public debt contracted under par. (zn).

SECTION 740be. 20.866 (2) (zp) of the statutes is amended to read:

20.866 **(2)** (zp) *Veterans affairs; self–amortizing housing facilities.* From the capital improvement fund, a sum sufficient for the department of veterans affairs to acquire, construct, develop, enlarge or improve housing facilities at ~~the Wisconsin Veterans Home at King~~ state veterans homes. The state may contract public debt in an amount not to exceed ~~$1,629,400~~ $2,031,900 for this purpose.

SECTION 740bk. 20.866 (2) (zx) of the statutes is created to read:

20.866 **(2)** (zx) *State fair park board; board facilities.* From the capital improvement fund, a sum sufficient for the state fair park board to acquire, construct, develop, enlarge or improve state fair park board facilities. The state may contract public debt in an amount not to exceed $2,000,000 for this purpose.

SECTION 740bm. 20.866 (2) (zy) of the statutes is amended to read:

20.866 **(2)** (zy) *State fair park board; housing facilities.* From the capital improvement fund, a sum sufficient to the state fair park board to construct, acquire, develop, enlarge or improve housing facilities at the state fair park in West Allis. The state may contract public debt not to exceed ~~$13,000,000~~ $11,000,000 for this purpose.

SECTION 740bs. 20.866 (2) (zz) of the statutes is amended to read: **Vetoed In Part**

20.866 **(2)** (zz) *State fair park board; self–amortizing facilities.* From the capital improvement fund, a sum sufficient to the state fair park board to acquire, construct, develop, enlarge or improve facilities at the state fair park in West Allis. The state may contract public debt not to exceed ~~$27,850,000~~ $26,387,000 for this purpose.

SECTION 740c. 20.870 (title) of the statutes is repealed and recreated to read:

20.870 (title) **Information technology development projects.**

SECTION 740d. 20.870 (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.870 Information technology investment fund. (intro.) There is appropriated to state agencies from the information technology investment fund:

SECTION 740e. 20.870 (1) (title) of the statutes is amended to read:

20.870 **(1)** (title) INFORMATION TECHNOLOGY ~~DEVELOPMENT~~ INVESTMENT FUND.

SECTION 740f. 20.870 (1) (title) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

20.870 **(1)** (title) INFORMATION TECHNOLOGY ~~INVESTMENT FUND~~ DEVELOPMENT.

SECTION 740g. 20.870 (1) (intro.) of the statutes is created to read:

20.870 **(1)** (intro.) There is appropriated to state agencies from the information technology investment fund:

SECTION 740h. 20.870 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 740i. 20.870 (2) of the statutes is created to read:

20.870 **(2)** GENERAL FUND. There is appropriated to the department of administration:

(a) *Information technology development projects.* The amounts in the schedule to pay for the cost of conducting information technology development projects for which grants were awarded by the department under s. 16.971 (5) prior to the effective date of this paragraph .... [revisor inserts date].

SECTION 740j. 20.870 (2) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 741. 20.903 (2) (b) of the statutes is amended to read:

20.903 **(2)** (b) Notwithstanding sub. (1), liabilities may be created and moneys expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), (kc) and (kd) in an additional amount not exceeding the depreciated value of equipment for operations financed under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), (kc) and (kd). The secretary of administration may require such statements of assets and liabilities as he or she deems necessary before approving expenditure estimates in excess of the unexpended moneys in the appropriation account.

SECTION 744. 20.9045 (title) of the statutes is created to read:

20.9045 (title) **Department of natural resources; appropriations; program balances; revenues.**

Vetoed In Part

SECTION 744e. 20.905 (1) of the statutes is amended to read:

20.905 **(1)** MANNER OF PAYMENT. Payments to the state may be made in legal tender, postal money order, express money order, bank draft or certified check. Payments to the state may also be made by personal check or individual check drawn in the ordinary course of business unless otherwise required by individual state agencies. Payments to the state made by a debit or credit card approved by the ~~depository selection board~~ state treasurer may be accepted by state agencies. Prior to authorizing the use of a card, the ~~depository selection board~~ state treasurer shall determine how any charges associated with the use of the card shall be paid, unless the method of payment of such charges is specified by law.

SECTION 744m. 20.905 (2) of the statutes is amended to read:

20.905 **(2)** PROTESTED PAYMENT. If a personal check tendered to make any payment to the state is not paid by the bank on which it is drawn, or if a demand for payment under a debit or credit card transaction is not paid by the bank upon which demand is made, the person by whom the check has been tendered or the person entering into the debit or credit card transaction shall remain liable for the payment of the amount for which the check was tendered or the amount agreed to be paid by debit or credit card and for all legal penalties, additions and a charge set by the ~~depository selection board~~ state treasurer which is comparable to charges for unpaid drafts made by establishments in the private sector. In addition, the officer to whom the check was tendered or to whom the debit or credit card was presented may, if there is probable cause to believe that a crime has been committed, provide any information or evidence relating to the crime to the district attorney of the county having jurisdiction over the offense for prosecution as provided by law. If any license has been granted upon any such check or any such debit or credit card transaction, the license shall be subject to cancellation for the nonpayment of the check or failure of the bank to honor the demand for payment authorized by debit or credit card.

Vetoed In Part

SECTION 744s. 20.906 (6) of the statutes is amended to read:

20.906 **(6)** DIRECT DEPOSITS. The governor or the state treasurer may require state agencies making deposits under this section to make direct deposits to any depository designated by the ~~depository selection board~~ state treasurer, if such a requirement is advantageous or beneficial to this state.

SECTION 747m. 20.920 (2) (c) of the statutes is amended to read:

20.920 **(2)** (c) All moneys in a contingent fund, except petty cash accounts established under s. 16.52 (7), shall be deposited in a separate account in a public depository approved by the ~~depository selection board~~ state treasurer. The agency head of each state agency having a contingent fund is responsible for all disbursements from the fund, but the agency head may delegate the responsibility for administration of the fund to a custodian, who shall be an employe of the agency. State agency invoices which qualify for payment from a contingent fund may be paid by check, share draft or other draft drawn by the agency head or custodian against the account. No such invoice need be submitted for audit prior to disbursement. After making each disbursement, the agency head shall file with the secretary a claim for reimbursement of the contingent fund on a voucher which shall be accompanied by a copy of the invoice to be reimbursed.

Upon audit and approval of the claim by the secretary, the department of administration shall reimburse the contingent fund with the total amount lawfully paid therefrom.

SECTION 748. 20.923 (1) of the statutes is amended to read:

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

SECTION 749. 20.923 (4) (intro.) of the statutes 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, 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). Except for positions specified in par. (c) 3m. and sub. (12) ~~and s. 230.08 (2) (e) 6m.~~, 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 employment 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 750. 20.923 (4) (a) 4q. of the statutes is repealed.

SECTION 751. 20.923 (4) (c) 4. of the statutes is created to read:

20.923 **(4)** (c) 4. Higher educational aids board: executive secretary.

SECTION 752. 20.923 (4) (e) 1. of the statutes is renumbered 20.923 (4) (e) 1e.

SECTION 753. 20.923 (4) (e) 1b. of the statutes is created to read:

20.923 **(4)** (e) 1b. Administration, department of; technology for educational achievement in Wisconsin board: executive director.

SECTION 754. 20.923 (4) (e) 2m. of the statutes is repealed.

SECTION 754m. 20.923 (4) (e) 5m. of the statutes is created to read:

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

SECTION 755. 20.923 (4) (g) 1g. of the statutes is repealed.

SECTION 756c. 20.923 (4m) of the statutes is repealed and recreated to read: **Vetoed In Part**

20.923 **(4m)** UNIVERSITY OF WISCONSIN SYSTEM EXECUTIVE POSITIONS. (a) The board of regents of the University of Wisconsin System may set the salary of the president of the University of Wisconsin System at any point up to 30% 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.

(b) Notwithstanding the maximum of the salary range established under sub. (4) (j), the board of regents of the University of Wisconsin System may set the salaries of the chancellor of the University of Wisconsin–Madison and the chancellor of the University of Wisconsin–Milwaukee at any point up to 20% above the maximum dollar value of the salary range for executive salary group 10.

(c) The board of regents of the University of Wisconsin System may set the salaries of the vice presidents of the University of Wisconsin System, the chancellors of the University of Wisconsin System campuses at Eau Claire, Green Bay, LaCrosse, 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 the University of Wisconsin–Madison and the University of Wisconsin–

Milwaukee at any point between the minimum dollar value of the salary range for executive salary group 7 and 10% above the maximum dollar value of the salary range for executive salary group 10, to reflect the hierarchical structure of the system, to recognize merit, to permit orderly salary progression and to recognize competitive factors.

(d) The board of regents of the University of Wisconsin System may set the salaries of the vice chancellors who are serving as deputies at the University of Wisconsin−Center System and the University of Wisconsin−Extension and at any University of Wisconsin System campus, other than the University of Wisconsin−Madison and the University of Wisconsin−Milwaukee, at any point between the minimum dollar value of the salary range for executive salary group 7 and the maximum dollar value of the salary range for executive salary group 10, to reflect the hierarchical structure of the system, to recognize merit, to permit orderly salary progression and to recognize competitive factors.

Vetoed In Part

SECTION 757. 20.923 (6) (aL) of the statutes is created to read:

20.923 **(6)** (aL) Administration, department of: director of Indian gaming, and the attorney appointed under s. 569.015 (2).

SECTION 757d. 20.923 (6) (bd) of the statutes is created to read:

20.923 **(6)** (bd) Health and family services, department of: director of the office of urban development.

SECTION 757m. 20.923 (6) (bp) of the statutes is created to read:

20.923 **(6)** (bp) Integrated legislative information system staff: staff employes.

SECTION 757r. 20.923 (6) (m) of the statutes is amended to read:

20.923 **(6)** (m) University of Wisconsin system: deans, principals, professors, instructors, research assistants, librarians and other teachers, as defined in s. 40.02 (55), and the staff of the environmental education board.

SECTION 757s. 20.923 (6) (o) of the statutes is amended to read:

20.923 **(6)** (o) Wisconsin sesquicentennial commission; staff. This paragraph does not apply after June 30, 1999.

Vetoed In Part

SECTION 758. 20.923 (15) of the statutes is amended to read:

20.923 **(15)** SALARY ADJUSTMENT LIMITATIONS. (a) ~~An~~ Except as provided in sub. (4m) and except as authorized under s. 36.09 (1) (j) for a position identified in sub. (4) (j), an incumbent of a position that has been assigned to an executive salary group of the compensation plan 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 is assigned equals or exceeds his or her current rate of pay.

(b) Except for the positions identified in subs. (4) (j) 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.~~

Vetoed In Part

SECTION 758m. 20.924 (1) (a) of the statutes is amended to read:

20.924 **(1)** (a) Shall authorize the design and construction of any building, structure or facility costing in excess of ~~$250,000~~ $500,000 regardless of funding source, only if that project is enumerated in the authorized state building program.

SECTION 758s. 20.924 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 5, section 3, is amended to read:

20.924 **(1)** (b) Shall authorize the acquisition of land, or the repair, remodeling or improvement to any existing building, structure or facility costing in excess of ~~$250,000~~ $500,000, regardless of funding source, only if that project is enumerated in the authorized state building program. This paragraph does not apply to the acquisition of land by the building commission in the city of Madison within a block number specified in s. 13.48 (18). This paragraph does not apply to projects authorized under s. 16.858.

SECTION 759. 20.924 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 5, section 4, is amended to read:

20.924 **(1)** (b) Shall authorize the acquisition of land, or the repair, remodeling or improvement to any existing building, structure or facility costing in excess of ~~$250,000~~ $500,000, regardless of funding source, only if that project is enumerated in the authorized state building program. This paragraph does not apply to projects authorized under s. 16.858.

SECTION 760. 20.924 (2) of the statutes is created to read:

20.924 **(2)** Subsection (1) does not apply to the acquisition of land for, or the design or construction of, the harbor of refuge along the Lake Superior shoreline under s. 30.92 (4m).

SECTION 760f. 20.9275 of the statutes is created to read:

20.9275 Prohibitions on funding for abortion−related activities. (1) In this section:

(a) "Abortion" has the meaning given in s. 253.10 (2) (a).

(b) "Local governmental unit" means a city, village, town or county or an agency or subdivision of a city, village, town or county.

(c) "Organization" means a nonprofit corporation, as defined in s. 46.93 (1m) (c), or a public agency, as defined in s. 46.93 (1m) (e).

(e) "Pregnancy program, project or service" means a program, project or service of an organization that provides services for pregnancy prevention, family planning, as defined in s. 253.07 (1) (a), pregnancy testing, pregnancy counseling, prenatal care, pregnancy services and reproductive health care services that are related to pregnancy.

(f) "Program funds" means all of the following funds distributed or attributable to an organization for operation of a pregnancy program, project or service:

1. Funds specified under sub. (2) (intro.).

2. Income derived from a grant, subsidy or other funding specified under sub. (2) (intro.) or from a pregnancy program, project or service funded by a grant, subsidy or other funding specified under sub. (2) (intro.).

3. Funds that are matching funds to a grant, subsidy or other funding specified under sub. (2) (intro.).

(g) "State agency" means an office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature, the courts and an authority created in ch. 231 or 233.

(2) 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 a grant, subsidy or other funding under s. 46.93, 46.995, 46.997, 253.05, 253.07, 253.08 or 253.085, if any of the following applies:

(a) The pregnancy program, project or service does any of the following using the state, local or federal funds:

1. Provides abortion services.

2. Promotes, encourages or counsels in favor of abortion services.

3. Makes abortion referrals either directly or through an intermediary in any instance other than when an abortion is directly and medically necessary to save the life of the pregnant woman.

(b) The pregnancy program, project or service is funded from any other source that requires, as a condition for receipt of the funds, that the pregnancy program, project or service perform any of the activities specified in par. (a) 1. to 3.

(2m) Nothing in sub. (2) prohibits the providing of nondirective information explaining any of the following:

(a) Prenatal care and delivery.

(b) Infant care, foster care or adoption.

(c) Pregnancy termination.

(3) Subject to sub. (3m), no organization that receives funds specified under sub. (2) (intro.) may use program funds for an activity that is specified under sub. (2) (a) 1. to 3.

(3m) The restriction under subs. (2) and (3) on the authorization of payment and the use of federal funds passing through the state treasury shall apply only to the extent that the application of the restriction does not result in the loss of any federal funds.

(4) If an organization that receives funds specified under sub. (2) (intro.) violates sub. (3), all of the following shall apply:

(a) The organization may not receive funds specified under sub. (2) (intro.) for 24 months after the date on which the state agency or local governmental unit last authorized payment or the date on which the organization, under a pregnancy program, project or service, last violated sub. (3), whichever is later.

(b) The grant, subsidy or other funding under which an organization, under a pregnancy program, project or service, has used funds in violation of sub. (3), is terminated; and the organization shall return to the state agency or local governmental unit all funds that have been paid to the organization under the grant, subsidy or other funding.

(5) If a state agency or local governmental unit authorizes payment in violation of sub. (2), the grant, subsidy or other funding under which the state agency or local governmental unit authorized payment in violation of sub. (2), is terminated; and the organization shall return to the state agency or local governmental unit funds that have been paid to the organization under the grant, subsidy or other funding.

SECTION 761. 21.19 (3) (b) of the statutes is amended to read:

21.19 **(3)** (b) Notwithstanding s. 13.48 (14) (c), the department, under the authority and procedures established in par. (a), may sell and convey the Wisconsin national guard armory located at 1225 E. Henry Clay Street, Whitefish Bay, Milwaukee County. The proceeds of a sale shall be used first to pay off all bonds, all or a part of which were used to construct or purchase the property. Any moneys remaining from the sale shall be paid into the state treasury and credited to the appropriation under s. 20.465 ~~(2)~~ (1) (g).

SECTION 761g. 21.49 (1) (b) 2. of the statutes is amended to read:

21.49 **(1)** (b) 2. Any accredited institution of higher education as defined by rule by the ~~department of education~~ higher educational aids board.

SECTION 761m. 21.49 (2) (a) of the statutes is amended to read:

21.49 **(2)** (a) An officer ~~or warrant officer~~.

SECTION 762. 21.49 (3) (a) of the statutes is amended to read:

21.49 **(3)** (a) Any eligible guard member upon satisfactory completion of a full−time or part−time course in a qualifying school is eligible for a tuition grant equal to ~~50%~~ 100% of the actual tuition charged by the school or ~~50%~~ 100% of the maximum resident undergraduate tuition charged by the university of Wisconsin−Madison for a comparable number of credits, whichever amount is less.

SECTION 762b. 23.09 (2) (f) of the statutes is amended to read:

23.09 **(2)** (f) *Propagation, game and fish.* ~~Capture~~ Subject to s. 95.60, capture, propagate, transport, sell or exchange any species of game or fish needed for stocking or restocking any lands or waters of the state.

SECTION 762c. 23.09 (2) (km) of the statutes is created to read:

23.09 **(2)** (km) *Resources inventory.* Develop an information system to acquire, integrate and disseminate information concerning inventories and data on aquatic and terrestrial natural resources.

SECTION 762d. 23.09 (2) (m) of the statutes is amended to read:

23.09 **(2)** (m) (title) ~~*Lake and stream*~~ *Stream classification.* Develop a program for classifying ~~lakes and~~ streams by use and to make recommendations to municipalities and other state agencies for protection and development of recreational waters.

Vetoed In Part

SECTION 762g. 23.09 (2q) (intro.) and (b) of the statutes are consolidated, renumbered 23.09 (2q) and amended to read:

23.09 **(2q)** WARREN KNOWLES–GAYLORD NELSON STEWARDSHIP PROGRAM; LOWER WISCONSIN STATE RIVERWAY; ~~ICE AGE TRAIL~~. Except as provided in s. 23.0915 (2), the department in each fiscal year may not expend from the appropriation under s. 20.866 (2) (tz): ~~(b) More~~ more than $2,000,000 under sub. (2) (d) 11.

SECTION 762h. 23.09 (2q) (c) of the statutes is repealed.

SECTION 762k. 23.09 (2r) (intro.) of the statutes is amended to read:

23.09 **(2r)** WARREN KNOWLES–GAYLORD NELSON STEWARDSHIP PROGRAM; LAND ACQUISITION. (intro.) Except as provided in s. 23.0915 (2), the department in each fiscal year may not expend from the appropriation under s. 20.866 (2) (tz) more than ~~a total of $8,600,000 under this subsection~~ the amount designated under s. 23.0915 (1) (a) or (am) for that fiscal year. The purposes for which these moneys may be expended are the following:

SECTION 762L. 23.09 (2s) of the statutes is created to read:

23.09 **(2s)** WARREN KNOWLES–GAYLORD NELSON STEWARDSHIP PROGRAM; ICE AGE TRAIL. Except as provided in s. 23.0915 (2), the department in each fiscal year may expend from the appropriation under s. 20.866 (2) (tz) not more than $500,000 for all of the following purposes:

(a) The Ice Age Trail under ss. 23.17 and 23.293.

(b) Grants for the Ice Age Trail under s. 23.096.

SECTION 762p. 23.09 (3) of the statutes is renumbered 23.09 (3) (a) and amended to read:

23.09 **(3)** (a) The department shall cooperate with the several state departments and officials in the conduct of matters in which the interests of the respective departments or officials overlap. The cooperating agencies may provide by agreement for the manner of sharing expenses and responsibilities under this ~~subsection~~ paragraph.

SECTION 762r. 23.09 (3) (b) of the statutes is created to read:

23.09 **(3)** (b) If the department and the board of regents of the University of Wisconsin System enter into an agreement to create a faculty position at the University of Wisconsin−Madison for a forest landscape ecologist, the department and the University of Wisconsin−Madison shall develop an annual work plan for the ecologist. In developing the annual work plan the department shall consult with the governor's council on forestry created by executive order under s. 14.019.

SECTION 763. 23.09 (19) (a) of the statutes is renumbered 23.09 (19) (a) (intro.) and amended to read:

23.09 **(19)** (a) (intro.) In this subsection~~, "local~~:

2. "Local governmental unit" means a city, village, town, county, lake sanitary district, as defined in s. 30.50 (4q), or public inland lake protection and rehabilitation district.

SECTION 764. 23.09 (19) (a) 1. of the statutes is created to read:

23.09 **(19)** (a) 1. "Brownfields redevelopment" means an abandoned, idle or underused industrial or commercial facility or site, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

SECTION 765. 23.09 (19) (cm) of the statutes is created to read:

23.09 **(19)** (cm) In approving grants under this subsection and under s. 23.096 for urban green space, the department shall give higher priority for projects related to brownfields redevelopment.

SECTION 765m. 23.09 (25) (d) of the statutes is repealed.

SECTION 766b. 23.0915 (1) (intro.) of the statutes is amended to read:

23.0915 **(1)** DESIGNATED AMOUNTS. (intro.) The legislature intends that the department will expend the fol-

lowing designated amounts under the stewardship program from the appropriation under s. 20.866 (2) (tz) for the following purposes in each fiscal year, the expenditures beginning with fiscal year 1990–91 and ending in fiscal year 1999–2000, except as provided in pars. (am), (bn), (kg), (kr), (L) ~~and~~, (Lg), (Lr), (m) and (n):

Vetoed In Part

SECTION 766c. 23.0915 (1) (a) of the statutes is amended to read:

23.0915 **(1)** (a) General land acquisition, urban river grants and the Frank Lloyd Wright Monona terrace project, $8,600,000, except as provided in par. (am).

SECTION 766d. 23.0915 (1) (am) of the statutes is created to read:

23.0915 **(1)** (am) General land acquisition, urban river grants and the Frank Lloyd Wright Monona terrace project, $7,100,000 beginning in fiscal year 1997–98 and ending in fiscal year 1999–2000.

Vetoed In Part

SECTION 766e. 23.0915 (1) (b) of the statutes is amended to read:

23.0915 **(1)** (b) General property development, $3,500,000, except as provided in par. (bn).

SECTION 766f. 23.0915 (1) (bn) of the statutes is created to read:

23.0915 **(1)** (bn) General property development, $2,500,000 beginning in fiscal year 1997–98 and ending in fiscal year 1999–2000.

SECTION 766h. 23.0915 (1) (kg) of the statutes is created to read:

23.0915 **(1)** (kg) Open space protection, $2,000,000 beginning in fiscal year 1997–98 and ending in fiscal year 1999–2000.

SECTION 766i. 23.0915 (1) (kr) of the statutes is created to read:

23.0915 **(1)** (kr) Bluff protection, $500,000 beginning in fiscal year 1997–98 and ending in fiscal year 1999–2000.

SECTION 766j. 23.0915 (1) (Lg) of the statutes is created to read:

23.0915 **(1)** (Lg) Henry Aaron State Park Trail, a total of $290,000, to be expended beginning in fiscal year 1997–98 and ending in fiscal year 1999–2000.

SECTION 766k. 23.0915 (1) (Lr) of the statutes is created to read:

23.0915 **(1)** (Lr) Flambeau Mine Trail, a total of $100,000, to be expended beginning in fiscal year 1997–98 and ending in fiscal year 1999–2000.

SECTION 766L. 23.0915 (1) (n) of the statutes is created to read:

23.0915 **(1)** (n) Crex Meadows Wildlife Area education center, a total of $250,000, to be expended beginning in fiscal year 1997–98 and ending in fiscal year 1999–2000.

SECTION 766Lm. 23.0915 (1m) (c) of the statutes is created to read:

23.0915 **(1m)** (c) The department may not expend moneys from the appropriation under s. 20.866 (2) (tz) for the acquisition by a city, village or town of land that is outside the boundaries of the city, village or town unless the city, village or town acquiring the land and the city, village or town in which the land is located approve the acquisition.

Vetoed In Part

SECTION 766m. 23.0915 (2) (a) of the statutes is renumbered 23.0915 (2) (a) 1. and amended to read:

Vetoed In Part

23.0915 **(2)** (a) 1. Beginning with fiscal year 1990–91, if the department expends in a given fiscal year an amount from the moneys appropriated under s. 20.866 (2) (tz) for a purpose under sub. (1) (a) or (c) to (k) that is less than the amount designated for that purpose for that given fiscal year under sub. (1) (a) or (c) to (k), the department may adjust the expenditure limit under the stewardship program for that purpose by raising the expenditure limit, as it may have been previously adjusted under this paragraph and par. (b) 1., for the next fiscal year by the amount that equals the difference between the amount designated for that purpose and the amount expended for that purpose in that given fiscal year.

Vetoed In Part

SECTION 766n. 23.0915 (2) (a) 2. of the statutes is created to read:

23.0915 **(2)** (a) 2. Beginning with fiscal year 1997–98, if the department expends in a given fiscal year an amount from the moneys appropriated under s. 20.866 (2) (tz) for a purpose under sub. (1) (kg) or (kr) that is less than the amount designated for that purpose for that given fiscal year under sub. (1) (kg) or (kr), the department may adjust the expenditure limit under the stewardship program for that purpose by raising the expenditure limit, as it may have been previously adjusted under this paragraph and par. (b) 2., for the next fiscal year by the amount that equals the difference between the amount designated for that purpose and the amount expended for that purpose in that given fiscal year.

SECTION 766p. 23.0915 (2) (b) of the statutes is renumbered 23.0915 (2) (b) 1. and amended to read:

23.0915 **(2)** (b) 1. Beginning with fiscal year 1990–91, if the department expends in a given fiscal year an amount from the moneys appropriated under s. 20.866 (2) (tz) for a purpose under sub. (1) (a) or (c) to (k) that is more than the amount designated for that purpose for that given fiscal year under sub. (1) (a) or (c) to (k), the department shall adjust the expenditure limit under the stewardship program for that purpose by lowering the expenditure limit, as it may have been previously adjusted under this paragraph and par. (a) 1., for the next fiscal year by an amount equal to the remainder calculated by subtracting the amount designated for that purpose from the amount expended, as it may be affected under par. (c) or (d), for that purpose in that given fiscal year.

SECTION 766q. 23.0915 (2) (b) 2. of the statutes is created to read:

23.0915 **(2)** (b) 2. Beginning with fiscal year 1997–98, if the department expends in a given fiscal year an amount from the moneys appropriated under s. 20.866

(2) (tz) for a purpose under sub. (1) (kg) or (kr) that is more than the amount designated for that purpose for that given fiscal year under sub. (1) (kg) or (kr), the department shall adjust the expenditure limit under the stewardship program for that purpose by lowering the expenditure limit, as it may have been previously adjusted under this paragraph and par. (a) 2., for the next fiscal year by an amount equal to the remainder calculated by subtracting the amount designated for that purpose from the amount expended, as it may be affected under par. (c) or (d), for that purpose in that given fiscal year.

Vetoed In Part

SECTION 766r. 23.0915 (2) (c) of the statutes is amended to read:

23.0915 **(2)** (c) The department may not expend in a fiscal year an amount from the moneys appropriated under s. 20.866 (2) (tz) for a purpose under sub. (1) (a) or (c) to ~~(k)~~ (kr) that exceeds the amount equal to the expenditure limit for that purpose as it may have been previously adjusted under pars. (a) and (b), except as provided in par. (d).

Vetoed In Part

SECTION 766s. 23.0915 (2) (d) (intro.) of the statutes is amended to read:

23.0915 **(2)** (d) (intro.) In a given fiscal year, in addition to expending the amount designated for a purpose under sub. (1) (a) or (c) to ~~(k)~~ (kr), or the amount equal to the expenditure limit for that purpose, as adjusted under pars. (a) and (b), whichever amount is applicable, the department may also expend for that purpose up to 50% of the designated amount for that purpose for the given fiscal year for a project or activity if the natural resources board determines all of the following:

SECTION 766t. 23.0915 (2j) of the statutes is created to read:

23.0915 **(2j)** FLAMBEAU MINE TRAIL. (a) From the moneys appropriated under s. 20.866 (2) (tz), before June 30, 2000, the department shall expend $100,000 for the Flambeau Mine Trail and Rusk County visitor center.

(b) For purposes of sub. (1) and s. 23.17, moneys expended under this subsection shall be treated as moneys expended for trails.

SECTION 766u. 23.0915 (2m) (e) and (em) of the statutes are created to read:

23.0915 **(2m)** (e) From the moneys appropriated under s. 20.866 (2) (tz), the department shall set aside for the period of time specified in sub. (1) (Lg) $290,000 for the Henry Aaron State Park Trail in the Henry Aaron State Park.

(em) For purposes of sub. (1), moneys expended under par. (e) shall be treated as moneys expended for wildlife habitat restoration under s. 23.092.

SECTION 766um. 23.0915 (2r) of the statutes is created to read:

23.0915 **(2r)** ACQUISITION OF GRANDFATHER FALLS RECREATION AREA. (a) Subject to par. (b), from the appropriation under s. 20.866 (2) (tz), the department shall expend the moneys necessary to purchase approximately 1,485 acres of land in Lincoln County that is commonly known as the Grandfather Falls Recreation Area.

(b) The department may not expend more than $2,138,000 for the land specified under par. (a).

(c) For purposes of sub. (1), moneys expended under par. (a) may be treated as moneys expended for any of the purposes specified under sub. (1) (a) to (k) or any combination of those purposes.

SECTION 766ur. 23.0915 (2s) of the statutes is created to read:

23.0915 **(2s)** DEVELOPMENT OF ABANDONED RAIL CORRIDOR. (a) From the appropriation under s. 20.866 (2) (tz), the department may expend up to $1,750,000 to develop a state trail, to be designated the Badger Trail, that is located on the portion of an abandoned railroad corridor running between Madison and Freeport, Illinois, that is located in Dane and Green counties.

Vetoed In Part

(b) For purposes of sub. (1), moneys expended under par. (a) may be treated as moneys expended for any of the purposes specified under sub. (1) (a) to (k) or any combination of those purposes. Notwithstanding s. 23.175 (3) (a), the abandoned railroad corridor need not be under the ownership or jurisdiction of the department. Notwithstanding s. 23.175 (3) (b) 1. and 2., no matching gift, grant, bequest or land need be donated for the trail.

SECTION 766v. 23.0915 (3m) of the statutes is created to read:

23.0915 **(3m)** CREX MEADOWS WILDLIFE AREA EDUCATION CENTER. (a) From the moneys appropriated under s. 20.866 (2) (tz), the department shall set aside during fiscal year 1997−98 for the period of time specified in sub. (1) (n) $250,000 for a project to construct and equip a wildlife education center for Crex Meadows Wildlife Area. Expenditures under this paragraph shall be made in a manner that, for every $3 received by the department from private grants, gifts or bequests for the project, $1 will be expended from the moneys under this paragraph.

(b) The department shall expedite the planning, design and development of the education center.

(c) For purposes of sub. (1), moneys set aside by the department under this subsection shall be treated as moneys for general property development.

SECTION 766w. 23.0925 of the statutes is created to read:

Vetoed In Part

23.0925 Open space protection program. (1) DEFINITION. In this section, "local governmental unit" means a city, village, town or county.

(2) GRANTS. (a) The department shall establish a program, beginning in fiscal year 1997−98, to expend from the appropriation under s. 20.866 (2) (tz) moneys for grants to local governmental units and to nonprofit conservation organizations under s. 23.096 to acquire conservation easements for the protection of open space.

(b) A conservation easement acquired with an open space protection grant awarded under this section or

under s. 23.096 shall run with the land and shall bind all subsequent purchasers and any other successors to an interest in the land. An open space protection grant awarded under this section or s. 23.096 may be used to acquire a conservation easement in agricultural or forest land.

(4) AMOUNT OF GRANT. An open space protection grant awarded under this section or under s. 23.096 may not exceed 75% of the cost of acquiring the conservation easement.

Vetoed In Part

(5) LIMIT ON SPENDING. Except as provided in s. 23.0915 (2), the department in each fiscal year may not expend from the appropriation under s. 20.866 (2) (tz) more than $2,000,000 for open space protection grants awarded under this section or under s. 23.096.

SECTION 766wm. 23.094 (2) (c) 2. of the statutes is amended to read:

23.094 **(2)** (c) 2. The ~~erosion control~~ land and resource management planning program under s. 92.10.

Vetoed In Part

SECTION 766x. 23.0945 of the statutes is created to read:

23.0945 Bluff protection program. (1) DEFINITION. In this section, "local governmental unit" means a city, village, town or county.

(2) GRANTS. The department shall establish a program, beginning in fiscal year 1997–98, to expend from the appropriation under s. 20.866 (2) (tz) moneys for grants to local governmental units and to nonprofit conservation organizations under s. 23.096 to acquire bluff land for the purposes of environmental protection and environmental management.

(3) AMOUNT OF GRANT. A bluff protection grant awarded under this section or s. 23.096 may not exceed 50% of the cost of acquiring the bluff land.

(4) LIMIT ON SPENDING. Except as provided in s. 23.0915 (2), the department in each fiscal year may not expend from the appropriation under s. 20.866 (2) (tz) more than $500,000 for bluff protection grants awarded under this section or under s. 23.096.

(5) RULES. The department shall promulgate rules to administer and implement this section, including standards for awarding bluff land protection grants under this section and under s. 23.096. The department by rule shall define "bluff land" for purposes of this section.

SECTION 766y. 23.0955 (3) of the statutes is created to read:

23.0955 **(3)** From the appropriation under s. 20.866 (2) (tz), the department may expend $100,000 to provide one grant to a nonprofit corporation that is organized in this state, that is described under section 501 (c) (3) or (4) of the Internal Revenue Code and that is exempt from taxation under section 501 (a) of the the Internal Revenue Code to provide training and technical assistance to local governmental units to assist them in the establishment of projects for the acquisition of conservation easements to protect open space. For purposes of s. 23.0915 (1) and this section, the moneys expended under this subsection shall be treated as moneys for open space protection.

SECTION 767. 23.096 (2) of the statutes is amended to read:

23.096 **(2)** The department may award grants to nonprofit conservation organizations to acquire property for the purposes described in ss. 23.09 (19) and (20), 23.092, 23.094, 23.0945, 23.17, 23.175, 23.27, 23.29, 23.293 and 30.277 (2) (a). The department may award grants to nonprofit conservation organizations to acquire conservation easements under s. 23.0925.

SECTION 767m. 23.0962 of the statutes is created to read:

23.0962 Grant to a nonprofit conservation organization for Black Point Estate. (1) If the department of administration acquires as a gift the property, known as Black Point Estate, that is located on Lake Geneva in the county of Walworth, town of Linn, in fractional Sec. 8, T. 1 N., R. 17 E., and if the joint committee on finance approves the gift under s. 20.907 (1), the department of natural resources shall make a grant of $1,800,000, from the appropriation under s. 20.370 (5) (cq), to a nonprofit conservation organization that meets all of the following requirements:

(a) The nonprofit conservation organization is a nonprofit corporation, a charitable trust or other nonprofit association that is described in section 501 (c) (3) of the Internal Revenue Code and is exempt from federal tax under section 501 (a) of the Internal Revenue Code.

(b) The nonprofit conservation organization has, as its primary purpose, the preservation of the property known as Black Point Estate.

(c) The nonprofit conservation organization has a board of directors that consists of representatives of the state, of the family who donated Black Point Estate to the state, of local units of government that have an interest in Black Point Estate and of civic organizations that have an interest in Black Point Estate.

(d) The nonprofit conservation organization acquires a conservation easement in the property, the terms of which are subject to approval of the department of natural resources, to be held by the organization for the purpose of preserving Black Point Estate.

(e) The nonprofit conservation organization makes a commitment, with guarantees determined to be adequate by the department of natural resources, to use the grant under this section and any additional funds donated to the organization to fund an endowment for the operation and maintenance of Black Point Estate.

(2) If the nonprofit conservation organization does not use the grant under this section in the manner required under sub. (1) (e), the nonprofit conservation organization shall reimburse the department in an amount equal to the grant.

SECTION 767r. 23.15 (1) of the statutes is amended to read:

Vetoed In Part

23.15 **(1)** The natural resources board may sell, at public or private sale or as provided in sub. (2r), lands and structures owned by the state under the jurisdiction of the department of natural resources when the natural resources board determines that said lands are no longer necessary for the state's use for conservation purposes and, if real property, the real property is not the subject of a petition under s. 16.375 (2).

SECTION 767t. 23.15 (2m) (a) (intro.) of the statutes is amended to read:

23.15 **(2m)** (a) (intro.) Notwithstanding sub. (1), the natural resources board shall sell, at fair market value or as provided in sub. (2r), land in the lower Wisconsin state riverway, as defined in s. 30.40 (15), that is not exempt under s. 30.48 (2) and that is acquired by the department after August 9, 1989, if all of the following conditions are met:

Vetoed In Part

SECTION 767v. 23.15 (2r) of the statutes is created to read:

23.15 **(2r)** (a) In this subsection:

1. "Immediate family member" means a spouse, brother, sister, parent or child.

2. "Land" includes any structures on the land.

(b) If the department offers land for sale, the department shall offer the first right to purchase the land to all of the owners from whom the department acquired the land. In order to exercise this right, an owner shall make a bona fide offer to purchase the land. If no owner exercises this right, the department shall next offer the right to purchase to the immediate family members of all of the owners. This paragraph applies without regard to when the land was acquired.

SECTION 768. 23.175 (4m) of the statutes is created to read:

23.175 **(4m)** PRIORITY FOR BROWNFIELDS. In awarding grants for trails under s. 23.096, the department shall give higher priority for projects related to brownfields redevelopment, as defined in s. 23.09 (19) (a) 1.

SECTION 768m. 23.196 (2) (b) of the statutes is amended to read:

23.196 **(2)** (b) For the purpose of establishing the Willow flowage project, the department may expend up to an amount equal to the total amount available for the purchase of land. For purposes of ss. 23.09 ~~(2r) (a)~~ (2q) and 23.0915 (1), moneys expended under this paragraph shall be treated as moneys expended for the lower Wisconsin state riverway acquisition.

SECTION 769. 23.27 (3) (a) of the statutes is amended to read:

23.27 **(3)** (a) *Duties.* The department, with the advice of the council, shall conduct a natural heritage inventory program. The department shall cooperate with the land information board under s. 16.967 in conducting this program. This program shall establish a system for determining the existence and location of natural areas, the degree of endangerment of natural areas, an evaluation of the importance of natural areas, information related to the associated natural values of natural areas and other information and data related to natural areas. This program shall establish a system for determining the existence and location of native plant and animal communities and endangered, threatened and critical species, the degree of endangerment of these communities and species, the existence and location of habitat areas associated with these communities and species and other information and data related to these communities and species. This program shall establish and coordinate standards for the collection, storage~~, recall and display of~~ and management of information and data related to the natural heritage inventory.

SECTION 769ad. 23.27 (3) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

23.27 **(3)** (a) *Duties.* The department, with the advice of the council, shall conduct a natural heritage inventory program. ~~The department shall cooperate with the land information board under s. 16.967 in conducting this program.~~ This program shall establish a system for determining the existence and location of natural areas, the degree of endangerment of natural areas, an evaluation of the importance of natural areas, information related to the associated natural values of natural areas and other information and data related to natural areas. This program shall establish a system for determining the existence and location of native plant and animal communities and endangered, threatened and critical species, the degree of endangerment of these communities and species, the existence and location of habitat areas associated with these communities and species and other information and data related to these communities and species. This program shall establish and coordinate standards for the collection, storage and management of information and data related to the natural heritage inventory.

SECTION 770. 23.27 (3) (b) of the statutes is amended to read:

23.27 **(3)** (b) *Access to information; fees.* The department shall make information and data from the natural heritage inventory program available to any individual or public or private agency for research, educational, environmental, land management or similar authorized purposes. The department may establish a fee to be ~~charged~~ collected to recover the actual cost of collecting, storing, managing, compiling and providing this information and data. The department may reduce or waive the fee established under this paragraph if the department determines that a waiver or reduction of the fee is in the public interest. The natural heritage inventory and related information and data are not subject to s. 19.35 and the department may refuse to release information or data for any purpose which is not authorized.

SECTION 771. 23.27 (4) of the statutes is amended to read:

23.27 **(4)** NATURAL AREAS LAND ACQUISITION; CONTINUING COMMITMENT. It is the intent of the legislature to continue natural areas land acquisition activities from moneys available from the appropriation under ss. 20.370 ~~(1) (kb)~~ (7) (fa) and 20.866 (2) (ts) and (tz). This commitment is separate from and in addition to the commitment to acquire natural areas under the Wisconsin natural areas heritage program. Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $1,500,000 in each fiscal year for natural areas land acquisition activities under this subsection and for grants for this purpose under s. 23.096.

SECTION 772. 23.27 (7) of the statutes is created to read:

23.27 **(7)** SALE OF RESOURCES. Moneys received from the sale or lease of resources derived from the land in the state natural areas system shall be credited to the appropriation under s. 20.370 (1) (fs).

SECTION 773. 23.293 (4) of the statutes is amended to read:

23.293 **(4)** CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept contributions and gifts for the ice age trail program. The department may convert gifts of land which it determines are not appropriate for the ice age trail program into cash. The department may convert other noncash contributions and gifts into cash. These moneys shall be deposited in the general fund and credited to the appropriation under s. 20.370 ~~(1) (gg)~~ (7) (gg). An amount equal to the value of all contributions and gifts shall be released from the appropriation under s. 20.866 (2) (tw) or (tz) or both to be used for land acquisition and development activities under s. 23.17. The department shall determine how the moneys being released are to be allocated from these appropriations. No moneys may be released under s. 20.866 (2) (tz) before July 1, 1990.

SECTION 774am. 23.32 (2) (d) of the statutes is repealed.

SECTION 775am. 23.325 (1) (a) of the statutes is amended to read:

23.325 **(1)** (a) Shall consult with the ~~land information board,~~ the department of transportation and the state cartographer, and may consult with other potential users of the photographic products resulting from the survey, to determine the scope and character of the survey.

SECTION 776. 23.33 (1) (id) of the statutes is created to read:

23.33 **(1)** (id) "Lac du Flambeau band" means the Lac du Flambeau band of Lake Superior Chippewa.

SECTION 777. 23.33 (1) (ie) of the statutes is created to read:

23.33 **(1)** (ie) "Lac du Flambeau reservation" means the territory within the boundaries of the Lac du Flambeau reservation that were in existence on April 10, 1996.

SECTION 778. 23.33 (2) (a) of the statutes is amended to read:

23.33 **(2)** (a) *Requirement.* No person may operate and no owner may give permission for the operation of an all−terrain vehicle within this state unless the all−terrain vehicle is registered for public use or for private use ~~with the department~~ under this ~~section~~ subsection or sub. (2g), is exempt from registration or is operated with a reflectorized plate attached in the manner specified under par. (dm) 3. No person may operate and no owner may give permission for the operation of an all−terrain vehicle on a public all−terrain vehicle route or trail unless the all−terrain vehicle is registered for public use ~~with the department~~ under this ~~section~~ subsection or sub. (2g), is exempt from registration or is operated with a reflectorized plate attached in the manner specified under par. (dm) 3.

SECTION 779. 23.33 (2g) of the statutes is created to read:

23.33 **(2g)** LAC DU FLAMBEAU BAND REGISTRATION PROGRAM. (a) *Authorization for issuance.* The Lac du Flambeau band may issue registration certificates for public use or private use for all−terrain vehicles that are equivalent to the registration certificates for public use or private use that are issued by the department. The Lac du Flambeau band may renew and transfer a registration certificate that it or the department has issued. The Lac du Flambeau band may issue duplicates of only those registration certificates that it issues under this subsection.

(b) *Requirements for issuance; fees; effective periods.* 1. For issuing or renewing a registration certificate under this subsection, the Lac du Flambeau band shall collect the same fee that would be collected for the equivalent registration certificate under sub. (2) (c) and (d). For transferring a registration certificate or issuing a duplicate registration certificate under this subsection, the Lac du Flambeau band shall collect the same fee that would be collected for the equivalent service under sub. (2) (e).

2. The Lac du Flambeau band may not issue, renew or otherwise process registration certificates under this subsection in conjunction with discount coupons or as part of a promotion or other merchandising offer.

3. For a registration certificate issued, transferred or renewed under this subsection, the effective period shall be the same as it would be for the equivalent registration certificate under sub. (2) (f) 1. or (g) or under a rule promulgated under sub. (2) (f) 2.

4. The Lac du Flambeau band may issue, renew or otherwise process registration certificates under this subsection only to applicants who appear in person on the Lac du Flambeau reservation.

(c) *Requirements for registration applications and decals.* 1. The Lac du Flambeau band shall use registration applications and registration certificates that are substantially similar to those under sub. (2) with regard to length, legibility and information content.

2. The Lac du Flambeau band shall use registration decals that are substantially similar to those under sub.

(2) with regard to color, size, legibility, information content and placement on the all−terrain vehicle.

3. The Lac du Flambeau band shall use a sequential numbering system that includes a series of letters or initials that identify the Lac du Flambeau band as the issuing authority.

(d) *Registration information.* The Lac du Flambeau band shall provide registration information to the state in one of the following ways:

1. By transmitting all additions, changes or deletions of registration information to persons identified in the agreement described in par. (f), for incorporation into the registration records of this state, within one working day after the addition, change or deletion.

2. By establishing a 24−hour per day data retrieval system, consisting of either a law enforcement agency with 24−hour per day staffing or a computerized data retrieval system to which law enforcement officials of this state have access at all times.

(e) *Reports; records; tax collection.* 1. Before June 1 annually, the Lac du Flambeau band shall submit a report to the department notifying it of the number of each type of registration certificate that the Lac du Flambeau band issued, transferred or renewed for the period beginning on April 1 of the previous year and ending on March 31 of the year in which the report is submitted.

2. For law enforcement purposes, the Lac du Flambeau band shall make available for inspection by the department during normal business hours the Lac du Flambeau band's records of all registration certificates issued, renewed or otherwise processed under this subsection, including copies of all applications made for certificates.

3. The Lac du Flambeau band shall ensure that the record of each registration certificate issued, renewed or otherwise processed under this subsection, including a copy of each application made, is retained for at least 2 years after the date of expiration of the certificate.

4. The Lac du Flambeau band shall collect the sales and use taxes due under s. 77.61 (1) on any all−terrain vehicle registered under this subsection and make the report in respect to those taxes. On or before the 15th day of each month, the Lac du Flambeau band shall pay to the department of revenue all taxes that the Lac du Flambeau band collected in the previous month.

(f) *Applicability.* This subsection does not apply unless the department and the Lac du Flambeau band have in effect a written agreement, approved by the joint committee on finance, under which the Lac du Flambeau band agrees to comply with pars. (a) to (e) and that contains all of the following terms:

Vetoed In Part

1. The manner in which the Lac du Flambeau band will limit its treaty−based right to fish outside the Lac du Flambeau reservation.

2. A requirement that the fees collected by the Lac du Flambeau band under par. (b) be used only for a program for registering all−terrain vehicles, for regulating all−terrain vehicles and their operation and for providing all−terrain vehicle trails and all−terrain vehicle facilities.

SECTION 780. 23.33 (4) (d) 5. of the statutes is amended to read:

23.33 **(4)** (d) 5. On roadways if the all−terrain vehicle is an implement of husbandry, if the all−terrain vehicle is used exclusively for agricultural purposes and if the all−terrain vehicle is registered for private use under sub. (2) (d) or (2g). Operation of an all−terrain vehicle which is an implement of husbandry on a roadway is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

SECTION 781. 23.33 (4z) (b) of the statutes is amended to read:

23.33 **(4z)** (b) The department shall develop and issue an educational pamphlet on the intoxicated operation of an all−terrain vehicle law to be distributed, beginning in 1989, to persons issued all−terrain vehicle registration certificates under subs. (2) and (2g).

SECTION 782. 23.33 (9) (a) (title) of the statutes is repealed and recreated to read:

23.33 **(9)** (a) (title) *Enforcement.*

SECTION 783. 23.33 (9) (a) of the statutes is amended to read:

23.33 **(9)** (a) The department may utilize ~~up to 50% of the~~ moneys received under sub. (2) for all−terrain vehicle registration aids administration and for the purposes specified under s. 20.370 (3) (as)~~,~~ and (5) (er) ~~and (mu) and (8) (ds)~~ including costs associated with ~~registration,~~ enforcement, safety education, accident reports and analysis, law enforcement aids to counties~~, aids administration~~ and other similar costs in administering and enforcing this section.

SECTION 783d. 23.33 (9) (b) 1. of the statutes is repealed.

SECTION 783g. 23.33 (9) (b) 2. (intro.) of the statutes is renumbered 23.33 (9) (b) (intro.) and amended to read:

23.33 **(9)** (b) *All−terrain vehicle projects.* (intro.) Any of the following all−terrain vehicle projects are eligible for funding ~~under this paragraph~~ as a state all−terrain vehicle project from the appropriation account under s. 20.370 (1) (ms) or for aid ~~under this paragraph~~ as a nonstate all−terrain vehicle project from the appropriation accounts under s. 20.370 (5) (ct) and (cu):

SECTION 783m. 23.33 (9) (b) 2. a. to f. of the statutes are renumbered 23.33 (9) (b) 1. to 6.

SECTION 783s. 23.33 (9) (b) 3. of the statutes is renumbered 23.33 (9) (c) and amended to read:

23.33 **(9)** (c) (title) *Signs.* In addition to the projects listed in ~~subd. 2.~~ par. (b), the department may provide aid under this ~~paragraph~~ subsection to a town, village, city or county for up to 100% of the cost of placing signs developed under sub. (4z) (a) 2.

SECTION 783v. 23.36 of the statutes is created to read:

Vetoed In Part

23.36 Natural resources agreements with federally recognized American Indian tribes and bands. (1) In this section, "tribe or band" means a federally recognized American Indian tribe or band.

(2) Before the department and a tribe or band enter into any agreement that affects the regulation of the harvest of fish or game in the state, the department shall first obtain the approval of the proposed agreement by the joint committee on finance if the proposed agreement will authorize or recognize any of the following:

Vetoed In Part

(a) The issuance by the tribe or band of hunting or fishing approvals under ch. 29 to persons who are not members of the tribe or band.

(b) The registration or certification by the tribe or band of all−terrain vehicles, boats or snowmobiles that are not owned by persons who are members of the tribe or band.

SECTION 783x. 23.39 of the statutes is repealed.

SECTION 785. 23.405 (title) of the statutes is renumbered 23.425 (title).

SECTION 786. 23.405 (1) of the statutes is renumbered 23.425 (1).

SECTION 787. 23.405 (2) (a) of the statutes is renumbered 23.425 (2) (a).

SECTION 788. 23.405 (2) (b) of the statutes is renumbered 23.425 (2) (b) and amended to read:

23.425 **(2)** (b) The fees collected by the department under par. (a) for the use of the MacKenzie environmental center shall be deposited in the general fund and credited to the appropriation under s. 20.370 ~~(5) (gb)~~ (9) (gb).

SECTION 789. 23.41 (5m) of the statutes is renumbered 23.41 (5m) (intro.) and amended to read:

23.41 **(5m)** (intro.) If the governor or the governor's designee determines that it is in the best interest of this state, he or she may waive the requirement under sub. (5) for bids or competitive sealed proposals ~~in~~ under any of the following circumstances:

(a) In an emergency involving the public health, welfare or safety or the environment.

SECTION 790. 23.41 (5m) (b) of the statutes is created to read:

23.41 **(5m)** (b) The department desires to use innovative or patented technology that is available from only one source and that in the judgment of the department would provide the best practicable hazardous substance spill response under s. 292.11 or environmental repair under s. 292.31.

SECTION 791. 23.51 (2p) of the statutes is created to read:

23.51 **(2p)** "Crime laboratories and drug law enforcement assessment" means the assessment imposed under s. 165.755.

SECTION 792. 23.51 (8) of the statutes is amended to read:

23.51 **(8)** "Violation" means conduct which is prohibited by state law or municipal ordinance and punishable by a forfeiture, a penalty assessment ~~and~~, a jail assessment and a crime laboratories and drug law enforcement assessment.

SECTION 793. 23.54 (3) (e) of the statutes is amended to read:

23.54 **(3)** (e) The maximum forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, applicable weapons assessment, applicable environmental assessment, applicable wild animal protection assessment, applicable natural resources assessment, applicable fishing shelter removal assessment, applicable snowmobile registration restitution payment and applicable natural resources restitution payment for which the defendant might be found liable.

SECTION 794. 23.54 (3) (i) of the statutes is amended to read:

23.54 **(3)** (i) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

SECTION 795. 23.54 (3) (j) of the statutes is amended to read:

23.54 **(3)** (j) Notice that if the defendant makes a deposit and signs the stipulation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effects of the stipulation.

SECTION 796. 23.55 (1) (b) of the statutes is amended to read:

23.55 **(1)** (b) A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the statute upon which the cause of action is based and a demand for a forfeiture, the amount of which shall not exceed the maximum set by the statute involved, a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, any applicable natural resources restitution payment and any other relief that is sought by the plaintiff.

SECTION 797. 23.66 (2) of the statutes is amended to read:

23.66 **(2)** The person receiving the deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, share draft or other draft, the check, share draft or other draft or a microfilm copy of the check, share draft or other draft shall be considered a receipt. If the defendant makes the deposit by use of a credit card, the credit charge receipt shall be considered a receipt.

SECTION 798. 23.66 (4) of the statutes is amended to read:

23.66 **(4)** The basic amount of the deposit shall be determined in accordance with a deposit schedule that the judicial conference shall establish. Annually, the judicial conference shall review and may revise the schedule. In addition to the basic amount determined according to the schedule, the deposit shall include court costs, including any applicable fees prescribed in ch. 814, any applicable penalty assessment, any applicable jail assessment, any applicable crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment.

SECTION 799. 23.67 (2) of the statutes is amended to read:

23.67 **(2)** The deposit and stipulation of no contest may be made at any time prior to the court appearance date. By signing the stipulation, the defendant is deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit.

SECTION 800. 23.67 (3) of the statutes is amended to read:

23.67 **(3)** The person receiving the deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be deemed to have submitted to a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in s. 23.66.

SECTION 801. 23.75 (3) (a) 2. of the statutes is amended to read:

23.75 **(3)** (a) 2. If the court considers the nonappearance to be a plea of no contest and enters judgment accordingly, the court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow the defendant not less than 20 working days from the date the judgment copy or notice is mailed to pay the forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal

protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814.

SECTION 802. 23.75 (3) (b) of the statutes is amended to read:

23.75 **(3)** (b) If the defendant has made a deposit, 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, a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus 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. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

SECTION 803. 23.75 (3) (c) of the statutes is amended to read:

23.75 **(3)** (c) If the defendant has made a deposit and stipulation of no contest, 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, a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus 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. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects thereof. If the defendant is relieved from the stipulation of no contest, the court may order a citation or complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law.

SECTION 804. 23.79 (1) of the statutes is amended to read:

23.79 **(1)** If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture provided by the statute for the violation, the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, any applicable natural resources restitution payment and for costs.

SECTION 805. 23.80 (2) of the statutes is amended to read:

23.80 **(2)** Upon default of the defendant corporation or municipality, or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment shall be entered.

SECTION 806. 23.84 of the statutes is amended to read:

23.84 Forfeitures and assessments collected; to whom paid. Except for actions in municipal court, all moneys collected in favor of the state or a municipality for forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, applicable weapons assessment, applicable environmental assessment, applicable wild animal protection assessment, applicable natural resources assessment, applicable fishing shelter removal assessment, applicable snowmobile registration restitution payment and applicable natural resources restitution payment shall be paid by the officer who collects the same to the appropriate municipal or county treasurer, within 20 days after its receipt by the officer, except that all jail assessments shall be paid to the county treasurer. In case of any failure in the pay-

ment, the municipal or county treasurer may collect the payment from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 807. 24.01 (1) of the statutes is amended to read:

24.01 **(1)** "Agricultural college lands" embraces all lands granted to the state by an act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as well as any land received under s. 24.09 (1) (bm) in exchange for such land.

SECTION 808. 24.01 (4) of the statutes is amended to read:

24.01 **(4)** "Marathon county lands" embraces all lands acquired by the state pursuant to chapter 22 of the general laws of 1867, as well as any land received under s. 24.09 (1) (bm) in exchange for such land.

SECTION 809. 24.01 (5) of the statutes is amended to read:

24.01 **(5)** "Normal school lands" embraces all parcels of said "swamp lands" which the legislature has declared or otherwise decided, or may hereafter declare or otherwise decide, were not or are not needed for the drainage or reclamation of the same or other lands, as well as any land received under s. 24.09 (1) (bm) in exchange for such land.

SECTION 810. 24.01 (7) of the statutes is amended to read:

24.01 **(7)** "School lands" embraces all lands made a part of "the school fund" by article X, section 2, of the constitution, as well as any land received under s. 24.09 (1) (bm) in exchange for such land.

SECTION 811. 24.01 (9) of the statutes is amended to read:

24.01 **(9)** "Swamp lands" embraces all lands which have been or may be transferred to the state pursuant to an act of congress entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850, or pursuant to an act of congress entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2, 1855, as well as any land received under s. 24.09 (1) (bm) in exchange for such land.

SECTION 812. 24.01 (10) of the statutes is amended to read:

24.01 **(10)** "University lands" embraces all lands the proceeds of which are denominated "the university fund" by article X, section 6, of the constitution, as well as any land received under s. 24.09 (1) (bm) in exchange for such land.

SECTION 813. 24.04 (2) of the statutes is amended to read:

24.04 **(2)** DISBURSEMENTS. All expenses necessarily incurred in caring for and selling public lands shall be deducted from the gross receipts of the fund to which the proceeds of the sale of the land will be added. Expenses necessarily incurred in caring for public lands may include expenses for reforestation, erosion and insect control, submerged log monitoring, surveys, appraisals and other land management practices that serve to protect or enhance the interests of the beneficiaries of the trust funds.

SECTION 814. 24.09 (1) (bm) of the statutes is amended to read:

24.09 **(1)** (bm) The board may exchange part or all of any parcel of public lands for any other land of approximately equal value if the board determines that the exchange will contribute to the consolidation or completion of a block of land, enhance conservation of lands or otherwise be in the public interest. Under this paragraph, an exchange is of "approximately equal value" if the difference in value between the more highly valued land and the less highly valued land does not exceed 10% of the value of the more highly valued land. All expenses necessarily incurred in making an exchange under this paragraph shall be deducted from the gross receipts of the fund to which the proceeds of the sale of the exchanged land will be added.

SECTION 815. 24.60 (1g) of the statutes is amended to read:

24.60 **(1g)** "Distance education" ~~has the meaning given in s. 16.992 (1) (b)~~ means instruction that takes place, regardless of the location of a teacher or student, by means of telecommunications or other means of communication, including cable, instructional television fixed service, microwave, radio, satellite, computer, telephone or television.

SECTION 816. 24.60 (1r) of the statutes is repealed and recreated to read:

24.60 **(1r)** "Educational technology" means technology used in the education or training of any person or in the administration of an elementary or secondary school or a public library.

SECTION 816c. 24.60 (1t) of the statutes is created to read: **Vetoed In Part**

24.60 **(1t)** "Investment grade" means having a rating of "BBB" or better by Standard and Poor's Corporation and a rating of "Baa" or better by Moody's Investor Service or, in the case of an investment that is ranked by only one of these rating agencies, having a rating of "BBB" or better by Standard and Poor's Corporation or a rating of "Baa" or better by Moody's Investor Service.

SECTION 816e. 24.61 (2) (a) 1. of the statutes is amended to read:

24.61 **(2)** (a) 1. Bonds or notes of the United States or of an agency of the U. S. government, or bonds or notes

guaranteed by the United States or an agency of the U. S. government.

SECTION 816g. 24.61 (2) (a) 2. of the statutes is repealed.

SECTION 816j. 24.61 (2) (a) 7m. of the statutes is created to read:

24.61 **(2)** (a) 7m. Real estate located in the United States.

Vetoed In Part

SECTION 816L. 24.61 (2) (a) 8. of the statutes is created to read:

24.61 **(2)** (a) 8. U. S., publicly traded, investment grade mortgage–backed securities or U.S., publicly traded, investment grade asset–backed securities.

SECTION 816n. 24.61 (2) (a) 9. of the statutes is created to read:

24.61 **(2)** (a) 9. Privately placed U. S. mortgages or privately placed, U.S., mortgage–backed securities, if the mortgages or mortgage–backed securities are investment grade or, if unrated, are determined by the board to be of a quality that, if rated, would be investment grade.

SECTION 816p. 24.61 (2) (a) 10. of the statutes is created to read:

24.61 **(2)** (a) 10. Debt obligations of U.S. corporations, whether publicly offered or privately placed, that are investment grade or, if unrated, are determined by the board to be of a quality that, if rated, would be investment grade.

SECTION 816r. 24.61 (2) (a) 11. of the statutes is created to read:

24.61 **(2)** (a) 11. Financial contracts or other instruments that derive their value from the value or performance of securities under subd. 1. or 8. or of an index or group of securities under subd. 1. or 8.

SECTION 816t. 24.61 (2) (a) 12. of the statutes is created to read:

24.61 **(2)** (a) 12. Other types of U. S. debt instruments, not described under subds. 1. to 10., determined by the board to be consistent with the standard of responsibility under par. (am).

SECTION 816v. 24.61 (2) (am) of the statutes is created to read:

24.61 **(2)** (am) *Standard of responsibility.* The standard of responsibility applied to the board when it invests moneys belonging to the trust funds shall be all of the following:

1. To invest, sell, reinvest and collect income and rents with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity, with the same resources, and familiar with like matters exercises in the conduct of an enterprise of a like character with like aims.

2. To diversify investments in order to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, considering each trust fund's portfolio as a whole at any point in time.

3. To administer assets of each trust or fund solely for the purpose of ensuring the fulfillment of the purpose of each trust or fund at a reasonable cost and not for any other purpose.

SECTION 817. 24.61 (3) (c) 2. a. of the statutes is amended to read:

24.61 **(3)** (c) 2. a. The school board is subject to an order issued by the ~~department of education~~ state superintendent of public instruction under s. 115.33 (3) after December 31, 1991, regarding noncompliance with the standard under s. 121.02 (1) (i).

SECTION 818. 24.61 (3) (d) of the statutes is amended to read:

24.61 **(3)** (d) *Reserve for loans for educational technology and distance education projects.* Subject to the priority established under par. (c), to the extent practicable, in fiscal years 1996–97 to ~~1999–2000~~ 2002-03, annually the board shall reserve $15,000,000 for the purposes of giving priority to loans to school districts, counties, municipalities and consortia, other than consortia that include one or more technical college districts, for educational technology and distance education projects ~~under s. 16.992~~.

SECTION 819. 24.61 (6) of the statutes is repealed.

SECTION 820. 24.66 (1) (intro.) of the statutes is amended to read:

24.66 **(1)** FOR ALL MUNICIPALITIES. (intro.) No trust fund loan may be made unless an application is made to the board under this section. The application shall state the amount of money required, the purpose to which it is to be applied, the times and terms of repayment, whether the loan is sought for an educational technology or distance education project under s. 24.61 (3) (d), ~~and if so, whether the educational technology board has approved a grant to pay a portion of the interest on the loan under s. 16.992 (3) (b)~~ and, in the case of a cooperative educational service agency, the names of the school districts participating in the distance education project for which the loan is sought. The application shall be accompanied by satisfactory proof:

SECTION 824. 24.695 of the statutes is repealed.

SECTION 825. 24.71 (2) of the statutes is amended to read:

24.71 **(2)** CERTIFIED STATEMENT. If a school district has a state trust fund loan, the board shall transmit to the school district clerk a certified statement of the amount due on or before October 1 of each year until the loan is paid. The board shall furnish a copy of each certified statement to the state treasurer and the department of ~~education~~ public instruction.

SECTION 826. 24.78 of the statutes is amended to read:

24.78 Distribution of the common school fund income. Under article X, section 5, of the constitution the common school fund income shall be distributed to the

school districts among the several towns, villages and cities of the state for the support of common schools therein, as provided in ~~s.~~ ss. 44.72 (2) (a) and 43.70.

SECTION 827. 25.156 (3) of the statutes is amended to read:

25.156 **(3)** The members of the board shall appoint an investment director or the executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel or chief risk officer to act as assistant director, except that until the appointment is made by the members of the board, the executive director may temporarily designate the assistant director.

SECTION 828. 25.156 (4) of the statutes is amended to read:

25.156 **(4)** The members of the board shall promulgate rules restricting the executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer, investment directors and employes from having financial interest, directly or indirectly, in firms or corporations providing services to the department and governing the receipt of gifts or favors therefrom, and also governing personal investments of all employes including the executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors to prevent conflicts of interest.

SECTION 831. 25.16 (2) of the statutes is amended to read:

25.16 **(2)** Subject to authorization under s. 16.505, the executive director may appoint ~~one division administrator~~ a chief legal counsel, chief financial officer, chief risk officer and not more than 11 investment directors and shall appoint a chief investment officer and all other employes necessary to carry out the functions of the investment board, except that the investment board shall appoint the internal auditor and shall participate in the selection of the chief investment officer and investment directors and the internal auditor shall appoint his or her staff. The executive director shall appoint all employes outside the classified service, except blue collar and clerical employes. Neither the executive director, the internal auditor, the chief investment officer, the chief legal counsel, the chief financial officer, the chief risk officer, any investment director nor any other employe of the board shall have any financial interest, either directly or indirectly, in any firm engaged in the sale or marketing of real estate or investments of any kind, nor shall any of them render investment advice to others for remuneration.

SECTION 831s. 25.17 (1) (af) of the statutes is created to read:

25.17 **(1)** (af) Agricultural chemical cleanup fund (s. 25.468);

SECTION 832. 25.17 (1) (ag) of the statutes is repealed.

SECTION 832e. 25.17 (1) (d) of the statutes is created to read:

25.17 **(1)** (d) Dry cleaner environmental response fund (s. 25.48);

SECTION 832k. 25.17 (1) (gm) of the statutes is created to read:

25.17 **(1)** (gm) Historical legacy trust fund (s. 25.72);

SECTION 832m. 25.17 (1) (gn) of the statutes is created to read:

25.17 **(1)** (gn) Historical society endowment fund (s. 25.73);

SECTION 833. 25.17 (1) (tm) of the statutes is created to read:

25.17 **(1)** (tm) Support collections trust fund (s. 25.68);

SECTION 834. 25.17 (1) (xL) of the statutes is created to read:

25.17 **(1)** (xL) Universal service fund (s. 25.95);

SECTION 835. 25.17 (2) (d) of the statutes is amended to read:

25.17 **(2)** (d) Invest the ~~clean water~~ environmental improvement fund, and collect the principal and interest of all moneys loaned or invested from the ~~clean water~~ environmental improvement fund, as directed by the department of administration under s. 281.59 (2m). In making such investment, the investment board shall accept any reasonable terms and conditions that the department of administration specifies and is relieved of any obligations relevant to prudent investment of the fund, including those set forth under ch. 881.

SECTION 836. 25.17 (2) (e) of the statutes is created to read:

25.17 **(2)** (e) Invest the transportation infrastructure loan fund, and collect the principal and interest of all moneys loaned or invested from transportation infrastructure loan fund, as directed by the department of administration under s. 85.52 (4m). In making such investment, the investment board shall accept any reasonable terms and conditions that the department of administration specifies and is relieved of any obligations relevant to prudent investment of the fund, including those set forth under ch. 881.

SECTION 837. 25.17 (13m) of the statutes is created to read:

25.17 **(13m)** No later than 45 days after the end of each calendar quarter, submit a report to the department of administration and the cochairpersons of the joint committee on finance detailing all costs and expenses charged to funds under s. 25.18 (1) (a) or (m) during that calendar quarter.

SECTION 838. 25.17 (14) (intro.) of the statutes is amended to read:

25.17 **(14)** (intro.) ~~The investment board shall, as~~ As of December 31 of each year, make and file with the department of employe trust funds a report of the value of the assets of the fixed retirement investment trust and of the variable retirement investment trust, determined as of that date at market value for the variable retirement investment trust and on the following basis for the fixed retirement investment trust:

SECTION 840m. 25.19 (3) of the statutes is amended to read:

25.19 **(3)** The state treasurer shall~~, at the direction of the depository selection board under s. 34.045 (1) (b),~~ allocate bank service costs to the funds incurring those costs.

Vetoed In Part

SECTION 843. 25.28 of the statutes is repealed.

SECTION 844. 25.29 (1) (a) of the statutes is amended to read:

25.29 **(1)** (a) Except as provided in s. 25.295, all moneys accruing to the state for or in behalf of the department under chs. 26, 27, 28, 29 and 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58 and 71.10 (5), including grants received from the federal government or any of its agencies except as otherwise provided by law.

SECTION 845. 25.29 (1) (b) of the statutes is amended to read:

25.29 **(1)** (b) One percent of all sales and use taxes under s. 77.61 (1) on all−terrain vehicles, boats and snowmobiles collected ~~by the department~~ under ss. 23.33, 30.52 (4) ~~and~~, 350.12 ~~(7)~~ and 350.122.

SECTION 846. 25.29 (1) (d) 1. of the statutes is amended to read:

25.29 **(1)** (d) 1. An amount calculated by multiplying the number of snowmobiles registered under s. 350.12 or 350.122 on the last day of February of the previous fiscal year by 50 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

SECTION 847. 25.29 (1) (dm) of the statutes is amended to read:

25.29 **(1)** (dm) For fiscal year 1991−92 and for each fiscal year thereafter, an amount equal to the estimated all−terrain vehicle gas tax payment. The estimated all−terrain vehicle gas tax payment is calculated by multiplying the sum of the number of all−terrain vehicles registered for public use under s. 23.33 (2) (c) or (2g) and the number of reflectorized plates issued under s. 23.33 (2) (dm) on the last day of February of the previous fiscal year by 25 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

SECTION 847g. 25.29 (4r) of the statutes, as created by 1997 Wisconsin Act 1, is repealed.

SECTION 848. 25.36 (1) of the statutes is amended to read:

25.36 **(1)** Except as provided in sub. (2), all moneys appropriated or transferred by law shall constitute the veterans trust fund which shall be used ~~exclusively for the purchase of mortgages issued with the proceeds of the 1981 veterans home loan revenue bond issuance in an amount sufficient to retire that bond issue or~~ for the veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (w), (z) and (zm), 45.01, 45.25, 45.351 (1) ~~and (2)~~, 45.353, 45.356, 45.357, 45.396, 45.397 and 45.43 (7) and administered by the department of veterans affairs, including all moneys received from the federal government for the benefit of veterans or their dependents; all moneys paid as interest on and repayment of loans under the post−war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans under this fund; all moneys paid as expenses for, interest on and repayment of veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid as expenses for, interest on and repayment of veterans personal loans; the net proceeds from the sale of mortgaged properties related to veterans personal loans; all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond issuance purchased with moneys in the veterans trust fund; all moneys received from the state investment board under s. 45.356 (9) (b); all moneys received from the veterans mortgage loan repayment fund under s. 45.79 (7) (a) and (c); and all gifts of money received by the board of veterans affairs for the purposes of this fund.

Vetoed In Part

SECTION 849. 25.40 (1) (a) 5m. of the statutes is created to read:

25.40 **(1)** (a) 5m. Fees collected under s. 342.14 (1r) that are deposited in the environmental fund for environmental management.

SECTION 849m. 25.40 (1) (a) 9. of the statutes is repealed.

SECTION 850. 25.40 (1) (a) 13. of the statutes is created to read:

25.40 **(1)** (a) 13. Moneys received under s. 110.065 that are deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dh).

SECTION 851. 25.40 (1) (a) 14. of the statutes is created to read:

25.40 **(1)** (a) 14. Fees received under ss. 85.51 (1) and 348.26 (2) that are deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

Vetoed In Part

SECTION 852. 25.40 (1) (a) 15. of the statutes is created to read:

25.40 **(1)** (a) 15. Moneys received under s. 85.52 that are deposited in the transportation infrastructure loan fund.

SECTION 852d. 25.40 (1) (a) 16. of the statutes is created to read:

25.40 **(1)** (a) 16. Moneys received under s. 341.14 (6r) (b) 6. that are deposited in the children's trust fund.

SECTION 852f. 25.40 (1) (a) 17. of the statutes is created to read:

25.40 **(1)** (a) 17. Moneys received under s. 341.14 (6r) (bg) 2. that are deposited in the general fund and credited under s. 341.14 (6r) (bg) 3. b. to the appropriation under s. 20.525 (1) (gm).

SECTION 852fb. 25.40 (1) (a) 17. of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 852h. 25.40 (1) (bm) of the statutes is created to read:

25.40 **(1)** (bm) The state rental vehicle fee under subch. XI of ch. 77.

SECTION 854k. 25.40 (1) (f) of the statutes is renumbered 25.40 (1) (f) (intro.) and amended to read:

25.40 **(1)** (f) (intro.) All federal aid for aeronautics, highways and other transportation purposes made available by any act of congress, subject to applicable federal regulations~~.~~, except all of the following:

SECTION 854L. 25.40 (1) (f) 1. and 2. of the statutes are created to read:

25.40 **(1)** (f) 1. Moneys received from the federal government, for the regulation of railroads, that are deposited in the general fund and credited to the appropriation under s. 20.155 (2) (m).

2. Moneys received under s. 106.26 that are deposited in the general fund and credited to the appropriation under s. 20.445 (1) (ox).

SECTION 854m. 25.40 (2) (b) 1g. to 20p. of the statutes are repealed.

SECTION 855. 25.405 of the statutes is created to read:

25.405 Transportation infrastructure loan fund. (1) DEFINITION. In this section, "fund" means the transportation infrastructure loan fund.

(2) CREATION. There is established a separate nonlapsible trust fund designated as the transportation infrastructure loan fund, to consist of:

(a) 1. All moneys received from the federal government under P.L. 104−59, section 350, designated for transit projects.

2. All moneys received from the federal government under P.L. 104−59, section 350, designated for highway projects.

(b) All moneys transferred to the fund to meet the requirements for state deposits under P.L. 104−59, section 350.

(c) All repayments of principal and payments of interest on loans made under s. 85.52 (3).

(d) All moneys received by the fund from the proceeds of the issuance of revenue obligations under ch. 18 for the purpose of s. 85.52.

(e) All gifts, grants and bequests to the fund.

(3) SEPARATE ACCOUNTS. (a) There is established in the fund a transit account consisting of all moneys received under sub. (2) (a) 1., moneys received under sub. (2) (b) designated by the department of transportation for transit projects and moneys received under sub. (2) (e) designated by the department of transportation for transit projects, revenue obligation proceeds under sub. (2) (d) designated for transit projects and all transit account loan repayments under sub. (2) (c).

(b) There is established in the fund a highway account consisting of all moneys received under sub. (2) (a) 2., moneys received under sub. (2) (b) designated by the department of transportation for highway projects and moneys received under sub. (2) (e) designated for highway projects, revenue obligation proceeds under sub. (2) (d) designated for highway projects and all highway account loan repayments under sub. (2) (c).

(c) The department of administration may establish additional accounts in the fund and, except for the accounts under pars. (a) and (b), may change accounts in the fund. The department of administration shall consult the department of transportation before establishing or changing an account under this paragraph.

SECTION 856. 25.43 (title) and (1) (intro.) of the statutes are amended to read:

25.43 (title) ~~**Clean water**~~ **Environmental improvement fund. (1)** (intro.) There is established a separate nonlapsible trust fund designated as the ~~clean water~~ environmental improvement fund, to consist of all of the following:

SECTION 857. 25.43 (1) (am) of the statutes is created to read:

25.43 **(1)** (am) All capitalization grants provided by the federal government under 42 USC 300j−12.

SECTION 858. 25.43 (1) (b) of the statutes is amended to read:

25.43 **(1)** (b) All state funds appropriated or transferred to the ~~clean water~~ environmental improvement fund to meet the requirements for state deposits under 33 USC 1382.

SECTION 859. 25.43 (1) (bm) of the statutes is created to read:

25.43 **(1)** (bm) All state funds appropriated or transferred to the environmental improvement fund to meet the requirements for state deposits under 42 USC 300j−12.

SECTION 860. 25.43 (1) (c) of the statutes is amended to read:

25.43 **(1)** (c) All other appropriations and transfers of state funds to the ~~clean water~~ environmental improvement fund.

SECTION 861. 25.43 (1) (d) of the statutes is amended to read:

25.43 **(1)** (d) All gifts, grants and bequests to the ~~clean water~~ environmental improvement fund.

SECTION 862. 25.43 (1) (e) of the statutes is amended to read:

25.43 **(1)** (e) All repayments of principal and ~~payment~~ payments of interest on loans made from the ~~clean~~

~~water~~ environmental improvement fund and on obligations acquired by the department of administration under s. 281.59 (12).

SECTION 863. 25.43 (1) (f) of the statutes is amended to read:

25.43 **(1)** (f) All moneys received by the ~~clean water~~ environmental improvement fund from the proceeds of the sale of general or revenue obligations under ch. 18 for the purpose of s. 20.866 (2) (tc) or (td) or 281.59 (4).

SECTION 864. 25.43 (1) (h) of the statutes is amended to read:

25.43 **(1)** (h) The fees imposed under ~~s.~~ ss. 281.58 (9) (d) and 281.60 (11m).

SECTION 865. 25.43 (2) (a) of the statutes is amended to read:

25.43 **(2)** (a) There is established in the ~~clean water~~ environmental improvement fund a clean water fund program federal revolving loan fund account consisting of the capitalization grants under sub. (1) (a) and (b) ~~and~~, except as provided under sub. (2m) (b), all repayments under sub. (1) (e) and (g) of capitalization grants under sub. (1) (a) and (b) and all moneys transferred to the account under sub. (2m) (a).

SECTION 866. 25.43 (2) (am) of the statutes is created to read:

25.43 **(2)** (am) There is established in the environmental improvement fund a safe drinking water loan program federal revolving loan fund account consisting of the capitalization grants under sub. (1) (am) and (bm), except as provided under sub. (2m) (a), all repayments under sub. (1) (e) of capitalization grants under sub. (1) (am) and (bm) and all moneys transferred to the account under sub. (2m) (b).

SECTION 867. 25.43 (2) (b) of the statutes is amended to read:

25.43 **(2)** (b) There is established in the ~~clean water~~ environmental improvement fund a state revolving loan fund account consisting of all moneys in the fund not included in accounts under par. (a), (am) or (c).

SECTION 868. 25.43 (2) (c) of the statutes is amended to read:

25.43 **(2)** (c) The department of administration may establish and change accounts in the ~~clean water~~ environmental improvement fund other than those under pars. (a), (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 ~~program~~ programs under ~~s.~~ ss. 281.58 ~~and~~, 281.59 and 281.61.

SECTION 869. 25.43 (2m) of the statutes is created to read:

25.43 **(2m)** (a) In any year, the governor may transfer an amount that does not exceed 33% of a capitalization grant under sub. (1) (am) provided in that year from the account under sub. (2) (am) to the account under sub. (2) (a).

(b) In any year, the governor may transfer an amount that does not exceed 33% of a capitalization grant under sub. (1) (am) provided in that year from the account under sub. (2) (a) to the account under sub. (2) (am).

SECTION 870. 25.43 (3) of the statutes is amended to read:

25.43 **(3)** Except for the purpose of investment as provided in s. 25.17 (2) (d), the ~~clean water~~ environmental improvement fund may be used only for the purposes authorized under ss. 20.320 (1) (r), (s) ~~and~~, (sm), (t) and (x) and (2) (s) and (x), 20.370 ~~(2)~~ (4) (mt) ~~and~~, (mx)~~, (6) (mu) and (mx)~~ and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v) ~~and~~, (x) and (y), 281.58 ~~and~~, 281.59, 281.60, 281.61 and 281.62.

SECTION 872. 25.46 (1e) of the statutes is amended to read:

25.46 **(1e)** The moneys transferred under s. 20.370 (2) (mu) for environmental ~~repair~~ management.

SECTION 873. 25.46 (1g) of the statutes is amended to read:

25.46 **(1g)** The moneys transferred under s. 20.370 ~~(2)~~ (4) (mw) for ~~groundwater~~ environmental management.

SECTION 873m. 25.46 (1m) of the statutes is created to read:

25.46 **(1m)** The moneys transferred under s. 20.855 (4) (f) for nonpoint source water pollution abatement.

SECTION 873r. 25.46 (1s) of the statutes is created to read: **Vetoed In Part**

25.46 **(1s)** The moneys required under s. 77.9964 (3) (b) to be deposited in the fund for environmental management.

SECTION 874. 25.46 (2) of the statutes is amended to read:

25.46 **(2)** The fees imposed under s. 94.64 (4) ~~(an)~~ (a) 4. for ~~groundwater~~ environmental management.

SECTION 875. 25.46 (3) of the statutes is amended to read:

25.46 **(3)** The fees imposed under s. 94.65 (6) (a) 4. for ~~groundwater~~ environmental management.

SECTION 876. 25.46 (4) of the statutes is amended to read:

25.46 **(4)** The moneys specified under s. ~~94.68 (4) (b), (bm) and (bt)~~ 94.681 (7) (a) 1. and 2. for ~~groundwater~~ environmental management.

SECTION 877. 25.46 (4m) of the statutes is amended to read:

25.46 **(4m)** The moneys specified under s. ~~94.68 (4) (c)~~ 94.681 (7) (a) 3. for environmental ~~repair~~ management.

SECTION 878. 25.46 (4s) of the statutes is amended to read:

25.46 **(4s)** The fees imposed under s. 94.681 (3m) and (4) for environmental ~~repair~~ management.

SECTION 879. 25.46 (5) of the statutes is amended to read:

25.46 **(5)** The fees imposed under s. 101.14 (5) (a) for ~~groundwater~~ environmental management.

SECTION 880. 25.46 (5e) of the statutes is amended to read:

25.46 **(5e)** All moneys received under s. 281.75 (16) (d) for environmental ~~repair~~ management.

SECTION 881. 25.46 (5m) of the statutes is amended to read:

25.46 **(5m)** The tonnage fees imposed under s. 289.62 (1) that are paid by a nonapproved facility, as defined in s. 289.01 (24), for environmental ~~repair~~ management.

SECTION 882. 25.46 (6) of the statutes is amended to read:

25.46 **(6)** The groundwater fees imposed under s. 289.63 (1) for ~~groundwater~~ environmental management.

SECTION 883. 25.46 (6m) of the statutes is amended to read:

25.46 **(6m)** The well compensation fees imposed under s. 289.63 (1) for environmental ~~repair~~ management.

SECTION 883m. 25.46 (6r) of the statutes is repealed.

SECTION 885. 25.46 (7) of the statutes is amended to read:

25.46 **(7)** The fees imposed under s. 289.67 (1) for environmental ~~repair~~ management.

SECTION 886. 25.46 (8) of the statutes is amended to read:

25.46 **(8)** The fees and surcharges imposed under s. 289.67 (3) and (4) for environmental ~~repair~~ management.

SECTION 887. 25.46 (9) of the statutes is amended to read:

25.46 **(9)** The moneys received from municipalities under s. 292.31 (7) (c) for environmental ~~repair~~ management.

SECTION 888. 25.46 (10) of the statutes is amended to read:

25.46 **(10)** The amounts required to be paid into the environmental fund under s. 292.31 (8) (g) for environmental ~~repair~~ management.

SECTION 889. 25.46 (10m) of the statutes is repealed.

SECTION 890. 25.46 (11) of the statutes is renumbered 25.46 (8g) and amended to read:

25.46 **(8g)** The moneys received from reimbursements under s. 292.11 (6) (c) 1. for environmental ~~repair~~ management.

SECTION 891. 25.46 (12) of the statutes is renumbered 25.46 (8m).

SECTION 892. 25.46 (13) of the statutes is renumbered 25.46 (10g).

SECTION 893. 25.46 (14) of the statutes is renumbered 25.46 (5c) and amended to read:

25.46 **(5c)** The moneys collected under s. 145.19 (6) for ~~groundwater~~ environmental management.

SECTION 894. 25.46 (15) of the statutes is renumbered 25.46 (5d) and amended to read:

25.46 **(5d)** The fees imposed under s. 281.48 (4s) (d) for ~~groundwater~~ environmental management.

SECTION 895. 25.46 (16) of the statutes is renumbered 25.46 (5g) and amended to read:

25.46 **(5g)** The fees imposed under s. 283.31 (7) for ~~groundwater~~ environmental management.

SECTION 896. 25.46 (17) of the statutes is renumbered 25.46 (7m) and amended to read:

25.46 **(7m)** All moneys received from fees under s. 289.67 (2) for environmental ~~repair~~ management.

SECTION 897. 25.46 (17m) of the statutes is renumbered 25.46 (10j).

SECTION 898. 25.46 (18) of the statutes is renumbered 25.46 (5j) and amended to read:

25.46 **(5j)** All moneys received under s. 283.87 or as a settlement to any action initiated or contemplated under s. 283.87 for environmental ~~repair~~ management.

SECTION 898m. 25.46 (18r) of the statutes is created to read:

25.46 **(18r)** The fees received under s. 295.15 for environmental management.

SECTION 899. 25.46 (19) of the statutes is created to read:

25.46 **(19)** The environmental impact fee imposed under s. 342.14 (1r) for environmental management.

SECTION 899m. 25.46 (20) of the statutes is repealed.

SECTION 900. 25.465 (1) and (2) of the statutes are amended to read:

25.465 **(1)** The fees ~~imposed~~ collected under s. 94.64 ~~(3) (c),~~ (3m) (b), (3r) (a) and (4) (a) ~~and (d)~~ 1.

(2) The fees ~~imposed~~ collected under s. 94.65 (2) (a), (3) (b) and (6) (a) 1. and (b).

SECTION 901. 25.465 (2m) of the statutes is created to read:

25.465 **(2m)** The fees collected under s. 94.66 (4).

SECTION 902. 25.465 (3) and (4) of the statutes are amended to read:

25.465 **(3)** The fees ~~and surcharges specified under s. 94.68 (4) (a)~~ collected under s. 94.681 (2), (5) and (6) (a) 3., except as provided in s. 94.681 (7) (a).

(4) The fees ~~imposed~~ collected under s. 94.685 (3) (a) 1.

SECTION 903. 25.465 (4m) of the statutes is created to read:

25.465 **(4m)** The fees collected under s. 94.702 (3).

SECTION 904. 25.465 (5) to (8) of the statutes are amended to read:

25.465 **(5)** The fees ~~imposed~~ collected under s. 94.703 (3) (a) 1.

(6) The fees ~~imposed~~ collected under s. 94.704 (3) (a) 1.

(7) The fees ~~imposed~~ collected under s. 94.705 (4) (b).

(8) The fees ~~imposed~~ collected under s. 94.72 (5) (b) and (6) (a) and (i).

SECTION 905. 25.465 (9) of the statutes is repealed.

SECTION 905m. 25.468 of the statutes is created to read:

25.468 Agricultural chemical cleanup fund. There is established a separate nonlapsible trust fund designated as the agricultural chemical cleanup fund, to consist of all revenues collected under ss. 94.64 (3r) (b) and (4) (a) 5., 94.681 (3) and (6) (a) 4., 94.685 (3) (a) 2., 94.703 (3) (a) 2., 94.704 (3) (a) 2. and 94.73 (5) (e) and (8).

SECTION 906. 25.47 of the statutes is amended to read:

25.47 Petroleum inspection fund. There is established a separate nonlapsible trust fund designated as the petroleum inspection fund, to consist of the fees imposed under s. 168.12 (1), the payments under s. 101.143 (4) (h) 1m., the payments under s. 101.143 (5) (a) and the net recoveries under s. 101.143 (5) (c).

SECTION 906e. 25.48 of the statutes is created to read:

25.48 Dry cleaner environmental response fund. There is established a separate nonlapsible trust fund designated as the dry cleaner environmental response fund, to consist of the moneys required under s. 77.9964 (3) (a) to be deposited in the fund.

Vetoed In Part

SECTION 907b. 25.62 of the statutes is amended to read:

25.62 Property tax relief fund. All moneys transferred from the general fund to the property tax relief fund constitute the property tax relief fund. Moneys in the fund are reserved to provide state property tax relief ~~during the 1997−99 fiscal biennium~~.

SECTION 908g. 25.67 (2) of the statutes is renumbered 25.67 (2) (a) (intro.) and amended to read:

25.67 **(2)** (a) (intro.) The fund shall consist of the ~~moneys~~ following:

1. Moneys received for the fund under s. 48.982 (2) (d).

(b) All moneys in the fund not expended under s. 20.433 (1) (q) shall continue to accumulate indefinitely.

SECTION 908m. 25.67 (2) (a) 2. of the statutes is created to read:

25.67 **(2)** (a) 2. Moneys received under s. 341.14 (6r) (b) 6.

SECTION 909b. 25.68 of the statutes is created to read:

25.68 Support collections trust fund. There is created a separate nonlapsible trust fund designated as the support collections trust fund, to consist of all of the following:

(1) All moneys received under ss. 767.265 and 767.29 for child or family support, maintenance or spousal support, health care expenses or birth expenses.

(2) All moneys not specified under sub. (1) that are received under a judgment or order in an action affecting the family, as defined in s. 767.02 (1), by the department of workforce development or its designee.

SECTION 912j. 25.72 of the statutes is created to read:

25.72 Historical legacy trust fund. (1) There is established a separate nonlapsible trust fund designated as the historical legacy trust fund, to consist of:

(a) All moneys received under s. 14.26 (5g) (c) and (e) after September 30, 1998.

(b) All moneys transferred under 1997 Wisconsin Act .... (this act), section 9256 (1m).

(c) All gifts, grants or bequests made to the fund.

(2) There is established in the historical legacy trust fund a separate account that is designated as the bicentennial account and that consists of the first $50,000 deposited into the fund, and earnings from this money, for the purpose of reserving moneys to be expended between January 1, 2046, and December 31, 2048, to commemorate the 200th anniversary of Wisconsin statehood.

SECTION 912k. 25.73 of the statutes is created to read:

25.73 Historical society endowment fund. There is established a separate nonlapsible endowment fund designated as the historical society endowment fund, to consist of:

(1) All gifts, grants or bequests made to the fund. Notwithstanding s. 20.907 (1), the historical society may convert any noncash gift, grant or bequest into cash.

(2) All moneys transferred to the fund under s. 20.245 (4) (s).

SECTION 913. 25.75 (3) (b) (intro.) of the statutes is amended to read:

25.75 **(3)** (b) *Expenses.* (intro.) Beginning July 1, ~~1991~~ 1997, no more than an amount equal to ~~15%~~ 10% of gross lottery revenues for each year may be expended to pay the expenses for the operation and administration of the lottery, except that expenses for the operation and administration of the lottery may exceed ~~15%~~ 10% of gross lottery revenues if so approved by the joint committee on finance under s. 13.10. In computing expenses subject to the ~~15%~~ 10% limitation under this paragraph:

SECTION 914. 25.75 (3) (b) 1. of the statutes is amended to read:

25.75 **(3)** (b) 1. Compensation paid to retailers under s. 565.10 (14) shall not be included ~~regardless of whether the compensation is deducted by the retailer prior to transmitting lottery ticket and lottery share revenues to the department of revenue~~.

SECTION 915. 25.75 (3) (d) of the statutes is repealed.

SECTION 916. 25.95 of the statutes is created to read:

25.95 Universal service fund. There is established a separate nonlapsible trust fund designated as the universal service fund, to consist of all contributions received under s. 196.218 (3).

SECTION 916m. 26.08 (2) (a) of the statutes is amended to read:

26.08 **(2)** (a) Except as provided under ~~par.~~ pars. (b) and (c), the department may lease state park land or state forest land for terms not exceeding 15 years.

SECTION 916p. 26.08 (2) (c) of the statutes is created to read:

26.08 **(2)** (c) The department may lease Kettle Moraine state forest land for the YMCA Camp Matawa for a term not exceeding 30 years.

SECTION 917. 26.145 of the statutes is created to read:

26.145 Fire suppression aids. (1) GRANTS. The department shall establish a program to award grants for up to 50% of the cost of acquiring fire resistant clothing for suppressing fires and of acquiring fire suppression supplies, equipment and vehicles.

(2) ELIGIBILITY. (a) Cities, villages, towns, counties and fire suppression organizations shall be eligible for grants under this section.

(b) The department may not award a grant under this section unless the recipient of the grant enters into a written agreement with the department under which the recipient agrees to assist the department in the suppression of forest fires at the department's request.

(3) RULES. The department shall promulgate rules establishing criteria and procedures for awarding grants under this section. For purposes of this section, the rules shall include a definition of "fire suppression organizations".

(4) SUNSET. This section does not apply after June 30, 1999.

SECTION 918. 26.38 of the statutes is created to read:

26.38 Private forest grants. (1) In this section:

(a) "Community" has the meaning given in s. 28.04 (1) (b).

(ag) "Forest stewardship management plan" means a plan describing forest stewardship measures to be used on a particular site to achieve multiple natural resource goals.

(ar) "Nonindustrial private forest land" means rural land that has existing tree cover or that is suitable for growing trees.

(b) "Sustainable forestry" has the meaning given in s. 28.04 (1) (e).

(2m) (a) The department shall establish a program to award grants for developing and implementing forest stewardship management plans by owners of nonindustrial private forest land. The department shall award the grants only to persons owning 500 acres or less of nonindustrial private forest land in this state.

(b) Each owner receiving a grant under this section shall provide a matching contribution in an amount to be determined by the department for that particular grant based on criteria promulgated by rule under sub. (3). The matching contribution may be in the form of money or in−kind goods or services or both.

(c) A forest stewardship management plan developed or implemented with a grant under this section shall meet minimum standards that are promulgated by rule under sub. (3) and shall contain practices that protect and enhance all of the following:

1. Soil and water quality.

2. Endangered, threatened or rare forest communities.

3m. Sustainable forestry.

4. Habitat for fish and wildlife.

5. The recreational, aesthetic and environmental benefits that the forest land provides.

(3) The department shall promulgate rules to implement and administer this program, including the criteria for determining the amount of a matching contribution under sub. (2m) (b) and the minimum standards required under sub. (2m) (c).

SECTION 918m. 27.01 (2) (d) of the statutes is amended to read:

27.01 **(2)** (d) Enter into agreements with the federal government, the government of neighboring states, state departments, counties, towns, scientific societies, organizations, individuals or others on any subject considered of concern and benefit to the state parks. Operation of historic buildings, restorations, museums or remains within the boundaries of a state park or parks may be vested by such agreements in the historical society, which may~~, in accordance with s. 44.02 (5),~~ charge a resident an admission fee and shall charge a nonresident an admission fee to such buildings, restorations, museums or remains in accordance with s. 44.02 (5) in order to defray in whole or in part the costs of operation of such sites.

SECTION 919. 27.01 (7) (title) of the statutes is amended to read:

27.01 **(7)** (title) VEHICLE ADMISSION; ~~STICKER~~ RECEIPT; REQUIREMENT; FEES.

SECTION 920. 27.01 (7) (b) of the statutes is amended to read:

27.01 **(7)** (b) (title) *Vehicle admission ~~sticker~~ receipt; requirement.* Except as provided under par. (c), no person may operate a vehicle in a vehicle admission area unless the vehicle has a vehicle admission ~~sticker~~ receipt affixed to it or otherwise displayed as provided under par. (e).

SECTION 921. 27.01 (7) (c) (intro.) of the statutes is amended to read:

27.01 **(7)** (c) (title) *Vehicle admission ~~sticker~~ receipt; exemptions.* (intro.) No vehicle admission ~~sticker~~ receipt is required for:

SECTION 922. 27.01 (7) (c) 8. of the statutes is amended to read:

27.01 **(7)** (c) 8. Any vehicle towed behind or carried on another vehicle. The department may issue a special permit for a towed or carried vehicle in order to determine compliance with and facilitate enforcement of the vehicle admission ~~sticker~~ receipt requirement; or

SECTION 923. 27.01 (7) (d) of the statutes is amended to read:

27.01 **(7)** (d) (title) *Issuance of vehicle admission ~~stickers~~ receipts.* An annual vehicle admission ~~sticker~~ receipt shall be issued by the department and is valid for the

calendar year for which it is issued. An annual vehicle admission ~~sticker~~ receipt may not be issued by the department for a motor bus. A daily vehicle admission ~~sticker~~ receipt shall be issued by the department, shall state the date for which it is issued and is effective only for the date issued.

SECTION 924. 27.01 (7) (e) (title) of the statutes is amended to read:

27.01 **(7)** (e) (title) *~~Affixing~~ Displaying the vehicle admission ~~sticker~~ receipt.*

SECTION 925. 27.01 (7) (e) of the statutes is renumbered 27.01 (7) (e) 1. and amended to read:

27.01 **(7)** (e) 1. The annual vehicle admission ~~sticker~~ receipt and the daily vehicle admission ~~sticker~~ receipt shall be affixed by its own adhesive to the interior surface of the lower left−hand corner of the windshield of the vehicle or shall be displayed as authorized under a rule promulgated under subd. 2.

SECTION 926. 27.01 (7) (e) 2. of the statutes is created to read:

27.01 **(7)** (e) 2. The department may promulgate a rule that authorizes different methods of displaying a vehicle admission receipt, other than the method specified in subd. 1.

SECTION 927. 27.01 (7) (f) (title) of the statutes is amended to read:

27.01 **(7)** (f) (title) *Resident vehicle admission ~~stickers~~ receipts; fees.*

SECTION 928. 27.01 (7) (f) 1. of the statutes is amended to read:

27.01 **(7)** (f) 1. Except as provided in par. (gm), the fee for an annual vehicle admission ~~sticker~~ receipt is ~~$18~~ $17.50 for each vehicle which has Wisconsin registration plates, except that no fee is charged for a ~~sticker~~ receipt issued under s. 29.1475 (6).

SECTION 929. 27.01 (7) (f) 2. of the statutes is amended to read:

27.01 **(7)** (f) 2. Except as provided in subds. 3. and 4. and par. (gm) 4., the fee for a daily vehicle admission ~~sticker~~ receipt is ~~$5~~ $4.85 for any vehicle which has Wisconsin registration plates.

SECTION 930. 27.01 (7) (f) 3. of the statutes is amended to read:

27.01 **(7)** (f) 3. The fee for a daily vehicle admission ~~sticker~~ receipt for a motor bus that has Wisconsin registration plates is ~~twice the amount of the fee specified in subd. 2.~~ $9.85.

SECTION 931. 27.01 (7) (f) 4. of the statutes is amended to read:

27.01 **(7)** (f) 4. Notwithstanding subd. 3., the fee for a daily vehicle admission ~~sticker~~ receipt for a motor bus which primarily transports residents from nursing homes located in this state is ~~$3.50~~ $3.35, for any motor bus which has Wisconsin registration plates.

SECTION 932. 27.01 (7) (g) (title) of the statutes is amended to read:

27.01 **(7)** (g) (title) *Nonresident vehicle admission ~~stickers~~ receipts; fees.*

SECTION 933. 27.01 (7) (g) 1. of the statutes is amended to read:

27.01 **(7)** (g) 1. Except as provided in par. (gm), the fee for an annual vehicle admission ~~sticker~~ receipt is ~~$25~~ $24.50 for any vehicle which has a registration plate or plates from another state, except that no fee is charged for a ~~sticker~~ receipt issued under s. 29.1475 (6).

SECTION 934. 27.01 (7) (g) 2. of the statutes is amended to read:

27.01 **(7)** (g) 2. Except as provided in subds. 3. and 4., the fee for a daily vehicle admission ~~sticker~~ receipt for any vehicle which has a registration plate or plates from another state is ~~$7~~ $6.85.

SECTION 935. 27.01 (7) (g) 3. of the statutes is amended to read:

27.01 **(7)** (g) 3. The fee for a daily vehicle admission ~~sticker~~ receipt for a motor bus that has a registration plate or plates from another state is ~~twice the amount specified in subd. 2.~~ $13.85.

SECTION 936. 27.01 (7) (g) 4. of the statutes is amended to read:

27.01 **(7)** (g) 4. Notwithstanding subd. 3., the fee for a daily vehicle admission ~~sticker~~ receipt for a motor bus which primarily transports residents from nursing homes located in this state is ~~$6~~ $5.85, for any motor bus which has a registration plate or plates from another state.

SECTION 937. 27.01 (7) (gm) (title) of the statutes is amended to read:

27.01 **(7)** (gm) (title) *Reduced fee vehicle admission ~~stickers~~ receipts.*

SECTION 938. 27.01 (7) (gm) 1. of the statutes is amended to read:

27.01 **(7)** (gm) 1. ~~Notwithstanding~~ Instead of the fees under pars. (f) 1. and (g) 1., the department shall charge an individual ~~50% of the applicable fee under par. (f) 1. or (g) 1.~~ $8.50 or $12, respectively, for an annual vehicle admission ~~sticker~~ receipt if the individual applying for the ~~sticker~~ receipt or a member of his or her household owns a vehicle for which a current annual vehicle admission ~~sticker~~ receipt has been issued for the applicable fee under par. (f) 1. or (g) 1.

SECTION 939. 27.01 (7) (gm) 2. of the statutes is repealed.

SECTION 940. 27.01 (7) (gm) 3. of the statutes is amended to read:

27.01 **(7)** (gm) 3. Notwithstanding par. (f) 1., the fee for an annual vehicle admission ~~sticker~~ receipt for a vehicle that has Wisconsin registration plates and that is owned by a resident senior citizen, as defined in s. 29.01 (12m), is ~~$9~~ $8.50.

SECTION 941. 27.01 (7) (gm) 4. of the statutes is amended to read:

27.01 **(7)** (gm) 4. Notwithstanding par. (f) 2., the fee for a daily vehicle admission ~~sticker~~ receipt for a vehicle

that has Wisconsin registration plates and that is owned by a resident senior citizen, as defined in s. 29.01 (12m), is ~~$3~~ $2.85.

SECTION 942. 27.01 (7) (gr) of the statutes is created to read:

27.01 **(7)** (gr) *Issuing fees.* The department shall collect an issuing fee of 50 cents for each annual vehicle admission receipt issued and an issuing fee of 15 cents for each daily vehicle admission receipt issued.

SECTION 943. 27.01 (7) (h) of the statutes is amended to read:

27.01 **(7)** (h) (title) *Use of vehicle admission ~~sticker~~ receipt and issuing fees.* All moneys collected ~~from the sale of annual vehicle admission stickers and daily vehicle admission stickers~~ as fees under pars. (g) to (gr) and sub. (7m) (b) that are not retained by agents appointed under sub. (7m) (a) shall be paid within one week into the state treasury, credited to the conservation fund and used for state parks, state recreation areas, recreation areas in state forests and the Bong area lands.

SECTION 944. 27.01 (7m) of the statutes is created to read:

27.01 **(7m)** COLLECTION; AGENTS; VEHICLE ADMISSION AND ISSUING FEES. (a) The department may appoint agents who are not employes of the department to issue vehicle admission receipts and collect the vehicle admission fees under sub. (7).

(b) An agent appointed under par. (a) shall collect the applicable issuing fee specified in sub. (7) (gr). The agent may retain the issuing fees to compensate the agent for the agent's services in issuing the receipts.

(c) The department may promulgate rules regulating the activities of persons who are authorized as agents under this subsection.

SECTION 945. 27.01 (8m) (title) of the statutes is amended to read:

27.01 **(8m)** (title) COLLECTION; AGENTS; HERITAGE HILL STATE PARK; STATE TRAILS.

SECTION 946. 27.01 (8m) (c) of the statutes is amended to read:

27.01 **(8m)** (c) The department ~~shall regulate~~ may promulgate rules regulating the activities of agents under this subsection ~~in a manner similar to s. 29.09~~.

SECTION 947. 27.01 (11) (a) of the statutes is amended to read:

27.01 **(11)** (a) *Authorization.* The department may establish and operate a campground reservation system ~~at any of the state parks or~~ for state ~~forest~~ campgrounds ~~and~~ in state parks, state forests and other lands under the department's supervision and control. The department may participate with owners of private campgrounds in a cooperative reservation system.

SECTION 948. 27.01 (11) (b) of the statutes is created to read:

27.01 **(11)** (b) *Rules.* The department shall promulgate rules for the operation of the campground reservation system. The rules shall include all of the following:

1. The authority to refuse to accept campground reservation applications before a certain date or to treat applications received before that date as if they had been made on that date.

2. The authority to give reservations for each year until all of the available sites in a campground that are open for reservations for a given date have been reserved.

SECTION 948m. 27.01 (11) (cm) of the statutes is created to read:

27.01 **(11)** (cm) *Contracts.* 1. The department may enter into a contract with another party to operate the campground reservation system that the department establishes under par. (a). Before entering into such a contract, the department shall first notify the joint committee on finance in writing of the proposed contract. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposed contract, the department may enter into the proposed contract. If, within 14 working days after the date of the department's notification, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed contract, the department may enter into the proposed contract only upon approval of the committee. **Vetoed In Part**

2. A contract entered into under this paragraph shall require that the department retain $1 of each reservation fee collected.

SECTION 949. 27.01 (11) (d) of the statutes is repealed.

SECTION 950. 27.01 (11) (e) of the statutes is repealed.

SECTION 951. 27.01 (11) (f) of the statutes is repealed.

SECTION 952. 27.01 (11) (g) of the statutes is repealed.

SECTION 953. 27.01 (11) (h) of the statutes is repealed.

SECTION 953m. 27.012 of the statutes is created to read: **Vetoed In Part**

27.012 Mountain Bay State Trail. The department shall expend up to $333,000 from the appropriations under s. 20.370 (1) (ea), (eq), (mu) and (my) for the completion of the Mountain Bay State Trail in Shawano County and for the maintenance of trail crossings for the Mountain Bay State Trail in Brown, Oconto, Shawano and Marathon counties. The department shall determine how the moneys to be expended under this section shall be allocated from one or more of these appropriations.

SECTION 954mm. 27.014 (1) of the statutes is renumbered 27.014 (1m), and 27.014 (1m) (a), as renumbered, is amended to read:

27.014 **(1m)** (a) If the department finds a vehicle in a vehicle admission area, as defined in s. 27.01 (7) (a) 3., that does not have a valid ~~sticker~~ receipt affixed to it or otherwise displayed as authorized under s. 27.01 (7) (e) and the department cannot locate the operator of the vehicle, the owner of the vehicle shall be presumed liable for a violation of s. 27.01 (7) (b).

SECTION 955m. 27.014 (1c) of the statutes is created to read:

27.014 **(1c)** DEFINITION. In this section, with respect to a vehicle that is registered, or is required to be registered, by a lessee of the vehicle under ch. 341, "owner" means the lessee of the vehicle.

SECTION 956m. 27.014 (2) (intro.) of the statutes is amended to read:

27.014 **(2)** DEFENSES. (intro.) The following are defenses to the imposition of liability under sub. ~~(1)~~ (1m):

SECTION 957m. 27.014 (2) (b) of the statutes is amended to read:

27.014 **(2)** (b) If the owner of the vehicle provides the department with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the department to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle at the time of the violation, then the owner of the vehicle shall not be liable under sub. ~~(1)~~ (1m) or s. 27.01 (7) (b).

SECTION 958m. 27.014 (2) (c) of the statutes is amended to read:

27.014 **(2)** (c) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the department with the information required under s. 343.46 (3), then the lessee and not the lessor shall be liable under sub. ~~(1)~~ (1m) or s. 27.01 (7) (b).

SECTION 959m. 27.014 (2) (d) of the statutes is amended to read:

27.014 **(2)** (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides the department with the name, address and operator's license number of the person operating the vehicle, then that person, and not the dealer, shall be liable under sub. ~~(1)~~ (1m) or s. 27.01 (7) (b).

SECTION 960. 27.065 (10) (a) of the statutes is amended to read:

27.065 **(10)** (a) The special improvement bonds herein mentioned shall be equal liens against all lots, parts of lots or parcels of land against which special assessments have been made, without priority one over another, which liens shall take precedence of all other claims or liens thereon, except a lien under s. 292.31 (8) (i)~~, 292.41 (6) (d)~~ or 292.81, and when issued shall transfer to the holders thereof all the right, title and interest of such county in and to the assessment made on account of the improvement mentioned therein and the liens thereby created, with full power to enforce the collection thereof by foreclosure in the manner mortgages on real estate are foreclosed. The time of redemption therefrom shall be fixed by the court, and a copy of the bond foreclosed may be filed as a part of the judgment roll in said action in lieu of the original thereof.

SECTION 960g. 28.02 (4) (bm) of the statutes is created to read: **Vetoed In Part**

28.02 **(4)** (bm) Paragraph (b) does not apply to sales under s. 23.15 (2r).

SECTION 960mn. 29.01 (2s) of the statutes is created to read:

29.01 **(2s)** "Farm–raised fish" means a fish that is kept on a fish farm for propagation purposes or reared on a fish farm and that has not been introduced, stocked or planted into waters outside a fish farm or that has not escaped from a fish farm.

SECTION 960np. 29.01 (2w) of the statutes is created to read:

29.01 **(2w)** "Fish farm" has the meaning given in s. 95.60 (1) (a), except that "fish farm" does not include a state or municipal fish hatchery or a private fishing preserve.

SECTION 960p. 29.01 (3) of the statutes is amended to read:

29.01 **(3)** "Fishing" includes taking, capturing, killing, or fishing for fish of any variety in any manner but does not include taking, capturing, killing or fishing for farm–raised fish. When the word "fish" is used as a verb, it shall have the same meaning as the word "fishing" as defined herein.

SECTION 960qg. 29.01 (3m) of the statutes is created to read:

29.01 **(3m)** "Freeze–out pond" means a natural, self–contained body of water in which freezing or anoxic conditions prevent the body of water from naturally sustaining a fish population at least twice every 5 years.

SECTION 960qj. 29.01 (11c) of the statutes is created to read:

29.01 **(11c)** "Preexisting fish rearing facility" means a body of water that is a fish farm or part of a fish farm and that is not a self–contained body of water but that was licensed as a private fish hatchery, or as part of a private fish hatchery, under s. 29.52, 1995 stats., on the effective date of this subsection .... [revisor inserts date] and that has been continuously used to rear fish since that date.

SECTION 960qL. 29.01 (11d) of the statutes is created to read:

29.01 **(11d)** "Preexisting fish rearing facility that is barrier equipped" means a preexisting fish rearing facil-

ity that is equipped with barriers that prevent the passage of fish between the facility and the other waters of the state.

SECTION 960qm. 29.01 (12p) of the statutes is created to read:

29.01 **(12p)** "Self−contained body of water" means a body of water that has no inlet from or outlet to a natural body of water, except that it may have pipes or similar conduits to put in or withdraw water that are equipped with barriers that prevent the passage of fish between the body of water and the other waters of the state.

SECTION 960qr. 29.01 (12r) of the statutes is created to read:

29.01 **(12r)** "Self−contained fish rearing facility" means any of the following:

(a) An artificial, self−contained body of water that is a fish farm or part of a fish farm.

(b) A freeze−out pond for which a permit is issued under s. 29.521 (2).

SECTION 960r. 29.02 (3m) of the statutes is amended to read:

29.02 **(3m)** This section does not permit the seizure by the department, or prohibit the possession or sale, of farm−raised deer <u>or farm−raised fish</u>.

SECTION 967m. 29.087 of the statutes is created to read:

29.087 Agreements to retire licenses. (1) Beginning on the effective date of this subsection .... [revisor inserts date], the department may not enter into any agreement to make payments to persons holding approvals issued under s. 29.134, 29.135, 29.136, 29.137, 29.165, 29.166, 29.17, 29.33, 29.34, 29.343, 29.344, 29.36, 29.37, 29.38, 29.52, 29.544, 29.547, 29.573, 29.574, 29.575, 29.578 or 29.585 in exchange for the retirement of the approval or for the temporary or permanent cessation of any activity authorized under the approval.

(2) Notwithstanding sub. (1), an agreement entered into by the department before the effective date of this subsection .... [revisor inserts date], to make payments to persons holding commercial fishing licenses in exchange for the retirement of the licenses or for the permanent or temporary cessation of commercial fishing shall remain valid except that no moneys may be expended from the conservation fund to make payments under the agreement.

SECTION 967n. 29.087 (1) of the statutes, as created by 1997 Wisconsin Act .... (this act), is amended to read:

29.087 **(1)** Beginning on the effective date of this subsection .... [revisor inserts date], the department may not enter into any agreement to make payments to persons holding approvals issued under s. 29.134, 29.135, 29.136, 29.137, 29.165, 29.166, 29.17, 29.33, 29.34, 29.343, 29.344, 29.36, 29.37, 29.38, ~~29.52,~~ 29.544, 29.547, 29.573, 29.574, 29.575, 29.578 or 29.585 in exchange for the retirement of the approval or for the temporary or permanent cessation of any activity authorized under the approval.

SECTION 968. 29.09 (1m) of the statutes is amended to read:

29.09 **(1m)** CONDITIONS AND RESTRICTIONS ON LICENSES AND OTHER APPROVALS. A hunting, trapping or fishing approval may be issued only to and obtained only by a natural person entitled to the approval. Except as provided under sub. (12) (a), a resident hunting, trapping or fishing approval may be issued only to a person who presents to the ~~county clerk or~~ issuing agent <u>or the department</u> definite proof of his or her identity and that he or she is a resident. No more than one of the same series of approval may be issued to the same person in any year. Except as provided under s. 29.33 (2) (d), no person may transfer his or her approval or permit the use of any approval by any other person and no person while hunting, trapping or fishing may use or carry any approval issued to another person. ~~No~~ <u>Except as authorized by rules promulgated under sub. (3m) (a) 2., no</u> person may obtain a hunting, trapping or fishing approval for another person. No approval authorizing hunting may be issued to any person who is prohibited from obtaining this type of approval under s. 29.226 or 29.227 (1) (c).

SECTION 969. 29.09 (3) (a) of the statutes is amended to read:

29.09 **(3)** (a) *Date; expiration.* Each license or stamp <u>issued under this chapter</u> shall state for what period the license or stamp is effective and the date of expiration.

SECTION 970. 29.09 (3m) of the statutes is created to read:

29.09 **(3m)** FORMS OF APPROVALS. (a) *Department rules.* The department shall promulgate rules regulating the issuance of approvals. The rules shall include all of the following:

1. The signature requirements, if any, for each type of approval.

2. The conditions, if any, under which a person may be issued an approval for another person.

3. The authorized forms for stamps, which may include facsimiles, and the methods of attaching stamps to or imprinting stamps on other approvals issued under this chapter.

SECTION 971. 29.09 (3r) of the statutes is created to read:

29.09 **(3r)** ISSUANCE OF APPROVALS BY DEPARTMENT AND BY AGENTS. (a) In issuing approvals under this section, the department may do any of the following for each type of approval:

1. Directly issue the approvals.

2. Appoint, as an agent of the department, the clerk of one or more counties to issue the approvals.

3. Appoint persons who are not employes of the department to issue the approvals as agents of the department.

(b) The clerk of each county appointed under par. (a) 2. may accept the appointment.

(c) The department shall promulgate rules for each type of approval under this chapter that specify which persons appointed under par. (a) shall issue that type of approval.

(d) The department may promulgate rules regulating the activities of persons appointed under par. (a) 2. and 3.

SECTION 972. 29.09 (4) of the statutes is amended to read:

29.09 **(4)** DUPLICATES. If any license, permit, certificate or card is lost, the person to whom the license, permit, certificate or card was issued may apply to the department for a duplicate, submitting an affidavit proving loss. The department may accept information in a form other than an affidavit. The department shall make an inquiry and investigation as it deems necessary. If the department is satisfied that the ~~facts are as stated in the affidavit~~ loss has been proven, the department may issue a duplicate license, permit, certificate or card to the applicant. Back tags and other tags issued with a license, permit, certificate or card are parts of the license, permit, certificate or card and loss of any part is deemed to be loss of the entire license, permit, certificate or card. Upon applying for a duplicate ~~approval~~ license, permit, certificate or card, the applicant shall surrender all parts of the original ~~approval~~ remaining in his or her possession to the department. No duplicate stamp may be issued and if a stamp is lost, the person to whom it was issued is required to apply and pay the regular fee in order to receive a new stamp.

SECTION 974. 29.09 (5) of the statutes is renumbered 29.09 (3m) (b) and amended to read:

29.09 **(3m)** (b) *Blanks.* The department shall prepare, procure the printing of and supply all necessary blanks for approvals issued under this chapter and related applications~~. Approval blanks and applications may be numbered consecutively, at the time of printing, in a separate series for each kind of approval. Each license blank shall be provided with a corresponding stub numbered with the serial number of the license. Each requisition for the printing of approval blanks shall specify any serial numbers to be printed on the blanks. The department or a county clerk may issue approvals only on blanks supplied by the department~~ for approvals.

SECTION 975. 29.09 (6) of the statutes is repealed.

SECTION 976. 29.09 (7) of the statutes is repealed.

SECTION 977. 29.09 (7m) of the statutes is repealed.

SECTION 978. 29.09 (8) of the statutes is amended to read:

29.09 **(8)** RECORD OF APPROVALS ISSUED. The department shall keep a complete record of all approvals issued. ~~The department is accountable for all unused approval blanks.~~

SECTION 979. 29.09 (8m) (b) of the statutes is amended to read:

29.09 **(8m)** (b) A person holding a current fishing license issued under this chapter and a trolling permit or a permit issued under sub. (9) (c) 1. may fish or troll in the waters of this state using an electric motor with no more than 36 pounds of thrust, notwithstanding any ordinances enacted under s. 30.77 (3) that prohibit the use of motor boats on navigable waters.

SECTION 981. 29.09 (9m) (a) 9. of the statutes is created to read:

29.09 **(9m)** (a) 9. Sturgeon fishing permit.

SECTION 982. 29.09 (9r) (c) of the statutes is amended to read:

29.09 **(9r)** (c) Any fees collected under this subsection shall be deposited in the conservation fund and credited to the appropriation account under s. 20.370 ~~(1) (Lu)~~ (9) (hu).

SECTION 983. 29.09 (10) (a) of the statutes is amended to read:

29.09 **(10)** (a) *Collection of issuing fee.* ~~A person authorized to issue~~ Any person, including the department ,who issues any license or stamp ~~prescribed by~~ under this chapter shall collect, in addition to the statutory license or stamp fee, an issuing fee for each license and each stamp the person issued. A person appointed under sub. (3r) (a) 2. or 3. may retain the amounts specified in par. (c) to compensate for services in issuing the license or stamp.

SECTION 984. 29.09 (10) (c) of the statutes is amended to read:

29.09 **(10)** (c) (title) ~~*Nonpublic issuing*~~ *Issuing agents.* ~~Deputies~~ A person appointed ~~by county clerks, other than county employes, and deputies appointed by the department, other than state employes, are entitled to~~ under sub. (3r) (a) 2. or 3. may retain 50 cents of each issuing fee for licenses and 15 cents of each issuing fee for stamps.

SECTION 985. 29.09 (11) of the statutes is repealed.

SECTION 986. 29.09 (12) (a) of the statutes is amended to read:

29.09 **(12)** (a) *Certain resident licenses may be issued to students and members of the armed forces.* Notwithstanding sub. (1m) and s. 29.14 (1) (a), the department ~~and the county clerk of each county~~ shall issue a resident fishing license, resident small game hunting license or resident deer hunting license to a qualified student or qualified member of the armed forces applying for the license. A qualified student is a person who exhibits proof that he or she is a registered full−time undergraduate student in residence at a public or private college or university located in this state and offering a bachelor's degree or that he or she is a citizen of a foreign country temporarily residing in this state while attending a high school located in this state or an agricultural short course at the university of Wisconsin system. A qualified member of the armed forces is a person who exhibits proof that

he or she is in active service with the U.S. armed forces and that he or she is stationed in this state.

SECTION 988. 29.09 (12) (b) of the statutes is amended to read:

29.09 **(12)** (b) *Resident armed forces fishing license.* An annual fishing license shall be issued by the department ~~or a county clerk~~ to any member of the U.S. armed forces applying for this license who exhibits proof that he or she is in active service with the armed forces and that he or she is a resident on furlough or leave.

SECTION 990. 29.09 (12) (c) of the statutes is amended to read:

29.09 **(12)** (c) *Resident armed forces small game hunting license.* A small game hunting license shall be issued by the department ~~or by a county clerk~~ to any member of the U.S. armed forces applying for this license who exhibits proof that he or she is in active service with the armed forces and that he or she is a resident on furlough or leave.

SECTION 993. 29.09 (13) of the statutes is amended to read:

29.09 **(13)** STAMPS; ARTWORK. The department ~~shall~~ may design and produce waterfowl hunting stamps, pheasant hunting stamps, wild turkey hunting stamps, inland waters trout stamps and Great Lakes trout and salmon stamps. The department may select artwork for stamps through a contest or otherwise may acquire original artwork for stamps.

SECTION 994e. 29.092 (2) (em) of the statutes, as affected by 1997 Wisconsin Act 1, is amended to read:

29.092 **(2)** (em) *Resident wild turkey.* The fee for a resident wild turkey hunting license is ~~$10.25~~ $9.25.

SECTION 994k. 29.092 (2) (kd) of the statutes, as affected by 1997 Wisconsin Act 1, is amended to read:

29.092 **(2)** (kd) *Nonresident wild turkey.* The fee for a nonresident wild turkey hunting license is ~~$54.25~~ $53.25.

SECTION 996. 29.092 (3r) (b) of the statutes is amended to read:

29.092 **(3r)** (b) All moneys collected under par. (a) shall be deposited into the account under s. 20.370 ~~(1) (is)~~ (3) (is).

SECTION 996m. 29.092 (8) (title) of the statutes is amended to read:

29.092 **(8)** (title) BAIT DEALER ~~AND FISH HATCHERY~~ LICENSES.

SECTION 996n. 29.092 (8) (c) of the statutes is repealed.

SECTION 996p. 29.092 (8) (d) of the statutes is repealed.

SECTION 996q. 29.092 (8) (e) of the statutes is repealed.

SECTION 996r. 29.092 (8) (f) of the statutes is repealed.

SECTION 996t. 29.092 (8m) of the statutes is created to read:

29.092 **(8m)** FISH FARM PERMITS. The fee for a fish farm permit is the amount established under s. 29.521 (2) (f).

SECTION 998. 29.092 (13m) (a) of the statutes is amended to read:

29.092 **(13m)** (a) The processing fee for an application for a hunter's choice deer hunting permit, a bonus deer hunting permit, a wild turkey hunting license, a Canada goose hunting permit, a sharp−tailed grouse hunting permit, a bobcat hunting and trapping permit, an otter trapping permit ~~or~~, a fisher trapping permit or a sturgeon fishing permit is $2.75.

SECTION 998b. 29.092 (14) (a) of the statutes, as affected by 1997 Wisconsin Act 1, is amended to read:

29.092 **(14)** (a) *Surcharge generally.* In addition to the fees specified under subs. (2) (a) and (c) to ~~(k)~~ (kd), (3v) (a) 1. and (am) and (4) (a) and (am), a person who applies for a resident small game, resident wild turkey, resident deer, resident Class A or Class B bear, resident archer, nonresident annual small game, nonresident 5−day small game, nonresident wild turkey, nonresident deer, nonresident Class A or Class B bear, nonresident fur−bearing animal, nonresident archer license, resident sports license, or nonresident sports license shall pay a wildlife damage surcharge of $1.

SECTION 998d. 29.092 (14) (b) of the statutes, as affected by 1997 Wisconsin Act 1, is amended to read:

29.092 **(14)** (b) *Addition of surcharge.* The wildlife damage surcharge shall be added to the fee provided in sub. (2) (a) or (c) to ~~(k)~~ (kd), (3v) (a) 1. or (am) or (4) (a), (am), (b) or (bn).

SECTION 998m. 29.092 (14) (c) of the statutes is amended to read:

29.092 **(14)** (c) *Use of surcharge fees.* The wildlife damage surcharge shall be collected as are other approval fees and the surcharge fees shall be deposited in the conservation fund to be used for the wildlife damage abatement ~~program, the wildlife damage~~ and claim program, for wildlife abatement and control grants under s. 29.595 and for removal activities by the department under s. 29.59.".

SECTION 999. 29.092 (16) of the statutes is amended to read:

29.092 **(16)** FEES HELD IN TRUST. All fees collected under this section for approvals issued under this chapter that are required to be remitted to the department shall be held in trust for the state. Any person who collects, possesses or manages fees for approvals acts in a fiduciary capacity for the state.

SECTION 1000g. 29.093 (8) (title) of the statutes is amended to read:

29.093 **(8)** (title) BAIT DEALER ~~AND FISH HATCHERY~~ LICENSES.

SECTION 1000h. 29.093 (8) (a) (title) of the statutes is repealed.

SECTION 1000i. 29.093 (8) (a) of the statutes is renumbered 29.093 (8).

SECTION 1000j. 29.093 (8) (b) of the statutes is repealed.

SECTION 1000L. 29.093 (8m) of the statutes is created to read:

29.093 **(8m)** FISH FARM PERMITS. A fish farm permit, issued under s. 29.521 (2), is valid for 10 years after the date of issuance.

SECTION 1001. 29.095 (2) of the statutes is amended to read:

29.095 **(2)** A senior citizen recreation card entitles the holder to exercise all of the combined rights and privileges conferred by a resident small game hunting license, a wild turkey hunting license, a wild turkey hunting stamp and a resident fishing license, subject to all duties, conditions, limitations and restrictions prescribed under this chapter and by department order. ~~The card permits any~~ A person may operate any vehicle, except a motor bus, as defined in s. 340.01 (31), ~~having a card holder as an occupant to enter~~ in any vehicle admission area under s. 27.01 (7) without having an admission ~~sticker~~ receipt affixed to ~~it~~ the vehicle or otherwise displayed and without paying a fee if the vehicle has as an occupant a card holder who can present the card upon demand in the vehicle admission area. The card permits a card holder to enter Heritage Hill state park or a state trail without paying an admission fee.

SECTION 1002. 29.10 of the statutes is amended to read:

29.10 Resident small game hunting license. A resident small game hunting license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any resident applying for this license. The resident small game hunting license does not authorize the hunting of bear, deer or wild turkey.

SECTION 1004. 29.102 (1) (a) of the statutes is amended to read:

29.102 **(1)** (a) *Requirement.* Except as provided under par. (c), no person may hunt waterfowl unless he or she is issued a conservation patron license or unless he or she is issued a waterfowl hunting stamp which ~~is affixed by the stamp's adhesive to~~, in the manner required by the rule promulgated under s. 29.09 (3m) (a) 3., is attached to or imprinted on the person's hunting license which authorizes the hunting of small game or to the person's sports license.

SECTION 1005. 29.102 (1) (b) of the statutes is amended to read:

29.102 **(1)** (b) *Issuance.* The waterfowl hunting stamp shall be issued by the department ~~and its agents and by county clerks~~ subject to s. 29.09. ~~The waterfowl hunting stamp shall be designed and produced by the department as provided under s. 29.09 (13).~~

SECTION 1006. 29.1025 (1) (a) of the statutes is amended to read:

29.1025 **(1)** (a) Except as provided in pars. (b) to (d), no person may hunt pheasant unless he or she has a valid conservation patron license, or has a valid pheasant hunting stamp ~~affixed by the stamp's adhesive to~~ which, in the manner required by the rule promulgated under s. 29.09 (3m) (a) 3., is attached to or imprinted on the person's hunting license which authorizes the hunting of small game or to the person's sports license.

SECTION 1007. 29.1025 (2) of the statutes is amended to read:

29.1025 **(2)** ISSUANCE. The pheasant hunting stamp shall be issued by the department ~~or a county clerk~~ subject to s. 29.09. ~~The department shall design and produce pheasant hunting stamps as provided under s. 29.09 (13).~~

SECTION 1008. 29.103 (2) (b) 1. of the statutes is amended to read:

29.103 **(2)** (b) 1. No person may hunt wild turkey unless he or she has a valid wild turkey hunting license and a valid wild turkey hunting stamp ~~stapled or affixed by the stamp's adhesive to~~ attached to or imprinted on the person's wild turkey hunting license in the manner required by the rule promulgated under s. 29.09 (3m) (a) 3.

SECTION 1009. 29.103 (2) (b) 2. of the statutes is amended to read:

29.103 **(2)** (b) 2. If the department establishes a wild turkey hunting zone where wild turkey hunting is permitted under sub. (6), no person may hunt wild turkeys in that wild turkey hunting zone unless the person is issued a wild turkey hunting license that is valid for that zone and that has a valid wild turkey hunting stamp attached ~~in the manner required in subd. 1~~ or imprinted in the manner required by the rule promulgated under s. 29.09 (3m) (a) 3.

SECTION 1009j. 29.103 (4) (a) of the statutes is amended to read:

29.103 **(4)** (a) (title) ~~*Preference*~~ *Cumulative preference system.* If the department requires wild turkey hunting licenses and the number of applications for wild turkey hunting licenses exceeds the number of available wild turkey hunting licenses, the department shall issue wild turkey hunting licenses according to the cumulative preference system under this subsection.

SECTION 1009L. 29.103 (4) (b) (title) and 1. of the statutes are amended to read:

29.103 **(4)** (b) (title) ~~*Landowner preference*~~ *Qualified resident landowners.* 1. ~~If the department requires wild turkey hunting licenses, the~~ The department shall ~~give~~ create a first preference category in the issuance of ~~these~~ wild turkey hunting licenses to applicants ~~applying under the landowner preference system~~ who are qualified resident landowners. The number of licenses issued under this ~~section~~ paragraph for a season for an established wild turkey hunting zone may not exceed 30% of all licenses issued for that season ~~in~~ for that zone.

SECTION 1009n. 29.103 (4) (b) 2. of the statutes is amended to read:

29.103 **(4)** (b) 2. ~~A qualified resident landowner may apply for a wild turkey hunting license under the landowner preference system. A~~ For purposes of subd. 1., a qualified resident landowner is a resident who owns at least 50 acres in one parcel in an established wild turkey hunting zone and who agrees to allow other persons to hunt wild turkeys on that land if those persons first obtain permission to hunt from the landowner. If more than one individual is the landowner of a single parcel of land, only one individual may be considered a qualified resident landowner.

SECTION 1009p. 29.103 (4) (b) 3. of the statutes is amended to read:

29.103 **(4)** (b) 3. A qualified resident landowner may assign his or her eligibility to apply for a wild turkey hunting license under ~~the landowner preference system~~ this paragraph as a qualified resident landowner to a family member, to an operator or to a family member of the operator. The department may specify the procedures and forms which are required to be followed and completed to effect this assignment. After this assignment, the assignee may apply for a wild turkey hunting license under ~~the landowner preference system~~ this paragraph as a qualified resident landowner and the qualified resident landowner who assigned his or her eligibility may not~~, notwithstanding subd. 2~~ so apply.

SECTION 1009r. 29.103 (4) (c) (intro.) and 1. (intro.) of the statutes are consolidated, renumbered 29.103 (4) (c) (intro.) and amended to read:

29.103 **(4)** (c) (title) ~~*Other preferences*~~ *Second preference*. (intro.) ~~If the department requires wild turkey hunting licenses, the~~ The department shall ~~give, in the issuance of these~~ create a 2nd preference category in issuing wild turkey hunting licenses~~: 1. Second preference~~ to resident applicants who in a previous season applied for but ~~who~~ were not issued wild turkey hunting licenses:

SECTION 1009s. 29.103 (4) (c) 1. a. of the statutes is renumbered 29.103 (4) (c) 1.

SECTION 1009t. 29.103 (4) (c) 1. b. of the statutes is renumbered 29.103 (4) (c) 2.

SECTION 1009v. 29.103 (4) (c) 2. of the statutes is renumbered 29.103 (4) (cg) and amended to read:

29.103 **(4)** (cg) (title) *Third preference.* ~~Third~~ The department shall create a 3rd preference category in issuing wild turkey hunting licenses to all other resident applicants.

SECTION 1009w. 29.103 (4) (c) 3. of the statutes is renumbered 29.103 (4) (cm) and amended to read:

29.103 **(4)** (cm) (title) *Fourth preference.* ~~Fourth~~ The department shall create a 4th preference category in issuing wild turkey hunting licenses to ~~nonresident~~ applicants who are not resident applicants.

SECTION 1009y. 29.103 (4) (cr) of the statutes is created to read:

29.103 **(4)** (cr) *Cumulative preference.* 1. In issuing licenses under the 2nd preference category under this subsection, the department shall give, within that preference category, a preference point to each applicant for each previous corresponding season for which the person applied but was not issued a wild turkey hunting license. The department shall create subcategories for each point total and place each applicant in the applicable subcategory. The department shall rank the subcategories according to the number of preference points received, giving higher priority to those subcategories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points.

2. If the number of applicants within a preference category or a subcategory under this subsection exceeds the number of wild turkey hunting licenses available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the licenses.

SECTION 1011. 29.103 (5) (a) of the statutes is amended to read:

29.103 **(5)** (a) *Issuance.* The wild turkey hunting stamp shall be issued by the department ~~or a county clerk~~ subject to s. 29.09. ~~The department shall design and produce wild turkey hunting stamps as provided under s. 29.09 (13).~~

SECTION 1012. 29.104 (1) of the statutes is amended to read:

29.104 **(1)** A resident archer hunting license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any resident applying for this license.

SECTION 1014. 29.104 (3) of the statutes is amended to read:

29.104 **(3)** The department ~~or county clerk~~ shall issue to each person who is issued a resident archer hunting license a deer tag and a back tag in the form and numbered as required by the department.

SECTION 1015. 29.105 (1) of the statutes is amended to read:

29.105 **(1)** ISSUANCE. A resident deer hunting license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any resident applying for this license.

SECTION 1017. 29.105 (3) of the statutes is amended to read:

29.105 **(3)** DEER TAG AND BACK TAG. The department ~~or county clerk~~ shall issue to each person who is issued a resident deer hunting license a deer tag and a back tag in the form and numbered as required by the department.

SECTION 1017g. 29.107 (4) of the statutes is amended to read:

29.107 **(4)** (title) ~~CONTINUOUS~~ CUMULATIVE PREFERENCE SYSTEM~~; RANDOM SELECTION~~. If the number of qualified applicants for a type of special deer hunting permit in a deer management area exceeds the number of such available special permits, the department shall issue those special permits for that deer management area according to the ~~continuous~~ cumulative preference system

established under ~~this subsection and~~ sub. (5). ~~If the number of qualified applicants exceeds the number of special permits available in a preference category, the department shall select at random the applicants to be issued special permits.~~

SECTION 1017k. 29.107 (5) (b) of the statutes is amended to read:

29.107 **(5)** (b) *Second preference.* The department shall create a 2nd preference category in issuing special deer hunting permits to resident applicants who applied for but were not issued special permits for a given deer management area for the ~~prior~~ previous season. Within this preference category, the department shall give a preference point to each applicant for each ~~consecutive preceding~~ previous season in which the person applied for but was not issued a special permit for that deer management area. The department shall create subcategories for each point total and place each applicant in the applicable subcategory. The department shall rank the subcategories according to the number of points received, giving higher priority to those subcategories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points.

SECTION 1017m. 29.107 (5) (d) of the statutes is created to read:

29.107 **(5)** (d) *Random selection.* If the number of applicants within a preference category or a subcategory under this subsection exceeds the number of special deer hunting permits available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the permits.

SECTION 1017r. 29.1085 (3) (b) of the statutes, as affected by 1997 Wisconsin Act 1, is amended to read:

29.1085 **(3)** (b) *Cumulative preference system; random selection.* If the number of qualified applications for Class A bear licenses exceeds the number of available licenses, the department shall select applicants to be issued Class A bear licenses based upon a cumulative preference system. This system shall establish preference categories for those applicants who applied for but who were not issued Class A bear licenses or bear harvest permits under s. 29.1085 (3) (b), 1993 stats., in the previous season, with ~~the highest preference category for those who have the most~~ higher priority given to those categories with more preference points than those with fewer preference points. The department shall give a preference point to each applicant who applies for a given season and who is not selected or who is selected but declines to pay the required fee for a Class A bear license. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points. ~~The~~ If the number of applicants within a preference category exceeds the number of Class A bear licenses available in the category, the department shall select at random the applicants to be issued ~~Class A bear~~ licenses within ~~each~~ the preference category.

SECTION 1017rm. 29.1085 (3) (c) 2. of the statutes, as affected by 1997 Wisconsin Act 1, is amended to read:

29.1085 **(3)** (c) 2. A Class B bear license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any resident who applies for this license and who pays the required fee.

SECTION 1020. 29.11 of the statutes is amended to read:

29.11 Nonresident annual small game hunting license. A nonresident annual small game hunting license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any nonresident applying for this license. The nonresident annual small game hunting license authorizes the hunting of small game during the appropriate open season but does not authorize the hunting of deer, bear, wild turkey or fur−bearing animals.

SECTION 1022. 29.112 of the statutes is amended to read:

29.112 Nonresident 5−day small game hunting license. A nonresident 5−day small game hunting license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any nonresident applying for this license. The nonresident 5−day small game hunting license authorizes the hunting of small game for which there is an open season during the 5−day period for which it is issued but does not authorize the hunting of deer, bear, wild turkey or fur−bearing animals.

SECTION 1024. 29.113 (1) of the statutes is amended to read:

29.113 **(1)** ISSUANCE. A nonresident deer hunting license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any nonresident applying for this license.

SECTION 1026. 29.113 (3) of the statutes is amended to read:

29.113 **(3)** DEER TAG AND BACK TAG. The department ~~or county clerk~~ shall issue to each person who is issued a nonresident deer hunting license a deer tag and a back tag in the form and numbered as required by the department.

SECTION 1027. 29.114 (1) of the statutes is amended to read:

29.114 **(1)** ISSUANCE. A nonresident bear hunting license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any nonresident applying for this license.

SECTION 1029. 29.116 of the statutes is amended to read:

29.116 Nonresident fur−bearing animal hunting license. A nonresident fur−bearing animal hunting license shall be issued subject to s. 29.09 by the department ~~or a county clerk~~ to any nonresident applying for this license. The nonresident fur−bearing animal hunting li-

cense authorizes the hunting of skunk, raccoon, fox, weasel, opossum, coyote and wildcat during the appropriate open season but does not authorize the hunting of other fur−bearing animals, other small game, deer or bear.

SECTION 1031. 29.117 (1) of the statutes is amended to read:

29.117 **(1)** ISSUANCE. A nonresident archer hunting license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any nonresident applying for this license.

SECTION 1033. 29.117 (3) of the statutes is amended to read:

29.117 **(3)** DEER TAG AND BACK TAG. The department ~~or county clerk~~ shall issue to each person who is issued a nonresident archer hunting license a deer tag and a back tag in the form and numbered as required by the department.

SECTION 1034. 29.13 (1) (a) of the statutes is amended to read:

29.13 **(1)** (a) *Issuance.* A trapping license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any resident applying for this license.

SECTION 1034m. 29.135 (8) of the statutes is created to read:

29.135 **(8)** EXEMPTION. This section does not apply to fish produced in a state or municipal fish hatchery or to farm−raised fish.

SECTION 1039. 29.136 (7m) (a) of the statutes is amended to read:

29.136 **(7m)** (a) The department shall issue a taxidermy school permit to a person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist permit issued under this section; and who, on August 15, 1991, operates a taxidermy school approved by the ~~department of education~~ educational approval board under s. ~~38.51~~ 39.51.

SECTION 1040h. 29.137 (8) of the statutes is amended to read:

29.137 **(8)** This section does not apply to bait produced in a ~~private~~ state or municipal fish hatchery ~~licensed under s. 29.52~~ or to bait that is farm−raised fish.

SECTION 1041. 29.138 of the statutes is created to read:

29.138 Fishing approvals issued by the Lac du Flambeau band. (1) DEFINITIONS. In this section:

(a) "Band" means the Lac du Flambeau band of Lake Superior Chippewa.

(b) "Reservation" means the territory within the boundaries of the Lac du Flambeau reservation that were in existence on April 10, 1996.

(2) AUTHORIZATION FOR ISSUANCE. The band may issue one or more types of fishing approvals that are equivalent to one or more of the the following types of approvals by authorizing the same types of fishing by the same persons and in the same bodies of water:

(a) Nonresident annual fishing licenses.

(b) Nonresident 15−day fishing licenses.

(c) Nonresident 4−day fishing licenses.

(d) Nonresident annual family fishing licenses.

(e) Nonresident 15−day family fishing licenses.

(f) Nonresident 2−day sports fishing licenses.

(g) Resident annual fishing licenses.

(h) Resident 2−day sports fishing licenses.

(i) Husband and wife fishing licenses.

(j) Inland waters trout stamps.

(3) REQUIREMENTS FOR ISSUANCE; FEES; PERIODS OF VALIDITY. (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.

(b) The band may not issue or sell approvals under this section in conjunction with discount coupons or as part of a promotion or other merchandising offer.

(c) For any approval issued under this section, the period of validity shall be the same as it would be for the equivalent approval under s. 29.093.

(d) The band may issue duplicates only for the approvals that it issues under this section.

(e) The band may issue approvals under this section only to applicants who appear in person on the reservation.

(4) ISSUANCE; PROCESSING; RECORDS. (a) The band shall prepare, procure the printing of and supply all necessary approval blanks and applications for approvals issued under this section. Approval blanks and applications used under this section shall be numbered consecutively, at the time of printing, in a separate series for each kind of approval. Each license blank issued under this section shall be provided with a corresponding stub or carbon numbered with the serial number of the license. Each requisition for the printing of such approval blanks shall specify any serial numbers to be printed on the blanks.

(b) Each license issued under this section shall bear on its face the signature of the licensee, the date of issuance and the signature of the issuing agent. All licenses shall be issued in English and in ink.

(c) Before June 1 annually, the band shall submit a report to the department notifying it of the number of each type of approval that the band issued for the period beginning on April 1 of the previous year and ending on March 31 of the year in which the report is submitted.

(d) For law enforcement purposes, persons issuing approvals under this section shall make available for inspection by the department during normal business hours their records of all approvals issued, including copies of all licenses issued.

(e) The band shall ensure that a record of each approval issued under this section, including a copy of each license issued, is retained for at least 2 years after the date of expiration of the license.

(f) Sections 29.09 (2), (3) (b), (3m) (b), (4), (8) and (10) (b) and (c) and 29.092 (3r) do not apply to any approval that may be issued under this section.

(5) RESTRICTIONS ON APPROVALS. A person who is fishing under the authority of an approval issued under this section shall be subject to the same conditions, limitations and restriction as are imposed on the equivalent approval issued under s. 29.14, 29.145, 29.146. 29.147 or 29.149, including bag limits, size limits, rest days and closed seasons.

(6) APPLICABILITY. This section does not apply unless the department and the band have in effect a written agreement, approved by the joint committee on finance, under which the band agrees to comply with subs. (2) to (4) and that contains all of the following terms:

Vetoed In Part

(a) The manner in which the band will limit its treaty–based right to fish outside the reservation.

(b) A requirement that the fees collected by the band under sub. (3) (a) be used only for fishery management within the reservation.

SECTION 1042. 29.139 of the statutes is created to read:

29.139 Department approvals issued on the Lac du Flambeau reservation. (1) DEFINITIONS. In this section:

(a) "Band" means the Lac du Flambeau band of Lake Superior Chippewa.

(b) "Reservation" means the territory within the boundaries of the Lac du Flambeau reservation that were in existence on April 10, 1996.

(2) AUTHORIZATION. The band may elect to issue one or more of the following types of approvals, subject to s. 29.09, as an agent of the department:

(a) Nonresident annual fishing licenses.
(b) Nonresident 15–day fishing licenses.
(c) Nonresident 4–day fishing licenses.
(d) Nonresident annual family fishing licenses.
(e) Nonresident 15–day family fishing licenses.
(f) Nonresident 2–day sports fishing licenses.
(g) Resident annual fishing licenses.
(h) Resident 2–day sports fishing licenses.
(i) Husband and wife fishing licenses.
(j) Inland waters trout stamps.
(k) Resident sports licenses.
(L) Nonresident sports licenses.

(3) FEES; ISSUANCE. (a) The band shall collect the fee for an approval issued under sub. (2) in the same amount as is collected by the department for the approval, including the issuing fee. Except as provided in par. (b), the band shall retain the entire fee that it collects, including the issuing fee.

(b) For a resident or nonresident sports license, the band shall retain only the amount that is equal to the fee for an annual fishing license plus the issuing fee and shall remit the balance to the department.

(c) For a resident or nonresident sports license, in addition to the fees collected under par. (a), the band shall collect the wildlife damage surcharge and remit it to the department.

(d) The band may issue approvals under this section only to applicants who appear in person on the reservation.

(4) REVENUES FROM ISSUANCE OF DEPARTMENT APPROVALS ON THE RESERVATION BY OTHERS. (a) Annually, the department may pay to the band an amount for the issuance of the approvals specified in sub. (2) (a) to (L) within the reservation.

(b) If the department decides that it will make the payment under par. (a), it shall calculate the total amount of the payment to equal the sum of the following:

1. The amount in fees received by the department from the issuance of the approvals specified in sub. (2) (a) to (j) during the preceding year by issuing agents other than the band at locations within the reservation.

2. An amount calculated by multiplying the number of resident and nonresident sports licenses issued during the preceding year by issuing agents other than the band at locations within the reservation by the amount of the fee for an annual fishing license, including the portion of the issuing fee for an annual fishing license that the department receives.

(5) APPLICABILITY. This section does not apply unless the department and the band have in effect a written agreement, approved by the joint committee on finance, under which the band agrees to comply with subs. (2) and (3) and that contains all of the following terms:

Vetoed In Part

(a) The manner in which the band will limit its treaty–based right to fish outside the reservation.

(b) A requirement that the fees collected and retained by the band under sub. (3) be used only for fishery management within the reservation.

SECTION 1043. 29.14 (1) (a) of the statutes is amended to read:

29.14 **(1)** (a) *Requirement.* Except as provided under pars. (b) and (c) or s. 29.155 (1g) and (1h), except for persons with resident licenses under s. 29.09 (12) (a) and except as otherwise specifically provided by another section of this chapter, no nonresident may fish in the waters of this state unless a valid nonresident fishing license is issued to the person subject to s. 29.09 by the department ~~or by a county clerk~~.

SECTION 1045. 29.14 (2) of the statutes is amended to read:

29.14 **(2)** NONRESIDENT ANNUAL FISHING LICENSE. The department ~~or a county clerk~~ shall issue a nonresident annual fishing license, subject to s. 29.09, to any nonresident who applies for this license.

SECTION 1047. 29.14 (3) of the statutes is amended to read:

29.14 **(3)** NONRESIDENT 15–DAY LICENSE. The department ~~or a county clerk~~ shall issue a nonresident 15−day fishing license, subject to s. 29.09, to any nonresident who applies for this license.

SECTION 1049. 29.14 (4) of the statutes is amended to read:

29.14 **(4)** NONRESIDENT 4–DAY FISHING LICENSE. The department ~~or a county clerk~~ shall issue a nonresident 4−day fishing license, subject to s. 29.09, to any nonresident who applies for this license.

SECTION 1051. 29.14 (5) of the statutes is amended to read:

29.14 **(5)** NONRESIDENT ANNUAL FAMILY FISHING LICENSE. The department ~~or a county clerk~~ shall issue a nonresident annual family fishing license, subject to s. 29.09, to any nonresident who applies for this license. This license entitles the husband, wife and any minor children to fish under this license.

SECTION 1053. 29.14 (6) of the statutes is amended to read:

29.14 **(6)** NONRESIDENT 15–DAY FAMILY LICENSE. The department ~~or a county clerk~~ shall issue a nonresident 15−day family fishing license, subject to s. 29.09, to any nonresident who applies for this license. This license entitles the husband, wife and any minor children to fish under this license.

SECTION 1055. 29.14 (7) (a) of the statutes is amended to read:

29.14 **(7)** (a) *Issuance.* The department ~~or a county clerk~~ shall issue a nonresident 2−day sports fishing license, subject to s. 29.09, to any nonresident who applies for this license.

SECTION 1057. 29.14 (7) (c) of the statutes is amended to read:

29.14 **(7)** (c) *Use of fees.* The department shall deposit receipts from the sale of nonresident 2−day sports fishing licenses under this subsection in the conservation fund. The department shall credit 50% of these receipts to the appropriation under s. 20.370 ~~(1) (ku)~~ (4) (ku).

SECTION 1058. 29.145 (1) (a) of the statutes is amended to read:

29.145 **(1)** (a) *Requirement.* Except as provided under pars. (b) and (c) and ss. 29.155 (1g) and (1h) and 29.156 and except as specifically provided otherwise by another section of this chapter, no resident may fish in the waters of this state unless a valid resident fishing license is issued to the person subject to s. 29.09 by the department ~~or by a county clerk~~ or unless the person is issued a valid ~~license, permit or card~~ approval which authorizes fishing or entitles the holder to the rights and privileges of a fishing license.

SECTION 1059d. 29.145 (1) (c) of the statutes is amended to read:

29.145 **(1)** (c) *Exception; residents using nets for nongame fish.* No fishing license is required for any resident to set, place or use any landing net, dip net, minnow seine or minnow dip net in order to fish for fish other than game fish.

SECTION 1061. 29.145 (2) (a) of the statutes is amended to read:

29.145 **(2)** (a) A resident annual fishing license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to a resident ~~of the state~~ applying for this license.

SECTION 1063. 29.145 (3) (a) of the statutes is amended to read:

29.145 **(3)** (a) *Issuance.* The department ~~or a county clerk~~ shall issue a resident 2−day sports fishing license, subject to s. 29.09, to any resident who applies for this license.

SECTION 1065. 29.145 (3) (c) of the statutes is amended to read:

29.145 **(3)** (c) *Use of fees.* The department shall deposit receipts from the sale of resident 2−day sports fishing licenses under this subsection in the conservation fund. The department shall credit 50% of these receipts to the appropriation under s. 20.370 ~~(1) (ku)~~ (4) (ku).

SECTION 1066. 29.146 of the statutes is amended to read:

29.146 Husband and wife fishing licenses. A combined husband and wife resident fishing license shall be issued subject to s. 29.09 by the department ~~or a county clerk~~ to residents applying for this license. This license confers upon both husband and wife the privileges of resident fishing licenses issued under s. 29.145.

SECTION 1068. 29.147 (1) of the statutes is amended to read:

29.147 **(1)** A resident sports license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any resident who is over the age of 12 years, a U.S. citizen, and who applies for this license and pays the minimum fee. A nonresident sports license shall be issued subject to s. 29.09 by the department ~~or by a county clerk~~ to any person who is not a resident and who meets these requirements.

SECTION 1071. 29.1475 (3) of the statutes is amended to read:

29.1475 **(3)** AUTHORIZATION; ADMISSION TO STATE PARKS AND RELATED AREAS. A ~~conservation patron license permits any~~ person may operate a vehicle, except a motor bus, as defined in s. 340.01 (31), ~~having a conservation patron license holder as an occupant to enter~~ in any vehicle admission area under s. 27.01 (7) without having an admission ~~sticker~~ receipt affixed to ~~it~~ the vehicle or otherwise displayed and without paying a fee if the vehicle has as an occupant a conservation patron license holder who can present the license upon demand in the vehicle admission area. The conservation patron license permits the license holder to enter Heritage Hill state park or a state trail without paying an admission fee.

SECTION 1072. 29.1475 (6) of the statutes is amended to read:

29.1475 **(6)** (title) ADMISSION ~~STICKER~~ RECEIPT. At the same time the department issues a conservation patron license, it may issue an annual resident or nonresident vehicle admission ~~sticker~~ receipt or a special ~~sticker~~ receipt for admission to state parks and similar areas. Alternatively or in addition, the department may issue an annual resident or nonresident vehicle admission ~~sticker~~ receipt or a special ~~sticker~~ receipt for admission to state parks and similar areas to a person who has a conservation patron license on location at the state park or similar area. A person who is issued a ~~sticker~~ receipt under this subsection shall affix the ~~sticker~~ receipt by its own adhesive to the interior surface of the lower left–hand corner of the windshield of the vehicle~~. A sticker~~ or otherwise display it as authorized under a rule promulgated under s. 27.01 (7) (e) 2. A receipt issued under this section is not considered part of a conservation patron license for the purpose of issuing a duplicate ~~and no~~. No duplicate ~~sticker shall~~ receipt may be issued for a receipt that is affixed by its own adhesive to a windshield unless the license holder provides evidence that the vehicle upon which the ~~sticker~~ receipt is affixed is no longer usable or that the vehicle was transferred to another person and the license holder presents the original ~~sticker~~ receipt or remnants of it to the department. Section 29.09 (4) applies to the issuance of a duplicate receipt that is displayed as authorized under the rule promulgated under s. 27.01 (7) (e) 2.

SECTION 1073. 29.148 (1m) (intro.) of the statutes is amended to read:

29.148 **(1m)** (intro.) ~~A~~ Subject to s. 29.09 and any limit imposed under s. 29.174 (2) (eg), a sturgeon spearing license shall be issued ~~subject to s. 29.09~~ by the department or by a county clerk to any person applying for this license who:

SECTION 1075. 29.148 (1m) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), section 1073, is amended to read:

29.148 **(1m)** (intro.) Subject to s. 29.09 and any limit imposed under s. 29.174 (2) (eg), a sturgeon spearing license shall be issued by the department ~~or by a county clerk~~ to any person applying for this license who:

SECTION 1077. 29.148 (2) of the statutes is amended to read:

29.148 **(2)** The sturgeon spearing license shall be accompanied by sturgeon carcass tags in the quantity to correspond with the season bag limit for spearing rock or lake sturgeon established by the department. The serial numbers of these tags shall be entered on the license by the person issuing ~~agent~~ the license or by the department.

SECTION 1078. 29.148 (3) of the statutes is amended to read:

29.148 **(3)** A sturgeon spearing license authorizes the spearing of rock or lake sturgeon subject to any limit imposed under s. 29.174 (2) (eg) and only during the open season for spearing these sturgeon established by the department. No person may fish for sturgeon by means of a spear unless the person is issued a conservation patron license or unless the person is issued a sturgeon spearing license. The conservation patron license or the sturgeon spearing license shall be carried on the person of the licensee at all times while fishing for sturgeon by means of a spear.

SECTION 1079. 29.149 (2) of the statutes is amended to read:

29.149 **(2)** REQUIREMENT. Except as provided under sub. (4), no person may fish for trout in inland trout waters unless he or she is issued a conservation patron license or unless he or she is issued an inland waters trout stamp which is ~~affixed by the stamp's adhesive to~~ attached to or imprinted on the person's fishing license or sports license in the manner required by the rule promulgated under s. 29.09 (3m) (a) 3.

SECTION 1080. 29.149 (3) of the statutes is amended to read:

29.149 **(3)** ISSUANCE. The department ~~or a county clerk~~ shall issue an inland waters trout stamp subject to s. 29.09 to each person holding or applying for a fishing license under s. 29.09 (12) (a), 29.14 (2) to (6), 29.145 (1c) to (2) or 29.146 or a sports license under s. 29.147 if the person uses or intends to use the license for trout fishing in inland trout waters of the state. ~~The trout stamp shall be designed and produced by the department as provided under s. 29.09 (13).~~

SECTION 1081. 29.149 (5) of the statutes is amended to read:

29.149 **(5)** USE OF MONEYS FROM FEES. The department shall expend the receipts from the sale under this section of inland waters trout stamps on improving and maintaining trout habitat in inland trout waters, conducting trout surveys in inland trout waters and administering this section.

SECTION 1082. 29.15 (2) of the statutes is amended to read:

29.15 **(2)** REQUIREMENT. No person may fish for trout or salmon in the outlying trout and salmon waters of the state unless the person is issued a resident or nonresident 2–day sports fishing license, unless the person is issued a conservation patron license under s. 29.1475 or unless the person is issued a Great Lakes trout and salmon stamp which is ~~affixed by the stamp's adhesive to~~ attached to or imprinted on the person's fishing license or sports license in the manner required by the rule promulgated under s. 29.09 (3m) (a) 3.

SECTION 1083. 29.15 (3) of the statutes is amended to read:

29.15 **(3)** ISSUANCE. The Great Lakes trout and salmon stamp shall be issued subject to s. 29.09 by the department ~~or a county clerk~~ to any person holding or applying for a fishing license under s. 29.09 (12) (a), 29.14 (2) to (7), 29.145 (1c) to (2) or 29.146 or a sports license under s. 29.147. ~~The department shall design and produce~~

~~Great Lakes trout and salmon stamps as provided under s. 29.09 (13).~~

SECTION 1085b. 29.174 (title) of the statutes is amended to read:

29.174 (title) **Conservation of fish and game; powers and duties of department.**

SECTION 1085c. 29.174 (2) (c) 1. (intro.) of the statutes is renumbered 29.174 (2) (c) (intro.).

SECTION 1085d. 29.174 (2) (c) 1. a. of the statutes is renumbered 29.174 (2) (c) 1.

SECTION 1085e. 29.174 (2) (c) 1. b. of the statutes is renumbered 29.174 (2) (c) 2.

SECTION 1085f. 29.174 (2) (c) 1. c. of the statutes is renumbered 29.174 (2) (c) 3.

SECTION 1085g. 29.174 (2) (c) 2. of the statutes is repealed.

SECTION 1085k. 29.174 (2) (cm) 1. (intro.) of the statutes is renumbered 29.174 (2) (cm) (intro.).

SECTION 1085L. 29.174 (2) (cm) 1. a. of the statutes is renumbered 29.174 (2) (cm) 1.

SECTION 1085m. 29.174 (2) (cm) 1. b. of the statutes is renumbered 29.174 (2) (cm) 2.

SECTION 1085p. 29.174 (2) (cm) 2. of the statutes is repealed.

SECTION 1086. 29.174 (2) (eg) of the statutes is created to read:

29.174 **(2)** (eg) The department may limit the number of persons fishing for sturgeon by hook and line or by spear, or both, and may limit the maximum harvest of sturgeon in any area.

SECTION 1087. 29.174 (2) (em) of the statutes is amended to read:

29.174 **(2)** (em) The department may impose any of the limitations under pars. (d) to ~~(e)~~ (eg) by establishing a system for the issuance of permits.

SECTION 1087g. 29.174 (2) (er) of the statutes is created to read:

29.174 **(2)** (er) If the department decides to limit the number of hunters or trappers taking Canada geese, sharp−tailed grouse, fishers, otters, bobcats or sturgeon by issuing permits and if the number of persons seeking the permits exceeds the number of available permits, the department shall issue the permits according to a cumulative preference system established by the department. The department shall give a preference point to each applicant for each previous season for which the applicant applied but was not issued a permit. The system shall establish preference categories for these applicants, with higher priority given to those categories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points. If the number of applicants within a preference category or a subcategory under this subsection exceeds the number of permits available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the permits.

SECTION 1087m. 29.174 (4m) of the statutes is created to read:

29.174 **(4m)** The department shall promulgate rules to establish standards for tolerable levels of damage caused by deer living in the wild to crops on agricultural land, including commercial seedings, orchard trees and nursery stock. The department shall use the standards in setting goals for managing the deer herd.

SECTION 1098m. 29.226 (4) of the statutes is created to read:

29.226 **(4)** A person who is subject to sub. (1) may prove compliance with sub. (1) when submitting an application for an approval authorizing hunting by presenting any of the following:

(a) His or her certificate of accomplishment issued under s. 29.225.

(b) An approval authorizing hunting that was issued to him or her under this chapter within 365 days before submitting the application.

(c) An approval authorizing hunting that was issued to him or her under this chapter for a hunting season that ended within 365 days before submitting the application.

SECTION 1099b. 29.24 of the statutes is renumbered 29.24 (1) (intro.) and amended to read:

29.24 **(1)** (intro.) The owner or occupant of any land, and any member of his or her family, may hunt or trap beaver, coyotes, foxes, raccoons, woodchucks, rabbits and squirrels on the land without a license at any time, except ~~that such~~ as follows:

(a) Such persons may not hunt any of these wild animals during the period of 24 hours prior to the opening date for deer hunting in those counties or parts of counties where an open season for hunting deer with firearms is established.

(2) The owner or occupant of any land and any member of his or her family may take beaver, rabbits, raccoons and squirrels on the land at any time by means of live trapping with box traps in areas where the discharge of a firearm is ~~unlawful~~ illegal.

SECTION 1099bn. 29.24 (1) (b) of the statutes is created to read:

29.24 **(1)** (b) Such persons may not hunt coyotes during an open season for hunting deer with firearms in an area that is closed by the department by rule to coyote hunting.

SECTION 1103m. 29.286 (3) of the statutes is created to read:

29.286 **(3)** This section does not apply to any net or trap used to take, catch or kill farm−raised fish.

SECTION 1103n. 29.29 (4) of the statutes is amended to read:

29.29 **(4)** USE OF PESTICIDES. The department of natural resources, after public hearing, may promulgate rules

governing the use of any pesticide which it finds is a serious hazard to wild animals other than those it is intended to control, and the making of reports thereon. In making such determinations, the department to the extent relevant shall consider the need for pesticides to protect the well–being of the general public. ~~It shall obtain the recommendation of the pesticide review board and such rules, other than rules to protect groundwater promulgated to comply with ch. 160, are not effective until approved by the pesticide review board.~~ "Pesticide" has the meaning designated in s. 94.67.

SECTION 1103p. 29.29 (5) (title) of the statutes is repealed and recreated to read:

29.29 **(5)** (title) EXCEPTIONS.

SECTION 1103q. 29.29 (5) of the statutes is renumbered 29.29 (5) (a).

SECTION 1103r. 29.29 (5) (b) of the statutes is created to read:

29.29 **(5)** (b) 1. This section does not apply to toxicants placed in the waters of a self–contained fish rearing facility or a state or municipal fish hatchery if the toxicants are necessary to the operation of the fish farm or fish hatchery.

2. This section does not apply to toxicants placed in the waters of a preexisting fish rearing facility that is an artificial body of water if the toxicants are necessary to the operation of the fish farm and the department has issued a permit under s. 283.31 for the preexisting fish rearing facility.

SECTION 1103u. 29.30 (3) of the statutes is created to read:

29.30 **(3)** EXEMPTION. This section does not apply to any net, trap, snare, hook, setline or other device used to take, catch or kill farm–raised fish.

SECTION 1105m. 29.33 (4g) of the statutes is created to read:

29.33 **(4g)** PROHIBITION AGAINST OPERATING FISH FARMS. No person who holds a commercial fishing or crew license issued under this section may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section or rules promulgated under this section.

SECTION 1105r. 29.33 (4m) (c) (intro.) of the statutes is amended to read:

29.33 **(4m)** (c) (intro.) A commercial fisher licensed under sub. (1) may fish by trawl for the total allowable commercial harvest of smelt, as set by rule by the department, on the waters of Green Bay at any time during ~~nighttime hours~~ the period beginning one hour after sunset and ending 3 hours after sunrise if all of the following apply:

Vetoed In Part

SECTION 1105s. 29.33 (4m) (c) 2. of the statutes is amended to read:

29.33 **(4m)** (c) 2. The fishing occurs in the areas and during the seasons established by the department for the fishing of smelt on Green Bay.

SECTION 1105t. 29.33 (4m) (d) of the statutes is created to read:

29.33 **(4m)** (d) A commercial fisher licensed under sub. (1) may fish by trawl for the total allowable commercial harvest of smelt, as set by rule by the department, on Lake Michigan during any month except May if all of the following apply:

1. The smelt will be used or sold for human consumption.

2. The fishing occurs in the areas and during the hours established by the department for the fishing of smelt on Lake Michigan.

Vetoed In Part

SECTION 1105u. 29.33 (4m) (e) of the statutes is created to read:

29.33 **(4m)** (e) The department shall establish by rule a harvest limit for alewife on the waters of Green Bay and Lake Michigan.

SECTION 1108. 29.34 (4) (c) of the statutes is amended to read:

29.34 **(4)** (c) The department ~~or the county clerk~~ shall issue net tags to the licensee at the time of issuing the net license.

SECTION 1108m. 29.34 (6) of the statutes is created to read:

29.34 **(6)** No person who holds a net license may operate a fish farm that contains a variety of fish that the holder of the license is authorized to catch under this section or under rules promulgated under this section.

SECTION 1109. 29.343 (1) of the statutes is amended to read:

29.343 **(1)** A slat net license authorizing the taking of commercial fish through the use of slat nets in that part of the Mississippi river over which this state has jurisdiction between the Minnesota–Iowa boundary line extended and the Wisconsin–Illinois boundary line extended ~~may~~ shall be issued subject to s. 29.09 by the ~~county clerk of a county bordering these waters~~ department to any resident who applies for this license.

SECTION 1111. 29.343 (5) of the statutes is amended to read:

29.343 **(5)** ~~Except as herein provided slat net licenses shall be issued to any resident applying therefor and shall be subject to s. 29.09, except that they shall be issued by the county clerk of the counties bordering on such waters.~~ A sufficient supply of slat net tags shall be furnished ~~such county clerks~~ by the department to persons issuing approvals under this section.

SECTION 1111m. 29.343 (6) of the statutes is created to read:

29.343 **(6)** No person who holds a slat net license may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section or under rules promulgated under this section.

SECTION 1111r. 29.344 (5) of the statutes is created to read:

29.344 **(5)** No person who holds a trammel net license issued under this section may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section or under rules promulgated under this section.

SECTION 1113. 29.36 (1) of the statutes is amended to read:

29.36 **(1)** A set or bank pole license authorizing the use of not to exceed 5 set or bank poles for taking, catching or killing fish in the inland waters of the state where the use of setlines is permitted shall be issued subject to s. 29.09 by the department ~~or the county clerk of the county where the set or bank poles are intended to be used~~ to any resident ~~of the state~~ applying for this license.

SECTION 1115. 29.36 (2) of the statutes is amended to read:

29.36 **(2)** No set or bank pole shall be used unless there is securely attached thereto a metal tag stamped with the number of the license covering the same. Tags shall be furnished by the department ~~to the county clerk, or agents of the same or of the department and by such agency~~ to the licensee at the time of issuing the license.

SECTION 1115m. 29.36 (4) of the statutes is created to read:

29.36 **(4)** No person who holds a set or bank pole license may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section or under rules promulgated under this section.

SECTION 1116. 29.37 (1) of the statutes is amended to read:

29.37 **(1)** A setline license authorizing the use of setlines and hooks in inland waters in the manner determined by the department for taking, catching or killing fish shall be issued subject to s. 29.09 by the department ~~or the county clerk of the county bordering on the waters where the setlines are intended and permitted to be used~~ to any resident ~~of the state~~ applying for this license.

SECTION 1118. 29.37 (3) (b) of the statutes is amended to read:

29.37 **(3)** (b) The department ~~or the county clerk~~ shall issue setline tags to the licensee at the time of issuing the setline license.

SECTION 1118m. 29.37 (5) of the statutes is created to read:

29.37 **(5)** No person who holds a set line license issued under this section may operate a fish farm that contains a kind of fish that the holder of the license is authorized to catch under this section or under rules promulgated under this section.

Vetoed In Part

SECTION 1119b. 29.405 (1) (intro.) and (b) of the statutes are consolidated, renumbered 29.405 (1) and amended to read:

29.405 **(1)** In this section: ~~(b) "Group,~~ "group deer hunting party" means 2 or more hunters hunting in a group all using firearms or all using bows and arrows, each of whom holds an individual license to hunt deer.

SECTION 1119c. 29.405 (1) (a) of the statutes is repealed.

SECTION 1119d. 29.405 (2) (intro.) and (b) of the statutes are consolidated, renumbered 29.405 (2) and amended to read:

29.405 **(2)** Any member of a group deer hunting party who are all using firearms may kill a deer for another member of the group deer hunting party if ~~both of the following conditions exist: (b) The~~ the person for whom the deer is killed possesses a current unused deer carcass tag which is authorized for use on the deer killed.

Vetoed In Part

SECTION 1119e. 29.405 (2) (a) of the statutes is repealed.

SECTION 1119f. 29.405 (2m) of the statutes is created to read:

29.405 **(2m)** Any member of a group deer hunting party who are all using bows and arrows may kill an antlerless deer for another member of the group deer hunting party if the person for whom the antlerless deer is killed possesses a current unused deer carcass tag which is authorized for use on the antlerless deer killed.

SECTION 1119g. 29.405 (3) of the statutes is amended to read:

29.405 **(3)** A person who kills a deer under sub. (2) or (2m) shall ~~ensure that~~ inform a member of his or her group deer hunting party ~~without delay~~ of the kill and shall ensure that the member attaches ~~a~~ his or her current validated deer carcass tag to the deer in the manner specified under s. 29.40 (2)~~. The person who kills the deer may not leave the deer unattended until after it is tagged~~ within one hour after the deer is killed. The person who killed the deer may not use a telephone, cellular mobile telecommunications device, radio or other means of electronic communication to inform any member of the group deer hunting party of the kill.

SECTION 1119k. 29.42 (4) of the statutes is amended to read:

29.42 **(4)** (title) FARM−RAISED DEER AND FISH. This section does not permit the seizure by the department, or prohibit the possession or sale, of farm−raised deer or farm−raised fish.

SECTION 1119m. 29.43 (5) (b) of the statutes is amended to read:

29.43 **(5)** (b) Subsections (1) to (4) do not apply to the possession, transportation, delivery or receipt of farm−raised deer or farm−raised fish.

SECTION 1119p. 29.44 (3) of the statutes is amended to read:

29.44 **(3)** Subsection (1) does not apply to the possession, transportation, delivery or receipt of farm−raised deer or farm−raised fish.

SECTION 1119s. 29.47 (7) (title) of the statutes is repealed and recreated to read:

29.47 **(7)** (title) EXEMPTIONS.

SECTION 1119t. 29.47 (7) of the statutes is renumbered 29.47 (7) (a).

SECTION 1119u. 29.47 (7) (b) of the statutes is created to read:

29.47 **(7)** (b) This section does not apply to the transportation, delivery, receipt or shipping of farm–raised fish.

SECTION 1119w. 29.48 (1m) of the statutes is amended to read:

29.48 **(1m)** Subsection (1) does not apply to farm–raised deer or farm–raised fish.

SECTION 1119x. 29.48 (3) of the statutes is amended to read:

29.48 **(3)** The eggs from trout and salmon that are not farm–raised fish and that are lawfully taken and possessed~~, when removed from the fish~~ under this chapter are exempted from this section if removed from the fish. The whole fish shall be taken to the buyer of the eggs and the eggs removed in the presence of the buyer. The fish carcass shall be legally disposed of.

SECTION 1120c. 29.49 (1) (a) (intro.) of the statutes is amended to read:

29.49 **(1)** (a) (intro.) ~~Except as provided in s. 29.52, no~~ No innkeeper, manager or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered, served or given to the guests or boarders thereof:

SECTION 1120e. 29.49 (3) of the statutes is amended to read:

29.49 **(3)** EXEMPTION. This section does not apply to the meat from farm–raised deer or from farm–raised fish.

SECTION 1120hg. 29.50 (title) of the statutes is amended to read:

29.50 (title) **Propagation ~~privileged~~ of fish; protected wild animals.**

SECTION 1120hm. 29.50 of the statutes is renumbered 29.50 (1) (intro.) and amended to read:

29.50 **(1)** (intro.) Nothing in ~~the foregoing provisions~~ this chapter concerning the protection of wild animals ~~shall affect the~~ applies to any of the following:

(a) The operation of state fish hatcheries~~, the~~.

(b) The removal of fish which have died from natural causes or the removal of deleterious fish by the department ~~or under its authority; or the~~ as authorized under this chapter.

(c) The propagation or transportation, collecting and transplanting of fish ~~or fish fry by state authority; nor the~~ by the department.

(d) The transportation of fish into or through this state or out of it by the commissioners of fisheries of other states or of the United States~~; nor the operation of private fish hatcheries, or the propagation of fish in private waters, or the~~.

(e) The transportation and sale of fish ~~therefrom as hereinafter provided; but the~~.

(2) The department~~, or its agents and employes, shall~~ may not furnish fish ~~or fry~~ from state hatcheries to private ponds, private clubs, corporations or preserves, and ~~shall~~ may not introduce, stock or plant them in waters where the general public is not allowed the rights and privileges enjoyed by any individual.

SECTION 1120hr. 29.50 (3) of the statutes is created to read:

29.50 **(3)** An operator of a fish farm, or an employe of the operator, may capture turtles that are on the fish farm, transport them to different locations and release them into the wild.

SECTION 1120jm. 29.51 (title) of the statutes is repealed and recreated to read:

29.51 (title) **Propagation of fish; removal of fish.**

SECTION 1120km. 29.51 (1) (intro.) and (e) of the statutes are amended to read:

29.51 **(1)** (title) STATE FISH HATCHERIES; FISH MANAGEMENT BY STATE. (intro.) The department shall have general charge of the following matters for operating state fish hatcheries, and all necessary powers therefor, namely:

(e) ~~The~~ Subject to s. 95.60, the receiving from the U.S. commissioners of fisheries, from the commissioners of fisheries of other states or from other persons of all ~~spawn, fry~~ fish eggs or fish donated to the state or purchased, and in the most practical ways, by exchange or otherwise, to procure, receive, distribute and dispose of ~~spawn~~ fish eggs and fish; to make contracts and carry on the same for the transportation of fish cars, cans, departmental officers and employes by land or water as is most advantageous to the state; and to take such other measures as in their judgment best promotes the abundant supply of food fishes in the waters of the state.

SECTION 1120np. 29.51 (2) of the statutes is amended to read:

29.51 **(2)** TRANSPLANTATION OF FISH. The department may take or cause to be taken fish at any time of the year from any waters of the state for stocking other waters or for the purpose of securing eggs for artificial propagation. These fish or eggs may be taken only under a special permit issued by the department and only in the presence of the department or its wardens. This permit shall specify the kinds of fish that may be taken and the manner in which they may be taken. ~~This permit is subject to the conditions that the holder pay for the services of and furnish free transportation and meals on his or her boat to a competent person approved by the department to spawn the fish and fertilize the eggs and that the eggs are delivered at the place designated by the department.~~

SECTION 1120pm. 29.51 (3) (title) of the statutes is amended to read:

29.51 **(3)** (title) DELIVERY OF ~~SPAWN~~ FISH EGGS.

SECTION 1120qg. 29.51 (3m) (title) of the statutes is created to read:

29.51 **(3m)** (title) DESTRUCTION OF FISH EGGS OR FISH.

SECTION 1120qm. 29.51 (3m) (b) of the statutes is created 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 1120qr. 29.51 (4) of the statutes is amended to read:

29.51 **(4)** (title) REMOVAL OF ~~SPAWN~~ FISH EGGS OR FISH FROM STATE. No person ~~shall~~ may remove any fish eggs or live fish from this state except as authorized by law~~,~~ unless a permit therefor has been issued to the person by the department. This subsection does not apply to farm−raised fish or eggs from farm−raised fish.

SECTION 1120rg. 29.51 (5) (title) of the statutes is repealed and recreated to read:

29.51 **(5)** (title) FISHING FOR PROPAGATION PURPOSES.

SECTION 1120rm. 29.51 (5) of the statutes is renumbered 29.51 (5) (intro.) and amended to read:

29.51 **(5)** (intro.) ~~No employe of the department, and no other person, while engaged in~~ For the purposes of catching wild fish from the public waters for purposes of artificial propagation~~, shall~~ or for introduction, stocking or planting in fish farms, no person may take or have possession or control of any kind of fish ~~other than those that the person has been directed, by the department, to take therefrom.~~ unless par. (a) or (b) applies:

SECTION 1120rp. 29.51 (5) (a) and (b) of the statutes are created to read:

29.51 **(5)** (a) The person has the approvals required under this chapter to take, possess or control that kind of fish.

(b) The person has been otherwise authorized by the department to take, possess or control that kind of fish.

SECTION 1120vm. 29.513 (5) of the statutes is created to read:

29.513 **(5)** A person who is using a navigable lake that is a freeze−out pond as a fish farm, or as part of a fish farm, is exempt from obtaining a permit under this section.

SECTION 1120vr. 29.514 of the statutes is created to read:

29.514 Private fishing preserves. (1) A single person may register with the department a natural, navigable, self−contained body of water as a private fishing preserve if all of the following apply:

(a) All of the use and occupancy rights in the land that is riparian to the body of water are owned or leased by the registrant.

(b) The registrant and any owner of the riparian land do not provide access to the body of water to the public by means of an easement or other right−of−way or by means of a business open to the public.

(2) No lake association, corporation or other association that is formed to establish a private fishing preserve is eligible to register under this section.

(3) A registration under this section is valid for one year.

(4) A person who is fishing in a private fishing preserve is exempt from having any sport fishing approval issued under this chapter. No person may sell or trade fish that are caught in a private fishing preserve. No person may charge a fee for fishing in a private fishing preserve or a fee for an activity that includes the privilege of fishing in a private fishing preserve.

SECTION 1120xm. 29.52 of the statutes is repealed.

SECTION 1124d. 29.521 of the statutes is created to read:

29.521 Natural waters used in fish farms. (1) No person may use a natural body of water as a fish farm or as part of a fish farm unless all of the following apply:

(a) The land that is riparian to the body of water is owned, leased or controlled by the owners of the fish farm.

(b) None of the owners of the fish farm or of the riparian land provides access to the body of water to the public by means of an easement or other right−of−way or by means of a business open to the public, except that the owners of the fish farm may allow fishing by the public for a fee.

(c) The body of water is one of the following:

1. A freeze−out pond.

2. A preexisting fish rearing facility that is barrier equipped.

(d) A permit for the body of water has been issued under sub. (2).

(2) (a) The department 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.

(b) Notwithstanding par. (a), for a freeze−out pond that is licensed as a private fish hatchery, or as part of a private fish hatchery, under s. 29.52, 1995 stats., on the effective date of this paragraph .... [revisor inserts date], or for a natural body of water as described under sub. (1) (c) 2., the department shall issue an initial permit without making the determination under par. (a).

(c) 1. The department 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.

2. A person may apply for a renewal of a permit issued under this subsection within the 16 months before the permit expires.

3. Except as provided in subd. 4., the department shall renew the permit, or deny the renewal, within 3 months after the date on which the department receives the application for the renewal.

4. The department may delay the renewal or denial of the renewal under subd. 3. until the May 31 immediately following the date on which the department receives the renewal application if ice conditions prevent the department from inspecting the body of water for purposes of renewal within a reasonable time after receiving the application.

(d) If the department denies a permit under par. (a), (b) or (c), the department shall issue written findings supporting the reason for the denial that are based on the criteria promulgated under par. (f).

(e) The department may suspend a permit for a body of water specified in sub. (1) (c) 2. for 90 days if the department finds that the permit holder has failed to adequately maintain the fish barriers and may revoke the permit if the department determines that the failure to adequately maintain the barriers has not been corrected within the 90−day period.

(f) The department shall promulgate rules to establish the fees, criteria and procedures to be used in issuing permits under this subsection.

SECTION 1124dm. 29.525 of the statutes is created to read:

29.525 Importation of fish. (1) No person may bring into this state any fish, or fish eggs, of a species that is not native to this state for the purpose of introduction into the waters of the state, as defined in s. 281.01 (18), of use as bait or of rearing in a fish farm without having a permit issued by the department.

(2) A person applying for a permit under this section shall submit a written application to the department.

(3) Subsections (1) and (2) do not apply to the importation of fish by the department.

(4) For the purpose of issuing permits under this section, the department may not require that any testing, inspection or investigation be performed concerning the health of the fish.

SECTION 1124e. 29.53 of the statutes is created to read:

29.53 Stocking of fish. (1) In this section:

(a) "Fish" includes fish eggs.

(b) "Qualified inspector" means a veterinarian licensed under ch. 453 or a person who is qualified to issue fish health certificates under s. 95.60 (4s) (c).

(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.

(2) (a) No person may introduce, stock or plant any fish in the waters of the state unless all of the following apply:

1. The person has a permit issued by the department.

2. The fish have been certified by a qualified inspector to meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b).

3. The fish is not a species of lake sturgeon.

(b) A person applying for a permit under this section shall submit a written application to the department.

(c) This subsection does not apply to introduction, stocking or planting of fish by the department.

(3) (a) The department may not introduce, stock or plant any fish in the waters of the state unless the fish have been certified by a qualified inspector to meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b).

(4) For the purposes of issuing permits under this section and for introducing, stocking or planting of fish by the department, the department:

(a) Shall accept the certification by a qualified inspector that the fish meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b) and may not require that any additional testing, inspection or investigation be performed concerning the health of the fish.

(b) May regulate the species of fish, the number of fish and the sites where the fish will be introduced, planted or stocked.

SECTION 1124g. 29.535 (title) of the statutes is amended to read:

29.535 (title) **Introduction of wild animals <u>other than fish</u>.**

SECTION 1124h. 29.535 (1) (a) 1. of the statutes is amended to read:

29.535 **(1)** (a) 1. Importing into the state any ~~fish, spawn or any other~~ wild animal <u>other than fish or their eggs</u> for the purpose of introducing, stocking or planting that ~~fish, spawn or~~ wild animal.

SECTION 1124i. 29.535 (1) (a) 2. of the statutes is amended to read:

29.535 **(1)** (a) 2. Introducing, stocking or planting any ~~fish, spawn or other~~ wild animal <u>other than fish or their eggs</u>.

SECTION 1124j. 29.535 (1) (c) of the statutes is amended to read:

29.535 **(1)** (c) Permits for introducing, stocking or planting under par. (a) 2. shall be issued by the depart-

ment only after investigation and inspection of the ~~fish, spawn or other~~ wild animals as the department determines necessary.

SECTION 1124k. 29.535 (1) (d) of the statutes is repealed.

SECTION 1124L. 29.535 (1) (e) of the statutes is repealed.

SECTION 1124mn. 29.535 (1) (f) of the statutes is renumbered 29.51 (3m) (a) and amended to read:

29.51 **(3m)** (a) The department may seize or destroy, or both, any fish ~~or spawn thereof~~, or any fish eggs, found to be infected with any disease organisms as are designated by the department.

SECTION 1124n. 29.535 (2) (a) of the statutes is amended to read:

29.535 **(2)** (a) Importing into the state any ~~fish, spawn or any other~~ wild animal other than fish or their eggs for the purpose of introducing, stocking or planting that ~~fish, spawn or~~ wild animal.

SECTION 1124p. 29.535 (2) (b) of the statutes is amended to read:

29.535 **(2)** (b) Introducing, stocking or planting any ~~fish, spawn or other~~ wild animal other than fish or their eggs.

SECTION 1124q. 29.535 (3) of the statutes is renumbered 29.53 (5) and amended to read:

29.53 **(5)** ~~This~~ The requirement of being issued a permit under this section shall not apply to civic organizations, organizations operating newspapers or television stations or promoters of sport shows when and in connection with publicly showing or exhibiting ~~or~~, giving demonstrations with ~~brook, brown or rainbow trout~~ or providing fishing of fish for periods of not to exceed 10 days~~. Brook, brown or rainbow trout~~ if the fish are placed in a tank or an artificially constructed pond that is a self−contained body of water. Fish used for such purposes shall ~~be obtained only from resident Class A or Class B private fish hatchery operators licensed under s. 29.52 (4). Such private fish hatchery operators shall keep a record of all brook, brown or rainbow trout introduced in or delivered for introduction in any public waters and shall make a report of such introduction or delivery for such introduction to the department on or before December 31 of each year on forms furnished by the department~~ have been certified by a qualified inspector to meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b).

SECTION 1126e. 29.55 (2m) of the statutes is amended to read:

29.55 **(2m)** Subsections (1) and (2) do not apply to farm−raised deer or farm−raised fish.

SECTION 1126m. 29.572 (1) of the statutes is amended to read:

29.572 **(1)** No person shall cause, authorize or permit any lands or waters to be posted with signs of any kind indicating that such lands or waters are licensed under ~~s. 29.52 or~~ ss. 29.573 to 29.578 unless such lands and waters are in fact so licensed.

SECTION 1138m. 29.585 (2) (a) of the statutes is amended to read:

29.585 **(2)** (a) In this section, "wild animal" means any mammal, fish or bird of a wild nature as distinguished from domestic animals under the common law or under the statutes whether or not the mammal, fish or bird was bred or reared in captivity, but does not include deer of the genus dama, cervus or rangifer or farm−raised fish.

SECTION 1139e. 29.59 (1) (f) of the statutes is amended to read:

29.59 **(1)** (f) Notwithstanding s. 29.01 (14), "wild animal" means any undomesticated mammal or bird, but does not include farm−raised deer or farm−raised fish.

SECTION 1139p. 29.595 of the statutes is created to read:

29.595 Wildlife control in urban communities. (1) The department shall establish a program to award matching grants to urban communities for up to 50% of the costs for projects to plan wildlife abatement measures or to engage in wildlife control efforts or both.

(2) A grant awarded under this section may not exceed $5,000.

(3) The department shall promulgate rules establishing criteria for awarding grants under this section.

SECTION 1139rb. 29.598 (1) of the statutes is renumbered 29.598 (1) (intro.) and amended to read:

29.598 **(1)** DEFINITION. (intro.) In this section, "wildlife damage" means damage caused by ~~deer that live in the wild, bear or geese to commercial seedings or crops on agricultural land, to orchard trees or nursery stock or to apiaries or livestock.~~ any of the following noncaptive wild animals:

SECTION 1139rbm. 29.598 (1) (a) to (e) of the statutes are created to read:

29.598 **(1)** (a) Deer.

(b) Bear.

(c) Geese.

(d) Turkey.

(e) Sandhill crane if hunting of sandhill cranes is authorized by the department.

SECTION 1139rc. 29.598 (2) (b) of the statutes is renumbered 29.598 (2)(b) (intro.) and amended to read:

29.598 **(2)** (b) (title) *Eligibility and funding requirements; rules.* (intro.) The department shall promulgate rules for eligibility and funding requirements for the wildlife damage abatement program and the wildlife damage claim program in order to maximize the cost−effectiveness of these programs. The department shall also promulgate rules to establish all of the following:

SECTION 1139rd. 29.598 (2) (b) 1. to 5. of the statutes are created to read:

29.598 **(2)** (b) 1. Authorized wildlife damage abatement measures and methods for implementing and paying for these abatement measures.

2. Forms and procedures for payment and processing of statement of claims and applications for abatement assistance.

3. Procedures and standards for determining the amount of wildlife damage.

4. A methodology for proration of wildlife damage claim payments.

5. Procedures for record keeping, audits and inspections.

SECTION 1139rf. 29.598 (4) (b) of the statutes is amended to read:

29.598 **(4)** (b) *Filing of application.* In order to be eligible for wildlife damage abatement assistance, a person is required to file an application with the participating county in a form acceptable to the county. An owner or lessee of land, a person who controls land or an owner of an apiary or livestock may file an application.

SECTION 1139rfm. 29.598 (4) (bn) of the statutes is created to read:

29.598 **(4)** (bn) *Type of wildlife damage.* In order to be eligible for wildlife damage abatement assistance, the type of wildlife damage to be abated shall be limited to damage to commercial seedings or crops growing on agricultural land, damage to crops that have been harvested for sale or further use but that have not been removed from the agricultural land, damage to orchard trees or nursery stock or damage to apiaries or livestock.

SECTION 1139rg. 29.598 (5) (b) (intro.) and 1. of the statutes are consolidated, renumbered 29.598 (5) (b) and amended to read:

29.598 **(5)** (b) *Assistance.* A participating county may provide wildlife damage assistance where wildlife damage is occurring or is likely to occur for~~: 1. The~~ the reimbursement of costs associated with wildlife damage abatement measures if the measures are authorized in the plan of administration under sub. (3) (c) 2.

SECTION 1139rh. 29.598 (5) (b) 2. of the statutes is repealed.

SECTION 1139rj. 29.598 (5) (bm) of the statutes is created to read:

29.598 **(5)** (bm) *Cost−effectiveness of abatement.* A participating county may recommend only those wildlife damage abatement measures that are cost−effective in relation to the wildlife damage claim payments that would be paid if the wildlife damage abatement measures are not implemented.

SECTION 1139rk. 29.598 (5) (c) of the statutes is amended to read:

29.598 **(5)** (c) *State aid.* The department ~~may~~ shall pay participating counties ~~up to 50%~~ 75% of the actual cost of providing wildlife damage abatement assistance if wildlife damage abatement measures are carried out in full compliance with the direction of the county and with funding requirements adopted under sub. (2) (b).

SECTION 1139rL. 29.598 (6) (b) of the statutes is amended to read:

29.598 **(6)** (b) *Filing of claim; form.* In order to be eligible for wildlife damage claim payments, a person is required to file a statement of claim with the ~~participating county~~ department in a form acceptable to the ~~county~~ department. An owner or lessee of land, a person who controls land or an owner of an apiary or livestock may file a statement of claim.

SECTION 1139rm. 29.598 (6) (d) of the statutes is amended to read:

29.598 **(6)** (d) *Compliance with wildlife damage abatement measures.* In order to be eligible for wildlife damage claim payments for an occurrence of wildlife damage, a person seeking wildlife damage claim payments shall ~~comply~~ have complied with any wildlife damage abatement measures to abate that wildlife damage that were recommended by the county.

SECTION 1139rn. 29.598 (6) (dm) of the statutes is created to read:

29.598 **(6)** (dm) *Compliance with normal agricultural practices.* In order to be eligible for wildlife damage claim payments, a person seeking wildlife damage claim payments shall have managed the seedings, crops, orchard trees, nursery stock, apiaries or livestock which the person is seeking the claim payments in accordance with normal agricultural practices.

SECTION 1139ro. 29.598 (6) (em) of the statutes is created to read:

29.598 **(6)** (em) *Type of wildlife damage.* The type of wildlife damage that is eligible for wildlife damage claim payments shall be limited to damage to commercial seedings or crops growing on agricultural land, damage to crops that have been harvested for sale or further use but that have not been removed from the agricultural land, damage to orchard trees or nursery stock or damage to apiaries or livestock.

SECTION 1139rp. 29.598 (7) (a) of the statutes is amended to read:

29.598 **(7)** (a) *Investigation.* A participating county shall investigate each statement of claim and determine the total amount of the wildlife damage that occurred, regardless of the amount that may be eligible for payment under par. (b).

SECTION 1139rq. 29.598 (7) (b) of the statutes is repealed and recreated to read:

29.598 **(7)** (b) *Calculating amount of payment.* In calculating the amount of the wildlife damage claim payment to be paid for a claim under par. (a), the participating county shall determine the amount as follows:

1. If the amount of the claim is $250 or less, the claimant will receive no payment.

2. If the amount of claim is more than $250 but not more than $5,250, the claimant will be paid 100% of the amount of the claim that exceeds $250.

3. If the amount of the claim is more than $5,250, the claimant will be paid the amount calculated under subd.

2., plus 80% of the amount of the claim that exceeds $5,250, subject to subd. 4.

4. The total amount paid to a claimant under this paragraph may not exceed $15,000 for each claim.

SECTION 1139rr. 29.598 (7) (bm) of the statutes is amended to read:

29.598 **(7)** (bm) If the land where the wildlife damage occurred is located in more than one participating county and the person files a statement of claim with more than one participating county, ~~then the monetary restriction under par. (b) 3.~~ the amount of the claim, as determined under par. (a), shall be prorated between or among the participating counties based on the amount of wildlife damage occurring in each county.

Vetoed In Part

SECTION 1139rs. 29.598 (7) (c) of the statutes is repealed.

SECTION 1139rt. 29.598 (7) (d) of the statutes is amended to read:

29.598 **(7)** (d) *State aid.* 1. Except as provided under subd. 2., the department shall pay ~~participating counties~~ claimants the full amount of wildlife damage claim payments ~~made~~ calculated in accordance with par. (b) and funding requirements adopted under sub. (2) (b) ~~on~~ no later than June 1 of the calendar year after the calendar year in which the statement of claims were filed.

2. The department shall pay ~~participating counties~~ claimants under subd. 1. from the appropriation under ~~s. 20.370 (5) (fa) and from the appropriation under~~ s. 20.370 (5) (fq) after first deducting from s. 20.370 (5) (fq) payments made for county administrative costs under sub. (2) (d) and payments made for wildlife damage abatement assistance under sub. (5) (c). If the amount ~~in the appropriation under s. 20.370 (5) (fa) and the amount~~ remaining after these deductions from the appropriation under s. 20.370 (5) (fq) are not sufficient to pay the full amount required under subd. 1., the department shall pay ~~participating counties~~ claimants on a prorated basis.

SECTION 1139ru. 29.598 (7m) of the statutes is repealed and recreated to read:

29.598 **(7m)** LAND REQUIRED TO BE OPEN TO HUNTING; PENALTIES. (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. 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.

(am) *Exemption.* The requirements to allow hunting under par. (a) do not apply to a person seeking wildlife damage abatement assistance if the person does not have authority to control entry on the land that is subject to those requirements and if the damage on the land is damage to apiaries.

(b) *Penalties.* If any person who is required to permit hunting on land as required under par. (a) fails to do so, the person is liable for all of the following:

1. Repayment of any money paid for the wildlife damage claim.

2. Payment of the cost of any wildlife damage abatement assistance paid for under this section.

3. Payment of the costs for reviewing and approving the wildlife damage claim or wildlife damage abatement assistance and the costs of investigating the failure to permit hunting on the land.

SECTION 1139rv. 29.598 (8c) of the statutes is created to read:

29.598 **(8c)** AMOUNT OF FUNDING. In each fiscal year, the department shall submit to the joint committee on finance a proposal for the amount of funds to be expended under the wildlife damage claim and abatement program. The department may not expend any moneys in any fiscal year for the program until the joint committee on finance has approved the proposal for that fiscal year. The department may request the joint committee on finance to amend the amount of any expenditure approved under this subsection for a fiscal year and the committee may thereafter approve a revised amount for expenditure in that fiscal year.

Vetoed In Part

SECTION 1139rw. 29.598 (8g) of the statutes is created to read:

29.598 **(8g)** REVIEW. A participating county's determination of the amount of wildlife damage, the amount of a wildlife damage claim or the amount of wildlife damage abatement assistance shall be treated as final decisions for purposes of review.

SECTION 1139rx. 29.598 (8r) of the statutes is created to read:

29.598 **(8r)** RECORDS; ENTRY TO LAND. (a) *Records.* A person receiving wildlife damage abatement assistance or wildlife damage claim payments shall retain all records as required by the participating county or the department and make them available to the participating county or the department for inspection at reasonable times.

(b) *Entry to land.* The department or a participating county may enter and inspect, at reasonable times, any land for which a wildlife damage claim has been filed or for which wildlife damage abatement measures have been implemented.

(c) *Responsibilities.* No person may refuse entry or access to or withhold records from the department or the participating county under this subsection. No person may obstruct or interfere with an inspection by the department or a participating county under this subsection. The department or participating county if requested, shall furnish to the person a report setting forth all of the fac-

tual findings by the department or participating county that relate to the inspection.

SECTION 1139ry. 29.598 (9) of the statutes is created to read:

29.598 **(9)** AUDITS. The department shall conduct random audits of wildlife damage abatement claims paid, wildlife damage abatement measures recommended and wildlife damage assistance paid for under this section. The department shall conduct audits of all claims filed by, and payments made to, department employes and of all wildlife damage abatement measures for the benefit of crops, livestock or apiaries owned or controlled by these employes for which assistance was provided under sub. (5).

SECTION 1139ryb. 29.598 (10) of the statutes is created to read:

29.598 **(10)** NEGLIGENCE; FRAUD; PENALTIES. (a) *Liability.* For a given wildlife damage statement of claim or application for wildlife damage abatement assistance, if the person filing the claim or applying for the assistance negligently makes, or causes to be made, a false statement or representation of a material fact in making the claim or application, the person is liable for all of the following:

1. Repayment of any money paid for the wildlife damage claim.

2. Payment of the cost of any wildlife damage abatement assistance paid for under this section.

3. Payment of the costs for reviewing and approving the wildlife damage claim or wildlife damage abatement assistance and the costs in investigating and determining whether a false statement or representation was made.

(b) *Fraud.* No person may knowingly make or cause to be made any false statement or representation of material fact under the wildlife damage abatement program or the wildlife damage claim program.

(c) *Fraud; penalties.* A court finding a person to be in violation of par. (b) may order any of the following:

1. That the person make any of the payments under par. (a) 1. to 3.

2. That the person pay a forfeiture equal to 2 times the total amount of wildlife damage claim payments received and the value of any wildlife damage abatement measures implemented, plus an amount not to exceed $1,000.

3. The revocation of the person's privileges or approvals under s. 29.99 (12) if the person violating par. (b) owns, leases or controls land, or owns livestock or apiaries, to which the false statement or representation relates.

4. That the person be prohibited from receiving any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day that the false statement or representation occurred.

(d) *Other liability.* Any person who owns, leases or controls land or owns livestock or apiaries for which a benefit was received in violation of par. (b) or who fails to allow hunting as required under sub. (7m) is not eligible for any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day on which the false statement or representation occurred, regardless of whether the person knew or should have known of the false statement or misrepresentation.

SECTION 1139ryd. 29.598 (11) of the statutes is created to read:

29.598 **(11)** ANNUAL REPORT. (a) *Contents.* The department shall prepare an annual report concerning wildlife damage, the wildlife damage abatement program and the wildlife damage claim program, including a summary of each of the following:

1. All of the wildlife damage believed to have occurred in the state.

2. The wildlife damage claims that were filed under this section.

3. The wildlife damage abatement measures that were recommended or implemented under this section.

4. The percentage of the total number of filed wildlife damage claims that are rejected for failure to meet the requirements of the programs.

5. The percentage of the total number of wildlife damage claims for which the amount of the payment to the claimant was prorated under sub. (7) (d).

(b) *Submission; distribution.* The department shall submit the report under this subsection no later than June 1 of each year for distribution to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3). The first report shall be submitted no later than June 1, 1999. Each report shall cover the 12−month period ending on the December 31 that immediately precedes the date of the report.

SECTION 1139s. 29.60 (2g) of the statutes is created to read:

29.60 **(2g)** (a) Subsections (1) and (2) do not apply to toxicants placed in the waters of a self−contained fish rearing facility or a state or municipal fish hatchery if the toxicants are necessary to the operation of the fish farm or fish hatchery.

(b) Subsections (1) and (2) do not apply to toxicants placed in the waters of a preexisting fish rearing facility that is an artificial body of water if the toxicants are necessary to the operation of the fish farm and the department has issued a permit under s. 283.31 for the preexisting fish rearing facility.

SECTION 1139tm. 29.62 (1) of the statutes 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 1139um. 29.623 of the statutes is renumbered 29.623 (1).

SECTION 1139ur. 29.623 (2) of the statutes is created to read:

29.623 **(2)** Subsection (1) does not authorize the department to remove fish from a self−contained fish rearing facility or from a preexisting fish rearing facility that is an artificial body of water unless one or more of the following apply:

(a) The fish are of a species that is not native to this state and the department determines that having the fish in that particular self−contained fish rearing facility or preexisting fish rearing facility poses a risk of being detrimental to the waters of the state.

(b) The department of agriculture, trade and consumer protection has requested that the department of natural resources remove the fish to address a problem affecting fish health.

SECTION 1139v. 29.645 of the statutes is amended to read:

29.645 Larceny of game. A person who, without permission of the owner, molests, disturbs or appropriates any wild animal or its carcass that has been lawfully reduced to possession by another shall forfeit not less than $1,000 nor more than $2,000. This section does not apply to farm−raised deer or farm−raised fish.

SECTION 1139vv. 29.65 (1) (intro.) of the statutes is amended to read:

29.65 **(1)** (intro.) The department may bring a civil action in the name of the state for the recovery of damages against any person ~~unlawfully~~ killing, wounding, catching, taking, trapping~~, or having unlawfully in possession~~ or possessing in violation of this chapter any of the following named protected wild animals, birds, or fish, or any part of an animal, bird or fish, and the sum assessed for damages for each wild animal, bird, or fish shall be not less than the amount stated in this section:

SECTION 1139w. 29.99 (15) of the statutes is amended to read:

29.99 **(15)** In any prosecution under this section it is not necessary for the state to allege or prove that the animals were not farm−raised deer, farm−raised fish or domesticated animals~~;~~, that they were not taken for scientific purposes, or that they were taken or in possession or under control without a required approval. The person claiming that these animals were farm−raised deer, farm−raised fish or domesticated animals, that they were taken for scientific purposes or that they were taken or in possession or under control under the required approval, has the burden of proving these facts.

SECTION 1139we. 30.01 (1c) of the statutes is amended to read:

30.01 **(1c)** "Boat shelter" means a structure in navigable waters designed and constructed for the purpose of providing cover for a berth place for watercraft, which ~~may have~~ has a roof but ~~may~~ does not have walls or sides. Such a structure may include a ~~boat hoist~~ device for lifting a boat.

SECTION 1139wg. 30.01 (5) of the statutes is amended to read:

30.01 **(5)** "Pier" means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

SECTION 1139wi. 30.01 (8) of the statutes is amended to read:

30.01 **(8)** "Wharf" means any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

SECTION 1139x. 30.1255 (1) (intro.) and (a) of the statutes are consolidated, renumbered 30.1255 (1) and amended to read:

30.1255 **(1)** (title) ~~DEFINITIONS~~ DEFINITION. In this section~~: (a) "Aquatic~~, "aquatic nuisance species" means a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters or that threatens a commercial, agricultural, aquacultural or recreational activity dependent on infested waters.

SECTION 1139y. 30.1255 (1) (b) of the statutes is repealed.

SECTION 1139z. 30.1255 (2) of the statutes is repealed.

SECTION 1139zb. 30.1255 (3) (a) (intro.) of the statutes is amended to read:

30.1255 **(3)** (a) (intro.) ~~After consulting with the council, the~~ The department shall submit periodically to the legislature reports describing all of the following:

SECTION 1139zm. 30.135 of the statutes is created to read:

30.135 Regulation of water ski platforms and jumps. (1) WHEN PERMIT REQUIRED. (a) A riparian proprietor may place a water ski platform or water ski jump in a navigable waterway without obtaining a permit if all of the following requirements are met:

1. The platform or jump does not interfere with public rights in navigable waters.

2. The platform or jump does not interfere with rights of other riparian proprietors.

3. The platform or jump is located at a site that ensures adequate water depth and clearance for safe water skiing.

(b) If the department determines that any of the requirements under par. (a) are not met, the riparian owner shall submit a permit application to the department.

(2) NOTICE AND HEARING PROCEDURE. (a) Upon receipt of a complete permit application, the department shall either order a hearing or provide notice stating that it will proceed on the application without a hearing unless a substantive written objection to issuance of the permit is received within 30 days after publication of the notice. The department shall provide a copy of the notice to the applicant for the permit, the clerk of each municipality in which the water ski platform or water ski jump is to be located and to any other person required by law to receive notice. The department may provide notice to other persons as it considers appropriate. The applicant shall publish the notice as a class 1 notice under ch. 985 in a newspaper designated by the department that is likely to give notice in the area affected. The applicant shall file proof of publication with the department.

(b) If the department receives no substantive written objection to the permit and proceeds on the permit application without a hearing, the department shall approve or disapprove the permit within 5 days after the date that the 30−day period under par. (a) expires.

(c) If the department orders a hearing on the permit application, the hearing shall be scheduled within 30 days after the date on which the department orders the hearing. The division of hearings and appeals shall mail copies of the written notice of the hearing at least 10 days before the hearing to each person provided the notice under par. (a). The division of hearings and appeals shall mail the copies at least 10 days before the hearing except that it shall mail the copy to the applicant for the permit at least 20 days before the hearing. The applicant shall publish the notice as a class 1 notice under ch. 985 in a newspaper designated by the department that is likely to give notice in the area affected. The applicant shall file proof of the publication with the hearing examiner at or prior to the hearing.

(3) RULES. (a) The department shall promulgate a rule listing specific reasons that will support a substantive written objection to the placement of a water ski platform or water ski jump.

(b) The department shall promulgate rules specifying the information that shall be disclosed in an notice under sub. (2) (a). The disclosed information shall include all of the following:

1. A statement explaining what constitutes a substantive written objection and the list of specific reasons that support a substantive written objection that is promulgated under par. (a).

2. The fact that the department may decide to proceed on the application without a hearing.

3. The fact that a decision to proceed on an application without a hearing under subd. 2. is subject to review under ch. 227.

(4) EXEMPTION. Section 30.02 does not apply to permit applications submitted under this section.

SECTION 1139zr. 30.2037 of the statutes is created to read:

30.2037 Big Silver Lake high−water mark. The ordinary high−water mark of Big Silver Lake in the town of Marion in Waushara County shall be set by the department at 867 feet above mean sea level as determined under U.S. geological survey standards.

SECTION 1140. 30.277 (3) (k) of the statutes is created to read:

30.277 **(3)** (k) Whether the project is related to brownfields redevelopment, as defined in s. 23.09 (19) (a) 1.

SECTION 1141. 30.277 (6) of the statutes is amended to read:

30.277 **(6)** RULES. The department shall promulgate rules for the administration of this section, including rules that specify the weight to be assigned to each criterion under sub. (3) and the minimum number of criteria under sub. (3) in which an applicant must perform satisfactorily in order to be awarded a grant. In specifying the weight to be assigned to the criteria under sub. (3), the department shall assign the greatest weight to the criterion under sub. (3) (k).

SECTION 1141e. 30.28 (2) (c) of the statutes is repealed.

SECTION 1142. 30.28 (2r) of the statutes is created to read:

30.28 **(2r)** FEE FOR EXPEDITED SERVICE. (a) The department, by rule, may charge a supplemental fee for a permit or approval that is in addition to the fee charged under this section if all of the following apply:

1. The applicant requests in writing that the permit or approval be issued within a time period that is shorter than the time limit under the rule promulgated under par. (b) for that type of permit or approval.

2. The department verifies that it will be able to comply with the request.

(b) If the department promulgates a rule under par. (a), the rule shall contain a time limit for each type of permit or approval classified under sub. (2) (a) for determining whether the department will grant the permit or approval.

SECTION 1142m. 30.45 (7) (b) of the statutes is amended to read: **Vetoed In Part**

30.45 **(7)** (b) A sign erected by the state or municipality in charge of a highway, or by a person authorized under s. 86.19 (7).

SECTION 1143. 30.52 (3m) (b) of the statutes is amended to read:

30.52 **(3m)** (b) All moneys collected under par. (a) shall be deposited into the account under s. 20.370 ~~(1) (is)~~ (3) (is).

SECTION 1144. 30.541 (3) (d) 2. d. of the statutes is amended to read:

30.541 **(3)** (d) 2. d. The limit in subd. 2. c. does not apply if the surviving spouse proceeds under s. 867.03 ~~(1)~~ (1g) and the total value of the decedent's solely owned property in the state, including boats transferred under this subdivision, does not exceed $10,000.

SECTION 1144q. 30.92 (4) (b) 2. of the statutes is amended to read:

30.92 **(4)** (b) 2. a. The department may cost−share, with the approval of the commission, with a qualified lake association or an affected governmental unit, including itself, at a rate of up to 50% of any construction, acquisition, rehabilitation, feasibility study or other project costs or any combination of these costs, for the recreational boating project if the costs are the type that qualify for funding under this section.

c. The department may pay, with the approval of the commission, an additional 10% of the costs of a construction project if the municipality conducts a boating safety enforcement and education program approved by the department.

SECTION 1144r. 30.92 (4) (b) 2. b. of the statutes is created to read:

30.92 **(4)** (b) 2. b. The department, with the approval of the commission, may increase the maximum cost−share rate under subd. 2. a. from 50% to 80% if the commission determines that the recreational boating project is a project of statewide or regional significance.

SECTION 1144s. 30.92 (4) (b) 2m. of the statutes is created to read:

30.92 **(4)** (b) 2m. The qualified lake association or governmental unit that cost−shares under subd. 2. may make its contribution in matching funds or in−kind contributions or both.

SECTION 1145. 30.92 (4) (b) 8. bn. of the statutes is created to read:

30.92 **(4)** (b) 8. bn. Acquisition of capital equipment that is necessary to collect and remove floating trash and debris from a waterway.

SECTION 1146. 30.92 (4m) of the statutes is created to read:

30.92 **(4m)** LAKE SUPERIOR HARBOR OF REFUGE. The department, with the approval of the commission, may expend an amount to pay up to 100% of the eligible costs for the construction of a harbor of refuge along the Lake Superior shoreline. Notwithstanding sub. (4) (b) 4., the project costs may include the acquisition of land. Notwithstanding sub. (4) (a), the department may expend directly the amount authorized under this subsection even though Lake Superior is not an inland lake without a public access facility. Notwithstanding sub. (4) (b) 2., the department need not contribute any moneys to match the amount expended from the appropriation under s. 20.370 (5) (cq). The amount expended under this subsection shall be considered an expenditure for a Great Lakes project. This project need not be placed on the priority list under sub. (3) (a).

SECTION 1146d. 30.92 (4t) of the statutes is created to read:

30.92 **(4t)** LINNIE LAC DAM. Of the amounts appropriated under s. 20.370 (5) (cq) and before applying the percentages under sub. (4) (b) 6., the department shall provide to the Linnie Lac Management District the amount that is necessary for the repair, removal or reconstruction of the Linnie Lac Dam, but the amount shall not exceed $250,000. The Linnie Lac Management District need not assume ownership of the Linnie Lac Dam and, notwithstanding sub. (4) (b) 2., the Linnie Lac Management District need not contribute any moneys to match the amount expended from the appropriation under s. 20.370 (5) (cq). Notwithstanding sub. (1) (c), the dam project specified under this subsection is a recreational boating facility for the purpose of expending moneys under this section. This project need not be placed on the priority list under sub. (3) (a).

SECTION 1146g. 30.92 (5) of the statutes is renumbered 30.92 (5) (a).

SECTION 1146h. 30.92 (5) (b) of the statutes is created to read:

30.92 **(5)** (b) For purposes of sub. (4) (b) 2. b., the department shall promulgate rules to be used to determine whether a recreational boating project is a recreational boating project of statewide or regional significance.

SECTION 1147. 30.94 (6m) of the statutes is amended to read:

30.94 **(6m)** STATE AID. Notwithstanding s. 30.92 (4) (a), the department shall provide in each fiscal year funds from the appropriation under s. 20.370 ~~(5) (hu)~~ (9) (ju) to the commission for the management, operation, restoration and repair of the Fox River navigational system if Brown County, Calumet County, Fond du Lac County, Outagamie County and Winnebago County contribute matching funds for the management and operation of the Fox River navigational system.

SECTION 1147f. 31.385 (2) (ag) of the statutes is created to read:

31.385 **(2)** (ag) Of the amounts appropriated under s. 20.866 (2) (tL), at least $250,000 shall be used for projects to remove dams that are less than 15 feet wide and that create impoundments of 50 acre−feet of water or less. A project under this paragraph may include restoring the stream or river that was dammed.

SECTION 1147g. 31.385 (2) (ar) of the statutes is created to read:

31.385 **(2)** (ar) Of the amounts appropriated under s. 20.866 (2) (tL), at least $100,000 shall be used for the removal of abandoned dams.

SECTION 1148. 31.39 (2r) of the statutes is created to read:

31.39 **(2r)** FEE FOR EXPEDITED SERVICE. (a) The department, by rule, may charge a supplemental fee for a permit or approval that is in addition to the fee charged under this section if all of the following apply:

Vetoed In Part

1. The applicant requests in writing that the permit or approval be issued within a time period that is shorter than the time limit promulgated under par. (b) for that type of permit or approval.

2. The department verifies that it will be able to comply with the request.

(b) If the department promulgates a rule under par. (a), the rule shall contain a time limit for each type of permit or approval classified under sub. (2) (a) for determining whether the department will grant the permit or approval.

SECTION 1148p. 33.001 (2) (b) of the statutes is amended to read:

33.001 **(2)** (b) A state effort of research, analysis, planning and financing, and a local effort undertaken by districts ~~and~~, the Dane county lakes and watershed commission and the Southeastern Wisconsin Fox River commission of planning and plan implementation are necessary and desirable and that the districts should be formed by persons directly affected by the deteriorated condition of inland waters and willing to assist financially, or through other means, in remedying lake problems.

SECTION 1148q. 33.01 (1r) of the statutes is repealed.

SECTION 1148r. Subchapter II of chapter 33 [precedes 33.05] of the statutes is repealed.

SECTION 1148t. Subchapter VI of chapter 33 [precedes 33.53] of the statutes is created to read:

CHAPTER 33

SUBCHAPTER VI

SOUTHEASTERN WISCONSIN

FOX RIVER COMMISSION

33.53 Definitions. In this subchapter:

(1) "Board of commissioners" means the board of commissioners of the commission.

(2) "Commission" means the Southeastern Wisconsin Fox River commission created under s. 33.54 (1).

Vetoed In Part

(3) "Commissioner" means a member of the board of commissioners.

(4) "County" means Racine County or Waukesha County.

(5) "County board" means the county board of a county.

(6) "Municipality" means any city, village or town.

(7) "River municipality" means any of the following municipalities that is located in a county:

(a) The city of Waukesha.

(b) The town of Waukesha.

(c) The village of Waterford.

(d) The town of Waterford.

(e) The village of Big Bend.

(f) The town of Vernon.

(g) The town of Mukwonago.

(h) The village of Mukwonago.

(8) "Surface waters" include surface water in drainage ditches.

33.54 Creation, funding. (1) There is created a Southeastern Wisconsin Fox River commission for the Illinois Fox River basin. For the purposes of this subchapter, the Illinois Fox River basin extends from the northern boundary of the city of Waukesha downstream to the point immediately below the Waterford Dam. The board of commissioners shall govern the commission. A county or river municipality may appropriate money to the commission. The commission, a county or a river municipality may solicit gifts, grants and other aid for the commission to enable the commission to perform the functions in this subchapter.

(2) The department shall set aside in fiscal year 1997–98, from the appropriation under s. 20.370 (5) (cq), $300,000 to enable the commission to carry out its projects, plans and responsibilities under this subchapter. **Vetoed In Part**

33.55 Board of commissioners; composition. (1) The board of commissioners shall consist of the following persons, all of whom shall be residents of the county:

(a) The county executive of Racine County or his or her designee.

(b) The county executive of Waukesha County or his or her designee.

(c) The mayor of the city of Waukesha or his or her designee.

(d) The town board chairperson of the town of Waukesha or his or her designee.

(e) The village president of the village of Waterford or his or her designee.

(f) The town board chairperson of the town of Waterford or his or her designee.

(g) The village president of the village of Big Bend or his or her designee.

(h) The town board chairperson of the town of Vernon or his or her designee.

(i) The town board chairperson of the town of Mukwonago or his or her designee.

(j) The village president of the village of Mukwonago or his or her designee.

(k) Two residents of the town of Waterford, who shall be appointed by the town board.

(L) Two residents of the town of Vernon, who shall be appointed by the town board.

(m) One resident of the village of Big Bend, who shall be appointed by the village board.

(n) One nonvoting representative from the southeastern Wisconsin regional planning commission, who shall be appointed by the chairperson of the commission.

(o) One nonvoting representative from the department of natural resources, who shall be appointed by the secretary of natural resources.

(2) (a) If a commissioner listed under sub. (1) (a) to (j) is an elected official, his or her term on the commission runs concurrently with his or her term in office. If the elected official resigns from the commission during his or her term in office, the elected official shall appoint a designee to take his or her place on the commission within 90 days of his or her resignation.

(b) If a commissioner listed under sub. (1) (a) to (j) is appointed to the commission by an elected official, as the designee of an elected official, his or her term on the commission begins on the 3rd Tuesday in April of the year in which the commissioner is appointed and ends on the 3rd Tuesday in April in the 3rd year following the year in which the commissioner is appointed. Vacancies occurring during the term of the designee of an elected official shall be filled within 90 days of the vacancy by another designee who is appointed by the elected official, or the elected official may become the commissioner.

(c) The term of a commissioner appointed by a town or village board under sub. (1) (k) to (m) begins on the 3rd Tuesday in April of the year in which the commissioner is appointed and ends on the 3rd Tuesday in April in the 2nd year following the year in which the commissioner is appointed. Vacancies occurring during the term of the appointee shall be filled by the town or village board within 90 days of the vacancy.

(d) The term of a commissioner appointed under sub. (1) (n) or (o) begins on the 3rd Tuesday in April of the year in which the commissioner is appointed and ends on the 3rd Tuesday in April in the 3rd year following the year in which the commissioner is appointed. Vacancies occurring during the term of the appointee shall be filled by the appointing authority within 90 days of the vacancy.

(3) Nine commissioners shall constitute a quorum for the transaction of business.

(4) The board of commissioners shall meet at least quarterly, and at other times on the call of the chairperson or on the petition of 5 commissioners.

(5) Any action by the board of commissioners requires the affirmative vote of a majority of the members present and voting.

(6) Annually, the board of commissioners shall elect a chairperson, vice chairperson and secretary from its members, and these officers shall have the following duties:

(a) The chairperson shall preside at all meetings and all public hearings held by the board of commissioners.

(b) The vice chairperson shall preside at any meeting or any public hearing held by the board of commissioners at which the chairperson is unable to preside.

(c) The secretary shall keep minutes of all meetings of the board of commissioners and hearings held by it.

33.56 Board of commissioners; duties. The board of commissioners shall do all of the following:

(1) Initiate and coordinate surveys and research projects for the purpose of gathering data relating to the surface waters and groundwaters of the Illinois Fox River basin that are located in a river municipality.

(2) Maintain a liaison with agencies of the federal, state and local governments and other organizations that are involved in programs or projects designed to protect, rehabilitate and manage water resources.

(3) Develop a public information and education program on issues related to the surface waters and groundwaters of the Illinois Fox River basin that are located in a river municipality.

(4) To the greatest extent practicable, encourage and utilize the Wisconsin conservation corps and volunteers for appropriate projects.

33.57 Board of commissioners; powers. The board of commissioners may do all of the following:

(1) Develop and implement plans, projects or programs to do any of the following:

(a) Improve the water quality and the scenic, economic and environmental value of the surface waters and the groundwaters of the Illinois Fox River basin that are located in a river municipality.

(b) Protect or enhance the recreational use of the navigable waters of the Illinois Fox River basin that are located in a river municipality.

(c) Coordinate and integrate, for efficient and effective cost management, any county programs or projects for the waters of the county that relate to any of the following:

1. Surface water and groundwater quality of the Illinois Fox River basin that is located in a river municipality.

2. The recreational use of and public access to navigable waters of the Illinois Fox River basin that is located in a river municipality.

3. Water safety and boating regulations for the Illinois Fox River basin that is located in a river municipality.

(2) Develop and propose to the county board programs or projects to make improvements to the navigable waters in the Illinois Fox River basin that is located in a river municipality, including constructing and maintaining public boat launching facilities, maintaining park or other open natural areas adjacent to the navigable waters, implementing shoreline maintenance requests, maintaining and improving locks and dredging waterways.

(3) Create advisory committees as it considers necessary to apprise the board of commissioners of the information necessary to implement its duties and powers. The advisory committees may include representatives of the following: fishing groups; farmers; businesses; riparian and other real property owners; industry groups; public bodies; sailing clubs; boating clubs; environmentalists; scientists; conservationists; hunters; and water skiing, diving and other sports clubs.

(4) Adopt any rules necessary to implement the duties and powers granted to the board of commissioners.

33.58 Regulation proposed by board of commissioners. (1) ORDINANCES AND LOCAL REGULATIONS. The board of commissioners may propose to the governing body of a river municipality the adoption, modification or rescission of any ordinance or local regulation relating to boating, recreation or safety upon the navigable waters of the Illinois Fox River basin that is located in a river municipality.

(2) MINIMUM STANDARDS. The board of commissioners may propose to the governing body of a river municipality minimum standards for local regulations and ordinances for municipalities to protect and rehabilitate the water quality of the surface waters and groundwaters of the Illinois Fox River basin that are located in a river municipality.

33.59 Implementation plan. (1) The board of commissioners shall develop an implementation plan by April 1, 1998, and shall submit the plan to the department of natural resources, the county planning agency, the chairperson of the county board and the county executive of the county by April 1, 1998.

(2) With regard to the Illinois Fox River basin that is located in a river municipality, the implementation plan shall include all of the following:

(a) A plan for, including the method of payment for, an engineering study to determine areas for selective dredging, including the dredging of selective shallow areas of the impoundment area in Waterford.

(b) A plan for clearing channels of fallen trees and other debris.

(c) A water use plan.

(d) A plan for operating the Waterford Dam with a winter drawdown level.

(e) A plan for streambank erosion protection.

(f) A plan for automating the Waterford Dam with upstream sensors.

(g) A plan for maintenance, protection and improvement of shorelines, banks and beds of navigable waters.

(h) A plan for access to shoreline recreational areas and facilities.

(i) Water safety, navigational and boating regulations.

(3) Within 3 months after the implementation plan is developed and submitted under sub. (1), the department and the designated planning agencies under s. 281.51 that cover each county shall evaluate the implementation plan to determine whether it is consistent with the criteria for water quality planning under s. 281.51 and whether the plan is adequate to:

(a) Protect and rehabilitate the water quality of the surface waters and the groundwaters of the Illinois Fox River basin that are located in a river municipality.

(b) Protect and enhance the recreational use of the navigable waters of the Illinois Fox River basin that are located in a river municipality.

(c) Increase water and boating safety on the navigable waters of the Illinois Fox River basin that are located in a river municipality.

33.60 Budget proposals. (1) (a) The commission's fiscal year shall be a calendar year. Annually, the board of commissioners shall prepare a proposed budget for the commission's activities, plans, programs or projects under this subchapter.

(b) The budget shall include all of the following elements:

1. A list of all anticipated revenue from all sources during the upcoming year.

2. A list of all proposed appropriations for each activity and reserve account for the upcoming year.

3. Actual revenues and expenditures for the preceding year, if applicable.

4. Actual revenue and expenditures for the current year.

5. Estimated revenues and expenditures for the balance of the current year.

6. A list, by fund, of all anticipated unexpended or unappropriated balances and all surpluses.

(c) The commission shall publish as class 1 notice under ch. 985 in Racine County and in Waukesha County, at least 15 days before the public hearing, a summary of the budget, a notice of the place where a copy of the budget is located for public inspection and a notice of the time and place for a public hearing on the budget.

(d) The summary required under par. (c) shall include all of the following for the proposed budget, for the budget in effect and for the budget of the preceding year, if applicable:

1. All expenditures, by major expenditure category.

2. All revenues, by major revenue source.

3. Any financing source and use not included under subds. 1. and 2.

4. All beginning and year–end fund balances.

(2) Not less than 15 days after publication of the summary of the budget and of the notices required under sub. (1) (c), the board of commissioners shall hold a public hearing at the time and place specified in the notice. At the hearing, any resident or taxpayer of a county shall have the opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. At the hearing, the board of commissioners may adopt changes to the budget.

(3) After the public hearing, the board of commissioners shall submit the proposed budget to Racine County and to Waukesha County for incorporation into each county's budget to be subject to any review procedures that apply to a county budget under ss. 59.60 and 65.90.

SECTION 1150c. 34.045 (title) of the statutes is repealed and recreated to read: **Vetoed In Part**

34.045 (title) **Duties of the state treasurer.**

SECTION 1150g. 34.045 (1) (intro.) of the statutes is amended to read:

34.045 **(1)** (intro.) The ~~depository selection board~~ state treasurer shall:

SECTION 1150L. 34.045 (1) (b) of the statutes is amended to read:

34.045 **(1)** (b) Establish procedures by which state agencies and departments pay for services through compensating balances or fees, or a combination of both methods. In the case of the state treasurer's accounts, ~~direct the state treasurer to~~ maintain compensating balances, or direct the investment board to pay bank service costs as allocated ~~by the state treasurer~~ under s. 25.19 (3) directly from the income account of the state investment fund, or by a combination of such methods.

Vetoed In Part

SECTION 1150p. 34.045 (2) of the statutes is amended to read:

34.045 **(2)** In the exercise of ~~its~~ his or her authority under this section, the ~~depository selection board~~ state treasurer shall require any state department or agency to submit to ~~it~~ him or her for prior review, elimination, consolidation, renegotiation or confirmation any existing service contract or service proposed by the department or agency.

SECTION 1150t. 34.045 (3) of the statutes is amended to read:

34.045 **(3)** The ~~board~~ state treasurer may, for cause, disapprove any contract submitted to ~~it~~ him or her under sub. (2) if ~~it~~ he or she finds the proposed contract to be in violation of the guidelines established under sub. (1), or to have been improperly negotiated or to be otherwise illegal. If the ~~board~~ state treasurer fails to disapprove a proposed contract within 60 days after it is submitted by the department or agency, the contract shall be deemed approved. The ~~board~~ state treasurer shall provide written justification for disapproving a contract proposed by a state agency or department. A disapproval is subject to judicial review under ch. 227.

SECTION 1150x. 34.045 (4) of the statutes is amended to read:

34.045 **(4)** State agencies and departments shall provide the ~~board~~ state treasurer with a written justification for any proposed contract award for service.

SECTION 1151. 35.24 (1) (a) of the statutes is amended to read:

35.24 **(1)** (a) The Blue Book shall contain the biographies and pictures of state officers, senators and representatives to the assembly and officers of each house, information pertaining to the organization of Wisconsin state government, and statistical and other information of the same general character as that heretofore published, but so selected and condensed as will limit the number of pages to 1,000 or less. In making such selection the legislative reference bureau is directed to consult freely with the ~~secretary of education~~ state superintendent of public instruction and the director of the historical society, and insofar as possible, make the book useful for civics classes in schools.

SECTION 1152. 35.81 (1) of the statutes is amended to read:

35.81 **(1)** "Division" means the division for libraries and community learning in the department of ~~education~~ public instruction.

SECTION 1153. 35.82 (1) of the statutes is amended to read:

35.82 **(1)** The state historical society, the legislative reference bureau and the reference and loan library of the department of ~~education~~ public instruction are designated as state document depository libraries and shall receive state documents delivered under s. 35.83 (3).

SECTION 1154. 35.83 (3) (c) of the statutes is amended to read:

35.83 **(3)** (c) The reference and loan library of the department of ~~education~~ public instruction, one copy.

SECTION 1154m. 35.84 (figure) line 22. of the statutes is created to read:

35.84 (figure) 22. Integrated Legislative Information System Staff.

Column A Statutes, Hard Covers; s. 35.18 1
Column B Statutes, Soft Covers; s. 35.18 1
Column C Annotations; s. 35.23 1
Column D Laws of Wisconsin; s. 35.15 1

SECTION 1155. 35.86 (1) of the statutes is amended to read:

35.86 **(1)** The director of the historical society may procure the exchange of public documents produced by federal, state, county, local and other agencies as may be desirable to maintain or enlarge its historical, literary and statistical collections, and may make such distributions of public documents, with or without exchange, as may accord with interstate or international comity. The state law librarian shall procure so many of such exchanges as the state law librarian is authorized by law to make, and the department of health and family services, commission of banking, department of ~~education~~ public instruction, legislative reference bureau, and the legislative council staff, may procure by exchange such documents from other states and countries as may be needed for use in their respective offices. Any other state agency wishing to initiate a formal exchange program in accordance with this section may do so by submitting a formal application to the department and by otherwise complying with this section.

SECTION 1156ad. 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; 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), (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), (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 1160. 36.11 (3) (d) 1. of the statutes is amended to read:

36.11 **(3)** (d) 1. Except as provided in subd. 2., the board shall require that a ~~$28~~ $35 fee accompany each application for admittance from persons seeking admittance to any school within the system as new freshmen or as transfer students from outside the system. The board may exempt from the fee under this subdivision, on the basis of financial need, a maximum of 5% of the applications in any school year.

SECTION 1161. 36.11 (3) (d) 2. of the statutes is amended to read:

36.11 **(3)** (d) 2. The board shall require that a ~~$38~~ $45 fee accompany each application for admittance to a graduate school, law school or medical school within the system.

SECTION 1162. 36.11 (6) (c) of the statutes is amended to read:

36.11 **(6)** (c) By April 10, ~~1996~~ 1998, and annually thereafter, the board shall develop and submit to the ~~education commission~~ higher educational aids board for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year to students enrolled in the system.

SECTION 1162m. 36.11 (33) of the statutes is created to read:

36.11 **(33)** REPORT ON MANAGEMENT AND STAFF POSITIONS. (a) The board shall categorize each position in the system as either a management position or a staff position. The board shall define "management" and "staff" for the purposes of this paragraph.

(b) By January 1, 1998, and annually thereafter by January 1, the board shall submit a report to the joint committee on finance that includes all of the following:

1. The definitions of "management" and "staff" used by the board under par. (a).

2. A list of the position titles in each category.

3. The criteria used by the board to categorize the positions.

4. The current number of authorized positions in each category at each campus.

SECTION 1162r. 36.11 (34) of the statutes is created to read:

36.11 **(34)** MATHEMATICS PROGRAMS EVALUATION. From the appropriation under s. 20.285 (1) (a), annually the board shall allocate $25,000 to the University of Wisconsin–Milwaukee for the purpose of evaluating a pilot mathematics program conducted by the school district operating under ch. 119. This subsection does not apply after June 30, 2003.

SECTION 1163. 36.25 (12) (c) of the statutes is amended to read:

36.25 **(12)** (c) The institute shall investigate medical and social conditions which directly or indirectly result in state care; develop and promote measures to relieve and prevent the need for state care; undertake special education and training; and generally seek by research and investigation to prevent conditions which result in state care. The institute shall render, under mutual agreement, services to the state institutions under the jurisdiction of the department of health and family services and the department of ~~education~~ public instruction. Such state institutions are open to the institute for research and training.

SECTION 1164ad. 36.25 (12m) (intro.) of the statutes is amended to read:

36.25 **(12m)** STATE CARTOGRAPHER. (intro.) ~~In coordination and consultation with the land information board, the~~ The state cartographer shall:

SECTION 1164g. 36.25 (20) of the statutes is repealed.

SECTION 1165m. 36.25 (29m) (a) of the statutes is amended to read:

36.25 **(29m)** (a) Assist the environmental education board in addressing statewide teacher training needs in environmental education and in administering grants under s. 36.54 (2).

SECTION 1166. 36.25 (29m) (b) of the statutes is amended to read:

36.25 **(29m)** (b) Assist the department of ~~education~~ public instruction to periodically assess and report to the environmental education board on the environmental literacy of this state's teachers and students.

SECTION 1167. 36.25 (29m) (e) of the statutes is amended to read:

36.25 **(29m)** (e) Assist the department of ~~education~~ public instruction and cooperative educational service agencies to assist school districts in conducting environmental education needs assessments.

SECTION 1167b. 36.25 (30) (intro.) and (a) of the statutes are consolidated, renumbered 36.25 (30) and amended to read:

36.25 **(30)** HAZARDOUS POLLUTION PREVENTION PROGRAM. The board shall establish in the extension a hazardous pollution prevention program to promote hazardous pollution prevention, as defined in s. 299.13 (1) (c). In cooperation with the department of natural resources~~,~~ and the department of commerce ~~and the hazardous pollution prevention council~~, the program shall ~~do all of the following: (a) Conduct~~ conduct an education and

technical assistance program to promote hazardous pollution prevention in this state.

SECTION 1167c. 36.25 (30) (c) of the statutes is repealed.

SECTION 1167d. 36.25 (30g) of the statutes is amended to read:

36.25 **(30g)** RECYCLING MARKET DEVELOPMENT PROGRAM. The board shall establish in the extension~~, in cooperation with the recycling market development board,~~ a program of education and technical assistance related to recycling market development. The program shall serve waste generators~~, as defined in s. 287.40 (4)~~; solid waste scrap brokers, dealers and processors; business entities that use or could use recovered materials or that produce or could produce products from recovered materials and persons who provide support services to those business entities; and the general public.

SECTION 1167p. 36.25 (35) of the statutes is repealed.

SECTION 1168. 36.25 (38) of the statutes is created to read:

36.25 **(38)** EDUCATIONAL TECHNOLOGY PROJECTS. (a) In this subsection, "educational technology" has the meaning given in s. 44.70 (3).

(b) The board shall use the moneys appropriated under s. 20.285 (1) (cm) for the following purposes:

1. The student information system.

2. The development of system technology infrastructure.

3. The development of curricula to train students enrolled in the schools of education in the use of educational technology in primary and secondary schools.

4. To provide professional development in the use of educational technology for primary and secondary school teachers.

5. To provide faculty with educational technology and to train faculty in its use.

6. To pay the department of administration for telecommunications services provided under s. 16.973 (1).

SECTION 1168e. 36.25 (39) of the statutes is created to read:

36.25 **(39)** INSTITUTE FOR EXCELLENCE IN URBAN EDUCATION. There is established an Institute for Excellence in Urban Education at the University of Wisconsin−Milwaukee. The institute shall engage in research, public service and educational activities pertaining to issues in urban public education.

SECTION 1168k. 36.25 (42) of the statutes is created to read:

36.25 **(42)** DISTINGUISHED CHAIR OF MILITARY HISTORY. The board shall establish a distinguished chair of military history at the University of Wisconsin−Madison.

SECTION 1168m. 36.27 (3) (g) of the statutes is amended to read:

36.27 **(3)** (g) The board ~~may~~ shall remit nonresident tuition and fees, in whole or part, to resident and nonresident graduate students who are fellows or who are employed within the system as faculty, instructional academic staff or assistants with an appointment equal to at least 33% of a full−time equivalent position.

SECTION 1169. 36.27 (4) (a) of the statutes is amended to read:

36.27 **(4)** (a) In the 1993−94 to ~~1996−97~~ 1998−99 academic years, the board may annually exempt from nonresident tuition, but not from incidental or other fees, up to 200 students enrolled at the University of Wisconsin−Parkside as juniors or seniors in programs identified by that institution as having surplus capacity and up to 150 students enrolled at the University of Wisconsin−Superior in programs identified by that institution as having surplus capacity.

SECTION 1170. 36.27 (4) (c) of the statutes is repealed.

SECTION 1171. 36.27 (4) (cm) of the statutes is repealed.

SECTION 1172. 36.27 (4) (e) of the statutes is repealed.

SECTION 1172m. 36.27 (5) of the statutes is created to read:

36.27 **(5)** FEE STATEMENT. (a) In this subsection, "state funds" means the total amount of general purpose revenue appropriated under s. 20.285 in any fiscal year.

(b) The board shall ensure that every student's bill for academic fees or nonresident tuition includes the following statement: "The legislature and the governor have authorized $.... in state funds for the University of Wisconsin System during the .... academic year. This amount represents an average subsidy of $.... from the taxpayers of Wisconsin for each student enrolled in the University of Wisconsin System."

(c) The board shall calculate the average subsidy for the purpose of the fee statement under par. (b) by dividing state funds in the appropriate fiscal year by the number of full−time equivalent students enrolled in the system in the most recent fall semester.

SECTION 1173e. 36.46 (1) of the statutes is renumbered 36.46 (1) (a) and amended to read:

36.46 **(1)** (a) The board may not accumulate any auxiliary reserve funds from student fees ~~unless the fees and~~ 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 ~~section~~ subsection. A request by the board for such approval for any ~~academic~~ 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 ~~July 10 preceding that~~ 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 ~~fees or~~ reserve fund accumulation.

SECTION 1173m. 36.46 (2) of the statutes is renumbered 36.46 (1) (b) and amended to read:

36.46 (1) (b) Notwithstanding ~~sub. (1)~~ par. (a), if, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the secretary's proposed action, the proposed ~~fees may be levied and the proposed~~ reserve funds may be accumulated. If, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the secretary's proposed action, the proposed ~~fees may not be levied and the proposed~~ reserve funds may not be accumulated unless the committee approves that action.

SECTION 1173s. 36.46 (2) of the statutes is created to read:

Vetoed In Part 36.46 **(2)** (a) The board shall promulgate rules that do all of the following:

Vetoed In Part 1. Define "one–time, fixed–duration costs" and "student–related activity" for the purpose of s. 20.285 (1) (kp).

2. Establish criteria for the board to use in determining whether to approve requests to transfer moneys under s. 20.285 (1) (h).

(b) The board may not transfer moneys from the appropriation account under s. 20.285 (1) (h) to the appropriation account under s. 20.285 (1) (kp) unless the transfer is approved by the joint committee on finance under this paragraph. The board shall submit a request for such approval to the cochairpersons of the joint committee on finance. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed transfer within 14 working days after the date of the board's request, the board may transfer the moneys. If, within 14 working days after the date of the board's request, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed transfer, the board may not transfer the moneys until the committee approves the transfer.

Vetoed In Part (c) By September 1, 1998, and annually by September 1 thereafter, the board shall submit to the joint committee on finance a report on the requests to transfer moneys from the appropriation account under s. 20.285 (1) (h) to the appropriation account under s. 20.285 (1) (kp) that were received by the board in the previous fiscal year. For each request, the report shall identify the campus that submitted the request, the amount of the request, the revenue source of the moneys requested, the purpose for which the moneys were to be used and whether the board approved the request.

SECTION 1174. 36.51 (2) of the statutes is amended to read:

36.51 **(2)** Any center 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 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 ~~education~~ public instruction of the approved centers and institutions.

SECTION 1175. 36.51 (6) of the statutes is amended to read:

36.51 **(6)** The center or institution may file a claim with the department of ~~education~~ 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 ~~education~~ 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 1176. 36.51 (7) of the statutes 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 ~~department of education~~ 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 or institution may be required to provide special foods for individual persons with allergies or medical disorders.

SECTION 1178. 38.04 (7m) of the statutes is amended to read:

38.04 **(7m)** FINANCIAL AIDS. By April 10, ~~1996~~ 1998, and annually thereafter, the board shall develop and submit to the ~~education commission~~ higher educational aids board for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year to students enrolled in the technical colleges.

SECTION 1178m. 38.04 (9) of the statutes is amended to read:

38.04 **(9)** TRAINING PROGRAMS FOR FIRE FIGHTERS. In order to promote safety to life and property, the board may establish and supervise training programs in fire prevention and protection. The training programs shall be available to members of volunteer and paid fire depart-

ments maintained by public and private agencies, including industrial plants. No training program required for participation in structural fire fighting that is offered to members of volunteer and paid fire departments maintained by public agencies may require more than 60 hours of training. ~~The council on fire service training programs shall advise the board on the establishment and maintenance of the programs.~~

SECTION 1179. 38.04 (11) (a) 2. of the statutes is amended to read:

38.04 **(11)** (a) 2. In consultation with the ~~department of education~~ state superintendent of public instruction, the board shall establish, by rule, a uniform format for district boards to use in reporting the number of pupils attending district schools under ss. 118.15 (1) (b), (cm) and (d) and ~~118.37~~ 118.55 (7r) and in reporting pupil participation in technical preparation programs under s. 118.34, including the number of courses taken for advanced standing in the district's associate degree program and for technical college credit. ~~The format shall be identical to the format established by the department of education under s. 115.28 (38).~~

SECTION 1180. 38.04 (21) of the statutes is created to read:

38.04 **(21)** PUPILS ATTENDING TECHNICAL COLLEGES; BOARD REPORT. Annually by the 3rd Monday in February the board shall submit a report to the department of administration, department of public instruction and department of workforce development, and to the legislature under s. 13.172 (2). The report shall specify all of the following by school district:

(a) The number of pupils who attended district schools under ss. 118.15 (1) (b), (cm) and (d) and 118.55 (7r) in the previous school year.

(b) The type and number of credits earned by the pupils.

(c) The number of persons who applied for admission to a technical college in the previous school year, who previously earned technical college credit under s. 118.55 (7r) and who applied for admission within one year of graduating from high school.

(d) The courses given in high schools for which a pupil may receive technical college credit and the number of pupils enrolled in the courses for technical college credit in the previous school year.

(e) Any other information considered relevant by the board.

SECTION 1180q. 38.04 (25) of the statutes is repealed.

SECTION 1181. 38.04 (26) of the statutes is amended to read:

38.04 **(26)** TECHNICAL PREPARATION PROGRAMS. In consultation with the ~~department of education~~ state superintendent of public instruction, the board shall approve courses for technical preparation programs under s. 118.34. By July 1, 1994, and annually thereafter by July 1, the board shall publish a list of the approved courses that indicates the schools in which each course is taught and the credit equivalency available in each district for each course.

SECTION 1183. 38.12 (8) (a) of the statutes is amended to read:

38.12 **(8)** (a) The district boards shall actively coordinate, with the department of ~~education~~ public instruction and the school boards, the responsibility for providing vocational training to pupils attending high school and for providing education to persons who have dropped out of high school.

SECTION 1184. 38.14 (3) (am) of the statutes is created to read:

38.14 **(3)** (am) If a district board contracts with a school board to provide youth apprenticeship instruction to pupils enrolled in the school district, the district board may not charge the school board an amount that is greater than the technical college district's direct instructional costs associated with providing the instruction.

SECTION 1185. 38.22 (1) (intro.) of the statutes is amended to read:

38.22 **(1)** (intro.) Except as provided in subs. (1m) and (1s) and s. ~~118.37~~ 118.55 (7r), every person who is at least the age specified in s. 118.15 (1) (b) is eligible to attend ~~the schools of a district~~ a technical college if the person is:

SECTION 1186. 38.24 (1s) of the statutes is renumbered 38.24 (1s) (intro.) and amended to read:

38.24 **(1s)** ADDITIONAL FEES. (intro.) A district board may establish and charge a fee in addition to the fees under sub. (1m) for ~~a~~ any of the following:

(a) A court−approved alcohol or other drug abuse education program offered to individuals under s. 48.245 (2) (a) 4., 48.345 (13) (b), 938.245 (2) (a) 4., 938.32 (1g) (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343 (10) (c) or 938.344 (2g) (a).

SECTION 1187. 38.24 (1s) (b) of the statutes is created to read:

38.24 **(1s)** (b) A short−term, professional development, vocational−adult seminar or workshop offered to individuals who are employed in a related field. The additional fee may not exceed an amount equal to the full cost of the seminar or workshop less the fee under sub. (1m). Annually the district board shall report to the board the courses for which an additional fee was charged under this paragraph and the amount of the additional fee.

SECTION 1188. 38.24 (1s) (c) of the statutes is created to read:

38.24 **(1s)** (c) A vocational−adult course intended to improve an individual's skills beyond the entry level if the course is required by state or federal law, rule or regulation, or by a professional organization, to maintain licensure or certification in the individual's field of employment and the state director approves. The additional fee may not exceed an amount equal to the full cost of the course less the fee under sub. (1m).

SECTION 1189. 38.24 (3) (f) of the statutes is created to read:

38.24 **(3)** (f) Notwithstanding par. (a), the state director may authorize the district board to charge a student who is not a resident of this state and who is enrolled in a course provided through the use of distance education, as defined in s. 24.60 (1g), a fee that is less than the fee established under par. (a) but not less than the fees established under sub. (1m).

SECTION 1189g. 38.27 (1) (h) of the statutes is created to read:

38.27 **(1)** (h) The creation or expansion of programs at secured juvenile correctional facilities.

SECTION 1189k. 38.27 (2m) (e) of the statutes is created to read:

38.27 **(2m)** (e) Beginning in the 1997−98 fiscal year, not more than $150,000 annually is awarded for the purpose of sub. (1) (h).

SECTION 1190. 38.28 (1m) (a) 1. of the statutes is amended to read:

38.28 **(1m)** (a) 1. "District aidable cost" means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under subs. (6) and (7) and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), ~~118.37~~ 118.55 (7r) and 146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11), 38.26, 38.27, 38.33 and 38.38, all fees collected under s. 38.24 and driver education and chauffeur training aids.

SECTION 1190m. 38.28 (3) of the statutes is amended to read:

38.28 **(3)** If the appropriation for state aid under s. 20.292 (1) (d) in any one year is insufficient to pay the full amount under sub. (2), state aid payments shall be prorated among the districts entitled thereto. If the appropriation for state aid under s. 20.292 (1) ~~(u)~~ (fc) in any one year is insufficient to pay the full amount under subs. (2) (c) and (g), funds in the appropriation shall be used first for the purposes of sub. (2) (c) and any remaining funds shall be prorated among the districts entitled to support under sub. (2) (g). If the appropriation for state aid under s. 20.292 (1) ~~(u)~~ (fc) in any one year is insufficient to pay the full amount under sub. (2) (c), funds in the appropriation shall be prorated among the districts entitled to the funds.

SECTION 1191m. 38.28 (7) (a) (intro.) of the statutes is amended to read:

38.28 **(7)** (a) (intro.) In coordination with the department of ~~education~~ public instruction, the board shall pay the following amounts to each district board from the appropriation under s. 20.292 (1) (cm) for the development and implementation of technical preparation programs in each high school:".

SECTION 1191n. 38.29 (2) (c) of the statutes is amended to read:

38.29 **(2)** (c) Amounts awarded shall be paid from the appropriation under s. 20.292 (1) ~~(v)~~ (fg).

SECTION 1192. 38.33 of the statutes is created to read:

38.33 Faculty development grants. (1) From the appropriation under s. 20.292 (1) (eg), the board shall award grants to district boards to establish faculty development programs. The programs shall promote all of the following:

(a) Instructor awareness of and expertise in a wide variety of newly emerging technologies.

(b) The integration of learning technologies in curriculum and instruction.

(c) The use of instructional methods that involve emerging technologies.

(1m) The board may not award a grant to a district board under this section unless there is a matching fund contribution from the district board equal to at least 50% of the grant amount.

(2) The board shall promulgate rules to implement and administer this section, including rules establishing criteria for the awarding of grants.

SECTION 1193. 38.36 (2) of the statutes is amended to read:

38.36 **(2)** Any district approved by the board may establish a system to provide the opportunity for authorized elderly persons to participate in its meal program. If a district board 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 ~~education~~ public instruction of the approved districts.

SECTION 1194. 38.36 (6) of the statutes is amended to read:

38.36 **(6)** The district board may file a claim with the department of ~~education~~ 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 ~~education~~ 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 1195. 38.36 (7) of the statutes is amended to read:

38.36 **(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 ~~department of education~~ 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 district board may be required to provide special foods for individual persons with allergies or medical disorders.

SECTION 1195m. 38.38 of the statutes is amended to read:

38.38 Services for handicapped students. ~~A district board may apply to the board for a grant to assist in funding transitional services for handicapped students. The board shall notify district−boards of criteria for the awarding of grants and the amounts of grants to be awarded. The~~ Annually the board shall award ~~grants~~ a grant to each district board, from the appropriation under s. 20.292 (1) (de)~~.~~ ~~Amounts awarded shall range from 25% to 75% of the total project cost~~, to assist in funding transitional services for handicapped students. Each district board shall receive an amount equal to one−sixteenth of the amount appropriated and shall contribute matching funds equal to 25% of the amount awarded.

SECTION 1196. 38.51 (title) of the statutes is repealed.

SECTION 1197. 38.51 (1) (intro.), (b) and (c) of the statutes are renumbered 39.51 (1) (intro.), (b) and (c).

SECTION 1198. 38.51 (1) (cm) of the statutes is repealed.

SECTION 1199. 38.51 (1) (d) to (f) of the statutes are renumbered 39.51 (1) (d) to (f).

SECTION 1200. 38.51 (1) (g) of the statutes is renumbered 39.51 (1) (g) and amended to read:

39.51 **(1)** (g) "Teaching location" means the area and facilities designated for use by a school required to be approved by the ~~department~~ board under this section.

SECTION 1201. 38.51 (2) of the statutes is renumbered 39.51 (2) and amended to read:

39.51 **(2)** PURPOSE. The purpose of ~~this section~~ the board is to approve schools and courses of instruction for the training of veterans of the armed forces and war orphans receiving assistance from the federal government, protect the general public by inspecting and approving private trade, correspondence, business and technical schools doing business within this state whether located within or outside this state, changes of ownership or control of these schools, teaching locations used by these schools and courses of instruction offered by these schools and to regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by these schools.

SECTION 1202. 38.51 (3) of the statutes is renumbered 39.51 (3) and amended to read:

39.51 **(3)** RULE−MAKING POWER. The ~~department~~ board shall promulgate rules and establish standards necessary to carry out the purpose of this section.

SECTION 1203. 38.51 (6) of the statutes is renumbered 39.51 (6), and 39.51 (6) (a), as renumbered, is amended to read:

39.51 **(6)** (a) Except as provided in par. (b), the ~~department~~ board shall be the state approval agency for the education and training of veterans and war orphans. It shall approve and supervise schools and courses of instruction for their training under Title 38, USC, and may enter into and receive money under contracts with the U.S. department of veterans affairs or other appropriate federal agencies.

SECTION 1204. 38.51 (7) of the statutes is renumbered 39.51 (7), and 39.51 (7) (intro.) and (g) to (i), as renumbered, are amended to read:

39.51 **(7)** APPROVAL OF SCHOOLS GENERALLY. (intro.) In order to protect students, prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction and encourage schools to maintain courses and courses of instruction consistent in quality, content and length with generally accepted educational standards, the ~~department~~ board shall:

(g) Approve courses of instruction, schools, changes of ownership or control of schools and teaching locations meeting the requirements and standards established by the ~~department~~ board and complying with rules promulgated by the ~~department~~ board and publish a list of the schools and courses of instruction approved.

(h) Issue permits to solicitors when all ~~department~~ board requirements have been met.

(i) Require schools to furnish a surety bond in an amount as provided by rule of the ~~department~~ board.

SECTION 1205. 38.51 (8) (title) of the statutes is renumbered 39.51 (8) (title).

SECTION 1206. 38.51 (8) (a) of the statutes is renumbered 39.51 (8) (a) and amended to read:

39.51 **(8)** (a) *In general.* No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students therefor in this state for a consideration or remuneration, except upon the actual business premises of the school, unless the solicitor first secures a solicitor's permit from the ~~department~~ board. If the solicitor represents more than one school, a separate permit shall be obtained for each school represented by the solicitor.

SECTION 1207. 38.51 (8) (b) of the statutes is renumbered 39.51 (8) (b) and amended to read:

39.51 **(8)** (b) *Solicitor's permit.* The application for a solicitor's permit shall be made on a form furnished by the ~~department~~ board and shall be accompanied by a fee and a surety bond acceptable to the ~~department~~ board in the sum of $2,000. The ~~department~~ board shall, by rule, specify the amount of the fee for a solicitor's permit. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his or her enrollment or as a result of the failure of the school to faithfully perform the agreement made with the student by the solicitor, and may be supplied by the solicitor or by the school itself either as a blanket bond covering each of its solicitors in the amount of $2,000 or the surety bond under sub. (7) (i). Upon approval of a per-

mit, the ~~department~~ board shall issue an identification card to the solicitor giving his or her name and address, the name and address of the employing school, and certifying that the person whose name appears on the card is authorized to solicit students for the school. A permit shall be valid for one year from the date issued. Liability under this paragraph of the surety on the bond for each solicitor covered thereby shall not exceed the sum of $2,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the same upon giving 30 days' notice in writing to the ~~department~~ board and thereafter shall be relieved of liability under this paragraph for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee, a surety bond acceptable to the ~~department~~ board in the sum of $2,000 if a continuous bond has not been furnished, and such information as the ~~department~~ board requests of the applicant. The ~~department~~ board shall, by rule, specify the amount of the fee for renewal of a solicitor's permit.

SECTION 1208. 38.51 (8) (c) of the statutes is renumbered 39.51 (8) (c), and 39.51 (8) (c) (intro.), 1., 2., 4. and 5., as renumbered, are amended to read:

39.51 **(8)** (c) *Refusal or revocation of permit.* (intro.) The ~~department~~ board may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any combination of the following grounds:

1. Wilful violation of this subsection or any rule promulgated by the ~~department~~ board under this section;

2. Furnishing false, misleading or incomplete information to the ~~department~~ board;

4. Refusal by the school to be represented to allow reasonable inspection or to supply information after written request therefor by the ~~department~~ board;

5. Failure of the school which the solicitor represents to meet requirements and standards established by and to comply with rules promulgated by the ~~department~~ board pursuant to sub. (7);

SECTION 1209. 38.51 (8) (d) to (i) of the statutes are renumbered 39.51 (8) (d) to (i), and 39.51 (8) (d) and (e), as renumbered, are amended to read:

39.51 **(8)** (d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by registered mail to the last address of the applicant or permit holder shown in the records of the ~~department~~ board. Revocation of a permit shall be effective 10 days after the notice of revocation has been mailed to the permit holder.

(e) *Request for appearance.* Within 20 days of the receipt of notice of the ~~department's~~ board's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request permission to appear before the ~~department~~ board in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request, the ~~department~~ board shall grant a hearing to the applicant or holder of the permit within 30 days giving that person at least 10 days' notice of the date, time and place.

SECTION 1210. 38.51 (9) of the statutes is renumbered 39.51 (9), and 39.51 (9) (g) and (h), as renumbered, are amended to read:

39.51 **(9)** (g) Schools approved by the department of ~~education~~ public instruction for the training of teachers.

(h) Schools accredited by accrediting agencies recognized by the ~~department~~ board.

SECTION 1211. 38.51 (10) of the statutes is renumbered 39.51 (10), and 39.51 (10) (a), (b) and (c) (intro.) and 1., as renumbered, are amended to read:

39.51 **(10)** (a) *Authority.* All proprietary schools shall be examined and approved by the ~~department~~ board before operating in this state. Approval shall be granted to schools meeting the criteria established by the ~~department~~ board for a period not to exceed one year. No school may advertise in this state unless approved by the ~~department~~ board. All approved schools shall submit quarterly reports, including information on enrollment, number of teachers and their qualifications, course offerings, number of graduates, number of graduates successfully employed and such other information as the ~~department~~ board deems necessary.

(b) *Application.* Application for initial approval of a school or a course of instruction, approval of a teaching location, change of ownership or control of a school, renewal of approval of a school or reinstatement of approval of a school or course of instruction which has been revoked shall be made on a form furnished by the ~~department~~ board and shall be accompanied by a fee set by the ~~department~~ board under par. (c), and such other information as the ~~department~~ board deems necessary to evaluate the school in carrying out the purpose of this section.

(c) *Fees; rule making.* (intro.) The ~~department~~ board shall promulgate rules to establish fees. In promulgating rules to establish fees, the ~~department~~ board shall:

1. Require that the amount of fees collected under this paragraph be sufficient to cover all costs that the ~~department~~ board incurs in examining and approving proprietary schools under this subsection.

SECTION 1212. 39.11 (5) of the statutes is amended to read:

39.11 **(5)** Work with the educational agencies and institutions of the state as reviewer, adviser and coordinator of their joint efforts to meet the educational needs of the state through radio ~~and~~, television and other appropriate technologies.

SECTION 1213. 39.11 (20) of the statutes is repealed.

SECTION 1213d. 39.11 (21) of the statutes is created to read:

39.11 **(21)** Operate an emergency weather warning system.

SECTION 1214. 39.13 (2) of the statutes is amended to read:

39.13 **(2)** The executive director may employ a deputy director, the number of division administrators specified in s. 230.08 (2) (e) and ~~12~~ 11 professional staff members outside the classified service. Subject to authorization under s. 16.505, the executive director may employ additional professional staff members for development and grant projects outside the classified service or for other purposes within the classified service.

SECTION 1215. 39.145 of the statutes is repealed.

SECTION 1216. 39.155 (1) of the statutes is amended to read:

39.155 **(1)** Subject to sub. (3), all funds appropriated to the medical college of Wisconsin, inc., under s. 20.250 (1) (a) shall be based on a per capita formula for an amount for each Wisconsin resident enrolled at the college who is paying full tuition. A student's qualification as a resident of this state shall be determined by the ~~department of education~~ higher educational aids board in accordance with s. 36.27, so far as applicable.

SECTION 1217. 39.155 (2) of the statutes is amended to read:

39.155 **(2)** On or before January 15 and September 15 of each year, the medical college of Wisconsin, inc., shall submit to the ~~department of education~~ higher educational aids board for its approval a list of the Wisconsin residents enrolled at the college who are paying full tuition. The state shall make semiannual payments to the medical college of Wisconsin, inc., from the appropriation under s. 20.250 (1) (a), upon approval of the list. If the appropriation under s. 20.250 (1) (a) is insufficient to pay the amount specified to be disbursed under s. 20.250 (1) (a), the payments shall be disbursed on a prorated basis for each student entitled to such aid. No more than 8 such payments may be made to the medical college of Wisconsin, inc., from the appropriation under s. 20.250 (1) (a), for any individual student.

SECTION 1218. Subchapter III (title) of chapter 39 [precedes 39.26] of the statutes is amended to read:

CHAPTER 39

SUBCHAPTER III

HIGHER EDUCATIONAL AIDS BOARD

SECTION 1219. 39.26 of the statutes is amended to read:

39.26 Definition. In this subchapter, ~~"department"~~ "board" means the ~~department of education~~ higher educational aids board.

SECTION 1220. 39.28 (1) of the statutes is amended to read:

39.28 **(1)** The ~~department~~ board shall administer the programs under this subchapter and may promulgate such rules as are necessary to carry out its functions. The ~~department~~ board may accept and use any funds which it receives from participating institutions, lenders or agencies. The ~~department~~ board may enter into such contracts as are necessary to carry out its functions under this subchapter.

SECTION 1221. 39.28 (2) of the statutes is amended to read:

39.28 **(2)** The ~~department~~ board shall establish plans to be administered by the ~~department~~ board for participation by this state under any federal acts relating to higher education and submit them to the U.S. ~~commissioner~~ secretary of education for the ~~commissioner's~~ secretary's approval. The ~~department~~ board may utilize such criteria for determination of priorities, participation or purpose as are delineated in the federal acts.

SECTION 1222. 39.28 (3) of the statutes is created to read:

39.28 **(3)** (a) In its biennial report under s. 15.04 (1) (d), the board also shall include recommendations for improvement of the state's student financial aid programs.

(b) On January 1 and July 1, the board shall report to the joint committee on finance and the joint legislative audit committee on the board's loan collection activities and efforts to develop collection policies to improve program performance through changes in data processing and program review.

SECTION 1223. 39.28 (4) of the statutes is amended to read:

39.28 **(4)** The ~~department~~ board may assign, sell, convey or repurchase student loans made under s. 39.32 subject to prior approval by the joint committee on finance.

SECTION 1224. 39.285 of the statutes is amended to read:

39.285 (title) **~~Education commission~~ Board review of proposed formulae. (1)** By May 1, ~~1996~~ 1998, and annually thereafter, the ~~education commission~~ board shall approve, modify or disapprove any proposed formula for the awarding of grants for the upcoming academic year submitted under sub. (2) or (3) or s. 36.11 (6) (c) or 38.04 (7m).

(2) By April 10, ~~1996~~ 1998, and annually thereafter, the Wisconsin Association of Independent Colleges and Universities shall develop and submit to the ~~education commission~~ board for its review under sub. (1) a proposed formula for the awarding of grants under s. 39.30 for the upcoming academic year to students enrolled at private institutions of higher education.

SECTION 1224e. 39.285 (3) of the statutes is created to read:

39.285 **(3)** By April 10, 1998, and annually thereafter, each tribally controlled college in this state is requested to develop and submit to the board for its review under sub. (1) a proposed formula for the awarding of grants under s. 39.30 for the upcoming academic year to students enrolled at that tribally controlled college.

SECTION 1225. 39.29 of the statutes is created to read:

39.29 Executive secretary. An executive secretary shall be appointed by the governor to serve at his or her pleasure.

SECTION 1225m. 39.30 (2) (intro.) of the statutes is amended to read:

39.30 **(2)** ELIGIBILITY. (intro.) A resident student enrolled at least half−time and registered as a freshman, sophomore, junior or senior in an accredited, nonprofit, post high school, educational institution in this state or in a tribally controlled college in this state shall be eligible for grants under this section for each semester of attendance, but:

SECTION 1226. 39.30 (2) (e) of the statutes is amended to read:

39.30 **(2)** (e) The ~~department~~ board may not make a grant to a student if the ~~department~~ board receives a certification under s. 49.855 (7) that the student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

SECTION 1227. 39.30 (2) (f) of the statutes is amended to read:

39.30 **(2)** (f) No grants may be awarded under this section unless the applicable formula submitted under s. 39.285 (2) or (3) is approved or modified by the ~~education commission~~ board under s. 39.285 (1).

SECTION 1227g. 39.30 (3) (intro.) of the statutes is amended to read:

39.30 **(3)** BASIS OF GRANTS. (intro.) The grant to be paid to a resident student enrolled at least half−time and registered as a freshman, sophomore, junior or senior after August 1, 1979, shall be determined ~~under pars. (a) to (f).~~ as follows:

SECTION 1227m. 39.30 (3) (d) of the statutes is amended to read:

39.30 **(3)** (d) Subtract the amount determined in par. (c) from the amount determined in par. (a) to arrive at the amount of the grant. ~~No grant may exceed $1,086 per semester or a prorated amount in the case of a quarter or trimester institution, or $2,172 per academic year. Grants under this section may not be less than $250 during any one academic year.~~

SECTION 1228. 39.30 (3) (e) of the statutes is amended to read:

39.30 **(3)** (e) The ~~department~~ board shall establish criteria for the treatment of financially independent students which are consistent with procedures in pars. (a) to (d).

SECTION 1229c. 39.30 (3) (f) of the statutes is renumbered 39.30 (3m) (b) and amended to read:

39.30 **(3m)** (b) The ~~department~~ board may not make initial awards of grants under this section for an academic year in an amount that exceeds 122% of the amount appropriated under s. 20.235 (1) (b) for the fiscal year in which the grant may be paid.

SECTION 1229g. 39.30 (3) (g) of the statutes is created to read:

39.30 **(3)** (g) This subsection does not apply to students enrolled in tribally controlled colleges.

SECTION 1229j. 39.30 (3m) of the statutes is created to read:

39.30 **(3m)** GRANT AWARDS. (a) No grant awarded under this section may exceed $1,086 per semester or a prorated amount in the case of a quarter or trimester institution, or $2,172 per academic year. Grants under this section may not be less than $250 during any one academic year.

SECTION 1230. 39.30 (4) of the statutes is amended to read:

39.30 **(4)** FORMS. The ~~department~~ board shall prescribe, furnish and make available, at locations in the state convenient to the public, application forms for grants under this section. Upon request, the ~~department~~ board shall advise and assist applicants in making out such forms.

SECTION 1231. 39.31 (intro.) of the statutes is amended to read:

39.31 Determination of student costs. (intro.) In determining a student's total cost of attending a postsecondary institution for the purpose of calculating the amount of a grant under s. 39.30, 39.38, 39.435 or 39.44, the ~~department~~ board shall include the following:

SECTION 1232. 39.31 (2) of the statutes is amended to read:

39.31 **(2)** Miscellaneous expenses, as determined by the ~~department~~ board.

SECTION 1233. 39.31 (3) of the statutes is amended to read:

39.31 **(3)** The cost of child care, as determined by the ~~department~~ board.

SECTION 1234. 39.32 (2) (intro.) of the statutes is amended to read:

39.32 **(2)** (intro.) The ~~department~~ board shall:

SECTION 1235. 39.32 (3) (intro.) of the statutes is amended to read:

39.32 **(3)** (intro.) The ~~department~~ board may make and authorize loans to be made to students if:

SECTION 1236. 39.32 (3) (b) of the statutes is amended to read:

39.32 **(3)** (b) The student's eligibility for a loan is certified to the ~~department~~ board by the institution of higher education in which the student is enrolled or has been accepted for enrollment.

SECTION 1237. 39.32 (3) (g) of the statutes is amended to read:

39.32 **(3)** (g) The student is not in default on any previous loan or the ~~department~~ board has determined that the student has made satisfactory arrangements to repay the defaulted loan.

SECTION 1238. 39.32 (5) of the statutes is amended to read:

39.32 **(5)** The ~~department~~ board may collect any loans made or authorized to be made by the ~~department~~

board pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 stats.

SECTION 1239. 39.32 (6) of the statutes is amended to read:

39.32 **(6)** The ~~department~~ board shall satisfy the loan of any student who obtained a loan under this section or s. 39.023, 1965 stats., between July 1, 1966, and December 15, 1968, where such student died or dies after July 1, 1966, and before completing repayment thereof, and shall write off the balance of principal and interest owing on the loan on the date it received confirmation of such student's death. Obligation to repay such a loan shall terminate on the date of the student's death and any payments made thereon to the ~~department~~ board after such date shall be refunded to the payor or the payor's heirs, executor or administrator ~~from the appropriation in s. 20.235 (2) (ba)~~ upon receipt by the ~~department~~ board of an application for refund.

SECTION 1240. 39.32 (7) of the statutes is amended to read:

39.32 **(7)** The ~~department~~ board may write off defaulted student loans made pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 stats., from moneys other than advances from the investment board originally appropriated for student loans, and from moneys other than moneys resulting from assignment, sale or conveyance of student loans.

SECTION 1241. 39.32 (8) of the statutes is amended to read:

39.32 **(8)** The ~~department~~ board may use up to $150,000 annually of student revenue bond proceeds for the purpose of consolidating loans for needy students who have a state direct loan and one or more federally guaranteed student loans from one or more private lenders.

SECTION 1242. 39.32 (10) of the statutes is amended to read:

39.32 **(10)** (a) The ~~department~~ board may enter into contractual agreements with lenders in this state and lenders in other states which grant loans to residents of this state, and with institutions and agencies wherein the ~~department~~ board may provide and furnish to such lenders, institutions and agencies administrative services related to the operation of any programs involving the granting of loans to students including but not limited to any and all services and functions related to the granting, administering and collecting of any loans made to students.

(b) The ~~department~~ board shall have all powers ~~as~~ that are reasonably appropriate to the provision of such services and the performance of such contracts and may include charges or fees to be paid by the lenders, institutions and agencies to the ~~department~~ board for the provision of such administrative services or any services or activities related to the collection of any student loans for which the ~~department~~ board may become responsible by operation of law or by contractual agreements under this paragraph, but such charges or fees, before being instituted by the ~~department~~ board, shall be approved by the secretary of administration.

SECTION 1243. 39.32 (11) of the statutes is amended to read:

39.32 **(11)** (a) In lieu of the procedure under ch. 812, the ~~department~~ board, on behalf of the corporation under s. 39.33, or the corporation, on its own behalf, may certify the department of administration to deduct money from a state employe's earnings. The ~~department~~ board shall specify an amount, not to exceed 25% of the employe's disposable earnings, as defined in s. 812.30 (6), to be deducted on a continuing basis until the amount certified by the ~~department~~ board or corporation has been paid. The department of administration shall remit moneys deducted to the ~~department~~ board or the corporation.

(b) The procedure in this section may be used only if the amount owed to the ~~department~~ board or corporation is reduced to a judgment. At least 30 days prior to certification, the ~~department~~ board or corporation shall notify the debtor under s. 879.05 (2) or (3) of the intent to certify the debt to the department of administration and of the debtor's right to a contested case hearing before the ~~department~~ board under s. 227.42. If the debtor requests a hearing within 20 days after receiving notice, the ~~department~~ board shall notify the department of administration which shall not make deductions under par. (a) until a decision is reached under s. 227.47 or the case is otherwise concluded.

(c) The department of administration shall prescribe the manner and form for certification of debts by the ~~department~~ board or corporation under this subsection.

SECTION 1244. 39.325 of the statutes is amended to read:

39.325 Wisconsin health education loan program. **(1)** There is established, to be administered by the ~~department~~ board, a Wisconsin health education loan program under P.L. 94−484, on July 29, 1979, in order to provide financial aid to medical and dentistry students enrolled in the university of Wisconsin medical school, the medical college of Wisconsin or Marquette university school of dentistry.

(2) The ~~department~~ board shall lend to students who qualify under sub. (1) any moneys appropriated or authorized through the issuance of revenue obligations. The ~~department~~ board shall require a student borrowing moneys under this section to pay interest while in medical or dental school and during his or her residency training at the rate of at least 3% per year on the sum of the principal amount of the student's obligation and the accumulated interest, unless federal law provides otherwise as a condition of guaranteeing the loan. Principal and interest payable on maturing revenue obligations shall, when necessary, be paid from funded reserves, authorized under

subch. II of ch. 18, or from moneys made available under chapter 20, laws of 1981, section 2022 (1).

(3) The ~~department~~ board shall promulgate rules and establish standards and methods of determining the amounts of loans, rates of interest and other administrative procedures consistent with P.L. 94−484, on July 29, 1979. The rates of interest shall be set as low as possible, but shall remain sufficient to cover all costs of the program under this section.

SECTION 1245. 39.33 of the statutes is amended to read:

39.33 Guaranteed student loan program. (1) The ~~department~~ board may organize and maintain a nonstock corporation under ch. 181 to provide for a guaranteed student loan program in this state under P.L. 89−287 and P.L. 89−329 as may from time to time be amended. The ~~department~~ board may make use of and pay for the use of the facilities and services of such corporation.

(2) The ~~department~~ board may provide administrative services for the nonstock corporation with which the ~~department~~ board has entered into a contractual agreement for purposes of providing for a guaranteed student loan program in this state. Services provided under this section shall be in accordance with the decision of the ~~department~~ board as to the type and scope of services requested and the civil service range of any employe assigned to them.

(3) The ~~department~~ board or the legislature or any person delegated by the legislature may inspect and examine or cause an inspection and examination of all records relating to all programs that are, or are to be, administered under contractual agreement between the ~~department~~ board and the corporation.

SECTION 1246. 39.34 of the statutes is amended to read:

39.34 Medical student loan program. Notwithstanding s. 39.34, 1991 stats., the ~~department~~ board shall terminate on August 12, 1993, any obligation to repay a loan awarded under this section.

SECTION 1247. 39.35 of the statutes is amended to read:

39.35 Repayment of scholarships for teachers in educationally disadvantaged areas. Notwithstanding s. 39.35, 1969 stats., and s. 39.35, 1991 stats., the ~~department~~ board shall terminate on August 12, 1993, any obligation to repay a student aid award made under this section.

SECTION 1248. 39.36 of the statutes is amended to read:

39.36 Repayment of stipends for teachers of the handicapped. Notwithstanding s. 39.36, 1969 stats., s. 39.37 (3) (b), 1969 stats., and s. 39.36, 1991 stats., the ~~department~~ board shall terminate on August 12, 1993, any obligation to repay a stipend awarded under this section.

SECTION 1249. 39.37 (2) of the statutes is amended to read:

39.37 **(2)** There is created a separate nonlapsible trust fund designated the student loan repayment fund consisting of all revenues received in repayment of student loans funded under this section, and any other revenues dedicated to it by the ~~department~~ board. The ~~department~~ board may pledge revenues received or to be received by the fund to secure revenue obligations issued under this section, and shall have all other powers necessary and convenient to distribute the proceeds of the revenue obligations and loan repayments in accordance with subch. II of ch. 18.

SECTION 1250. 39.37 (3) of the statutes is amended to read:

39.37 **(3)** All student loans funded with revenue obligations issued under this section shall be fully guaranteed as to repayment of principal and interest from among a nonstock corporation organized under s. 39.33 (1), the United States, its agencies or instrumentalities. The ~~department~~ board may enter into agreements necessary to affect this guaranty.

SECTION 1251. 39.374 (2) of the statutes is amended to read:

39.374 **(2)** There is created a separate nonlapsible trust fund designated the Wisconsin health education loan repayment fund consisting of all revenues received in repayment of loans funded under this section or loans financed from moneys made available under chapter 20, laws of 1981, section 2022 (1). The ~~department~~ board may pledge revenues received or to be received by the fund to secure revenue obligations issued under this section, and shall have all other powers necessary and convenient to distribute the proceeds of the revenue obligations and loan repayments in accordance with subch. II of ch. 18.

SECTION 1252. 39.374 (3) of the statutes is amended to read:

39.374 **(3)** All loans funded with revenue obligations issued under this section shall be fully guaranteed as to repayment of principal and interest by the United States, its agencies or instrumentalities. The ~~department~~ board may enter into agreements necessary to effect this guaranty.

SECTION 1253. 39.38 (1) of the statutes is amended to read:

39.38 **(1)** There is established, to be administered by the ~~department~~ board, a grant program to assist those Indian students who are residents of this state to receive a higher education.

SECTION 1254m. 39.38 (2) of the statutes is amended to read:

39.38 **(2)** Grants under this section shall be based on financial need, as determined by the ~~department~~ board. The maximum grant shall not exceed $2,200 per year, of which not more than $1,100 may be from the appropriation under s. 20.235 (1) (fb). State aid from this appropriation may be matched by a contribution from a fed-

erally recognized American Indian tribe or band that is deposited in the general fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall be awarded to students for full−time or part−time attendance at any accredited institution of higher education in this state. The ~~department~~ board may not make a grant under this section to a student if the ~~department~~ board receives a certification under s. 49.855 (7) that the student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. Grants shall be renewable for up to 5 years if a recipient remains in good academic standing at the institution that he or she is attending. ~~The American Indian language and culture education board shall advise the department on the allocation of grants to students enrolled less than half−time.~~

SECTION 1255. 39.39 (1) (a) (intro.) of the statutes is amended to read:

39.39 **(1)** (a) (intro.) There is established, to be administered by the ~~department~~ board, a stipend loan program for resident students, including registered nurses, who are:

SECTION 1256. 39.39 (2) (intro.) of the statutes is amended to read:

39.39 **(2)** (intro.) The ~~department~~ board shall:

SECTION 1257. 39.39 (2) (b) of the statutes is amended to read:

39.39 **(2)** (b) Promulgate rules to administer this section, including rules establishing loan amounts and the criteria and procedures for loan forgiveness and for selecting loan recipients. Loan recipients shall be selected on the basis of financial need, as determined by the ~~department~~ board, using the needs analysis methodology used under s. 39.435.

SECTION 1258. 39.39 (4) of the statutes is amended to read:

39.39 **(4)** The ~~department~~ board may not make any original stipend loans under this section.

SECTION 1258m. 39.395 of the statutes is created to read:

39.395 Teacher education loan program. (1) The board shall establish a loan program to defray the cost of tuition for persons enrolled in a teacher education program offered by the Milwaukee Teacher Education Center, a nonstock, nonprofit corporation organized under ch. 181. Loans shall be made from the appropriation under s. 20.235 (1) (cu).

(2) (a) After the recipient of the loan under sub. (1) has completed the teacher education program, the board shall forgive 50% of the loan and 50% of the interest on the loan for each school year that the recipient of the loan is employed as a full−time teacher in the school district operating under ch. 119. The board shall deposit in the general fund as general purpose revenue−earned all repayments of the loans made under sub. (1) and the interest on the loans.

(b) The board shall promulgate rules to administer this section.

SECTION 1259. 39.40 (2) (intro.) of the statutes is amended to read:

39.40 **(2)** (intro.) The ~~department~~ board shall establish a loan program for minority students who meet all of the following requirements:

SECTION 1260. 39.40 (2) (c) of the statutes is amended to read:

39.40 **(2)** (c) Meet academic criteria specified by the ~~department~~ board.

SECTION 1261. 39.40 (3) of the statutes is amended to read:

39.40 **(3)** Loans under sub. (2) shall be made from the appropriation under s. 20.235 (1) (cr). The ~~department~~ board shall forgive 25% of the loan and 25% of the interest on the loan for each school year the recipient teaches in a school district described under sub. (2) (d).

SECTION 1262. 39.40 (4) of the statutes is amended to read:

39.40 **(4)** The ~~department~~ board shall deposit in the general fund as general purpose revenue−earned all repayments of loans made under sub. (2) and the interest on the loans.

SECTION 1263. 39.40 (5) of the statutes is amended to read:

39.40 **(5)** The ~~department~~ board shall administer the repayment and forgiveness of loans made under s. 36.25 (16), 1993 stats. The ~~department~~ board shall treat such loans as if they had been made under sub. (2).

SECTION 1265. 39.41 (1) (ae) of the statutes is created to read:

39.41 **(1)** (ae) "Executive secretary" means the executive secretary of the board.

SECTION 1266. 39.41 (1) (bg) of the statutes is repealed.

SECTION 1267. 39.41 (1m) (b) of the statutes is amended to read:

39.41 **(1m)** (b) By February 15 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school may, for each high school with an enrollment of less than 80 pupils, nominate the senior with the highest grade point average in all subjects who may be designated as a scholar by the executive secretary under par. (c) 3.

SECTION 1268. 39.41 (1m) (c) (intro.) of the statutes is amended to read:

39.41 **(1m)** (c) (intro.) The executive secretary shall:

SECTION 1269. 39.41 (1m) (c) 5. of the statutes is amended to read:

39.41 **(1m)** (c) 5. For each public or private high school with an enrollment of less than 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private high school that the school board or governing body may nom-

inate a senior under par. (b) who may be designated as a scholar by the executive secretary.

SECTION 1270. 39.41 (1m) (cm) of the statutes is amended to read:

39.41 **(1m)** (cm) The executive secretary may grant waivers under par. (m).

SECTION 1271. 39.41 (1m) (d) of the statutes is amended to read:

39.41 **(1m)** (d) By February 15 of each school year, if 2 or more seniors from the same high school of at least 80 pupils have the same grade point average and, except for the limitation on the number of designated scholars, are otherwise eligible for designation under par. (a), the faculty of the high school shall select the applicable number of seniors for designation under par. (a) as scholars and shall certify, in order of priority, any remaining seniors as alternates for a scholar with the same grade point average. If a senior from that high school designated as a scholar under par. (a) does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), an alternate for the scholar with the same grade point average as any senior from that high school designated as a scholar under par. (a) shall be eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~department~~ board.

SECTION 1272. 39.41 (1m) (e) of the statutes is amended to read:

39.41 **(1m)** (e) If 2 or more seniors from the same high school of less than 80 pupils have the same grade point average and, except for the limitation of one nominated senior, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by the school board of the school district operating the public high school or the governing body of the private high school for designation under par. (b) as a scholar by the executive secretary. If that senior is designated as a scholar by the executive secretary and does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), faculty of the high school shall select one or more of the remaining seniors with the same grade point average for certification as a scholar and the school board of the school district operating the high school or the governing body of the private high school shall certify to the ~~department~~ board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~department~~ board.

SECTION 1273. 39.41 (1m) (f) of the statutes is amended to read:

39.41 **(1m)** (f) If 2 or more seniors from the Wisconsin school for the visually handicapped have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 1., the executive secretary shall make the designation under par. (c) 1. of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~department~~ board.

SECTION 1274. 39.41 (1m) (fm) of the statutes is amended to read:

39.41 **(1m)** (fm) If 2 or more seniors from the Wisconsin school for the deaf have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 2., the executive secretary shall make the designation under par. (c) 2. of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~department~~ board.

SECTION 1275. 39.41 (1m) (i) of the statutes is amended to read:

39.41 **(1m)** (i) Notwithstanding par. (d), if the school board of a school district operating a high school or the governing body of a private high school has complied with s. 39.41 (1m) (d), 1991 stats., for the 1993–94 school year and a senior from that high school designated as a scholar under s. 39.41 (1m) (a), 1991 stats., and s. 39.41 (1m) (d), 1991 stats., does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select one or more of the remaining seniors with the same grade point average for certification as a scholar. The school board of the school district operating the high school or the governing body of the private high school shall certify to the ~~department~~ board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~department~~ board.

SECTION 1276. 39.41 (1m) (m) of the statutes is amended to read:

39.41 **(1m)** (m) Notwithstanding pars. (a), (b) and (d), if a high school ranks its seniors on the basis of grades in academic subjects, the school board of the school district operating the high school or the governing body of the private high school or, for purposes of par. (d), the faculty of the high school may request a waiver from the executive secretary in order to fulfill its requirements under par. (a), (b) or (d) on the basis of grade point averages in academic subjects.

SECTION 1277d. 39.41 (1m) (r) of the statutes is created to read: **Vetoed In Part**

39.41 **(1m)** (r) The board, in consultation with the department of public instruction, shall develop guidelines that may be used by the faculty of a high school to fulfill

Vetoed In Part its requirements under par. (d) or (e). The guidelines shall include a method of weighting courses differently for purposes of the calculation of grade point averages.

SECTION 1277g. 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 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, ~~subject to the availability of funds,~~ 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 1277j. 39.41 (2) (b) of the statutes 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 3.0 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, ~~subject to the availability of funds,~~ 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 or more than 3 years at a district school.

SECTION 1278. 39.41 (2) (c) of the statutes 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 ~~department~~ 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 1279. 39.41 (3) (a) of the statutes is amended to read:

39.41 **(3)** (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 private institution of higher education that is located in this state and participating in the program under this section, the ~~department~~ board shall pay the institution, on behalf of the pupil, an amount equal to 50% of the tuition and fees charged a resident undergraduate at the university of Wisconsin−Madison in the same academic year, except that the maximum payment for a pupil 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 1280. 39.41 (4) of the statutes is amended to read:

39.41 **(4)** (a) The ~~department~~ 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.

(b) The ~~department~~ board shall make the payments under subs. (2) (c) and (3) from the appropriation under s. 20.235 (1) (fy) ~~subject to the availability of funds. If the amount in the appropriation under s. 20.235 (1) (fy) in any fiscal year is insufficient to fully make the payments, the amount of each payment shall be reduced proportionately~~.

SECTION 1281. 39.41 (5) of the statutes is amended to read:

39.41 **(5)** (a) 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 shall notify the ~~department~~ board by October 1 prior to the academic year in which the institution wishes to participate.

(b) Each designated scholar who is eligible for a higher education scholarship under sub. (2) (a) or (3) (a) shall notify the ~~department~~ board as soon as practicable of the institution of higher education he or she will be attending in the next academic year.

(c) Annually, the ~~department~~ board shall notify each scholar who will be attending a participating institution of higher education in the next academic year of the amount of his or her higher education scholarship.

SECTION 1284. 39.41 (7) of the statutes is amended to read:

39.41 **(7)** By August 1, ~~1993~~ 1997, and annually thereafter, the ~~department~~ board shall submit a report to the joint committee on finance evaluating the success of the program under this section. The report shall specify the number and amount of the scholarships awarded in the current fiscal year and the institutions of higher education chosen by the scholarship recipients.

SECTION 1285. 39.41 (8) of the statutes is amended to read:

39.41 **(8)** The executive secretary shall promulgate rules establishing criteria for the designation of scholars under sub. (1m) (c) 3.

SECTION 1286. 39.42 of the statutes is amended to read:

39.42 Interstate agreements. The ~~department~~ board, with the approval of the joint committee on finance, or the governing boards of any publicly supported institution of post–high school education, with the approval of the ~~department~~ board and the joint committee on finance, may enter into agreements or understandings which include remission of nonresident tuition for designated categories of students at state institutions of higher education with appropriate state agencies and institutions of higher education in other states to facilitate use of public higher education institutions of this state and other states. Such agreements and understandings shall have as their purpose the mutual improvement of educational advantages for residents of this state and such other states or institutions of other states with which agreements are made.

SECTION 1287. 39.435 (1) of the statutes is amended to read:

39.435 **(1)** There is established, to be administered by the ~~department~~ board, a higher education grant program for postsecondary resident students enrolled at least half–time and registered as freshmen, sophomores, juniors or seniors in accredited institutions of higher education in this state. Except as authorized under sub. (5), such grants shall be made only to students enrolled in nonprofit public institutions in this state.

SECTION 1288. 39.435 (2) of the statutes is amended to read:

39.435 **(2)** The ~~department~~ board shall award talent incentive grants to uniquely needy students enrolled at least half–time as first–time freshmen at public and private nonprofit institutions located in this state and to sophomores, juniors and seniors who received such grants as freshmen. No grant under this subsection may exceed $1,800 for any academic year. The ~~department~~ board may not award a grant to the same student for more than 10 consecutive semesters or their equivalent. The ~~department~~ board shall promulgate rules establishing eligibility criteria for grants under this subsection.

SECTION 1289. 39.435 (3) of the statutes is amended to read:

39.435 **(3)** Grants under sub. (1) shall not be less than $250 during any one academic year, unless the joint committee on finance approves an adjustment in the amount of the minimum grant. Grants under sub. (1) shall not exceed $1,800 during any one academic year. The ~~department~~ board shall, by rule, establish a reporting system to periodically provide student economic data and shall promulgate other rules the ~~department~~ board deems necessary to assure uniform administration of the program.

SECTION 1290. 39.435 (4) (a) of the statutes is amended to read:

39.435 **(4)** (a) The ~~department~~ board shall promulgate rules establishing policies and procedures for determining dependent and independent status and for the calculation of expected parental and student contributions. The rules shall be consistent with generally accepted definitions and nationally approved needs analysis methodology.

SECTION 1291. 39.435 (4) (b) 1. and 2. of the statutes are amended to read:

39.435 **(4)** (b) 1. Annually, the ~~department~~ board shall establish equity award levels for students enrolled in the university of Wisconsin system and for students enrolled in technical colleges.

2. From the equity levels established under subd. 1., the ~~department~~ board shall subtract the amount of the expected parental contribution and the expected student contribution to determine the amount of the student's grant.

SECTION 1292. 39.435 (4) (c) of the statutes is amended to read:

39.435 **(4)** (c) Grants paid to independent students shall be determined by the ~~department~~ board consistent with the rules and procedures under pars. (a) and (b).

SECTION 1293. 39.435 (4) (d) of the statutes is amended to read:

39.435 **(4)** (d) The awarding of grants under this section is subject to any formula approved or modified by the ~~education commission~~ board under s. 39.285 (1).

SECTION 1294. 39.435 (5) of the statutes is amended to read:

39.435 **(5)** The ~~department~~ board shall ensure that grants under this section are made available to students attending private or public institutions in this state who are deaf or hard of hearing or visually handicapped and who demonstrate need. Grants may also be made available to such handicapped students attending private or public institutions in other states under criteria established by the ~~department~~ board. In determining the financial need of these students special consideration shall be given to their unique and unusual costs.

SECTION 1295. 39.435 (6) of the statutes is amended to read:

39.435 **(6)** The ~~department~~ board may not make a grant under this section to a person if the ~~department~~ board receives a certification under s. 49.855 (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

SECTION 1296. 39.44 (1) (b) of the statutes is amended to read:

39.44 **(1)** (b) There is established, to be administered by the ~~department~~ board, the minority undergraduate retention grant program for minority undergraduates enrolled in private, nonprofit higher educational institutions in this state or in technical colleges in this state.

SECTION 1297. 39.44 (2) of the statutes is amended to read:

39.44 **(2)** Funds for the grants under this section shall be distributed from the appropriation under s. 20.235 (1) (fg), with 50% distributed to the eligible private institutions and 50% distributed to the eligible technical colleges~~, except as provided in 1995 Wisconsin Act 27, section 9127 (1et)~~. The ~~department~~ board shall audit the enrollment statistics annually.

SECTION 1298. 39.44 (3) (b) of the statutes is amended to read:

39.44 **(3)** (b) Demonstrate to the satisfaction of the ~~department~~ board that such funds do not replace institutional grants to the recipients.

SECTION 1299. 39.44 (3) (c) of the statutes is amended to read:

39.44 **(3)** (c) Annually report to the ~~department~~ board the number of awards made, the amount of each award, the minority status of each recipient, other financial aid awards made to each recipient and the total amount of financial aid made available to the eligible students.

SECTION 1300. 39.44 (4) of the statutes is amended to read:

39.44 **(4)** The ~~department~~ board shall notify an institution or school receiving funds under sub. (2) if the ~~department~~ board receives a certification under s. 49.855 (7) that a student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. An institution or school may not award a grant under this section to a student if it receives a notification under this subsection concerning that student.

SECTION 1301. 39.45 (2) of the statutes is amended to read:

39.45 **(2)** There is established, to be determined by the ~~department~~ board, a grant program for resident students who are current recipients of aid to families with dependent children under s. 49.19.

SECTION 1302. 39.45 (3) of the statutes is amended to read:

39.45 **(3)** Grants under this section shall be awarded on the basis of financial need, as determined by the ~~department~~ board, to resident students enrolled for at least 6 academic credits in the 2nd or 3rd year in programs leading to an associate degree or the 3rd, 4th or 5th year in programs leading to a bachelor's degree. Except as provided in sub. (5), no grant may exceed $4,000 per academic year. Students may apply for grants, upon a form prepared and furnished by the ~~department~~ board, on or after February 1 of any year for the fall semester or session of the upcoming academic year. No student is eligible to receive a grant under this section for more than 3 academic years.

SECTION 1303. 39.45 (4) of the statutes is amended to read:

39.45 **(4)** The ~~department~~ board shall give preference, as much as practicable, in awarding grants under this section to students enrolled in courses likely to increase the immediate employment opportunities of such students. The ~~department~~ board shall publish a list of such courses and shall include courses that have an occupational or vocational objective in areas with existing labor needs.

SECTION 1304. 39.45 (5) of the statutes is amended to read:

39.45 **(5)** The ~~department~~ board may award supplemental grants of between $500 and $1,000 per child per semester or session to students for the cost of child care for preschool children of the students. The student shall demonstrate, as determined by the ~~department~~ board, financial need for the supplemental grant. In awarding grants under this subsection, the ~~department~~ board may not exceed 20% of the appropriation for a given fiscal year for the grant program.

SECTION 1305. 39.45 (6) of the statutes is amended to read:

39.45 **(6)** From the appropriation under s. 20.235 (1) (fc), the ~~department~~ board shall use available funds to make grant awards under this section, but no award may be made before March 1 for the fall semester or session of the upcoming academic year.

SECTION 1306. 39.45 (7) of the statutes is amended to read:

39.45 **(7)** The ~~department~~ board shall promulgate rules to administer this section, including criteria and procedures for repayment of grants awarded under this section, including interest, by certain grant recipients who no longer reside in this state or do not successfully complete requirements for a degree. The ~~department~~ board shall deposit in the general fund as general purpose revenue−earned all repayments of grants awarded under this section and the interest on the grants.

SECTION 1307. 39.45 (8) of the statutes is created to read:

39.45 **(8)** No student is eligible for an original grant under this section after the 1996−97 academic year.

SECTION 1308. 39.46 (1) of the statutes is amended to read:

39.46 **(1)** On or before July 1 of each year, the ~~department~~ board shall initiate, investigate and formulate for procurement, a contract for dental education services in accordance with this section. Thereafter, the ~~department~~ board shall conduct a biennial analysis of the program and include a report on its findings and recommendations in its reports under s. 15.04 (1) (d). The legislative audit bureau shall biennially postaudit expenditures under this

section. Section 16.75 (1) to (5) are waived with respect to such contract.

SECTION 1309. 39.46 (2) (d) of the statutes is amended to read:

39.46 **(2)** (d) That the dental school administer and operate its courses and programs in dentistry in conformity with academic and professional standards, rules and requirements and seek progressively to enrich and improve its courses of dental education, research and public service by full and efficient use of budgetary and other resources available to it. In monitoring compliance with this paragraph the ~~department~~ board may rely on 3rd–party evaluations conducted by appropriate and recognized accrediting bodies.

SECTION 1310. 39.47 (1) of the statutes is amended to read:

39.47 **(1)** There is established, to be administered by the ~~department~~ board, a Minnesota–Wisconsin student reciprocity agreement, the purpose of which shall be to ensure that neither state shall profit at the expense of the other and that the determination of any amounts owed by either state under the agreement shall be based on an equitable formula which reflects the educational costs incurred by the 2 states. The ~~department~~ board, representing this state, shall enter into an agreement meeting the requirements of this section with the designated body representing the state of Minnesota.

SECTION 1310m. 39.47 (2) of the statutes is amended to read:

39.47 **(2)** The agreement under this section shall provide for the waiver of nonresident tuition for a resident of either state who is enrolled in a public vocational school located in the other state. The agreement shall also establish a reciprocal fee structure for residents of either state who are enrolled in public institutions of higher education, other than vocational schools, located in the other state. The reciprocal fee shall be the average academic fee that would be charged the student at a comparable public institution of higher education located in his or her state of residence, as specified in the agreement, except that, for a Wisconsin resident first enrolled in the University of Minnesota Law School in the 1996–97 academic year or thereafter, the reciprocal fee may be the fee that is charged a Minnesota resident enrolled in the University of Minnesota Law School. The agreement shall take effect on July 1, 1991. The agreement shall provide for a biennial review of the costs, charges and payments associated with the agreement. The agreement is subject to the approval of the joint committee on finance under s. 39.42.

SECTION 1312. 39.47 (2m) of the statutes is amended to read:

39.47 **(2m)** No resident of this state may receive a waiver of nonresident tuition under this section if the ~~department~~ board receives a certification under s. 49.855 (7) that the resident is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

SECTION 1313. 39.51 (title) of the statutes is created to read:

39.51 (title) **Educational approval board.**

SECTION 1314. 39.51 (1) (a) of the statutes is created to read:

39.51 **(1)** (a) "Board" means the educational approval board.

SECTION 1315. 39.51 (5) of the statutes is created to read:

39.51 **(5)** EMPLOYES, QUARTERS. The board shall employ a person to perform the duties of an executive secretary and such other persons under the classified service as may be necessary to carry out its purpose. The person performing the duties of the executive secretary shall be in charge of the administrative functions of the board. The board shall, to the maximum extent practicable, keep its office with the higher educational aids board.

Vetoed In Part

SECTION 1315b. 40.02 (17) (g) of the statutes is repealed.

SECTION 1315c. 40.02 (17) (gm) of the statutes is created to read:

40.02 **(17)** (gm) Any assistant district attorney in a county having a population of 500,000 or more who did not have vested benefit rights under the retirement system established under chapter 201, laws of 1937, who became a participating employe on January 1, 1990, and who is a participating employe on the effective date of this paragraph .... [revisor inserts date], shall receive creditable service for the total period of his or her service under the retirement system established under chapter 201, laws of 1937.

SECTION 1315d. 40.02 (22) (d) of the statutes is renumbered 40.02 (22) (d) 1.

SECTION 1315h. 40.02 (22) (d) 2. of the statutes is created to read:

40.02 **(22)** (d) 2. For Wisconsin retirement system purposes only, for a state senator, means the compensation which would have been payable to the participant if the participant had not been prohibited by law from receiving an increase in compensation during part of his or her term of office.

SECTION 1315p. 40.02 (33) (b) of the statutes is renumbered 40.02 (33) (b) 1.

SECTION 1315t. 40.02 (33) (b) 2. of the statutes is created to read:

40.02 **(33)** (b) 2. For a state senator who so elects, one–twelfth of the annual salary which would have been payable to the participant during the last completed month in which the participant was a participating employe in such a position if the participant had not been prohibited by law from receiving an increase in salary during part of his or her term of office, but only with respect to service as a state senator.

SECTION 1316. 40.02 (55) (a) of the statutes is amended to read:

40.02 **(55)** (a) Any person employed as a librarian by any school board in a library in any school under its jurisdiction, including a charter school as defined in s. 115.001 (1), whose qualifications as a librarian are at least equal to the minimum librarian qualifications prescribed by the ~~department of education~~ state superintendent of public instruction.

SECTION 1316m. 40.03 (2) (u) of the statutes is created to read:

40.03 **(2)** (u) Shall ensure that the department include on all publications that are printed beginning on the effective date of this paragraph .... [revisor inserts date], and that are intended for distribution to participants the toll−free telephone number of the department, if the department has such a telephone number.

SECTION 1317. 40.03 (6) (j) of the statutes is amended to read:

40.03 **(6)** (j) May contract with the ~~office of health care information in the office of the commissioner of insurance~~ department of health and family services and may contract with other public or private entities for data collection and analysis services related to health maintenance organizations and insurance companies that provide health insurance to state employes.

Vetoed In Part **SECTION 1317m.** 40.05 (2) (bz) of the statutes is created to read:

40.05 **(2)** (bz) 1. The department shall calculate the amount necessary to fund the creditable service granted under s. 40.02 (17) (gm).

2. The unfunded prior service liability of the department of administration is increased by the amount calculated under subd. 1.

3. The department of administration, beginning in the 1997−98 fiscal year and ending in the 2006−07 fiscal year, shall pay the Wisconsin retirement system in each fiscal year an amount that equals 10% of the amount calculated under subd. 1., plus interest calculated annually at the assumed rate. The department of administration shall pay this amount from the appropriation account under s. 20.475 (1) (d).

SECTION 1324c. 40.51 (8) of the statutes, as affected by 1995 Wisconsin Act 289, 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), ~~632.745 (1) to (3) and (5)~~ 632.746 (1) to (8) and (10), 632.747, 632.748, 632.87 (3) to (5), 632.895 (5m) and (8) to (10) and 632.896.

SECTION 1324m. 40.51 (8) of the statutes, as affected by 1997 Wisconsin Act .... (this act), 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, 632.87 (3) to (5), 632.895 (5m) and (8) to ~~(10)~~ (13) and 632.896.

SECTION 1325c. 40.51 (8m) of the statutes, as created by 1995 Wisconsin Act 289, 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. ~~632.745 (1) to (3) and (5) and~~ 632.746 (1) to (8) and (10), 632.747 and 632.748.

SECTION 1325m. 40.51 (8m) of the statutes, as affected by 1997 Wisconsin Act .... (this act), 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 and, 632.748 and 632.895 (11) to (13).

SECTION 1326b. 41.19 (title) of the statutes is amended to read:

41.19 (title) **Heritage tourism ~~pilot~~ program.**

SECTION 1326d. 41.19 (2) (intro.) of the statutes is amended to read:

41.19 **(2)** (intro.) In consultation with the historical society, the department shall establish, administer and coordinate state and local participation in a heritage tourism ~~pilot~~ program to assist political subdivisions in assessing the resources available for heritage tourism, analyzing current interest in heritage tourism and developing and implementing plans to increase heritage tourism. The department shall do all of the following:

SECTION 1326f. 41.19 (2) (b) of the statutes is amended to read:

41.19 **(2)** (b) Employ, in the state classified service, staff for the heritage tourism ~~pilot~~ program.

SECTION 1326h. 41.19 (2) (c) of the statutes is amended to read:

41.19 **(2)** (c) With the assistance of the committees created by the secretary under sub. (3), develop a plan establishing objectives for the heritage tourism ~~pilot~~ program.

SECTION 1326j. 41.19 (2) (e) of the statutes is amended to read:

41.19 **(2)** (e) Provide information and technical assistance to political subdivisions that are not located within areas selected to participate in the heritage tourism ~~pilot~~ program.

SECTION 1326L. 41.19 (2m) (a) of the statutes is amended to read:

41.19 **(2m)** (a) With the advice of the committees created by the secretary under sub. (3), the department may select, upon application, no more than 2 areas of the state in a fiscal biennium to participate in the heritage tourism ~~pilot~~ program. Each area selected may consist of any part or all of one or more political subdivisions.

SECTION 1326n. 41.19 (3) of the statutes is amended to read:

41.19 **(3)** The secretary shall exercise his or her authority under s. 15.04 (1) (c) to create one or more committees to advise the department on issues related to the operation of the heritage tourism ~~pilot~~ program. The sec-

retary shall create a sufficient number of committees, as determined by the secretary, to address each major type of heritage tourism that is the focus of the heritage tourism ~~pilot~~ program. The secretary shall appoint at least 2 members of each committee created under this subsection from a list of names submitted by the director of the historical society.

SECTION 1327. 41.23 of the statutes is created to read:

41.23 Sale of excess or surplus property. The department may acquire excess or surplus property from the department of administration under ss. 16.72 (4) (b) and 16.98 (1) or from the department of transportation under s. 84.09 (5s) and sell the property to any person at a price determined by the department of tourism. Fifty percent of all proceeds received by the department of tourism from the sale of property under this section shall be credited to the appropriation account under s. 20.380 (1) (h) and 50% shall be deposited as general purpose revenue −− earned.

Vetoed In Part

Vetoed In Part

SECTION 1329. 43.01 (1) of the statutes is amended to read:

43.01 **(1)** "Department" means the department of ~~education~~ public instruction.

SECTION 1330. 43.01 (6) of the statutes is repealed and recreated to read:

43.01 **(6)** "State superintendent" means the state superintendent of public instruction.

SECTION 1331. 43.03 (intro.) of the statutes is amended to read:

43.03 (title) **General duties of ~~department~~ state superintendent.** (intro.) The ~~department~~ state superintendent shall:

SECTION 1332. 43.05 (13) of the statutes is amended to read:

43.05 **(13)** Carry out such other programs and policies as directed by the ~~department~~ state superintendent.

SECTION 1333. 43.07 (intro.) of the statutes is amended to read:

43.07 Council on library and network development. (intro.) The ~~department~~ state superintendent and the division shall seek the advice of and consult with the council on library and network development in performing their duties in regard to library service. The ~~secretary~~ state superintendent or the administrator of the division shall attend every meeting of the council. The council may initiate consultations with the department and the division. The council shall:

SECTION 1334. 43.07 (2) of the statutes is amended to read:

43.07 **(2)** Advise the ~~secretary~~ state superintendent in regard to the general policies and activities of the state's program for library development, interlibrary cooperation and network development.

SECTION 1335. 43.07 (3) of the statutes is amended to read:

43.07 **(3)** Advise the ~~secretary~~ state superintendent in regard to the general policies and activities of the state's program for the development of school library media programs and facilities and the coordination of these programs with other library services.

SECTION 1336. 43.07 (4) of the statutes is amended to read:

43.07 **(4)** Hold a biennial meeting for the purpose of discussing the report submitted by the ~~department~~ state superintendent under s. 43.03 (3) (d). Notice of the meeting shall be sent to public libraries, public library systems, school libraries and other types of libraries and related agencies. After the meeting, the council shall make recommendations to the ~~department~~ state superintendent regarding the report and any other matter the council deems appropriate.

SECTION 1337. 43.07 (5) of the statutes is amended to read:

43.07 **(5)** On or before July 1 of every odd−numbered year, transmit to the ~~department~~ state superintendent a descriptive and statistical report on the condition and progress of library services in the state and recommendations on how library services in the state may be improved. The ~~department~~ state superintendent shall include the report as an addendum to the department's biennial report under s. 15.04 (1) (d).

SECTION 1338. 43.07 (7) of the statutes is amended to read:

43.07 **(7)** Receive complaints, suggestions and inquiries regarding the programs and policies of the department relating to library and network development, inquire into such complaints, suggestions and inquiries, and advise the ~~secretary~~ state superintendent and the division on any action to be taken.

SECTION 1339. 43.13 (4) of the statutes is amended to read:

43.13 **(4)** Any decision by the division under this section may be appealed to the ~~department~~ state superintendent.

SECTION 1340. 43.15 (4) (c) 6. of the statutes is amended to read:

43.15 **(4)** (c) 6. Employs a head librarian holding current public library certification from the department of ~~education~~ public instruction.

SECTION 1341. 43.70 (1) of the statutes is amended to read:

43.70 **(1)** No later than October 15 of each year, each school district administrator shall certify to the ~~department~~ state superintendent, on forms provided by the ~~department~~ state superintendent, a report of the ~~total~~ number of children ~~between the ages of 4 and 20 years~~ residing in the school district on the preceding June 30~~. The number may be estimated by using statistically significant sampling techniques that have been approved by~~

~~the department~~, as reported in the school census under s. 120.18 (1) (a).

SECTION 1342. 43.70 (2) of the statutes is amended to read:

43.70 **(2)** Annually, within 40 days after December 1, the ~~department~~ state superintendent shall ~~ascertain the aggregate amount of all moneys received as income in the common school fund prior to that December 1 and shall~~ apportion ~~such~~ the amount appropriated under s. 20.255 (2) (s) to the school districts in proportion to the number of children resident therein ~~between the ages of 4 and 20 years~~, as shown by the census report certified under sub. (1).

SECTION 1343. 43.70 (3) of the statutes is amended to read:

43.70 **(3)** Immediately upon making such apportionment, the ~~department~~ state superintendent shall certify to the department of administration the total amount that each school district is entitled to receive under this section and shall notify each school district administrator of the amount so certified for his or her school district. Within 15 days after receiving such certification, the department of administration shall issue its warrants upon which the state treasurer shall pay ~~the amount apportioned forthwith to the proper school district treasurer~~ to each school district 50% of its total aid entitlement on or before January 31 and the balance on or before June 30, except that, beginning in the 1999−2000 school year, the state treasurer shall distribute each school district's aid entitlement in one payment on or before June 30. All moneys ~~apportioned from the common school fund~~ distributed under this section shall be expended for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts under s. 43.52, in accordance with rules promulgated by the ~~department~~ state superintendent. Appropriate records of such purchases shall be kept and necessary reports thereon shall be made to the ~~department~~ state superintendent.

SECTION 1344. Chapter 44 (title) of the statutes is amended to read:

CHAPTER 44
HISTORICAL SOCIETIES ~~AND~~, ARTS BOARD AND TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD

SECTION 1345eg. 44.02 (5) of the statutes is amended to read:

44.02 **(5)** Keep its main library and museum rooms open at all reasonable hours on business days for the reception of the residents of this state who may wish to visit the library or museum. Except as provided under subs. (5g) and (5m), the historical society may collect a fee from residents and shall collect a fee from nonresidents for admission to historic sites or buildings acquired, leased or operated by the historical society, including areas within state parks or on other state−owned lands which incorporate historic buildings, restorations, museums or remains and which are operated by the historical society by agreement with the department of natural resources or other departments, or for lectures, pageants or similar special events, or for admission to defray the costs of special exhibits in its several buildings of documents, objects or other materials not part of the historical society's regular collections but brought in on loan from other sources for such special exhibitions or for use of the main library. The historical society shall take action on a continuing basis to raise funds from private sources for the operation of its main library. The historical society may procure and sell or otherwise dispose of postcards, souvenirs and other appropriate merchandise to help defray the costs of operating its several plants and projects.

SECTION 1345ej. 44.02 (5g) of the statutes is renumbered 44.02 (5g) (a) and amended to read: **Vetoed In Part**

44.02 **(5g)** (a) Not charge a fee for use of the main library by any member of the historical society, any member of the faculty or academic staff of the University of Wisconsin System, any student enrolled in the University of Wisconsin System or any other person who is a resident exempted by rule of the historical society. ~~The~~ Except as provided in par. (b), the historical society may not charge a fee for use of the main library by any other person unless the historical society submits a fee schedule under this paragraph to the joint committee on finance that includes the specific fee to be charged to different categories of persons and an identification of any persons exempted by rule of the historical society. The fee schedule of the historical society under this paragraph shall be implemented if the committee approves the report, or does not schedule a meeting for the purpose of reviewing the report within 14 working days after receipt of the report.

SECTION 1345em. 44.02 (5g) (b) of the statutes is created to read:

44.02 **(5g)** (b) Charge a fee for use of the main library by, or for research services provided by the historical society to, any nonresident who is not specifically exempted under par. (a). The historical society shall submit a fee schedule to the joint committee on finance that specifies the fee to be charged to nonresidents for use of the main library and for research services provided by the historical society. The fee schedule of the historical society under this paragraph shall be implemented if the committee approves the report, or does not schedule a meeting for the purpose of reviewing the report within 14 working days after receipt of the report. **Vetoed In Part Vetoed In Part**

SECTION 1345f. 44.02 (27) of the statutes is amended to read:

44.02 **(27)** Administer the historical markers program under s. 44.15 ~~and provide staff to assist the histori-~~

~~cal markers council in performing its duties under s. 44.15~~.

SECTION 1345g. 44.025 of the statutes is created to read:

44.025 Historical legacy programs. (1) The historical society may use funds from the appropriation under s. 20.245 (4) (t) only for the following purposes:

(a) Programs of the historical society that increase funding or develop new sources of revenues for the historical society.

(b) To create and expand historical outreach programs throughout the state related to the activities of the Wisconsin sesquicentennial commission.

(2) (a) The historical society may accept gifts, grants and bequests to be used for the purposes specified in sub. (1). The historical society shall deposit all moneys received as gifts, grants and bequests in the historical society endowment fund.

(b) The historical society shall transfer moneys from the appropriation account under s. 20.245 (4) (s) to the historical society endowment fund to match moneys deposited into the historical society endowment fund under par. (a) and to match moneys committed or pledged for the purposes specified in sub. (1).

SECTION 1346. 44.04 (2) (a) of the statutes is amended to read:

44.04 **(2)** (a) Prepare, publish, issue, loan or circulate such magazines, books, aids, guides and other publications, such visual aids, special exhibits, and other teaching materials and aids as it, in consultation with the department of ~~education~~ public instruction, deems advisable.

Vetoed In Part

SECTION 1346e. 44.085 of the statutes is created to read:

44.085 Maritime project grants. From the appropriation under s. 20.245 (4) (j), the historical society shall make grants for maritime–related projects. The historical society shall promulgate rules defining the types of projects that are eligible for the grants. No more than one grant may be awarded to an applicant during a fiscal year and grants may not be awarded to an applicant for more than 2 consecutive years. Grant applicants shall demonstrate that they have received matching funds for the project from nonstate sources in an amount equal to at least 10% of the grant. Grants awarded to an applicant may not exceed a total of $50,000 in any 2–year period.

SECTION 1346g. 44.095 (2) (d) of the statutes is amended to read:

44.095 **(2)** (d) Develop and periodically update a comprehensive plan for the protection, preservation and accessibility of electronic records of permanent historical value. The historical society shall submit the plan by June 30, 1995, and the plan updates annually thereafter until June 30, 1998, to the governor, the legislature under s. 13.172 (2), ~~and~~ the public records board~~,~~ and the division of information technology services ~~and the council on information technology~~ in the department of administration.

SECTION 1346gm. 44.12 (3) of the statutes is amended to read:

44.12 **(3)** In operating this museum, the society may charge a resident an admission fee and shall charge a nonresident an admission fee to defray in part the costs of operation in accordance with s. 44.02 (5), and may loan objects or materials from this central collection for special occasions and for such special exhibits as it may desire to develop at its main building, at other historic sites within the state, with other historical societies or with other state agencies.

SECTION 1346gp. 44.13 (3) of the statutes is amended to read:

44.13 **(3)** In operating this museum, the society may charge a resident an admission fee and shall charge a nonresident an admission fee to defray in part the costs of operation in accordance with s. 44.02 (5).

SECTION 1346h. 44.15 (1) of the statutes is repealed.

SECTION 1346hb. 44.15 (2) of the statutes is amended to read:

44.15 **(2)** CREATION. It is declared to be in the public interest to stimulate interest in and knowledge of the state by marking sites of special historical, architectural, cultural, archaeological, ethnic, geological or legendary significance, and maintaining and developing such sites approximately so as to preserve their individual characteristics. The historical markers program is created to call attention to the state's historical, cultural and natural heritage through a system of markers and plaques and to supplement, wherever possible, information contained in the state register of historic places. It is the purpose of the program to significantly increase the number of historical, cultural and natural heritage sites that are marked in this state ~~and to accomplish such marking, maintenance and development through the historical markers council. In addition to powers specifically enumerated, the council shall have all powers necessary to perform its duties~~.

SECTION 1346hc. 44.15 (3) (a) (intro.) of the statutes is amended to read:

44.15 **(3)** (a) (intro.) ~~In consultation with the council, the~~ The historical society shall do all of the following:

SECTION 1346he. 44.15 (4) of the statutes is amended to read:

44.15 **(4)** STATE–FUNDED MARKERS. ~~In consultation with the council, the~~ The historical society may identify and authorize construction of individual markers or plaques, or any series of markers or plaques, to be funded from the appropriation under s. 20.245 (3) (d). No matching funds are required for a marker or plaque that is constructed under this subsection. Funds under this subsection may be used for the purchase of plaques to be installed on historical properties and for the construction of markers or plaques in other states or countries.

SECTION 1346hf. 44.15 (5) of the statutes is amended to read:

44.15 **(5)** MAINTENANCE. Any approval issued for a marker or plaque by the historical society under this section shall include a requirement that the applicant maintain the marker or plaque, and shall also include authorization permitting the historical society ~~or council~~, if necessary, to enter the property and maintain the marker or plaque. The historical society may issue orders to maintain markers and plaques, and may maintain markers or plaques.

SECTION 1346hg. 44.15 (7) of the statutes is amended to read:

44.15 **(7)** DONATIONS; ASSISTANCE. (a) The ~~council~~ historical society may accept gifts, appropriations and bequests made to it for the purposes of this section and use them as far as practicable in accordance with the wishes of the donor. ~~All money so received shall promptly be paid into the state treasury and be paid out on order of the council. The expenditures thereof shall be audited and paid as other disbursements by the state treasury are audited and paid.~~

(b) The ~~council~~ historical society may accept the aid, support and cooperation of county, city, village or town agencies, or private agencies or persons in executing its projects.

SECTION 1346hj. 44.15 (8) of the statutes is amended to read:

44.15 **(8)** COOPERATION OF STATE AGENCIES. All state departments, independent agencies and institutions are directed to cooperate with the ~~council~~ historical society in the performance of its duties under this section. Applicable laws shall be liberally construed in favor of such cooperation.

SECTION 1346hk. 44.15 (9) (intro.) of the statutes is amended to read:

44.15 **(9)** RULES. (intro.) ~~In consultation with the council, the~~ The historical society shall promulgate rules to implement and administer the program. The rules shall include all of the following:

SECTION 1346k. 44.47 (1) (bm) of the statutes is repealed.

SECTION 1346m. 44.47 (1) (f) of the statutes is amended to read:

44.47 **(1)** (f) "Object" means an article, implement or other item of archaeological interest. "Object" does not include human remains, as defined in s. 157.70 (1) (f), or a sunken log, as defined in s. 170.12 (1) (b).

SECTION 1346r. 44.47 (5m) (f) of the statutes is repealed.

SECTION 1346s. 44.47 (5r) of the statutes is amended to read:

44.47 **(5r)** SUNKEN LOGS. When reviewing an application to raise and remove sunken logs under s. 170.12, ~~the director may do any~~ all of the following apply:

(a) ~~Require~~ If the director determines that a permit is necessary to preserve or protect an identified archaeological site, the director may require that a permit under this section be secured.

(b) ~~Waive~~ In all other cases, the director shall waive the requirement for a permit under this section, but ~~impose~~ may recommend requirements relating to the gathering of data regarding any activity done pursuant to a permit issued under s. 170.12, which requirements shall be communicated to the board of commissioners of public lands and may be incorporated by that board into the s. 170.12 permit.

SECTION 1346sf. 44.51 (2) of the statutes is repealed. **Vetoed**
SECTION 1346sj. 44.51 (3) of the statutes is repealed. **In Part**
SECTION 1346wg. 44.57 of the statutes is repealed.

SECTION 1347. Subchapter IV of chapter 44 [precedes 44.70] of the statutes is created to read:

CHAPTER 44

SUBCHAPTER IV

TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD

44.70 Definitions. In this subchapter:

(1) "Board" means the technology for educational achievement in Wisconsin board.

(2) "Department" means the department of administration.

(3) "Educational technology" means technology used in the education or training of any person or in the administration of an elementary or secondary school and related telecommunications services.

(4) "Telecommunications" has the meaning given in s. 16.99 (1).

44.71 Technology for educational achievement in Wisconsin board. (1) EXECUTIVE DIRECTOR; STAFF. The governor may appoint a person to serve as executive director of the board. The executive director may appoint subordinate staff, subject to authorization under s. 16.505.

(2) DUTIES. The board shall do all of the following:

(a) In cooperation with school districts, cooperative educational service agencies, the technical college system board, the board of regents of the University of Wisconsin System and the department, promote the efficient, cost−effective procurement, installation and maintenance of educational technology by school districts, cooperative educational service agencies, technical college districts and the University of Wisconsin System.

(b) Identify the best methods of providing preservice and in−service training for teachers related to educational technology.

(c) With the consent of the department, enter into cooperative purchasing agreements under s. 16.73 (1) under which participating school districts and cooperative educational service agencies may contract for their professional employes to receive training concerning the effective use of educational technology.

(d) In cooperation with the board of regents of the University of Wisconsin System, the technical college system board, the department of public instruction and other entities, support the development of courses for the instruction of professional employes who are licensed by the state superintendent of public instruction concerning the effective use of educational technology.

(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, technical college districts, private colleges and public library boards under the program established under s. 196.218 (4r).

(f) No later than October 1 of each even−numbered year, submit a biennial report concerning the board's activities to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3).

(g) Coordinate the purchasing of educational technology materials, supplies, equipment and contractual services for school districts, cooperative educational service agencies, technical college districts and the board of regents of the University of Wisconsin System by the department under s. 16.72 (8), and, in cooperation with the department, establish standards and specifications for purchases of educational technology hardware and software by school districts, cooperative educational service agencies, technical college districts and the board of regents of the University of Wisconsin System.

(h) Purchase educational technology equipment for use by school districts, cooperative educational service agencies and public educational institutions in this state and permit the districts, agencies and institutions to purchase or lease the equipment, with an option to purchase the equipment at a later date. This paragraph does not require the purchase or lease of any educational technology equipment from the board.

44.72 Educational technology training programs, grants, aids and loans. (1) EDUCATIONAL TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS. From the appropriation under s. 20.275 (1) (et), the board shall award grants to cooperative educational service agencies and to consortia consisting of 2 or more school districts or cooperative educational service agencies, or one or more school districts or cooperative educational service agencies and one or more public library boards, to provide technical assistance and training in the use of educational technology. An applicant for a grant shall submit to the board a plan that specifies the school districts and public library boards that will participate in the program and describes how the funds will be allocated. The board shall do all of the following:

(a) Award grants to applicants on a competitive basis through one funding cycle annually.

(b) Give preference in awarding grants to consortia that include one or more public library boards.

(c) To the extent possible, ensure that grants are equally distributed on a statewide basis.

(d) Promulgate rules establishing administrative procedures, eligibility and application requirements and criteria for awarding grants under this subsection. **Vetoed In Part**

(2) EDUCATIONAL TECHNOLOGY BLOCK GRANTS. (a) In the 1997−98 and 1998−99 school years, the board shall distribute the amount appropriated under s. 20.275 (1) (u) to eligible school districts in proportion to the number of persons who reside in each school district, as reported under s. 43.70 (1). The funds shall be distributed after the funds under s. 43.70 (3) are distributed and according to the schedule in s. 43.70 (3). If, after distributing the funds under s. 43.70, the balance of the common school fund income is less than the amount appropriated under s. 20.275 (1) (u), the board shall distribute the balance of the common school fund income instead of the amount appropriated under s. 20.275 (1) (u) under this paragraph. **Vetoed In Part**

(b) 1. In this paragraph, "equalized valuation per member" means equalized valuation, as defined in s. 121.004 (2), divided by membership, as defined in s. 121.004 (5), except as follows:

a. For a school district operating only high school grades, "equalized valuation per member" means equalized valuation, as defined in s. 121.004 (2), divided by the result obtained by multiplying membership, as defined in s. 121.004 (5), by 3.

b. For a school district operating only elementary grades, "equalized valuation per member" means equalized valuation, as defined in s. 121.004 (2), divided by the result obtained by multiplying membership, as defined in s. 121.004 (5), by 1.5.

c. If a school district's equalized valuation per member is less than $75,000, it shall be considered to be $75,000 for purposes of this paragraph.

2. From the appropriation under s. 20.275 (1) (f), annually the board shall pay $5,000 to each eligible school district. The board shall distribute the balance in the appropriation to eligible school districts in proportion to the weighted membership of each school district, which shall be determined by dividing the statewide average equalized valuation per member by the school district's equalized valuation per member and multiplying the result by the school district's membership, as defined in s. 121.004 (5).

3. In the 1997−98 school year, the board shall distribute the amount appropriated under s. 20.275 (1) (fs) to those school districts in which the equalized valuation per member in the 1996−97 school year was less than the state average equalized valuation per member in that school year. The amount distributed to each school district shall be the amount determined by subtracting the amount awarded to the school district under subd. 2. from $25,000, or the amount determined as follows, whichever is less:

a. Divide the school district's equalized valuation per member by the state average equalized valuation per member.

b. Subtract the quotient under subd. 3. a. from 1.0.

c. Multiply the remainder under subd. 3. b. by the amount necessary to fully distribute the amount appropriated under s. 20.275 (1) (fs), as determined by the board.

(c) A school district is eligible for a grant under par. (a) or (b) 2. only if the annual meeting in a common school district, or the school board in a unified school district or in a school district operating under ch. 119, adopts a resolution requesting the grant. A grant under this subsection may not be used to replace funding available from other sources.

(d) A school district receiving a grant under par. (a) or (b) shall deposit the moneys in a separate fund. The moneys may be used for any purpose related to educational technology, except that a school district may not use the moneys to pay the salary or benefits of any school district employe.

(e) The board shall distribute the grants under par. (b) 2. and 3. annually on the first Monday in February.

Vetoed In Part **(3)** GRANTS TO PUBLIC LIBRARY BOARDS. From the appropriation under s. 20.275 (1) (fL), the board shall award grants to public library boards for technology used in the administration of a public library and related telecommunications services. The board shall use a competitive, request−for−proposals process in awarding the grants.

(4) SUBSIDIZED EDUCATIONAL TECHNOLOGY INFRASTRUCTURE LOANS. (a) *Subsidized loans authorized.* The board may make subsidized loans under this subsection to school districts from the proceeds of public debt contracted under s. 20.866 (2) (zc) and to public library boards from the proceeds of public debt contracted under s. 20.866 (2) (zcm). Subsidized loans under this subsection may be used only for the purpose of upgrading the electrical wiring of school and library buildings in existence on the effective date of this paragraph .... [revisor inserts date], and installing and upgrading computer net-

Vetoed In Part work wiring in accordance with rules promulgated by the board.

(b) *Subsidized loan applications, terms and conditions.* The board shall establish application procedures for, and the terms and conditions of, subsidized loans under this subsection. The terms may include provision of professional building construction services under s. 16.85 (15). The board shall determine the interest rate on these loans. The interest rate shall be as low as possible but shall be sufficient to fully pay all interest expenses incurred by the state and to provide reserves that are reasonably expected to be required in the judgment of the board to ensure against losses arising from delinquency and default in the repayment of subsidized loans.

(c) *Repayment of subsidized loans.* A school district's or public library board's total payments on a loan made under this subsection shall be equal to 50% of the total debt service on the loan, as determined by the board. A school district or public library board is not obligated to pay the remaining 50% of the debt service on the loan. The board shall credit all moneys received from school districts under this paragraph to the appropriation account under s. 20.275 (1) (h). The board shall credit all moneys received from public library boards under this paragraph to the appropriation account under s. 20.275 (1) (hb).

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

SECTION 1348. 45.01 of the statutes is amended to read:

45.01 Wisconsin veterans museum; space for. The department of administration shall provide suitable space for the purpose of a memorial hall, designated as the Wisconsin veterans museum, dedicated to the men and women of Wisconsin who served in the armed forces of the United States in the civil war of 1861 to 1865 or ~~in any subsequent wars, as enumerated in s. 45.35 (5) (e), or in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34~~ who meets one of the conditions listed in s. 45.35 (5) (a) 1. a. to d., and the department of veterans affairs shall operate and conduct the Wisconsin veterans museum.

SECTION 1348g. 45.03 (3) of the statutes is amended to read:

45.03 **(3)** From the appropriation under s. 20.485 (2) ~~(sm)~~ (em), the department shall pay all debts that remain unpaid on February 15, 1992, for expenses incurred in operating the veterans memorial at The Highground in Clark county and shall contract for improvements related to the memorial. The improvements shall include the paving of the parking lot at the memorial.

SECTION 1348m. 45.04 (2) of the statutes is amended to read:

45.04 **(2)** GRANT PROGRAM. From the appropriation under s. 20.485 (2) ~~(s)~~ (e), the secretary shall award to eligible applicants grants to support the acquisition of land and construction of not more than 2 memorials in this state to honor state veterans who served in the U.S. armed forces. One memorial may be constructed to honor state veterans who served during the Korean conflict, June 27, 1950, to January 31, 1955, and one to honor state veterans who served during the Vietnam war, August 5, 1964, to June 30, 1975.

SECTION 1349. 45.16 of the statutes is amended to read:

45.16 Burial allowance. Each county veterans' service officer shall cause to be interred in a decent and

respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any person who ~~served in any war of the United States, in the Korean conflict, in the Vietnam war, under section 1 of executive order 10957, dated August 10, 1961, or had service that entitled the person to receive the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, the Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal or who served in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34 and who was discharged under honorable conditions after 90 days or more of active service, in the U.S. armed forces, or if having served less than 90 days was honorably discharged for a disability incurred in line of duty and who~~ was living in the county at the time of death, meets the definition of a "veteran" under s. 45.35 (5) and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances that would distress the person's family to pay the expenses of the burial, and the body of a spouse or surviving spouse of the person who dies not leaving such means or under the same financial circumstances and who was living in the county at the time of death, at an expense to the county of not more than $300 in addition to the burial allowance payable under laws administered by the U.S. department of veterans affairs.

SECTION 1350. 45.25 (1) of the statutes 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 ~~or~~, enrolling in any technical college under ch. 38 or receiving a waiver of nonresident tuition under s. 39.47.

SECTION 1350m. 45.25 (2) (c) of the statutes is amended to read:

45.25 **(2)** (c) The individual applies for the tuition and fee reimbursement program for courses completed within ~~6~~ 10 years after separation from the service.

SECTION 1353. 45.25 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 255, is amended to read:

45.25 **(3)** (a) ~~An~~ 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, ~~other than textbooks and other costs, charged by the institution, center or school,~~ 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 1353g. 45.25 (3) (am) of the statutes is created 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 1353m. 45.25 (3) (b) (intro.) of the statutes is amended to read:

45.25 **(3)** (b) (intro.) An application for reimbursement of tuition and fees under par. (a) or (am) shall meet all of the following requirements:

SECTION 1355. 45.25 (4) (a) of the statutes 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 ~~or~~, 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 1357. 45.35 (5) (a) 1. d. of the statutes is created to read:

45.35 **(5)** (a) 1. d. Has served on active duty in the U.S. armed forces for 2 continuous years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service−connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.

SECTION 1358. 45.35 (5m) (a) (intro.) of the statutes is amended to read:

45.35 **(5m)** (a) (intro.) "Dependent" of a veteran as used in this section and ~~s.~~ ss. 45.351 and 45.356 includes only:

SECTION 1360. 45.35 (15) of the statutes is amended to read:

45.35 **(15)** LIBERAL CONSTRUCTION INTENDED. This section, ss. 45.351, 45.356 and 45.37 and subch. II shall be construed as liberally as the language permits in favor of applicants.

SECTION 1361. 45.35 (18) of the statutes is created to read:

45.35 **(18)** LOAN REPAYMENTS. The department shall deposit all repayments of loans and payments of interest made on loans under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.356, 1995 stats., or s. 45.80, 1989 stats., in the veterans trust fund.

SECTION 1362. 45.351 (1j) of the statutes is created to read:

45.351 **(1j)** HEALTH CARE AID GRANTS. The department may grant to any veteran or dependents such temporary health care aid as the department considers advisable to prevent want or distress. Health care aid to meet medical or hospital bills under this subsection is limited to a payment of up to $5,000 per veteran or dependent for a 12−month period beginning with the first day of care for which the person seeks reimbursement under this subsection. The department may not give prior authorization for the payment of health care aid under this subsection but may issue a certificate of entitlement stating that a veteran or dependent is eligible for a health care aid grant under this subsection if the treatment is received within a time period that the department promulgates by rule. Health care aid may be used to provide payment for the treatment of alcoholism or other drug addiction or to provide payment for health care required because of alcoholism or other drug addiction or alcohol or other drug abuse. The department may not grant health care aid under this subsection unless the aid recipient's health care provider agrees to accept, as full payment for the medical treatment for which the aid is to be granted, the amount of the grant, the amount of the recipient's health insurance or other 3rd−party payments, if any, and the amount that the department determines the aid recipient is capable of paying. The department may not grant health care aid under this subsection if the combined liquid assets of the applicant for aid, and of the veteran and veteran's dependents who are living in the same household with the applicant, are in excess of $1,000.

SECTION 1363. 45.351 (2) of the statutes is repealed.

SECTION 1364. 45.351 (3) of the statutes is amended to read:

45.351 **(3)** APPROPRIATIONS. The department may award grants ~~and loans~~ under this section from the appropriation in s. 20.485 (2) (vm). Nothing in this section empowers the department to incur any state debt.

SECTION 1365. 45.353 (2) of the statutes is amended to read:

45.353 **(2)** Upon application the department shall make a payment to any state veterans organization that establishes that it, or its national organization, or both, has maintained a full−time service office at the regional office for at least 5 of the 10 years preceding the date of application. The payment shall equal 25% of all salaries and travel expenses under sub. (3) paid during the previous fiscal year by the state veterans organization to employes engaged in veterans claims service and stationed at the regional office, except that the sum paid to a state veterans organization annually shall not be less than either $2,500, or the amount of salaries and travel expenses paid by the state veterans organization to employes stationed at the regional office, whichever is less, nor more than ~~$15,000~~ $20,000.

SECTION 1366. 45.356 (title) of the statutes is amended to read:

45.356 (title) **Veterans ~~trust fund stabilization~~ personal loans.**

SECTION 1367. 45.356 (1m) (b) of the statutes is amended to read:

45.356 **(1m)** (b) "Veteran" has the meaning given in s. ~~45.71 (16) (a)~~ 45.35 (5) (a).

SECTION 1368. 45.356 (2) of the statutes is amended to read:

45.356 **(2)** The department may lend a veteran, a veteran's unremarried spouse or a deceased veteran's child who meets the requirements of s. 45.35 (5m) (a) 2. not more than $15,000 or a lesser amount established by the department by rule for the purchase of a mobile home, business or business property, ~~the repair of or addition to his or her home or business property, the construction of a garage,~~ the education of the veteran or his or her spouse or children, the payment of medical or funeral expenses or the consolidation of debt. The department may prescribe loan conditions, but the term of the loan may not exceed 10 years.

SECTION 1369. 45.356 (3) of the statutes is amended to read:

45.356 **(3)** The department may lend not more than $15,000 or a lesser amount established by the department by rule to a veteran's remarried surviving spouse~~, whether remarried or not,~~ or to the parent of a deceased veteran's ~~children~~ child for the education of ~~the minor or dependent children of the veteran if the surviving spouse or parent is a resident of and living in this state on the date of application~~ a child who meets the requirements of s. 45.35 (5m) (a) 2.

SECTION 1370. 45.356 (3m) of the statutes is created to read:

45.356 **(3m)** To be eligible for a loan under this section, an applicant must be a resident of and living in this state on the date of the application.

SECTION 1371. 45.356 (4) of the statutes is amended to read:

45.356 **(4)** ~~The department shall administer this program as a fiduciary for the purpose of maximizing the asset and income base of the veterans trust fund.~~ The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, post bonds and write off indebtedness that it considers uncollectible. If a loan under this ~~subsection~~ section is secured by a real estate mortgage, the department may exercise the rights of owners and mortgagees generally and the rights and powers set forth in s. 45.72. The department shall pay all interest and principal repaid on the loan into the veterans trust fund.

SECTION 1372. 45.356 (8) of the statutes is created to read:

45.356 **(8)** No person may receive a loan under this section in an amount that, when added to the balance outstanding on the person's existing loans under s. 45.351 (2), 1995 stats., and s. 45.356, 1995 stats., would result in a total indebtedness to the department of more than $15,000, or a lesser amount as established by the department by rule.

SECTION 1373. 45.356 (9) of the statutes is created to read:

45.356 **(9)** (a) The department may borrow from the veterans mortgage loan repayment fund under s. 45.79 (7) (a) and shall pledge loans made under this section as collateral for the borrowing.

(b) The department may enter into transactions with the state investment board to obtain money to make loans under this section.

Vetoed In Part

SECTION 1373m. 45.356 (10) of the statutes is created to read:

45.356 **(10)** If a veteran who has obtained a loan under this section before, on or after the effective date of this subsection .... [revisor inserts date], dies after the effective date of this subsection .... [revisor inserts date], and before completing repayment of the loan, the veteran's obligation to complete repayment of the loan is limited to the extent of the amount of funds in the veteran's estate. The department shall issue a satisfaction of any security instruments executed in connection with the loan and write off the balance of the principal, interest and costs owing on the loan on the date that the department receives notice that the veteran has died without leaving any estate or upon receipt of the total amount of money in the veteran's estate not exceeding the balance remaining on the loan. The department, upon receipt of an application for refund, shall refund to the payer or heirs, executor or administrator, from the appropriation in s. 20.485 (2) (yn), any payments made on the loan after the date that the department receives the notice that the veteran has died without leaving any estate or after the date that the department receives the total amount of money, not exceeding the balance remaining on the loan, in the veteran's estate.

SECTION 1374. 45.357 (title) of the statutes is amended to read:

45.357 (title) **Veterans ~~rehabilitation~~ assistance program.**

SECTION 1375. 45.357 of the statutes is renumbered 45.357 (1) and amended to read:

45.357 **(1)** The department of veterans affairs shall administer a ~~rehabilitation~~ program to provide assistance to persons who served in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who were discharged under conditions other than dishonorable. The department shall provide assistance to persons whose need for services is based upon homelessness, incarceration or other circumstances designated by the department by rule. The department shall designate the assistance available under this section, which may include assistance in receiving medical care, dental care, education, employment and transitional housing. The department may provide grants to facilitate the provision of services under this section.

SECTION 1376. 45.357 (2) of the statutes is created to read:

45.357 **(2)** The department may charge fees for transitional housing and for such other assistance that is provided under this section as the department designates. The department shall promulgate rules establishing the fee schedule and the manner of implementation of that schedule.

SECTION 1376d. 45.358 (3) (a) of the statutes is amended to read:

45.358 **(3)** (a) A veteran who died while on active duty or who was discharged or released from active duty in the U.S. armed forces under honorable conditions and who was a resident of this state at the time of his or her entry or reentry into active service and his or her dependent children and ~~unremarried~~ surviving spouse.

SECTION 1376f. 45.358 (3) (b) of the statutes is amended to read:

45.358 **(3)** (b) A veteran who was discharged or released from active duty in the U.S. armed forces under honorable conditions and who was a resident of this state at the time of his or her death and his or her dependent children and ~~unremarried~~ surviving spouse.

SECTION 1376j. 45.358 (3) (f) of the statutes is amended to read:

45.358 **(3)** (f) A person who was a resident of this state at the time of his or her entry or reentry into service in the Wisconsin army national guard or air national guard or a reserve component of the U.S. armed forces or at the time of his or her death and who has 20 or more years of creditable military service for retirement pay as a member of the Wisconsin army national guard or air national guard or a reserve component of the U.S. armed forces or who would have been entitled to that retirement pay except that the person was under 60 years of age at the time of his or her death, and the person's spouse, ~~unre-~~

~~married~~ surviving spouse and dependent children ~~who are residents of this state at the time of the spouse's, unremarried surviving spouse's or dependent children's death~~.

SECTION 1377. 45.37 (1a) of the statutes is amended to read:

45.37 **(1a)** DEFINITION OF VETERAN. Except as provided in sub. (15) (a) and (b), in this section "veteran" has the meaning given in s. 45.35 (5) (a) or means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces ~~who was entitled to receive the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, the Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal or who served in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34 or any person who served~~ for at least one day during a war period, as defined in s. 45.35 (5) (e) or under section 1 of executive order 10957, dated August 10, 1961, and who was officially reported missing in action or killed in action or who died in service, or who was discharged under honorable conditions after 90 days or more of active service, or if having served less than 90 days was honorably discharged for a service−connected disability or for a disability subsequently adjudicated to have been service connected, or who died as a result of service−connected disability.

SECTION 1378. 45.37 (2) (c) of the statutes is repealed.

SECTION 1379. 45.37 (3) (a) of the statutes is repealed.

SECTION 1380. 45.396 (2) of the statutes is amended to read:

45.396 **(2)** Any veteran upon the completion of any correspondence course or part−time classroom study from an institution of higher education located in this state or from any public or private high school may be reimbursed ~~in whole or~~ in part for the cost of the course~~, including necessary textbooks,~~ by the department upon presentation to the department of a certificate from the school indicating that the veteran has completed the course and stating the cost of the course ~~and necessary textbooks~~ and upon application for reimbursement completed by the veteran and received by the department no later than 60 days after the termination of the course for which the application for reimbursement is made. The department shall accept and process an application received more than 60 days after the termination of the course if the applicant shows good cause for the delayed receipt. The department may not require that an application be received sooner than 60 days after a course is completed. Benefits granted under this section shall be paid out of the appropriation under s. 20.485 (2) ~~(vm)~~ (th).

SECTION 1380m. 45.396 (3) (intro.) of the statutes is amended to read:

45.396 **(3)** (intro.) A veteran who is a resident of this state and otherwise qualified to receive benefits under this section may receive the benefits under ~~sub. (2)~~ this section upon the completion of any correspondence courses or part−time classroom study from an institution of higher education located outside this state, if any of the following applies:

SECTION 1381. 45.396 (4) of the statutes is amended to read:

45.396 **(4)** Enrolled part−time classroom study or direct correspondence courses from a qualified educational institution may be authorized and the veteran reimbursed ~~in whole or~~ in part by the department when such courses are related to one's occupational, professional or ~~educational~~ employment objectives, and to the extent that payment or reimbursement is not available from any other sources, or, in cases where reimbursement is not specifically for fees and ~~textbooks~~ tuition, to the extent that such reimbursement is insufficient to cover all educational costs.

SECTION 1382. 45.396 (5) of the statutes is amended to read:

45.396 **(5)** ~~The~~ Except as provided in sub. (9), the reimbursement may not exceed 50% of the cost of tuition~~,~~ and fees ~~and textbooks~~ and shall also be limited to a maximum of ~~$300 per course and $1,100 per fiscal year~~ 50% of the standard cost for a state resident for tuition and fees for an equivalent undergraduate course at the University of Wisconsin−Madison per course and may not be provided to an individual more than 4 times during any consecutive 12−month period.

SECTION 1383. 45.396 (8) of the statutes is created to read:

45.396 **(8)** The department may not make a grant under this section unless the department determines that a course for which an application is made is related to the applicant's occupational, professional or employment objectives.

SECTION 1383g. 45.396 (9) of the statutes is created to read:

45.396 **(9)** A disabled veteran who meets the requirements under this section and whose disability is rated at 30% or more under 38 USC 1114 or 1134 may be reimbursed for up to 100% of the cost of tuition and fees, but that reimbursement is limited to 100% of the standard cost for a state resident for tuition and fees for an equivalent undergraduate course at the University of Wisconsin−Madison per course and may not be provided to an individual more than 4 times during any consecutive 12−month period.

SECTION 1383m. 45.396 (10) of the statutes is created to read:

45.396 **(10)** Beginning July 1, 1998, the department may provide reimbursement under this section from the

appropriation account under s. 20.485 (2) (th) for the fiscal year in which the course was completed or in which the academic term during which the course was taken ended, whichever is earlier.

SECTION 1383p. 45.397 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

45.397 **(2)** (a) The veteran is enrolled ~~or accepted for enrollment in an institution of higher education, as defined in s. 39.32 (1) (a),~~ in a training course in a technical college in the state or in a proprietary school approved by the educational approval board under s. 39.51 in the state or is engaged in a structured on–the–job training program ~~certified by the department of workforce development or the U.S. department of veterans affairs~~ that meets program requirements promulgated by the department by rule.

SECTION 1383t. 45.397 (2) (cm) of the statutes is created to read:

45.397 **(2)** (cm) The veteran requesting a grant has not received reimbursement under s. 45.25 or 45.396 for courses completed during the same semester for which a grant would be received under this section.

SECTION 1384. 45.42 (1) of the statutes is amended to read:

45.42 **(1)** The department may compile a record of the burial places within the state of persons who ~~served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (e) or in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34, or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, the Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal~~ meet the definition of a "veteran" under s. 45.35 (5) (a). The record, so far as practicable, may indicate the name of each person; the service in which engaged; the appropriate designation of armed forces unit; the rank and period of service; the name and location of the cemetery or other place in which the body is interred; the location of the grave in the cemetery or other place; and the character of headstone or other marker, if any, at the grave.

SECTION 1385. 45.42 (2) of the statutes is amended to read:

45.42 **(2)** The department may have blank forms prepared whereby the information required for the record may be transmitted to it and may distribute the forms to county veterans' service officers. The county veterans' service officer within whose county and cemetery or burial place is located in which are interred the bodies of persons who ~~served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (e) or in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34 or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, the Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal~~ meet the definition of a "veteran" under s. 45.35 (5) (a) shall submit the facts required for such record to the department on the forms provided by it, if so requested by the department.

SECTION 1385m. 45.43 (7) (a) of the statutes is amended to read:

45.43 **(7)** (a) Each county may annually apply to the department for a grant for the improvement of service to former military personnel of the county through the county veterans' service office. A county may not allocate any portion of a grant for use by another county department nor may the county reduce funding to a county veterans' service office based upon receipt of a grant. The county veterans' service officer of any county applying for the grant shall enter into an agreement with the department. The agreement shall state the goals and objectives to be attained by the county veterans' service office during the remainder of the year covered by the grant application. The department shall prepare the basic form of this agreement in consultation with the county veterans' service officers association and provide a copy and an explanation of that agreement to each county veterans' service officer. The department shall develop reasonable budget and operating standards to assure improved services, but full operating control of the county office shall be left to each county.

SECTION 1386. 45.43 (7) (b) of the statutes is amended to read:

45.43 **(7)** (b) The department shall award a grant ~~not exceeding $5,000~~ annually to a county that meets the standards developed under this subsection and employs a county veterans' service officer who, if chosen after August 9, 1989, is chosen from a list of candidates who have taken a civil service examination for the position of county veterans' service officer developed and administered by the division of merit recruitment and selection in the department of employment relations, or is appointed under a civil service competitive examination procedure under ch. 63 or s. 59.52 (8). ~~An eligible county initially applying for a grant after August 9, 1989, shall be eligible for an initial grant for the first year not exceeding $1,000, an annual grant for the next year not exceeding $3,000 and any subsequent annual grant not exceeding $5,000~~ The grant shall be $8,500 for a county with a population of under 20,000, $10,000 for a county with a population of 20,000 to 45,499, $11,500 for a county with a population of 45,500 to 74,999 and $13,000 for a county with a population of 75,000 or more. The department of veterans affairs shall use the most recent Wisconsin official population estimates prepared by the demographic services center when making grants under this paragraph.

SECTION 1387. 45.52 of the statutes is amended to read:

45.52 Physical disability does not disqualify for public employment. A veteran, as defined under s. ~~45.37 (1a)~~ 45.35 (5) (a), who has suffered a physical disability as a direct result of military or naval service shall not on that account be barred from employment in any public position or employment whether under state, county or municipal civil service or otherwise, if the licensed physician making a physical examination of the veteran for the public employer certifies that the applicant's disability will not materially handicap the veteran in the performance of the duties of the position.

SECTION 1388. 45.71 (9) (b) of the statutes is amended to read:

45.71 **(9)** (b) Unless temporary in nature and except as provided under s. ~~45.79 (2m) or~~ 45.85, pensions and disability compensation shall be considered income.

SECTION 1389. 45.71 (16) (a) 1m. e. of the statutes is created to read:

45.71 **(16)** (a) 1m. e. Has served on active duty in the U.S. armed forces for 2 continuous years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service−connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.

SECTION 1390. 45.74 (1) of the statutes is repealed.

SECTION 1391. 45.74 (7) of the statutes is created to read:

45.74 **(7)** PRICE−OF−HOME LIMITATION. The price of the home 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 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 1392. 45.745 (1) of the statutes is repealed.

SECTION 1393. 45.76 (1) (c) 1. of the statutes is renumbered 45.76 (1) (c).

SECTION 1394. 45.76 (1) (c) 2. of the statutes is repealed.

SECTION 1395. 45.79 (2m) of the statutes is repealed.

SECTION 1396. 45.79 (3) (a) (title) of the statutes is amended to read:

45.79 **(3)** (a) (title) *First or 2nd mortgage or guarantor required.*

SECTION 1397. 45.79 (3) (a) 1. of the statutes is amended to read:

45.79 **(3)** (a) 1. Each loan made under this section, except a loan of $3,000 or less for a purpose specified under s. 45.76 (1) (c), shall be evidenced by a promissory instalment note and secured by a mortgage on the real estate in respect to which the loan is granted. A loan of $3,000 or less made for a purpose specified under s. 45.76 (1) (c) shall be evidenced by a promissory instalment note and shall be secured by a guarantor or by a mortgage on the real estate in respect to which the loan is granted. Any loan having as its source funds provided through sub. (6) (a) and secured by a mortgage shall have the mortgage name the department as mortgagee and payee. Any loan having as its source funds provided through sub. (6) (b) and secured by a mortgage shall have the mortgage name the authorized lender involved as mortgagee and payee, and such mortgage and note shall be assigned by the authorized lender to the authority immediately upon execution. A mortgage securing a loan made for a purpose specified in s. 45.76 (1) (a), (b) or (d) must have priority over all liens against the mortgaged premises and the buildings and improvements thereon, except tax and special assessment liens filed after the recording of the mortgage. A mortgage securing a loan made for a purpose specified under s. 45.76 (1) (c) may be junior and subject to not more than one prior mortgage, and, except for that prior mortgage, must have priority over all liens against the mortgaged premises and the buildings and improvements on those premises, except tax and special assessment liens filed after the recording of the mortgage.

SECTION 1398. 45.79 (6) (a) 2. of the statutes is amended to read:

45.79 **(6)** (a) 2. The chairperson of the board shall certify that the chairperson does not expect proceeds of state debt issued under this paragraph to be used in a manner that would cause the debt to be arbitrage bonds as defined by the internal revenue code, where that debt is a bond that is exempt from federal taxation.

SECTION 1399. 45.79 (6) (c) 2. of the statutes is amended to read:

45.79 **(6)** (c) 2. The chairperson of the board shall certify that the board and the department do not expect and shall not use proceeds of revenue obligations issued under this paragraph in a manner that would cause the revenue obligations to be arbitrage bonds as defined in the U.S. internal revenue code, where that debt is a bond that is exempt from federal taxation.

SECTION 1400. 45.79 (7) (a) (intro.) of the statutes is amended to read:

45.79 **(7)** (a) (intro.) There is created the veterans mortgage loan repayment fund. All moneys received by the department for the repayment of loans funded under sub. (6) (a) except for servicing fees required to be paid to authorized lenders, net proceeds from the sale of mortgaged properties, any repayment to the department of moneys paid to authorized lenders, gifts, grants, other appropriations and interest earnings accruing thereon, any repayment of moneys borrowed under s. 45.356 (9) (a) and any moneys deposited or transferred under s. 18.04 (6) (b) or (d) shall be promptly deposited into the veterans mortgage loan repayment fund. The board shall establish by resolution a system of accounts providing for the

maintenance and disbursement of moneys of the veterans mortgage loan repayment fund to fund loans under sub. (6) (a) or to fund, refund or acquire public debt as provided in s. 18.04 (5). The system of accounts shall record and provide moneys for all of the following purposes:

SECTION 1401. 45.79 (7) (a) 9. of the statutes is created to read:

45.79 **(7)** (a) 9. To loan money to the veterans trust fund, upon prior approval of the building commission for each loan, for the purposes under s. 45.356.

SECTION 1402. 45.79 (7) (c) (intro.) of the statutes is renumbered 45.79 (7) (c) and amended to read:

45.79 **(7)** (c) After meeting all expenses and providing for reserves under par. (a) 3., ~~balances~~ assets in the veterans mortgage loan repayment fund, upon prior approval of the building commission, may be ~~used for the following purposes:~~ transferred to the veterans trust fund and used to fund loans under s. 45.356.

SECTION 1403. 45.79 (7) (c) 1. to 4. of the statutes are repealed.

SECTION 1404. 46.023 (1) (title) of the statutes is repealed.

SECTION 1405. 46.023 (1) of the statutes is renumbered 46.023, and 46.023 (intro.), as renumbered, is amended to read:

46.023 (title) **Milwaukee child welfare partnership council ~~and advisory committees~~.** (intro.) The Milwaukee child welfare partnership council shall do all of the following:

SECTION 1406. 46.023 (2) of the statutes is repealed.

SECTION 1406g. 46.027 of the statutes is created to read:

46.027 Contract powers. (1) RELIGIOUS ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the department to contract with, or award grants to, religious organizations, under any program administered by the department, on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

(2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS. If the department is authorized under ch. 16 to contract with a nongovernmental entity, or is authorized to award grants to a nongovernmental entity, religious organizations are eligible, on the same basis as any other private organization, as contractors under any program administered by the department so long as the programs are implemented consistent with the First Amendment of the U.S. Constitution and article I, section 18 of the Wisconsin Constitution. Except as provided in sub. (10), the department may not discriminate against an organization that is or applies to be a contractor on the basis that the organization has a religious character.

(3) RELIGIOUS CHARACTER AND FREEDOM. (a) The department shall allow a religious organization with which the department contracts or to which the department awards a grant to retain its independence from state and local governments, including the organization's control over the definition, development, practice and expression of its religious beliefs.

(b) The department may not require a religious organization to alter its form of internal governance or to remove religious art, icons, scripture or other symbols in order to be eligible for a contract or grant.

(4) RIGHTS OF BENEFICIARIES OF ASSISTANCE. If an individual has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded under any program administered by the department, the department shall provide such individual, if otherwise eligible for such assistance, within a reasonable period of time after the date of the objection with assistance from an alternative provider that is accessible to the individual. The value of the assistance offered by the alternative provider may not be less than the value of the assistance which the individual would have received from the religious organization.

(5) EMPLOYMENT PRACTICES. To the extent permitted under federal law, a religious organization's exemption provided under 42 USC 2000e–la regarding employment practices is not affected by its participation in, or receipt of funds from, programs administered by the department.

(6) NONDISCRIMINATION AGAINST BENEFICIARIES. A religious organization may not discriminate against an individual in regard to rendering assistance funded under any program administered by the department on the basis of religion, a religious belief or refusal to actively participate in a religious practice.

(7) FISCAL ACCOUNTABILITY. (a) Except as provided in par. (b), any religious organization that contracts with, or receives a grant from, the department is subject to the same laws and rules as other contractors to account in accord with generally accepted auditing principles for the use of such funds provided under such programs.

(b) If the religious organization segregates funds provided under programs administered by the department into separate accounts, then only the financial assistance provided with those funds shall be subject to audit.

(8) COMPLIANCE. Any party that seeks to enforce its rights under this section may assert a civil action for injunctive relief against the entity or agency that allegedly commits the violation.

(9) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES. No funds provided directly to religious organizations by the department may be expended for sectarian worship, instruction or proselytization.

(10) PREEMPTION. Nothing in this section may be construed to preempt any provision of federal law, the U.S. Constitution, the Wisconsin Constitution or any other statute that prohibits or restricts the expenditure of federal or state funds in or by religious organizations.

SECTION 1407. 46.03 (7) (bm) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

46.03 **(7)** (bm) Maintain a file containing records of artificial inseminations under s. 891.40 and records of declarations of paternal interest under s. 48.025 and of statements acknowledging paternity under s. 69.15 (3) (b). The department shall release these records only upon an order of the court except that the department may use nonidentifying information concerning artificial inseminations for the purpose of compiling statistics and except that records relating to declarations of paternal interest and statements acknowledging paternity shall be released to the department of workforce development or ~~its designee~~ a county child support agency under s. ~~59.07 (97)~~ 59.53 (5) without a court order upon the request of the department of workforce development or ~~its designee~~ a county child support agency under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or by any other person with a direct and tangible interest in the record.

SECTION 1408. 46.03 (7) (e) of the statutes is created to read:

46.03 **(7)** (e) Administer child welfare services as described in s. 48.48 (17) in a county having a population of 500,000 or more. The requirement of statewide uniformity with respect to the organization and governance of human services does not apply to the administration of child welfare services under this paragraph.

SECTION 1409. 46.03 (21) of the statutes is repealed.

SECTION 1410. 46.03 (38) of the statutes is repealed.

SECTION 1410g. 46.03 (43) of the statutes is created to read:

46.03 **(43)** COMPULSIVE GAMBLING AWARENESS CAMPAIGNS. Provide grants to one or more individuals or organizations in the private sector to conduct compulsive gambling awareness campaigns. Annually, the department shall develop a plan for the awarding of the grants and shall submit the proposed plan in writing to the joint committee on finance. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed plan within 14 working days after the date of the department's submission, the department may award grants under this subsection. 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 proposed plan, the department may award grants under this subsection only upon approval of the committee.

Vetoed In Part

SECTION 1411. 46.034 (3) of the statutes is amended to read:

46.034 **(3)** With the agreement of the affected county board of supervisors in a county with a single−county department or boards of supervisors in counties with a multicounty department, effective for the contract period beginning January 1, 1980, the department may approve a county with a single−county department or counties participating in a multicounty department to administer a single consolidated aid consisting of the state and federal financial aid available to that county or those counties from appropriations under s. 20.435 (3) (o) and (7) (b), (kw) and (o) for services provided and purchased by county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437. Under such an agreement, in the interest of improved service coordination and effectiveness, the county board of supervisors in a county with a single−county department or county boards of supervisors in counties with a multicounty department may reallocate among county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 funds that otherwise would be specified for use by a single county department. The budget under s. 46.031 (1) shall be the vehicle for expressing the proposed use of the single consolidated fund by the county board of supervisors in a county with a single−county department or county boards of supervisors in counties with a multicounty department. Approval by the department of this use of the fund shall be in the contract under s. 46.031 (2g). Counties that were selected by the department to pilot test consolidated aids for contract periods beginning January 1, 1978, may continue or terminate consolidation with the agreement of the affected county board of supervisors in a county with a single−county department or county boards of supervisors in counties with a multicounty department.

SECTION 1414. 46.036 (5m) (e) of the statutes is amended to read:

46.036 **(5m)** (e) Notwithstanding this subsection, the department or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 that purchases care and services from an inpatient alcohol and other drug abuse treatment program that is not affiliated with a hospital and that is licensed as a community−based residential facility, may allocate to the program an amount that is equal to the amount of revenues received by the program that are in excess of the allowable costs incurred in the period of a contract between the program and the department or the county department for purchase of care and services under this section. The department or the county department may make the allocation under this paragraph only if the funds so allocated do not reduce any amount of unencumbered state aid to the department or the county department that otherwise would lapse to the general fund.

SECTION 1415. 46.037 (1m) of the statutes is amended to read:

46.037 **(1m)** Notwithstanding sub. (1), the department, a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 ~~or~~, a group of those county departments, or the department and one or more of those county departments, and a residential child care center or group home, as described in sub. (1), may negotiate a per client rate for the services of that residential child care center or group

home, if the department, that county department ~~or~~, the county departments in that group of county departments, or the department and one or more of those county departments, agree to place 75% or more of the residents of that residential child care center or group home during the period for which that rate is effective. A residential child care center or group home that negotiates a per client rate under this subsection shall charge that rate to all purchasers of its services.

SECTION 1416. 46.057 (1) of the statutes is amended to read:

46.057 **(1)** The department shall establish, maintain and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03 and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a secured correctional facility, as defined in s. 938.02 (15m). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other secured correctional facilities and whose mental health needs can be met at the center. With the approval of the department of health and family services, the department of corrections may transfer to the center any juvenile who has been placed in a secured correctional facility under the supervision of the department of corrections under s. 938.183 ~~(2)~~, 938.34 (4h) or (4m) or 938.357 (4) or (5) (e) in the same manner that the department of corrections transfers juveniles between other secured correctional facilities.

SECTION 1417. 46.057 (2) of the statutes is amended to read:

46.057 **(2)** From the appropriation account under s. 20.410 (3) (hm), the department of corrections ~~may expend not more than $2,500,000 in fiscal year 1996−97~~ shall transfer to the appropriation account under s. 20.435 (2) (kx) $3,125,100 in fiscal year 1997−98 and $3,236,200 in fiscal year 1998−99 for services for juveniles placed at the Mendota juvenile treatment center. The department of health and family services may charge the department of corrections not more than the actual cost of providing those services ~~for juveniles under the supervision of the department of corrections who are provided services at the center~~.

SECTION 1418. 46.07 of the statutes is amended to read:

46.07 Property of patients or residents. All money including wages and other property delivered to an officer or employe of any institution for the benefit of a patient or resident shall forthwith be delivered to the steward, who shall enter the same upon the steward's books to the credit of the patient or resident. The property shall be used only under the direction and with the approval of the superintendent and for the crime victim and witness assistance surcharge under s. 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the patient or resident. If the money remains uncalled for for one year after the patient's or resident's death or departure from the institution, the superintendent shall deposit the same in the general fund. If any patient or resident leaves property, other than money, uncalled for at an institution for one year, the superintendent shall sell the property, and the proceeds shall be deposited in the general fund. If any person satisfies the department, within 5 years after the deposit, of his or her right to the deposit, the department shall direct the department of administration to draw its warrant in favor of the claimant and it shall charge the same to the appropriation made by s. 20.913 (3) (c).

SECTION 1419m. 46.10 (1) of the statutes 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), 48.363 (2), 938.183 ~~(2)~~ (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2) or ch. 767.

SECTION 1420m. 46.10 (2) of the statutes 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 ~~(2)~~, 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 1421m. 46.10 (14) (b) of the statutes, as affected by 1997 Wisconsin Act 3, 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, 48.357, 938.183 ~~(2)~~, 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 s. 46.247.

SECTION 1422m. 46.10 (14) (e) 1. of the statutes is amended to read:

46.10 **(14)** (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 ~~(2)~~ (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2) 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.

SECTION 1423m. 46.10 (14) (e) 1. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

46.10 **(14)** (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) or 48.363 (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. 46.22 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.

SECTION 1423p. 46.10 (14) (e) 1m. of the statutes is created to read:

46.10 **(14)** (e) 1m. 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.

SECTION 1427m. 46.21 (1) (d) of the statutes is amended to read:

46.21 **(1)** (d) "Human services" means the total range of services to people, including mental illness treatment, developmental disabilities services, physical disabilities services, relief funded by a relief block grant under ch. 49, income maintenance, youth probation and parole services, alcohol and drug abuse services, services to children, youth and families, family counseling, exceptional educational services for children from birth to the age of 3 and manpower services. "Human services" does not include child welfare services under s. 48.48 (17) administered by the department in a county having a population of 500,000 or more.

SECTION 1428. 46.21 (2) (a) of the statutes is amended to read:

46.21 **(2)** (a) Shall adopt policies for the management, operation, maintenance and improvement of the county hospital; the detention center; the probation section of the children's court center; the provision and maintenance of the physical facilities for the children's court and its intake section under the supervision and operation of the judges assigned to exercise jurisdiction under chs. 48 and 938 and as provided in ~~ss. 48.06 (1) and~~ s. 938.06 (1); the mental health complex; the county department of human services; the central service departments; and all buildings and land used in connection with any institution under this section. The powers and duties of the county board of supervisors are policy forming only, and not administrative or executive.

SECTION 1430. 46.215 (1) (intro.) of the statutes is amended to read:

46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population of 500,000 or more the administration of welfare services, other than child welfare services under s. 48.48 (17) administered by the department, is vested in a county department of social services under the jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to

a county department of social services under this section applies to a county department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties of the county department of social services. The county department of social services shall have the following functions, duties and powers, and such other welfare functions as may be delegated to it:

SECTION 1431. 46.215 (1) (h) of the statutes is amended to read:

46.215 **(1)** (h) To administer ~~child welfare services under ss. 48.56 and 48.57 and~~ juvenile welfare services under s. 938.57~~,~~; and, if contracted to do so by the department, to accept custody and guardianship of children upon the order of a competent court ~~and~~, to place children for adoption and to make recommendations relating to the adoption of children under s. 48.85.

SECTION 1432. 46.215 (1) (i) of the statutes is amended to read:

46.215 **(1)** (i) To make such investigations as are provided for in s. 48.88 (2) (a) and (c), if contracted to do so by the department and if the court having jurisdiction so directs.

SECTION 1436. 46.215 (2) (c) 1. of the statutes is amended to read:

46.215 **(2)** (c) 1. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for care and services to be purchased, except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department of health and family services may review the contracts and approve them if they are consistent with s. 46.036 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of health and family services to submit the contracts to the committee for review and approval. The department of health and family services may not make any payments to a county for programs included in a contract under review by the committee. The department of health and family services shall reimburse each county for the contracts from the appropriations under s. 20.435 ~~(3) (oo) and~~ (7) (b) and (o) ~~or under s. 20.435 (3) (cd)~~, as appropriate, under s. 46.495.

SECTION 1437. 46.215 (2) (c) 3. of the statutes is amended to read:

46.215 **(2)** (c) 3. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for juvenile delinquency−related care and services to be purchased. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and if state or federal funds are available for such purposes. The joint committee on finance may require the department of corrections to submit the contracts to the committee for review and approval. The department of corrections may not make any payments to a county for programs included in a contract under review by the committee. The department of corrections shall reimburse each county for the contracts from the appropriations under s. 20.410 (3) (cd) and ~~(oo)~~ (ko) as appropriate.

SECTION 1438. 46.22 (1) (c) 2. of the statutes is amended to read:

46.22 **(1)** (c) 2. Subdivision 1. does not authorize the county department of social services to make investigations regarding admission to or release from the Waupun correctional institution, the Columbia correctional institution, the Racine correctional institution, the Racine Youthful Offender Correctional Facility, the correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the correctional institution authorized under s. 301.046 (1), the correctional institution authorized under s. 301.048 (4) (b), the correctional institution authorized under s. 301.16 (1n), the Oshkosh correctional institution, the Green Bay correctional institution, the Dodge correctional institution, the Taycheedah correctional institution, county houses of correction, jails, detention homes or reforestation camps.

SECTION 1439. 46.22 (1) (e) 3. a. of the statutes is amended to read:

46.22 **(1)** (e) 3. a. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for care and services, except under subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and family services may review the contracts and approve them if they are consistent with s. 46.036 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of health and family services to submit the contracts to the committee for review and approval. The department of health and family services may not make any payments to a county for programs included in the contract that is under review by the committee. The department of health and family services shall reimburse each county for the contracts from the appropriations under s. 20.435 ~~(3) (oo) and~~ (7) (b) and (o) ~~or under s. 20.435 (3) (cd),~~ according to s. 46.495.

SECTION 1440. 46.22 (1) (e) 3. c. of the statutes is amended to read:

46.22 **(1)** (e) 3. c. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for juvenile delinquency−related care and services to be purchased. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of corrections to submit the contracts to the committee for review and approval. The department of corrections may not make any payments to a county for programs included in the contract that is under review by the committee. The department of corrections shall reimburse each county for the contracts from the appropriations under s. 20.410 (3) (cd) and ~~(oo)~~ (ko) as appropriate.

SECTION 1445. 46.238 of the statutes is amended to read:

46.238 Infants whose mothers abuse controlled substances or controlled substance analogs. If ~~the~~ a county department under s. ~~46.215,~~ 46.22 or 46.23 or, in a county having a population of 500,000 or more, a county department under s. 51.42 or 51.437 receives a report under s. 146.0255 (2), the county department shall offer to provide appropriate services and treatment to the child and the child's mother or the county department shall make arrangements for the provision of appropriate services or treatment.

SECTION 1446L. 46.245 (intro.) and (1) of the statutes are consolidated, renumbered 46.245 and amended to read:

46.245 Information for certain pregnant women. ~~A~~ Upon request, a county department under s. 46.215, 46.22 or 46.23 shall ~~do all of the following:~~ ~~**(1)**~~ ~~Upon request,~~ distribute the materials described under s. 253.10 (3) (d), as prepared and distributed by the department. ~~The county department may charge a fee not to exceed the actual cost of preparation and distribution of the materials.~~ A physician who intends to perform or induce an abortion or another qualified physician, as defined in s. 253.10 (2) (g), who reasonably believes that he or she might have a patient for whom the information under s. 253.10 (3) (d) is required to be given, shall request a reasonably adequate number of the materials from the county department under this ~~subsection~~ section or from the department under s. 253.10 (3) (d). An individual may request a reasonably adequate number of the materials.

SECTION 1446m. 46.245 (2) of the statutes is repealed.

SECTION 1447m. 46.247 of the statutes, as affected by 1997 Wisconsin Act 3, 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, 48.357, 938.183 ~~(2)~~, 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.

SECTION 1449. 46.261 (2) (a) (intro.) of the statutes is amended to read:

46.261 **(2)** (a) (intro.) ~~A~~ The department or a county department under s. 46.215, 46.22 or 46.23 shall grant aid on behalf of a dependent child to any of the following:

SECTION 1450. 46.261 (2) (a) 1. of the statutes is amended to read:

46.261 **(2)** (a) 1. A nonrelative who cares for the dependent child in a foster home or treatment foster home having a license under s. 48.62, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation or in a group home licensed under s. 48.625 or a minor custodial parent who cares for the dependent child, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1) (d) for aid granted under this section except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 or 46.22 shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 1451. 46.261 (2) (a) 1. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

46.261 **(2)** (a) 1. A nonrelative who cares for the dependent child in a foster home or treatment foster home having a license under s. 48.62, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation or in a group home licensed under s. 48.625 or a minor custodial parent who cares for the dependent child, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1) (d) for aid granted under this section except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 or 46.22 or the department under s. 48.48 (17) shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 1452. 46.261 (2) (a) 2. of the statutes is amended to read:

46.261 **(2)** (a) 2. A county or, in a county having a population of 500,000 or more, the department, on behalf of a child in the legal custody of a county department under s. 46.215, 46.22 or 46.23 or the department under s. 48.48 (17) or on behalf of a child who was removed from the home of a relative, as defined under s. 48.02 (15), as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason when such child is placed in a licensed child caring institution by the county department or the

department. Reimbursement shall be made by the state pursuant to subd. 1.

SECTION 1453. 46.261 (2) (a) 3. of the statutes is amended to read:

46.261 **(2)** (a) 3. A county or, in a county having a population of 500,000 or more, the department, when the child is placed in a licensed foster home, treatment foster home, group home or child caring institution by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22 or 46.23 or the department under s. 48.48 (17) or if the child was removed from the home of a relative, as defined under s. 48.02 (15), as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made pursuant to an agreement with the county department or the department.

SECTION 1454. 46.261 (2) (a) 4. of the statutes is amended to read:

46.261 **(2)** (a) 4. A licensed foster home ~~or~~, treatment foster home, ~~a~~ group home ~~licensed under s. 48.625~~ or ~~a~~ child caring institution ~~by the state~~ when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body or when the child was part of the state's direct service case load and was removed from the home of a relative, as defined under s. 48.02 (15), as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department.

SECTION 1454m. 46.27 (3) (f) of the statutes is amended to read:

46.27 **(3)** (f) Beginning on January 1, 1996, from the annual allocation to the county for the provision of long−term community support services under subs. (7) (b) and (11), annually establish a maximum total amount~~, not to exceed 25% of the annual allocation,~~ that may be encumbered in a calendar year for services for eligible individuals in community−based residential facilities. ~~If the total amount that is encumbered for services for individuals in community−based residential facilities who are receiving services under sub. (7) (b) on January 1, 1996, exceeds 25% of the county's annual allocation, a county may request a waiver of the requirement under this paragraph from the department. The department need not promulgate as rules under ch. 227 the standards for granting a waiver request under this paragraph.~~

SECTION 1455. 46.27 (4) (c) 8. of the statutes is created to read:

46.27 **(4)** (c) 8. If a pilot project under s. 46.271 (2m) is established in the county, a description of how the activities of the pilot project relate to and are coordinated with the county's proposed program.

SECTION 1456. 46.27 (5) (am) of the statutes is amended to read:

46.27 **(5)** (am) Organize assessment activities specified in sub. (6). The county department or aging unit shall utilize persons for each assessment who can determine the needs of the person being assessed and who know the availability within the county of services alternative to placement in a nursing home. If any hospital patient is referred to a nursing home for admission, these persons shall work with the hospital discharge planner in performing the activities specified in sub. (6). The county department or aging unit shall coordinate the involvement of representatives from the county departments under ss. 46.215, 46.22, 51.42 and 51.437, health service providers and the county commission on aging in the assessment activities specified in sub. (6), as well as the person being assessed and members of the person's family or the person's guardian. This paragraph does not apply to a county department or aging unit in a county where a pilot project under s. 46.271 (2m) is established.

SECTION 1457. 46.27 (6) (a) 3. of the statutes is amended to read:

46.27 **(6)** (a) 3. In each participating county, except in counties where a pilot project under s. 46.271 (2m) is established, assessments shall be conducted for those persons and in accordance with the procedures described in the county's community options plan. The county may elect to establish assessment priorities for persons in target groups identified by the county in its plan regarding gradual implementation. If a person who is already admitted to a nursing home requests an assessment and if funds allocated for assessments under sub. (7) (am) are available, the county shall conduct the assessment.

SECTION 1458. 46.27 (6g) (intro.) of the statutes is amended to read:

46.27 **(6g)** FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and within the limitations under sub. (7) (b), the fiscal responsibility of a county for an assessment, unless the assessment is performed by an entity under s. 46.271 (2m), case plan or services provided to a person under this section is as follows:

SECTION 1459. 46.27 (7) (b) 1r. of the statutes is repealed.

SECTION 1459m. 46.27 (7) (cj) of the statutes is created to read:

46.27 **(7)** (cj) No county may use funds received under par. (b) to provide services to a person who does not live in his or her own home or apartment unless, subject to the limitations under par. (cm), one of the following applies:

1. The services are provided to the person in a community−based residential facility that entirely consists of independent apartments, each of which has an individual

lockable independent entrance and exit and individual separate kitchen, bathroom, sleeping and living areas.

2. The person suffers from Alzheimer's disease or related dementia and the services are provided to the person in a community−based residential facility that has a dementia care program.

3. The services are provided to the person in a community−based residential facility and the county department or aging unit has determined that all of the following conditions have been met:

a. An assessment under sub. (6) has been completed for the person prior to the person's admission to the community−based residential facility, whether or not the person is a private pay admittee at the time of admission.

b. The county department or aging unit documents that the option of in−home services has been discussed with the person, thoroughly evaluated and found to be infeasible, as determined by the county department or aging unit in accordance with rules promulgated by the department of health and family services.

c. The county department or aging unit determines that the community−based residential facility is the person's preferred place of residence or is the setting preferred by the person's guardian.

d. The county department or aging unit determines that the community−based residential facility provides a quality environment and quality care services.

e. The county department or aging unit determines that placement in the community−based residential facility is cost−effective compared to other options, including home care and nursing home care.

5. The services are provided to the person in an adult family home, as defined in s. 50.01 (1).

SECTION 1459mf. 46.27 (7) (ck) of the statutes is created to read:

46.27 **(7)** (ck) 1. Subject to the approval of the department, a county may establish and implement more restrictive conditions than those imposed under par. (cj) on the use of funds received under par. (b) for the provision of services to a person in a community−based residential facility. A county that establishes more restrictive conditions under this subdivision shall include the conditions in its community options plan under sub. (3) (cm).

2. If the department determines that a county has engaged in a pattern of inappropriate use of funds received under par. (b), the department may revoke its approval of the county's conditions established under subd. 1., if any, and may prohibit the county from using funds received under par. (b) to provide services under par. (cj) 3.

SECTION 1460m. 46.27 (9) (a) of the statutes is amended to read:

46.27 **(9)** (a) The department may select up to 5 counties that volunteer to participate in a pilot project under which they will receive certain funds allocated for long−term care. The department shall allocate a level of funds to these counties equal to the amount that would otherwise be paid under s. 20.435 ~~(1)~~ (5) (b) to nursing homes for providing care because of increased utilization of nursing home services, as estimated by the department. In estimating these levels, the department shall exclude any increased utilization of services provided by state centers for the developmentally disabled. The department shall calculate these amounts on a calendar year basis under sub. (10).

SECTION 1461. 46.27 (9) (c) of the statutes is amended to read:

46.27 **(9)** (c) All long−term community support services provided under this pilot project in lieu of nursing home care shall be consistent with those services described in the participating county's community options plan under sub. (4) (c) and provided under sub. (5) (b). ~~Each~~ Unless the department has contracted under s. 46.271 (2m) with an entity other than the county department, each county participating in the pilot project shall assess persons under sub. (6).

SECTION 1462. 46.27 (10) (a) 1. of the statutes is amended to read:

46.27 **(10)** (a) 1. The department shall determine for each county participating in the pilot project under sub. (9) a funding level of state medical assistance expenditures to be received by the county. This level shall equal the amount that the department determines would otherwise be paid under s. 20.435 ~~(1)~~ (5) (b) because of increased utilization of nursing home services, as estimated by the department.

SECTION 1463. 46.27 (11) (c) 3. of the statutes 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 ~~(1)~~ (5) (o) and (7) (b) and (bd).

SECTION 1464. 46.27 (11) (c) 4. of the statutes is amended to read:

46.27 **(11)** (c) 4. The department may, from the appropriation under s. 20.435 ~~(1)~~ (5) (o), provide reimbursement for services provided under this subsection by counties that are in excess of the current average annual per person rate, as established by the department, and are less than or equal to the average amount approved in the waiver received under par. (am).

SECTION 1464g. 46.27 (11) (c) 5m. of the statutes is created to read:

46.27 **(11)** (c) 5m. No county may use funds received under this subsection to provide services to a person who does not live in his or her own home or apartment unless, subject to the limitations under subds. 6., 7. and 8., one of the following applies:

a. The services are provided to the person in a community−based residential facility that entirely consists of independent apartments, each of which has an individual

lockable independent entrance and exit and individual separate kitchen, bathroom, sleeping and living areas.

b. The person suffers from Alzheimer's disease or related dementia and the services are provided to the person in a community−based residential facility that has a dementia care program.

c. The services are provided to the person in a residential care apartment complex, as defined in s. 50.01 (1d).

d. The services are provided to the individual in an adult family home, as defined in s. 50.01 (1).

e. Subdivision 5n. applies.

SECTION 1464h. 46.27 (11) (c) 5n. of the statutes is created to read:

46.27 **(11)** (c) 5n. A county may also use funds received under this subsection, subject to the limitations under subds. 6., 7. and 8., to provide services to a person who does not live in his or her own home or apartment if the services are provided to the person in a community−based residential facility and the county department or aging unit has determined that all of the following conditions have been met:

a. An assessment under sub. (6) has been completed for the person prior to the person's admission to the community−based residential facility, whether or not the person is a private pay admittee at the time of admission.

b. The county department or aging unit documents that the option of in−home services has been discussed with the person, thoroughly evaluated and found to be infeasible, as determined by the county department or aging unit in accordance with rules promulgated by the department of health and family services.

c. The county department or aging unit determines that the community−based residential facility is the person's preferred place of residence or is the setting preferred by the person's guardian.

d. The county department or aging unit determines that the community−based residential facility provides a quality environment and quality care services.

e. The county department or aging unit determines that placement in the community−based residential facility is cost−effective compared to other options, including home care and nursing home care.

SECTION 1464j. 46.27 (11) (c) 5p. of the statutes is created to read:

46.27 **(11)** (c) 5p. a. Subject to the approval of the department, a county may establish and implement more restrictive conditions than those imposed under subd. 5m. on the use of funds received under sub. (7) (b) for the provision of services to a person in a community−based residential facility. A county that establishes more restrictive conditions under this subd. 5p. a. shall include the conditions in its community options plan under sub. (3) (cm).

b. If the department determines that a county has engaged in a pattern of inappropriate use of funds received under sub. (7) (b), the department may revoke its approval of the county's conditions established under subd. 5p. a., if any, and may prohibit the county from using funds received under sub. (7) (b) to provide services under subd. 5n.

SECTION 1465. 46.271 (1) of the statutes is renumbered 46.271 (1) (a), and 46.271 (1) (a) (intro.), as renumbered, is amended to read:

46.271 **(1)** (a) (intro.) From the appropriation under s. 20.435 (7) (bd), the department shall award $100,000 in each fiscal year to applying county departments under s. 46.215, 46.22, 46.23, 51.42 or 51.437 or to an aging unit under the conditions specified in ~~sub. (3)~~ par. (c) to establish pilot projects for home and community−based long−term support services. Funds awarded to the pilot projects shall be used to do any of the following:

SECTION 1466. 46.271 (2) of the statutes is renumbered 46.271 (1) (b), and 46.271 (1) (b) 1. and 2., as renumbered, are amended to read:

46.271 **(1)** (b) 1. Solicit applications from county departments or aging units for the pilot projects under ~~sub. (1)~~ par. (a).

2. Require that an applying county department or aging unit under ~~par. (a)~~ subd. 1. submit as part of the application specific plans for improving the coordination between hospitals and providers of home and community−based long−term support services.

SECTION 1467. 46.271 (2m) of the statutes is created to read:

46.271 **(2m)** (a) The department may establish, in geographic areas determined by the department, a pilot project under which the department may contract with a private or public entity to do all of the following:

1. Serve as a clearinghouse of information for individuals who are interested in home or community−based long−term support services or institutional long−term care services.

2. Perform assessments using the assessment method established by the department to determine an individual's functional abilities, disabilities, personal preferences and need for home or community−based long−term support services or institutional long−term care services. Each assessment shall include an investigation of long−term community support services that could serve as alternatives to institutional care in a nursing home or community−based residential facility. The assessment shall include an explanation of the potential community alternatives to the person being assessed and the person's family or guardian.

3. Collect information specified by the department on the individuals served by the entity and provide that information to the department.

(am) Residents of the geographic areas where a pilot project under this subsection is established shall receive an assessment by the entity contracted with under par. (a) (intro.) prior to entry into a nursing home or community−

based residential facility or participation in the long−term support community options program under s. 46.27.

(ap) The department may require that the results of a client's assessment under par. (a) 2. be submitted at the time that a provider submits a request for prior authorization for medical assistance services.

(b) From the amounts carried forward under 1997 Wisconsin Act .... (this act), section 9123 (2), the department shall distribute funds to the entities with which the department contracts under par. (a) (intro.) for the performance of the functions specified under par. (a) 1. to 3.

(c) Paragraphs (a) 2., (am) and (ap) do not apply to any of the following:

1. Emergency admissions, as determined by a physician, but shall be applied within 10 days after the admission.

2. A private pay patient seeking admission to or about to be admitted to a nursing home or community−based residential facility who is informed about the program but waives the assessment, unless the patient will be eligible for medical assistance within 6 months after the assessment.

3. Persons seeking admission to or about to be admitted to the Wisconsin Veteran's Home at King who are informed about the pilot project but waive the assessment.

4. Any person who is readmitted to a nursing home or community−based residential facility from a hospital within 6 months after being assessed.

5. Current residents of a nursing home or community−based residential facility who are eligible for an assessment but who waive the assessment.

6. A person who enters a nursing home or community−based residential facility for recuperative care.

7. A person who enters a nursing home or community−based residential facility for respite care.

8. A person who is admitted to a nursing home or community−based residential facility from another nursing home or community−based residential facility, unless the person requests an assessment and funds distributed for assessments under par. (b) are available to the entity.

SECTION 1468. 46.271 (3) of the statutes is renumbered 46.271 (1) (c) and amended to read:

46.271 **(1)** (c) The department may contract with an aging unit, as defined in s. 46.27 (1) (a), for administration of services under ~~sub. (1)~~ par. (a) if, by resolution, the county board of supervisors of that county so requests the department.

SECTION 1469. 46.275 (5) (a) of the statutes is amended to read:

46.275 **(5)** (a) Medical assistance reimbursement for services a county, or the department under sub. (3r), provides under this program is available from the appropriations under s. 20.435 ~~(1)~~ (5) (b) and (o). If 2 or more counties jointly contract to provide services under this program and the department approves the contract, medical assistance reimbursement is also available for services provided jointly by these counties.

SECTION 1470. 46.275 (5) (c) of the statutes is amended to read:

46.275 **(5)** (c) The total allocation under s. 20.435 ~~(1)~~ (5) (b) and (o) to counties and to the department under sub. (3r) for services provided under this section may not exceed the amount approved by the federal department of health and human services. A county may use funds received under this section only to provide services to persons who meet the requirements under sub. (4) and may not use unexpended funds received under this section to serve other developmentally disabled persons residing in the county.

SECTION 1471. 46.275 (5) (d) of the statutes is amended to read:

46.275 **(5)** (d) The department may, from the appropriation under s. 20.435 ~~(1)~~ (5) (o), provide reimbursement for services provided under this section by counties that are in excess of the current average annual per person rate, as established by the department, and are less than the average amount approved in the waiver received under sub. (2).

SECTION 1471m. 46.277 (3) (c) of the statutes is amended to read:

46.277 **(3)** (c) Beginning on January 1, 1996, from the annual allocation to the county for the provision of long−term community support services under sub. (5), annually establish a maximum total amount~~, not to exceed 25% of the annual allocation,~~ that may be encumbered in a calendar year for services for eligible individuals in community−based residential facilities. ~~If the total amount that is encumbered for services for individuals in community−based residential facilities who are receiving services under sub. (5) on January 1, 1996, exceeds 25% of the county's annual allocation, a county may request a waiver of the requirement under this paragraph from the department. The department need not promulgate as rules under ch. 227 the standards for granting a waiver request under this paragraph.~~

SECTION 1471p. 46.277 (5) (d) 1m. of the statutes is created to read:

46.277 **(5)** (d) 1m. No county may use funds received under this section to provide services to a person who does not live in his or her own home or apartment unless, subject to the limitations under subds. 2. and 3. and par. (e), one of the following applies:

a. The services are provided to the person in a community−based residential facility that entirely consists of independent apartments, each of which has an individual lockable independent entrance and exit and individual separate kitchen, bathroom, sleeping and living areas.

b. The person suffers from Alzheimer's disease or related dementia and the services are provided to the person in a community−based residential facility that has a dementia care program.

c. The services are provided to the person in a residential care apartment complex, as defined in s. 50.01 (1d).

d. The services are provided to the individual in an adult family home, as defined in s. 50.01 (1).

e. Subdivision 1n. applies.

SECTION 1471q. 46.277 (5) (d) 1n. of the statutes is created to read:

46.277 **(5)** (d) 1n. A county may also use funds received under this section, subject to the limitations under subds. 2. and 3. and par. (e), to provide services to a person who does not live in his or her own home or apartment if the services are provided to the person in a community−based residential facility and the county department or aging unit has determined that all of the following conditions have been met:

a. An assessment under s. 46.27 (6) has been completed for the person prior to the person's admission to the community−based residential facility, whether or not the person is a private pay admittee at the time of admission.

b. The county department or aging unit documents that the option of in−home services has been discussed with the person, thoroughly evaluated and found to be infeasible, as determined by the county department or aging unit in accordance with rules promulgated by the department of health and family services.

c. The county department or aging unit determines that the community−based residential facility is the person's preferred place of residence or is the setting preferred by the person's guardian.

d. The county department or aging unit determines that the community−based residential facility provides a quality environment and quality care services.

e. The county department or aging unit determines that placement in the community−based residential facility is cost−effective compared to other options, including home care and nursing home care.

SECTION 1471qi. 46.277 (5) (d) 1p. of the statutes is created to read:

46.277 **(5)** (d) 1p. a. Subject to the approval of the department, a county may establish and implement more restrictive conditions than those imposed under subd. 1m. on the use of funds received under this section for the provision of services to a person in a community−based residential facility. A county that establishes more restrictive conditions under this subd. 1p. a. shall include the conditions in its plan under sub. (3) (a).

b. If the department determines that a county has engaged in a pattern of inappropriate use of funds received under this section, the department may revoke its approval of the county's conditions established under subd. 1p. a., if any, and may prohibit the county from using funds received under this section to provide services under subd. 1n.

SECTION 1472. 46.278 (6) (d) of the statutes is amended to read:

46.278 **(6)** (d) If a county makes available nonfederal funds equal to the state share of service costs under the waiver received under sub. (3), the department may, from the appropriation under s. 20.435 ~~(1)~~ (5) (o), provide reimbursement for services that the county provides under this section to persons who are in addition to those who may be served under this section with funds from the appropriation under s. 20.435 ~~(1)~~ (5) (b).

SECTION 1473. 46.278 (6) (f) of the statutes is created to read:

46.278 **(6)** (f) If a county owns the institution or intermediate care facility for the mentally retarded from which an individual is relocated to the community under this section, in order to receive funding under the program, the county shall submit a plan for delicensing a bed of the institution or intermediate care facility for the mentally retarded that is approved by the department.

SECTION 1474. 46.28 (3) of the statutes is amended to read:

46.28 **(3)** The department may authorize the authority to issue revenue bonds under s. ~~234.70~~ 234.61 to finance any residential facility it approves under sub. (2).

SECTION 1475. 46.28 (4) of the statutes is amended to read:

46.28 **(4)** The department may charge sponsors for administrative costs and expenses it incurs in exercising its powers and duties under this section and under s. ~~234.70~~ 234.61.

SECTION 1476. 46.29 (3) (a) of the statutes is amended to read:

46.29 **(3)** (a) The ~~secretary of education~~ state superintendent of public instruction.

SECTION 1477. 46.30 (4) (a) of the statutes is amended to read:

46.30 **(4)** (a) The department shall distribute the federal community services block grant funds received under 42 USC 9903 and deposited in the appropriations under s. 20.435 ~~(6)~~ (3) (mc) and ~~(7)~~ (md).

SECTION 1478c. 46.35 of the statutes is repealed.

SECTION 1479. 46.40 (1) (a) of the statutes is amended to read:

46.40 **(1)** (a) Within the limits of available federal funds and of the appropriations under s. 20.435 (3) (o) and (7) (b), (kw) and (o), the department shall distribute funds for community social, mental health, developmental disabilities and alcohol and other drug abuse services and for services under ss. 46.51, 46.87, 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 and to county aging units, as provided in subs. (2), (2m) and (7) to (8).

SECTION 1480. 46.40 (1) (b) of the statutes is amended to read:

46.40 **(1)** (b) Notwithstanding s. 46.49, if the department receives any federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated under par. (a) for the provision of foster care, the department shall

distribute those federal moneys for services and projects to assist children and families and for the purposes specified in s. 46.46.

SECTION 1481. 46.40 (1) (c) of the statutes is amended to read:

46.40 **(1)** (c) The Milwaukee County department of social services shall report to the department in a manner specified by the department on all children under the supervision of the Milwaukee County department of social services who are placed in foster homes and whose foster parents receive funding for child care from the amounts distributed under par. (a) so that the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the amounts expended by the Milwaukee County department of social services for the provision of child care for those children. Notwithstanding s. 46.49, if the department receives any federal moneys under 42 USC ~~67~~ 670 to 679a in reimbursement of the amounts expended by the Milwaukee County department of social services for the provision of child care for children in foster care in 1996 and 1997, the department shall distribute those federal moneys to the Milwaukee County department of social services for the provision of child care for children in foster care.

SECTION 1482. 46.40 (2) of the statutes is amended to read:

46.40 **(2)** BASIC COUNTY ALLOCATION. For social services under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not more than ~~$292,368,400~~ $285,081,000 for fiscal year ~~1995–96~~ 1997-98 and ~~$291,349,200~~ $284,948,500 for fiscal year ~~1996–97~~ 1998–99.

SECTION 1483. 46.40 (2m) (a) of the statutes 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 ~~$11,087,200~~ $9,702,400 in fiscal year ~~1995–96~~ 1997–98 and not more than ~~$11,285,200~~ $8,641,100 in fiscal year ~~1996–97~~ 1998–99.

SECTION 1484. 46.40 (2m) (b) of the statutes is amended to read:

46.40 **(2m)** (b) *Community mental health services.* For community mental health services under 42 USC 300x to 300x–9, the department shall distribute not more than $2,513,400 in each fiscal year ~~1995–96 and not more than $2,513,400 in fiscal year 1996–97~~.

SECTION 1484g. 46.40 (3) of the statutes is created to read:

46.40 **(3)** TRIBAL CHILD CARE. For child care services under 42 USC 9858, the department shall distribute not more than $412,800 in each fiscal year from the appropriation account under s. 20.435 (7) (b) to federally recognized American Indian tribes or bands. A tribe or band that receives funding under this subsection shall use that funding to provide child care for an eligible child, as defined in 42 USC 9858n (4).

SECTION 1485. 46.40 (14m) of the statutes is amended to read:

46.40 **(14m)** COUNTY COMMUNITY AIDS BUDGETS. Before December 1 of each year, each county department under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 and each tribal governing body shall submit to the department a proposed budget for the expenditure of funds allocated under this section, distributed under s. 46.45 (2) (a) or carried forward under s. 46.45 (3) (a). The proposed budget shall be submitted on a form developed by the department and approved by the department of administration.

SECTION 1486. 46.45 (2) of the statutes is created to read:

46.45 **(2)** (a) If on December 31 of any year there remains unspent or unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that year, the department shall carry forward the excess moneys and distribute not less than 50% of the excess moneys to counties having a population of less than 500,000 for services and projects to assist children and families, notwithstanding the percentage limit specified in sub. (3) (a). A county shall use not less than 50% of the moneys distributed to the county under this subsection for services for children who are at risk of abuse or neglect to prevent the need for child abuse and neglect intervention services.

(b) A county may not use any moneys distributed under par. (a) to supplant any other moneys expended by the county for services and projects to assist children and families in a base year determined by the department.

(c) The department shall credit to the appropriation account under s. 20.435 (8) (mb) any moneys carried forward under par. (a), but not distributed to counties, and may expend those moneys as provided in s. 46.46.

SECTION 1486m. 46.46 of the statutes is created to read:

46.46 Expenditure of income augmentation services receipts. (1) From the appropriation account under s. 20.435 (8) (mb), the department shall support costs that are exclusively related to the operational costs of augmenting the amount of moneys received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd and 42 USC 1396 to 1396v. In addition, the department may expend moneys from the appropriation account under s. 20.435 (8) (mb) as provided in sub. (2).

(2) If the department proposes to use any moneys from the appropriation account under s. 20.435 (8) (mb) for any purpose other than the purpose specified in sub. (1), the department shall submit a plan for the proposed use of those moneys to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit the plan to the joint committee on finance. If the cochairpersons of the committee do not

Vetoed In Part

Vetoed In Part notify the secretary of administration within 14 working days after the date of submittal of the plan that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan only with the approval of the committee.

Vetoed In Part

SECTION 1488. 46.48 (15) (title) of the statutes is repealed.

SECTION 1489. 46.48 (15) (a) (intro.) of the statutes is repealed.

SECTION 1490. 46.48 (15) (a) 1. of the statutes is amended to read:

46.48 **(15)** (a) 1. For recruiting, training and licensing new foster parents and treatment foster parents for children in Milwaukee county and for providing ongoing family reunification services for children and families in Milwaukee county, ~~$750,000~~ $375,000 in each fiscal year.

SECTION 1491. 46.48 (15) (a) 1. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 1492. 46.48 (15) (a) 2. of the statutes is amended to read:

46.48 **(15)** (a) 2. For purchasing foster parent and treatment foster parent training from a private or educational agency, ~~$150,000~~ $75,000 in each fiscal year.

SECTION 1493. 46.48 (15) (a) 2. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 1494. 46.48 (15) (a) 3. of the statutes is amended to read:

46.48 **(15)** (a) 3. For enhancing Milwaukee county's capacity to assess the needs of children who are in long−term foster or treatment foster care and children who are new to foster or treatment foster care, for recruiting and investigating proposed adoptive parents and for prosecuting adoption petitions, ~~$130,000~~ $65,000 in each fiscal year.

SECTION 1495. 46.48 (15) (a) 3. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 1496. 46.48 (15) (b) of the statutes is repealed.

SECTION 1497. 46.48 (16) (title) of the statutes is repealed.

SECTION 1498. 46.48 (16) (a) of the statutes is amended to read:

46.48 **(16)** (a) The department shall distribute not more than ~~$37,500~~ $18,700 in each fiscal year as grants to private, nonprofit organizations to recruit African American foster parents, including African American prospective adoptive parents, in communities that have a high percentage of African American children and a high percentage of children in out−of−home placements. The department shall review applications submitted under this paragraph and determine the number of grants that will be awarded, which of the applicants will receive grants and the amount of each grant. A private, nonprofit organization receiving a grant under this paragraph shall cooperate and coordinate its activities under the grant with the county department under s. 46.215, 46.22 or 46.23 serving the area from which the private, nonprofit organization recruits African American foster parents.

SECTION 1499. 46.48 (16) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 1500. 46.48 (16) (b) of the statutes is repealed.

SECTION 1500m. 46.48 (27) of the statutes is created to read:

46.48 **(27)** GRANTS TO RUNAWAY PROGRAMS. The department shall distribute $100,000 in each fiscal year as grants to programs that provide services for runaways.

Vetoed In Part

SECTION 1500p. 46.48 (28) of the statutes is created to read:

46.48 **(28)** GRANTS FOR COURT−APPOINTED SPECIAL ADVOCATES. The department shall distribute $50,000 in each fiscal year as grants to court−appointed special advocate programs that are recognized by a county board, by a county department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, by the department or a licensed child welfare agency under contract with the department to perform advocacy services in proceedings under s. 48.13.

SECTION 1500s. 46.48 (29) of the statutes is created to read:

46.48 **(29)** ARC COMMUNITY SERVICES, INC. The department shall distribute $87,500 in fiscal year 1997−98 and $175,000 in fiscal year 1998−99 to ARC Community Services, Inc., for a program to provide substance abuse day treatment services for pregnant and postpartum women and their infants.

SECTION 1501. 46.485 (2g) (intro.) of the statutes is amended to read:

46.485 **(2g)** (intro.) From the appropriation under s. 20.435 ~~(1)~~ (5) (b), the department may in each fiscal year transfer funds to the appropriation under s. 20.435 ~~(3)~~ (7) (kb) for distribution under this section and from the appropriation under s. 20.435 (7) (mb) the department ~~shall~~ may not distribute ~~$240,000~~ more than $1,330,500 in each fiscal year to applying counties in this state that meet all of the following requirements, as determined by the department:

SECTION 1502. 46.485 (3r) of the statutes is amended to read:

46.485 **(3r)** Funds that a county does not encumber before 24 months after June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse to the appropriation under s. 20.435 ~~(1)~~ (5) (b).

SECTION 1503. 46.49 (1) of the statutes is amended to read:

46.49 **(1)** Subject to ss. 46.40 (1) (b) and (c) and 46.48 (15) (b), if the department receives unanticipated federal community mental health services block grant funds under 42 USC 300x to 300x−9, federal prevention and treatment of substance abuse block grant funds under 42 USC 300x−21 to 300x−35, or foster care and adoption assistance payments under 42 USC 670 to 679a and it proposes to allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limits under s. 46.40. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding s. 46.40, only with the approval of the committee.

SECTION 1504. 46.49 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

46.49 **(1)** Subject to s. 46.40 (1) (b) and (c), if the department receives unanticipated federal community mental health services block grant funds under 42 USC 300x to 300x−9, federal prevention and treatment of substance abuse block grant funds under 42 USC 300x−21 to 300x−35, or foster care and adoption assistance payments under 42 USC 670 to 679a and it proposes to allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limits under s. 46.40. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding s. 46.40, only with the approval of the committee.

SECTION 1505. 46.495 (1) (am) of the statutes is amended to read:

46.495 **(1)** (am) The department shall reimburse each county from the appropriations under s. 20.435 (3) (o) and (7) (b), (kw) and (o) for social services as approved by the department under ss. 46.215 (1), (2) (c) 1. and (3) and 46.22 (1) (b) 1. d. and (e) 3. a. except that no reimbursement may be made for the administration of or aid granted under s. 49.02.

SECTION 1506. 46.495 (1) (d) of the statutes, as affected by 1995 Wisconsin Act 404, section 72, is amended to read:

46.495 **(1)** (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw) and (o), the department shall distribute the funding for social services, including funding for foster care or treatment foster care of a child on whose behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2) and (8). Each county's required match for a year equals 9.89% of the total of the county's distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency−related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 1507. 46.52 of the statutes is amended to read:

46.52 Systems change grants. From the appropriation under s. 20.435 (7) (md), the department ~~shall~~ may not distribute more than $350,000 in each fiscal year to counties to assist in relocating individuals with mental illness from institutional or residential care to less restrictive and more cost−effective community settings and services. The department shall distribute funds to each recipient under this section so as to permit initial phasing in of community services for individuals with mental illness who are relocated or diverted from institutional or residential care and shall eliminate the funding at the end of a period of not more than 5 years in order to provide funding to another county. The department shall require that the community services that are developed under this section are continued, following termination of a county's funding under this section, by use of funding made available to the county from reduced institutional and residential care utilization.

SECTION 1508. 46.53 of the statutes is amended to read:

46.53 Mental health treatment provider training. From the appropriation under s. 20.435 (7) (md), the department ~~shall~~ may not distribute more than $182,000 in

each fiscal year to provide training for mental health treatment professionals on new mental health treatment approaches in working with special populations, including seriously mentally ill individuals and children with serious emotional disturbances, and on the use of new mental health treatment medications.

SECTION 1509. 46.54 of the statutes is amended to read:

46.54 Consumer and family self−help and peer−support programs. From the appropriation under s. 20.435 (7) (md), the department ~~shall~~ may not distribute ~~$180,000~~ more than $480,000 in each fiscal year to increase support for mental health family support projects, employment projects operated by consumers of mental health services, mental health crisis intervention and drop−in projects and public mental health information activities.

SECTION 1513. 46.56 (15) (a) of the statutes is amended to read:

46.56 **(15)** (a) From the appropriation under s. 20.435 ~~(3)~~ (7) (co), the department shall make available funds to implement programs. The funds may be used to pay for the intake, assessment, case planning and service coordination provided under sub. (8) and for expanding the capacity of the county to provide community−based care and treatment for children with severe disabilities.

SECTION 1513tj. 46.705 (2) of the statutes is created to read:

46.705 **(2)** This section does not apply after June 30, 1999.

SECTION 1514. 46.715 (1) of the statutes is renumbered 46.715 (1m), and 46.715 (1m) (intro.), as renumbered, is amended to read:

46.715 **(1m)** (intro.) Within the limits of the availability of federal funds, ~~the department shall,~~ from the appropriation under s. 20.435 ~~(7) (mb)~~ (3) (md), the department may not award ~~not~~ more than $1,200,000 in each fiscal year to fund programs to limit violence and abuse of controlled substances and controlled substance analogs in neighborhoods, including funding for the creation of Wisconsin against drug environments centers and for the use of neighborhood organizers, culturally representative alcohol and other drug abuse trainers, community speakers and persons to monitor certain court actions, as grants to any of the following applying entities:

SECTION 1515. 46.715 (1) of the statutes is created to read:

46.715 **(1)** In this section, "nonprofit organization" has the meaning given in s. 560.20 (1) (d).

SECTION 1516. 46.715 (1m) (d) of the statutes is created to read:

46.715 **(1m)** (d) A community−based nonprofit organization.

SECTION 1519. 46.75 (2) (a) of the statutes is amended to read:

46.75 **(2)** (a) From the appropriation under s. 20.435 ~~(7)~~ (3) (dn), the department shall award grants to agencies to operate food distribution programs that qualify for participation in the emergency food assistance program under P.L. 98−8, as amended.

SECTION 1519m. 46.76 (intro.) of the statutes is amended to read:

46.76 (title) **~~Board on~~ Department duties relating to hunger prevention.** (intro.) The ~~board on hunger~~ department shall do all of the following:

SECTION 1520. 46.76 (2) of the statutes is amended to read:

46.76 **(2)** Advise the department, the department of ~~education~~ public instruction and any other relevant state agency on the use of state and federal resources and on the provision and administration of programs for hunger prevention.

SECTION 1520m. 46.76 (2) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

46.76 **(2)** Advise the department of public instruction and any other relevant state agency on the use of state and federal resources and on the provision and administration of programs for hunger prevention.

SECTION 1521. 46.76 (5) of the statutes is amended to read:

46.76 **(5)** Submit, by December 31 annually, the plan developed under sub. (4) to the governor, the secretary, the ~~secretary of education~~ state superintendent of public instruction and the appropriate standing committees under s. 13.172 (3).

SECTION 1521m. 46.76 (5) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

46.76 **(5)** Submit, by December 31 annually, the plan developed under sub. (4) to the governor, superintendent of public instruction and the appropriate standing committees under s. 13.172 (3).

SECTION 1522. 46.765 (2) (intro.) of the statutes is amended to read:

46.765 **(2)** PURPOSE; AMOUNT. (intro.) From the appropriation under s. 20.435 ~~(7)~~ (3) (dr), the department shall provide start−up grants, awarded by the board on hunger, to one or more agencies, but not to exceed $20,000 per grant per year, for any of the following purposes:

SECTION 1522d. 46.765 (2) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

46.765 **(2)** PURPOSE; AMOUNT. (intro.) From the appropriation under s. 20.435 (3) (dr), the department shall provide start−up grants to one or more agencies, but not to exceed $20,000 per grant per year, for any of the following purposes:

SECTION 1522j. 46.765 (3) (intro.) of the statutes is amended to read:

46.765 **(3)** GRANT AWARDS; CRITERIA. (intro.) The department shall provide start−up grants under this section ~~pursuant to awards made by the board on hunger~~. In evaluating applications for grants, the ~~board~~ department shall give priority to proposals for any of the purposes enumerated in sub. (2) that do all of the following:

SECTION 1523. 46.77 of the statutes is amended to read:

46.77 Food distribution administration. From the appropriation under s. 20.435 ~~(7)~~ (3) (dn), the department shall allocate funds to eligible recipient agencies, as defined in the emergency food assistance act, P.L. 98−8, section 201A, as amended, for the storage, transportation and distribution of commodities provided under the hunger prevention act of 1988, P.L. 100−435, as amended.

SECTION 1524. 46.80 (2m) (b) of the statutes is amended to read:

46.80 **(2m)** (b) May operate the foster grandparent project specified under 42 USC 5011 (a). If the department operates that project, the department shall distribute funds from the appropriation under s. 20.435 (7) (dh) to supplement any federal foster grandparent project funds received under 42 USC 5011 (a).

SECTION 1525. 46.86 (3m) of the statutes is amended to read:

46.86 **(3m)** From the appropriation under s. 20.435 (7) (md), the department ~~shall~~ may not distribute more than $900,000 in each fiscal year to fund a multidisciplinary prevention and treatment team in Milwaukee county for cocaine−abusing women and their children. The multidisciplinary prevention and treatment team must coordinate its activities with other prevention and treatment programs in Milwaukee county for cocaine−abusing women and their children. Residents from other counties may be served by the multidisciplinary prevention and treatment team. The department may carry forward funds distributed under this subsection, but not encumbered by December 31, for distribution for the purpose under this subsection in the following calendar year.

SECTION 1526. 46.86 (5) of the statutes is amended to read:

46.86 **(5)** From the appropriation under s. 20.435 (7) (md), the department ~~shall~~ may not distribute more than $35,000 in each fiscal year as a grant to the ARC community services center for women and children in Dane county, to address a projected operation deficit of the center; to provide additional funding for transportation and meal expenses for chemically dependent women who receive services from the center; and to provide additional funding for staff of the center.

SECTION 1527. 46.87 (2) of the statutes is amended to read:

46.87 **(2)** From the appropriations under s. 20.435 (7) (b), (kw) and (o), the department shall allocate funds to agencies designated under sub. (3) (c), to be used for the administration and implementation of an Alzheimer's family and caregiver support program for persons with Alzheimer's disease and their caregivers.

SECTION 1528c. 46.93 (2) (intro.) of the statutes is amended to read:

46.93 **(2)** PURPOSE; ALLOCATION. (intro.) From the appropriation under s. 20.434 (1) (b), the board shall award ~~not more than $566,300 in fiscal year 1995−96 and~~ not more than $439,300 in ~~fiscal year 1996−97~~ each of fiscal years 1997−98 and 1998−99 for grants to organizations to provide adolescent pregnancy prevention programs or pregnancy services that include health care, education, counseling and vocational training. Types of services and programs that are eligible for grants include all of the following:

SECTION 1528ym. 46.93 (4) (b) of the statutes is repealed and recreated to read:

46.93 **(4)** (b) Engaging in any activity specified in s. 20.9275 (2) (a) 1. to 3.

SECTION 1529c. 46.935 of the statutes is repealed.

SECTION 1531. 46.95 (2) (a) of the statutes is amended to read:

46.95 **(2)** (a) The secretary shall make grants from the appropriations under s. 20.435 ~~(1)~~ (3) (cd) and (hh) to organizations for the provision of any of the services specified in sub. (1) (d). Grants may be made to organizations which have provided those domestic abuse services in the past or to organizations which propose to provide those services in the future. No grant may be made to fund services for child abuse or abuse of elderly persons.

SECTION 1532. 46.95 (2) (f) (intro.) of the statutes is amended to read:

46.95 **(2)** (f) (intro.) From the appropriations under s. 20.435 ~~(1)~~ (3) (cd) and (hh), the department shall do all of the following:

SECTION 1532c. 46.95 (2) (f) 1. of the statutes is amended to read:

46.95 **(2)** (f) 1. Award ~~$95,000~~ $545,000 in grants ~~each~~ in fiscal year 1997−98 and $995,000 in grants in each fiscal year thereafter to organizations for domestic abuse services that are targeted to children. In awarding the grants, the department shall use a competitive request−for−proposals process and, to the extent possible, shall ensure that the grants are equally distributed on a statewide basis.

SECTION 1533. 46.972 (2) (b) of the statutes is amended to read:

46.972 **(2)** (b) From the appropriation under s. 20.435 ~~(1)~~ (5) (ce), the department shall allocate up to $125,000 in each fiscal year as grants to applying public or nonprofit private entities for the costs of providing primary health services and any other services that may be funded by the program under 42 USC 256 to homeless individuals. Entities that receive funds allocated by the department under this paragraph shall provide the primary

health services as required under 42 USC 256 (f). The department may allocate to an applying entity up to 100% of the amount of matching funds required under 42 USC 256 (e).

SECTION 1534. 46.972 (3) (b) of the statutes is amended to read:

46.972 **(3)** (b) From the appropriation under s. 20.435 (7) (ce), the department ~~shall allocate up to $125,000~~ may not allocate more than $45,000 in each fiscal year to applying public or nonprofit private entities for the costs of providing certain mental health services to homeless individuals with chronic mental illness. Entities that receive funds allocated by the department under this subsection shall provide the mental health services required under 42 USC 290cc−24. The amount that the department allocates to an applying entity may not exceed 50% of the amount of matching funds required under 42 USC 290cc−23.

SECTION 1535m. 46.974 of the statutes is amended to read:

46.974 Joint alcohol and drug abuse prevention plan. The department in cooperation with the department of ~~education~~ public instruction shall prepare, and the secretary and the ~~secretary of education~~ state superintendent shall approve, a coordinated plan for the development, testing and implementation of cooperative and integrated school−community alcohol and drug abuse prevention, intervention, treatment and rehabilitation services. The department and the department of ~~education~~ public instruction shall submit a report biennially to the legislature under s. 13.172 (2) on the implementation of the plan.

SECTION 1536. 46.985 (7) (a) of the statutes is amended to read:

46.985 **(7)** (a) From the appropriations under s. 20.435 (7) (b), (kw) and (o), the department shall allocate to county departments funds for the administration and implementation of the program.

SECTION 1544. 46.997 (2) (intro.) of the statutes is amended to read:

46.997 **(2)** (intro.) From the appropriation under ~~s. 20.435 (6) (a), the department shall allocate not more than $65,500 in each fiscal year to solicit applications from organizations and provide technical assistance to grantees and, from the appropriation under~~ s. 20.435 (3) (eg), the department shall allocate not more than $210,000 in each fiscal year to make grants to applying organizations for the provision, on a regional or tribal project basis, of information to communities in order to increase community knowledge about problems of adolescents and information to and activities for adolescents, particularly female adolescents, in order to enable the adolescents to develop skills with respect to all of the following:

SECTION 1547. 46.997 (5) of the statutes is amended to read:

46.997 **(5)** The department shall work closely with the women's council and the department of ~~education~~ public instruction, on a continuing basis, concerning the scope and direction of activities under projects funded by the program under sub. (2).

SECTION 1548m. 47.02 (8) of the statutes is created to read: **Vetoed In Part**

47.02 **(8)** The department shall amend the state plan under 29 USC 721 to establish a grant program for the establishment, development or improvement of community rehabilitation programs as authorized under 29 USC 723 (b) (2). Under the grant program, the department shall distribute grants to community rehabilitation programs and shall require any community rehabilitation program that receives a grant to provide funds to match 25% of the amount of the grant awarded.

SECTION 1549. 47.03 (11) (e) of the statutes is amended to read:

47.03 **(11)** (e) The department shall distribute at least $218,600 from the appropriations in s. 20.445 (5) (bm) and (na) in each fiscal year for homecraft services relating to the marketing and distribution of homecraft products ~~and to the purchase of capital equipment~~ for each client who participates in the homecraft program.

SECTION 1550. 48.02 (2g) of the statutes is amended to read:

48.02 **(2g)** "County department" means a county department under s. ~~46.215,~~ 46.22 or 46.23, unless the context requires otherwise.

SECTION 1552. 48.06 (1) (a) 1. of the statutes is amended to read:

48.06 **(1)** (a) 1. In counties with a population of 500,000 or more, the ~~county board of supervisors~~ department shall provide the court with the services necessary for investigating and supervising child welfare cases ~~by operating a children's court center under the supervision of a director who is appointed as provided in s. 46.21 (1m) (a). The director is the chief administrative officer of the center and of the intake and probation sections and secure detention facilities of the center except as otherwise provided in this subsection. The director~~ under this chapter. The department is charged with providing child welfare intake and dispositional services and with administration of the personnel and services of the child welfare intake and dispositional sections ~~and of the secure detention facilities, and is responsible for supervising both the operation of the physical plant and the maintenance and improvement of the buildings and grounds of the center~~ of the department. The ~~center~~ department shall include investigative services for all children alleged to be in need of protection or services to be provided by the ~~county~~ department~~, and the services of an assistant district attorney or assistant corporation counsel or both, who shall be assigned to the center to provide investigative as well as legal work in the cases~~.

SECTION 1553. 48.06 (1) (a) 2. of the statutes is amended to read:

48.06 **(1)** (a) 2. The chief judge of the judicial administrative district shall formulate written judicial policy governing intake and court services for ~~juvenile~~ child welfare matters under this chapter and the ~~director~~ department shall be charged with executing the judicial policy. The chief judge shall direct and supervise the work of all personnel of the court, except the work of the district attorney or corporation counsel assigned to the court. The chief judge may delegate his or her supervisory functions under s. 48.065 (1).

SECTION 1554. 48.06 (1) (a) 3. of the statutes is amended to read:

48.06 **(1)** (a) 3. ~~The county board of supervisors shall develop policies and establish necessary rules for the management and administration of the nonjudicial operations of the children's court center. The director of the center shall report and is responsible to the director of the county department for the execution of all nonjudicial operational policies and rules governing the center, including activities of probation officers whenever they are not performing services for the court. The director of the center is also responsible for the preparation and submission to the county board of supervisors of the annual budget for the center except for the judicial functions or responsibilities which are delegated by law to the judge or judges and clerk of circuit court. The county board of supervisors shall make provision in the organization of the office of director for the devolution of the director's authority in the case of temporary absence, illness, disability to act or a vacancy in position and shall establish the general qualifications for the position. The county board of supervisors also has the authority to investigate, arbitrate and resolve any conflict in the administration of the center as between judicial and nonjudicial operational policy and rules.~~ The county board of supervisors does not have authority and may not assert jurisdiction over the disposition of any case or child after a written order is made under s. 48.21 or if a petition is filed under s. 48.25. ~~All personnel of the intake and probation sections and of the secure detention facilities shall be appointed under civil service by the director except that existing court service personnel having permanent civil service status may be reassigned to any of the respective sections within the center specified in this paragraph.~~

SECTION 1555. 48.06 (1) (am) 1. of the statutes is amended to read:

48.06 **(1)** (am) 1. All intake workers ~~beginning~~ providing services under this chapter who begin employment after May 15, 1980, shall have the qualifications required to perform entry level social work in a county department and shall have successfully completed 30 hours of intake training approved or provided by the department prior to the completion of the first 6 months of employment in the position. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

SECTION 1556. 48.06 (1) (am) 2. of the statutes is amended to read:

48.06 **(1)** (am) 2. The department shall make training programs available annually that permit intake workers who provide services under this chapter to satisfy the requirements specified under subd. 1.

SECTION 1557. 48.06 (1) (am) 3. of the statutes is amended to read:

48.06 **(1)** (am) 3. Each intake worker providing services under this chapter whose responsibilities include investigation or treatment of child abuse or neglect shall successfully complete additional training in child abuse and neglect protective services approved by the department under s. 48.981 (8) (d). Not more than 4 hours of the additional training may be applied to the requirement under subd. 1.

SECTION 1558. 48.06 (1) (b) of the statutes is repealed.

SECTION 1559. 48.06 (2) (b) 1. of the statutes is amended to read:

48.06 **(2)** (b) 1. All intake workers ~~beginning~~ providing services under this chapter who begin employment after May 15, 1980, shall have the qualifications required to perform entry level social work in a county department and shall have successfully completed 30 hours of intake training approved or provided by the department prior to the completion of the first 6 months of employment in the position. The department shall monitor compliance with this paragraph according to rules promulgated by the department.

SECTION 1560. 48.06 (2) (b) 2. of the statutes is amended to read:

48.06 **(2)** (b) 2. The department shall make training programs available annually that permit intake workers who provide services under this chapter to satisfy the requirements specified under subd. 1.

SECTION 1561. 48.06 (2) (c) of the statutes is amended to read:

48.06 **(2)** (c) Each intake worker providing services under this chapter whose responsibilities include investigation or treatment of child abuse or neglect shall successfully complete additional training in child abuse and neglect protective services approved by the department under s. 48.981 (8) (d). Not more than 4 hours of the additional training may be applied to the requirement under par. (b).

SECTION 1562. 48.06 (3) of the statutes is amended to read:

48.06 **(3)** INTAKE SERVICES. The court ~~or~~, the department in a county having a population of 500,000 or more or the county department responsible for providing intake services under s. 48.067 shall specify one or more persons to provide intake services. If there is more than

one such worker, one of the workers shall be designated as chief worker and shall supervise other workers.

SECTION 1563. 48.069 (1) (intro.) of the statutes is amended to read:

48.069 **(1)** (intro.) The staff of the department, the court, a county department or a licensed child welfare agency designated by the court to carry out the objectives and provisions of this chapter, or, in a county having a population of 500,000 or more, the department or an agency under contract with the department to provide dispositional services, shall:

SECTION 1564. 48.069 (2) of the statutes is amended to read:

48.069 **(2)** ~~Licensed~~ Except in a county having a population of 500,000 or more, licensed child welfare agencies and the department shall provide services under this section only upon the approval of the agency from whom services are requested. In a county having a population of 500,000 or more, the department or, with the approval of the department, a licensed child welfare agency shall provide services under this section.

SECTION 1565. 48.069 (3) of the statutes is amended to read:

48.069 **(3)** A court or county department responsible for disposition staff or, in a county having a population of 500,000 or more, the department may agree with the court or county department responsible for providing intake services that the disposition staff may be designated to provide some or all of the intake services.

SECTION 1566. 48.07 (3) of the statutes is amended to read:

48.07 **(3)** (title) ~~COUNTY~~ THE DEPARTMENT IN POPULOUS COUNTIES. In counties having a population of 500,000 or more, the ~~director of the county~~ department may be ordered by the court to provide services for furnishing emergency shelter care to any child whose need therefor is determined by the intake worker under s. 48.205. The court may authorize the ~~director~~ department to appoint members of the ~~county~~ department to furnish emergency shelter care services for the child. The emergency shelter care may be provided as specified in s. 48.207.

SECTION 1567. 48.207 (2) of the statutes is amended to read:

48.207 **(2)** If a facility listed in sub. (1) (b) to (k) is used to hold children in custody, or if supervisory services of a home detention program are provided to children held under sub. (1) (a), its authorized rate ~~shall be paid by the county~~ for the care of the child shall be paid by the county in a county having a population of less than 500,000 or by the department in a county having a population of 500,000 or more. If no authorized rate has been established, a reasonable sum to be fixed by the court shall be paid by the county in a county having a population of less than 500,000 or by the department in a county having a population of 500,000 or more for the supervision or care of the child.

SECTION 1568. 48.275 (2) (d) of the statutes is renumbered 48.275 (2) (d) 1. and amended to read:

48.275 **(2)** (d) 1. ~~Reimbursement~~ In a county having a population of less than 500,000, reimbursement payments shall be made to the clerk of courts of the county where the proceedings took place. Each payment shall be transmitted to the county treasurer, who shall deposit 25% of the amount paid for state−provided counsel in the county treasury and transmit the remainder to the state treasurer. Payments transmitted to the state treasurer shall be deposited in the general fund and credited to the appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit 100% of the amount paid for county−provided counsel in the county treasury.

SECTION 1569. 48.275 (2) (d) 2. of the statutes is created to read:

48.275 **(2)** (d) 2. In a county having a population of 500,000 or more, reimbursement payments shall be made to the clerk of courts of the county where the proceedings took place. Each payment shall be transmitted to the state treasurer, who shall deposit the amount paid in the general fund and credit 25% of the amount paid to the appropriation account under s. 20.435 (3) (gx) and the remainder to the appropriation account under s. 20.550 (1) (L).

SECTION 1570. 48.295 (1) of the statutes is amended to read:

48.295 **(1)** After the filing of a petition and upon a finding by the court that reasonable cause exists to warrant an examination or an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4), the court may order any child coming within its jurisdiction to be examined as an outpatient by personnel in an approved treatment facility for alcohol and other drug abuse, by a physician, psychiatrist or licensed psychologist, or by another expert appointed by the court holding at least a master's degree in social work or another related field of child development, in order that the child's physical, psychological, alcohol or other drug dependency, mental or developmental condition may be considered. The court may also order an examination or an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4) of a parent, guardian or legal custodian whose ability to care for a child is at issue before the court. The court shall hear any objections by the child, the child's parents, guardian or legal custodian to the request for such an examination or assessment before ordering the examination or assessment. The expenses of an examination, if approved by the court, shall be paid by the county of the court ordering the examination in a county having a population of less than 500,000 or by the department in a county having a population of 500,000 or more. The payment for an alco-

hol and other drug abuse assessment shall be in accordance with s. 48.361.

SECTION 1571. 48.33 (4) (b) of the statutes is amended to read:

48.33 **(4)** (b) A recommendation for an amount of child support to be paid by either or both of the child's parents or for referral to the county ~~designee~~ child support agency under s. 59.53 (5) for the establishment of child support.

SECTION 1572. 48.345 (4) (b) of the statutes is amended to read:

48.345 **(4)** (b) ~~A~~ The county department in a county having a population of less than 500,000.

SECTION 1573. 48.345 (4) (bm) of the statutes is created to read:

48.345 **(4)** (bm) The department in a county having a population of 500,000 or more.

SECTION 1574. 48.345 (11) of the statutes is repealed.

SECTION 1575. 48.345 (12) (b) of the statutes is amended to read:

48.345 **(12)** (b) The judge shall order the school board to disclose the child's pupil records, as defined under s. 118.125 (1) (d), to the county department, department, in a county having a population of 500,000 or more, or licensed child welfare agency responsible for supervising the child, as necessary to determine the child's compliance with the order under par. (a).

SECTION 1576. 48.345 (12) (c) of the statutes is amended to read:

48.345 **(12)** (c) The judge shall order the county department, department, in a county having a population of 500,000 or more, or licensed child welfare agency responsible for supervising the child to disclose to the school board, technical college district board or private, nonprofit, nonsectarian agency which is providing an educational program under par. (a) 3. records or information about the child, as necessary to assure the provision of appropriate educational services under par. (a).

SECTION 1577. 48.345 (13) (a) of the statutes is amended to read:

48.345 **(13)** (a) If the report prepared under s. 48.33 (1) recommends that the child is in need of treatment for the use or abuse of alcohol beverages, controlled substances or controlled substance analogs and its medical, personal, family or social effects, the court may order the child to enter an outpatient alcohol and other drug abuse treatment program at an approved treatment facility. The approved treatment facility shall, under the terms of a service agreement between the ~~county and the~~ approved treatment facility and the county in a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more, or with the written informed consent of the child or the child's parent if the child has not attained the age of 12, report to the agency primarily responsible for providing services to the child as to whether the child is cooperating with the treatment and whether the treatment appears to be effective.

SECTION 1578. 48.345 (13) (b) of the statutes is amended to read:

48.345 **(13)** (b) If the report prepared under s. 48.33 (1) recommends that the child is in need of education relating to the use of alcohol beverages, controlled substances or controlled substance analogs, the court may order the child to participate in an alcohol or other drug abuse education program approved by the court. The person or agency that provides the education program shall, under the terms of a service agreement between the ~~county and the~~ education program and the county in a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more, or with the written informed consent of the child or the child's parent if the child has not attained the age of 12, report to the agency primarily responsible for providing services to the child about the child's attendance at the program.

SECTION 1579. 48.355 (2) (b) 4. of the statutes is amended to read:

48.355 **(2)** (b) 4. If the child is placed outside the child's home, a designation of the amount of support, if any, to be paid by the child's parent, guardian or trustee, specifying that the support obligation begins on the date of the placement, or a referral to the county ~~designee~~ child support agency under s. 59.53 (5) for establishment of child support.

SECTION 1580. 48.355 (2) (b) 6. of the statutes is amended to read:

48.355 **(2)** (b) 6. If the child is placed outside the home, ~~the court's~~ a finding that continued placement of the child in his or her home would be contrary to the welfare of the child and a finding as to whether ~~a~~ the county department ~~which provides social services~~, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for the provision of services under a court order has made reasonable efforts to prevent the removal of the child from the home or, if applicable, that the agency primarily responsible for the provision of services under a court order has made reasonable efforts to make it possible for the child to return to his or her home.

SECTION 1581. 48.355 (2) (c) of the statutes is amended to read:

48.355 **(2)** (c) If school attendance is a condition of an order under par. (b) 7., the order shall specify what constitutes a violation of the condition and shall direct the school board of the school district in which the child is enrolled to notify the county department that is responsible for supervising the child or, in a county having a population of 500,000 or more, the department within 5 days after any violation of the condition by the child.

SECTION 1582. 48.355 (2c) (a) (intro.) of the statutes is amended to read:

48.355 **(2c)** (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as to whether ~~a~~ the county department ~~which provides social services~~, 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, the court's consideration of reasonable efforts shall include, but not be limited to, whether:

SECTION 1583. 48.36 (1) (a) of the statutes is amended to read:

48.36 **(1)** (a) If legal custody is transferred from the parent or guardian or the court otherwise designates an alternative placement for the child by a disposition made under s. 48.345 or by a change in placement under s. 48.357, the duty of the parent or guardian or, in the case of a transfer of guardianship and custody under s. 48.839 (4), the duty of the former 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 child 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 or a county department under s. ~~46.215,~~ 46.22, 46.23, 51.42 or 51.437, shall be determined under s. 46.10 (14).

SECTION 1584. 48.36 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

48.36 **(1)** (b) In determining the amount of support under par. (a), the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported under s. 49.22 (2m) to the department of workforce development~~,~~ or the county child ~~and spousal~~ support agency~~,~~ under s. ~~49.22 (2m)~~ 59.53 (5). If the court has insufficient information with which to determine the amount of support, the court shall order the child's parent to furnish a statement of income, assets, debts and living expenses, if the parent has not already done so, to the court within 10 days after the court's order transferring custody or designating an alternative placement is entered or at such other time as ordered by the court.

SECTION 1585. 48.36 (2) of the statutes is amended to read:

48.36 **(2)** If a child 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 in a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more. This section does not prevent recovery of reasonable contribution toward the costs from the parent or guardian of the child as the court may order based on the ability of the parent or guardian to pay. This subsection shall be subject to s. 46.03 (18).

SECTION 1586. 48.36 (3) of the statutes is amended to read:

48.36 **(3)** In determining county or departmental liability, this section does not apply to services specified in ch. 115.

SECTION 1587. 48.365 (2g) (a) of the statutes is amended to read:

48.365 **(2g)** (a) At the hearing the person or agency primarily responsible for providing services to the child shall file with the court a written report stating to what extent the dispositional order has been meeting the objectives of the plan for the child's rehabilitation or care and treatment. ~~The juvenile offender review program may file a written report regarding any child examined by the program.~~

SECTION 1588. 48.366 (8) of the statutes is amended to read:

48.366 **(8)** TRANSFER TO OR BETWEEN FACILITIES. The department of corrections may transfer a person subject to an order between secured correctional facilities. After the person attains the age of 17 years, the department of corrections may place the person in a state prison named in s. 302.01. If the person is 15 years of age or over, the department of corrections may transfer the person to the Racine youthful offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If the department of corrections places a person subject to an order under this section in a state prison, that department shall provide services for that person from the appropriate appropriation under s. 20.410 (1). The department of corrections may transfer a person placed in a state prison under this subsection to or between state prisons named in s. 302.01 without petitioning for revision of the order under sub. (5) (a).

SECTION 1589. 48.38 (5) (am) of the statutes is amended to read:

48.38 **(5)** (am) The court may appoint an independent agency to designate a panel to conduct a permanency plan review under par. (a). If the court in a county having a population of less than 500,000 appoints an independent agency under this paragraph, the county department of the county of the court shall authorize and contract for the purchase of services from the independent agency. If the court in a county having a population of 500,000 or more appoints an independent agency under this paragraph, the department shall authorize and contract for the purchase of services from the independent agency.

SECTION 1592. 48.428 (2) (a) of the statutes is amended to read:

48.428 **(2)** (a) Except as provided in par. (b), when a court places a child in sustaining care after an order under s. 48.427 (4), the court shall transfer legal custody of the child to the county department, the department, in a

county having a population of 500,000 or more, or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. and place the child in the home of a licensed foster parent, licensed treatment foster parent or kinship care relative with whom the child has resided for 6 months or longer. Pursuant to such a placement, this licensed foster parent, licensed treatment foster parent or kinship care relative shall be a sustaining parent with the powers and duties specified in sub. (3).

SECTION 1593. 48.428 (2) (b) of the statutes is amended to read:

48.428 **(2)** (b) When a court places a child in sustaining care after an order under s. 48.427 (4) with a person who has been appointed as the guardian of the child under s. 48.977 (2), the court may transfer legal custody of the child to the county department, the department, in a county having a population of 500,000 or more, or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. and place the child in the home of a licensed foster parent ~~or~~, licensed treatment foster parent or kinship care relative with whom the child has resided for 6 months or longer. Pursuant to such a placement, that licensed foster parent ~~or~~, licensed treatment foster parent or kinship care relative shall be a sustaining parent with the powers and duties specified in sub. (3). If the court transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4., the court shall terminate the guardianship under s. 48.977.

SECTION 1593t. 48.48 (16m) of the statutes is created to read:

48.48 **(16m)** To employ under the unclassified service in an office of the department that is located in a 1st class city a director of the office of urban development who shall be appointed by the secretary to serve at the pleasure of the secretary and who shall coordinate the provision of child welfare services in a county having a population of 500,000 or more with the implementation of the Wisconsin works program under ss. 49.141 to 49.161 in a county having a population of 500,000 or more.

SECTION 1594. 48.48 (17) of the statutes is created to read:

48.48 **(17)** (a) In a county having a population of 500,000 or more, to administer child welfare services and to expend such amounts as may be necessary out of any moneys which may be appropriated for child welfare services by the legislature, which may be donated by individuals or private organizations or which may be otherwise provided. The department shall also have authority to do all of the following:

1. Investigate the conditions surrounding nonmarital children and children in need of protection or services within the county and to take every reasonable action within its power to secure for them the full benefit of all laws enacted for their benefit. Unless provided by another agency, the department shall offer social services to the caretaker of any child who is referred to it under the conditions specified in this subdivision. This duty shall be discharged in cooperation with the court and with the public officers or boards legally responsible for the administration and enforcement of these laws.

2. Accept legal custody of children transferred to it by the court under s. 48.355 and to provide special treatment and care if ordered by the court and if providing special treatment and care is not the responsibility of the county department under s. 46.215, 51.42 or 51.437. A court may not order the department to administer psychotropic medications to children who receive special treatment or care under this subdivision.

3. Provide appropriate protection and services for children in its care, including providing services for children and their families in their own homes, placing the children in licensed foster homes, licensed treatment foster homes or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody or contracting for services for them by licensed child welfare agencies, except that the department may not purchase the educational component of private day treatment programs unless the department, the school board as defined in s. 115.001 (7) and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

4. Provide for the moral and religious training of children in its care according to the religious belief of the child or of his or her parents.

5. Place children in a county children's home in the county, to accept guardianship of children when appointed by the court and to place children under its guardianship for adoption.

6. Provide services to the court under s. 48.06.

7. Contract with any parent or guardian or other person for the care and maintenance of any child.

8. License foster homes or treatment foster homes in accordance with s. 48.75.

9. Use in the media a picture or description of a child in its guardianship for the purpose of finding adoptive parents for that child.

10. Administer kinship care as provided in s. 48.57 (3m) and (3p).

11. Contract with the county department under s. 46.215, 51.42 or 51.437 or with a licensed child welfare agency to provide any of the services that the department is authorized to provide under this chapter.

(b) In performing the functions specified in par. (a), the department may avail itself of the cooperation of any individual or private agency or organization interested in the social welfare of children in the county.

(c) From the appropriations under s. 20.435 (3) (cx), (gx), (kw) and (mx), the department may provide funding for the maintenance of any child who meets all of the following criteria:

1. Is 18 years of age or older.

2. Is enrolled in and regularly attending a secondary education classroom program leading to a high school diploma.

3. Received funding under s. 20.435 (3) (cx) or 46.495 (1) (d) immediately prior to his or her 18th birthday.

4. Is living in a foster home, treatment foster home, group home or child caring institution.

(d) The funding provided for the maintenance of a child under par. (c) shall be in an amount equal to that which the child would receive under s. 20.435 (3) (cx), (gx), (kw) and (mx) or 46.495 (1) (d) if the child were 17 years of age.

SECTION 1595j. 48.551 (2) (a) of the statutes is amended to read:

48.551 **(2)** (a) Training persons who provide counseling to adolescents including school counselors, county employes providing child welfare services under s. 48.56 and ~~family planning clinic~~ employes of a clinic providing family planning services, as defined in s. 253.07 (1) (b).

SECTION 1595k. 48.551 (2) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.551 **(2)** (a) Training persons who provide counseling to adolescents including school counselors, county or department employes providing child welfare services under s. 48.56 or 48.561 and employes of a clinic providing family planning services, as defined in s. 253.07 (1) (b).

SECTION 1596. Subchapter XII (title) of chapter 48 [precedes 48.56] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XII

~~COUNTY~~ CHILD WELFARE SERVICES

SECTION 1597. 48.56 (title) of the statutes is amended to read:

48.56 (title) **~~County child~~ Child welfare services in counties having populations of less than 500,000.**

SECTION 1598. 48.56 (1) of the statutes is amended to read:

48.56 **(1)** Each county having a population of less than 500,000 shall provide child welfare services through its county department.

SECTION 1599. 48.561 of the statutes is created to read:

48.561 Child welfare services in a county having a population of 500,000 or more. (1) Beginning on January 1, 1998, the department shall provide child welfare services in a county having a population of 500,000 or more.

(2) Beginning on January 1, 1998, the department shall employ personnel in a county having a population of 500,000 or more who devote all of their time directly or indirectly to child welfare services. Whenever possible, these personnel shall be social workers certified under ch. 457.

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

(b) The department of administration and a county having a population of 500,000 or more shall consult to determine the method by which the state will collect the amount specified in par. (a). If the department of administration and a county having a population of 500,000 or more reach an agreement as to that method and if that agreement calls for deducting all or part of that amount from any state payment due that county under s. 79.03, 79.04, 79.058, 79.06 or 79.08 or for adding a special charge to the amount of taxes apportioned to and levied on that county under s. 70.60, the department of administration shall notify the department of revenue, by September 15, 1997, or within 30 days after the effective date of this paragraph .... [revisor inserts date], whichever is later, of the amount to be deducted from those state payments due or to be added as that special charge. If the department of administration and a county having a population of 500,000 or more do not reach an agreement as to that method by September 15, 1997, or within 30 days after the effective date of this paragraph .... [revisor inserts date], whichever is later, the department of administration shall determine that method without the agreement of that county. On or after January 1, 1998, the department of administration shall credit all amounts collected under this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify the county from which those amounts are collected of that collection.

SECTION 1600d. 48.561 (1), (2) and (3) of the statutes, as created by 1997 Wisconsin Act .... (this act), are amended to read:

48.561 **(1)** ~~Beginning on January 1, 1998, the~~ The department shall provide child welfare services in a county having a population of 500,000 or more.

(2) ~~Beginning on January 1, 1998, the~~ The department shall employ personnel in a county having a population of 500,000 or more who devote all of their time directly or indirectly to child welfare services. Whenever possible, these personnel shall be social workers certified under ch. 457.

(3) (a) A county having a population of 500,000 or more shall contribute ~~$31,280,700~~ $62,561,400 in each state fiscal year ~~1997-98~~ for the provision of child welfare services in that county by the department.

(b) The department of administration and a county having a population of 500,000 or more shall consult to

determine the method by which the state will collect the amount specified in par. (a). If the department of administration and a county having a population of 500,000 or more reach an agreement as to that method and if that agreement calls for deducting all or part of that amount from any state payment due that county under s. 79.03, 79.04, 79.058, 79.06 or 79.08 or for adding a special charge to the amount of taxes apportioned to and levied on that county under s. 70.60, the department of administration shall notify the department of revenue, by September 15~~, 1997, or within 30 days after the effective date of this paragraph .... [revisor inserts date], whichever is later~~ of each year, of the amount to be deducted from those state payments due or to be added as that special charge. If the department of administration and a county having a population of 500,000 or more do not reach an agreement as to that method by September 15~~, 1997, or within 30 days after the effective date of this paragraph .... [revisor inserts date], whichever is later~~ of each year, the department of administration shall determine that method without the agreement of that county. ~~On or after January 1, 1998, the~~ The department of administration shall credit all amounts collected under this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify the county from which those amounts are collected of that collection.

SECTION 1601. 48.57 (title) of the statutes is amended to read:

48.57 (title) **Powers and duties of department and county departments providing child welfare services.**

SECTION 1602. 48.57 (1) (intro.) of the statutes is amended to read:

48.57 **(1)** (intro.) Each county department shall administer and expend such amounts as may be necessary out of any moneys which may be appropriated for child welfare purposes by the county board of supervisors or by the legislature, which may be donated by individuals or private organizations~~. It~~ or which may be otherwise provided. The department shall have the authority specified in s. 48.48 (17). A county department shall have the authority:

SECTION 1603. 48.57 (1) (c) of the statutes is amended to read:

48.57 **(1)** (c) To provide appropriate protection and services for children in its care, including providing services for children and their families in their own homes, placing the children in licensed foster homes, licensed treatment foster homes or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody or contracting for services for them by licensed child welfare agencies, except that the county department shall not purchase the educational component of private day treatment programs unless the county department, the school board as defined in s. 115.001 (7) and the ~~department of education~~ state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the ~~department of education~~ state superintendent of public instruction.

SECTION 1604. 48.57 (1) (e) of the statutes is amended to read:

48.57 **(1)** (e) If a county department in a county with a population of 500,000 or more and if contracted to do so by the department, to place children in a county children's home in the county under policies adopted by the county board of supervisors, to accept guardianship of children when appointed by the court and to place children under its guardianship for adoption.

SECTION 1605. 48.57 (3m) (am) (intro.) of the statutes, as affected by 1995 Wisconsin Act 289, section 70g, is amended to read:

48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.435 ~~(7) (b) and (o)~~ (3) (cz) and (kc), the department shall reimburse counties for payments made under this subsection. A county department shall make payments in the amount of $215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 1606. 48.57 (3m) (am) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.435 (3) (cz) and (kc), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of $215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 1607. 48.57 (3m) (am) 1. of the statutes is amended to read:

48.57 **(3m)** (am) 1. The kinship care relative applies to the county department or department for payments under this subsection and the county department or department determines that there is a need for the child to be placed with the kinship care relative and that the placement with the kinship care relative is in the best interests of the child.

SECTION 1608. 48.57 (3m) (am) 2. of the statutes is amended to read:

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

SECTION 1609. 48.57 (3m) (am) 4. of the statutes is amended to read:

48.57 **(3m)** (am) 4. The county department or department conducts a background investigation under sub. (3p) of the kinship care relative, the employes and prospective employes of the kinship care relative who have or would have regular contact with the child for whom the payments would be made and any other adult resident of the kinship care relative's home to determine if the kinship care relative, employe, prospective employe or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child.

SECTION 1610. 48.57 (3m) (am) 5. of the statutes is amended to read:

48.57 **(3m)** (am) 5. The kinship care relative cooperates with the county department or department in the application process, including applying for other forms of assistance for which the kinship care relative may be eligible.

SECTION 1611. 48.57 (3m) (am) 6. of the statutes is created to read:

48.57 **(3m)** (am) 6. The child for whom the kinship care relative is providing care and maintenance is not receiving supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

SECTION 1612. 48.57 (3m) (b) 1. of the statutes is amended to read:

48.57 **(3m)** (b) 1. The county department or, in a county having a population of 500,000 or more, the department shall refer to the attorney responsible for support enforcement under s. ~~59.458 (1)~~ 59.53 (6) (a) the name of the parent or parents of a child for whom a payment is made under par. (am).

SECTION 1613. 48.57 (3m) (c) of the statutes is amended to read:

48.57 **(3m)** (c) The county department or, in a county having a population of 500,000 or more, the department shall require the parent or parents of a child for whom a payment is made under par. (am) to initiate or continue health care insurance coverage for the child.

SECTION 1614. 48.57 (3m) (d) of the statutes, as affected by 1995 Wisconsin Act 289, section 70g, is amended to read:

48.57 **(3m)** (d) A county department or, in a county having a population of 500,000 or more, the department shall review a placement of a child for which the county department or department makes payments under par. (am) not less than every 12 months after the county department or department begins making those payments to determine whether the conditions specified in par. (am) continue to exist. If those conditions do not continue to exist, the county department or department shall discontinue making those payments.

SECTION 1614g. 48.57 (3m) (f) of the statutes is created to read:

48.57 **(3m)** (f) Any person whose application for payments under par. (am) is not acted on promptly or is denied on the grounds that a condition specified in par. (am) 1., 2., 5. or 6. has not been met and any person whose payments under par. (am) are discontinued under par. (d) may petition the department under par. (g) for a review of that action or failure to act. Review is unavailable if the action or failure to act arose more than 45 days before submission of the petition for review.

SECTION 1614h. 48.57 (3m) (g) of the statutes is created to read:

48.57 **(3m)** (g) 1. Upon receipt of a timely petition under par. (f) the department shall give the applicant or recipient reasonable notice and an opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county department or subunit of the department whose action or failure to act is the subject of the petition. That county department or subunit of the department may be represented at the hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or recipient and to the county department or subunit of the department whose action or failure to act is the subject of the petition. The decision of the department shall have the same effect as an order of the county department or subunit of the department whose action or failure to act is the subject of the petition. The decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for review or shall refuse to grant relief if any of the following applies:

a. The petitioner withdraws the petition in writing.

b. The sole issue in the petition concerns an automatic payment adjustment or change that affects an entire class of recipients and is the result of a change in state law.

c. The petitioner abandons the petition. Abandonment occurs if the petitioner fails to appear in person or by a representative at a scheduled hearing without good cause, as determined by the department.

2. If a recipient requests a hearing within 10 days after the date of notice that his or her payments under par. (am) are being discontinued, those payments may not be discontinued until a decision is rendered after the hearing but payments made pending the hearing decision may be recovered by the department if the contested action or failure to act is upheld. The department shall promptly notify the county department of the county in which the recipient resides or, if the recipient resides in a county having a population of 500,000 or more, the subunit of the department administering of the kinship care program in that county that the recipient has requested a hearing. Payments under par. (am) shall be discontinued if any of the following applies:

a. The recipient is contesting a state law or a change in state law and not the determination of the payment made on the recipient's behalf.

b. The recipient is notified of a change in his or her payments under par. (am) while the hearing decision is pending but the recipient fails to request a hearing on the change.

3. The recipient shall be promptly informed in writing if his or her payments under par. (am) are to be discontinued pending the hearing decision.

SECTION 1615. 48.57 (3p) (b) 1. of the statutes is amended to read:

48.57 **(3p)** (b) 1. After receipt of an application for payments under sub. (3m), the county department or, in a county having a population of 500,000 or more, the department of health and family services, with the assistance of the department of justice, shall conduct a background investigation of the applicant.

SECTION 1616. 48.57 (3p) (b) 2. of the statutes is amended to read:

48.57 **(3p)** (b) 2. The county department or, in a county having a population of 500,000 or more, the department of health and family services, with the assistance of the department of justice, may conduct a background investigation of any person who is receiving payments under sub. (3m) at the time of review under sub. (3m) (d) or at any other time that the county department or department of health and family services considers to be appropriate.

SECTION 1617. 48.57 (3p) (c) 1. of the statutes is amended to read:

48.57 **(3p)** (c) 1. After receipt of an application for payments under sub. (3m), the county department or, in a county having a population of 500,000 or more, the department of health and family services, with the assistance of the department of justice, shall, in addition to the investigation under par. (b), conduct a background investigation of all employes and prospective employes of the applicant who have or would have regular contact with the child for whom those payments are being made and of each adult resident.

SECTION 1618. 48.57 (3p) (c) 2. of the statutes is amended to read:

48.57 **(3p)** (c) 2. The county department or, in a county having a population of 500,000 or more, the department of health and family services, with the assistance of the department of justice, may conduct a background investigation of any of the employes or prospective employes of any person who is receiving payments under sub. (3m) who have or would have regular contact with the child for whom those payments are being made and of each adult resident at the time of review under sub. (3m) (d) or at any other time that the county department or department of health and family services considers to be appropriate.

SECTION 1619. 48.57 (3p) (c) 3. of the statutes is amended to read:

48.57 **(3p)** (c) 3. Before a person ~~that~~ who is receiving payments under sub. (3m) may employ any person in a position in which that person would have regular contact with the child for whom those payments are being made or permit any person to be an adult resident, the county department or, in a county having a population of 500,000 or more, the department of health and family services, with the assistance of the department of justice, shall conduct a background investigation of the prospective employe or prospective adult resident unless that person has already been investigated under subd. 1. or 2.

SECTION 1620. 48.57 (3p) (d) of the statutes is amended to read:

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

SECTION 1621. 48.57 (3p) (e) (intro.) of the statutes is amended to read:

48.57 **(3p)** (e) (intro.) Upon request, a person being investigated under par. (b) or (c) shall provide the county department or, in a county having a population of 500,000 or more, the department of health and family services with all of the following information:

SECTION 1622. 48.57 (3p) (fm) 1. of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

48.57 **(3p)** (fm) 1. The county department or, in a county having a population of 500,000 or more, the department of health and family services may provisionally approve the making of payments under sub. (3m) based on the applicant's statement under sub. (3m) (am) 4m. The county department or department of health and family services may not finally approve the making of payments under sub. (3m) unless ~~that~~ the county department or department of health and family services receives information from the department of justice indicating that the conviction record of the applicant under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. or payment is approved under par. (h) 4. The county department or department of ~~workforce~~

~~development~~ health and family services may make payments under sub. (3m) conditioned on the receipt of information from the federal bureau of investigation indicating that the person's conviction record under the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

SECTION 1622d. 48.57 (3p) (fm) 1. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.57 **(3p)** (fm) 1. The county department or, in a county having a population of 500,000 or more, the department of health and family services may provisionally approve the making of payments under sub. (3m) based on the applicant's statement under sub. (3m) (am) 4m. The county department or department of health and family services may not finally approve the making of payments under sub. (3m) unless the county department or department of health and family services receives information from the department of justice indicating that the conviction record of the applicant under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. The county department or department of health and family services may make payments under sub. (3m) conditioned on the receipt of information from the federal bureau of investigation indicating that the person's conviction record under the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

SECTION 1623. 48.57 (3p) (fm) 2. of the statutes is amended to read:

48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of 500,000 or more, the department of health and family services that the employe or adult resident does not have any arrests or convictions that could adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payments under sub. (3m) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of 500,000 or more, the department of health and family services receives information from the department of justice indicating that the person's conviction record under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. and the county department so advises the department of health and family services and the person receiving payments under sub. (3m) or the department of health and family services so advises that person or until a decision is made under par. (h) 4. to permit a person who is receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or to permit a person to be an adult resident and the county department or, in a county having a population of 500,000 or more, the department of health and family services so advises the person receiving payments under sub. (3m). A person receiving payments under sub. (3m) may finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information from the county department or, in a county having a population of 500,000 or more, the department of health and family services that the federal bureau of investigation indicates that the person's conviction record under the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

SECTION 1623d. 48.57 (3p) (fm) 2. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of 500,000 or more, the department of health and family services that the employe or adult resident does not have any arrests or convictions that could adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payments under sub. (3m) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of 500,000 or more, the department of health and family services receives information from the department of justice indicating that the person's conviction record under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. and the county department so advises the department of health and family services and the person receiving payments under sub. (3m) or the department of health and family services so advises that person. A person receiving payments under sub. (3m) may finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information from the county department or, in a county having a population of 500,000 or more, the department of health and family services that the federal bureau of investigation indicates that the person's conviction record under

the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

SECTION 1624. 48.57 (3p) (g) (intro.) of the statutes, as affected by 1995 Wisconsin Act 289, section 71f, is amended to read:

48.57 **(3p)** (g) (intro.) ~~Subject to~~ Except as provided in par. (h), the county department or, in a county having a population of 500,000 or more, the department of health and family services may not make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may not employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or permit a person to be an adult resident if any of the following applies:

SECTION 1624d. 48.57 (3p) (g) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.57 **(3p)** (g) (intro.) A county department or, in a county having a population of 500,000 or more, the department of health and family services may not make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may not employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or permit a person to be an adult resident if any of the following applies:

SECTION 1625. 48.57 (3p) (g) 2. of the statutes is amended to read:

48.57 **(3p)** (g) 2. The person has had imposed on him or her a penalty specified in s. 939.62, 939.621, 939.63, 939.64, 939.641 or 939.645 or has been convicted of a violation of the law of any other state or federal law under circumstances under which the ~~applicant or other~~ person would be subject to a penalty specified in any of those sections if convicted in this state.

SECTION 1626. 48.57 (3p) (g) 3. of the statutes is amended to read:

48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, or of a violation of the law of any other state or federal law that would be a violation of ch. 940, 944 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, if committed in this state, except that ~~the~~ a county department or, in a county having a population of 500,000 or more, the department of health and family services may make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may employ in a position in which the person would have regular contact with the child for whom those payments are being made or permit to be an adult resident a person who has been convicted of a violation of s. 944.30, 944.31 or 944.33 or of a violation of the law of any other state or federal law that would be a violation of s. 944.30, 944.31 or 944.33 if committed in this state, if that violation occurred 20 years or more before the date of the investigation.

SECTION 1626g. 48.57 (3p) (h) of the statutes is created to read:

48.57 **(3p)** (h) 1. A person who is denied payments under sub. (3m) for a reason specified in par. (g) 1., 2. or 3. or a person who is prohibited from employing a person in a position in which that person would have regular contact with the child for whom payments under sub. (3m) are being made from permitting a person to be an adult resident for a reason specified in par. (g) 1., 2. or 3. may request that the denial of payments or the prohibition on employment or being an adult resident be reviewed.

2. The request for review shall be filed with the director of the county department or, in a county having a population of 500,000 or more, with the person designated by the secretary of health and family services to receive requests for review filed under this subdivision. If the governing body of a federally recognized American Indian tribe or band has entered into an agreement under sub. (3t) to administer the program under this subsection and sub. (3m), the request for review shall be filed with the person designated by that governing body to receive requests for review filed under this subdivision.

3. The director of the county department, the person designated by the governing body of a federally recognized American Indian tribe or band or, in a county having a population of 500,000 or more, the person designated by the secretary of health and family services shall review the denial of payments or the prohibition on employment or being an adult resident to determine if the conviction record on which the denial or prohibition is based includes any arrests, convictions or penalties that are likely to adversely affect the child or the ability of the kinship care relative to care for the child. In reviewing the denial or prohibition, the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band or the person designated by the secretary of health and family services shall consider, but not be limited to, all of the following factors:

a. The length of time between the date of the arrest, conviction or of the imposition of the penalty and the date of the review.

b. The nature of the violation or penalty and how that violation or penalty affects the ability of the kinship care relative to care for the child.

c. Whether making an exception to the denial or prohibition would be in the best interests of the child.

4. If the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band or, in a county having a population of 500,000 or more, the person designated by the secretary of health and family services determines that the conviction record on which the denial of payments or the prohibition on employment or being

an adult resident is based does not include any arrests, convictions or penalties that are likely to adversely affect the child or the ability of the kinship care relative to care for the child, the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band or the person designated by the secretary of health and family services may approve the making of payments under sub. (3m) or may permit a person receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident.

5. A decision under this paragraph is not subject to review under ch. 227.

SECTION 1627. 48.57 (3p) (i) of the statutes is amended to read:

48.57 **(3p)** (i) ~~The~~ A county department and, in a county having a population of 500,000 or more, the department of health and family services shall keep confidential all information received under this subsection from the department of justice or the federal bureau of investigation. Such information is not subject to inspection or copying under s. 19.35.

SECTION 1628. 48.57 (3p) (j) of the statutes is amended to read:

48.57 **(3p)** (j) ~~The~~ A county department or, in a county having a population of 500,000 or more, the department of health and family services may charge a fee for conducting a background investigation under this subsection. The fee may not exceed the reasonable cost of conducting the investigation.

SECTION 1628g. 48.57 (3t) of the statutes is amended to read:

48.57 **(3t)** Notwithstanding subs. (3m) and (3p), the department may enter into an agreement with the governing body of a federally recognized American Indian tribe to allow that governing body to administer the program under subs. (3m) and (3p) within the boundaries of that reservation. Any agreement under this subsection shall specify the person with whom a request for review under sub. (3p) (h) 2. may be filed and the person who has been designated by the governing body to conduct the review under sub. (3p) (h) 3. and make the determination under sub. (3p) (h) 4.

SECTION 1629. 48.58 (1) (b) of the statutes is amended to read:

48.58 **(1)** (b) Provide care for children in need of protection or services, and delinquent juveniles referred by the county department under s. 46.215, if the delinquent juveniles are placed in separate facilities;

SECTION 1630. 48.59 (1) of the statutes is amended to read:

48.59 **(1)** The county department or, in a county having a population of 500,000 or more, the department or an agency under contract with the department shall investigate the personal and family history and environment of any child transferred to its legal custody or placed under its supervision under s. 48.345 and make any physical or mental examinations of the child considered necessary to determine the type of care necessary for the child. The county department, department or agency shall screen a child who is examined under this subsection to determine whether the child is in need of special treatment or care because of alcohol or other drug abuse, mental illness or severe emotional disturbance. The county department, department or agency shall keep a complete record of the information received from the court, the date of reception, all available data on the personal and family history of the child, the results of all tests and examinations given the child and a complete history of all placements of the child while in the legal custody or under the supervision of the county department, department or agency.

SECTION 1631. 48.60 (1) of the statutes is amended to read:

48.60 **(1)** No person may receive children, with or without transfer of legal custody, to provide care and maintenance for 75 days in any consecutive 12 months' period for 4 or more such children at any one time unless that person obtains a license to operate a child welfare agency from the department. To obtain a license under this subsection to operate a child welfare agency, a person must meet the minimum requirements for a license established by the department under s. 48.67 and pay the applicable license fee under s. 48.615 (1) (a) or (b). A license issued under this subsection is valid ~~for 2 years after the date of issuance, unless sooner revoked or suspended~~ until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 1631d. 48.60 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.60 **(1)** No person may receive children, with or without transfer of legal custody, to provide care and maintenance for 75 days in any consecutive 12 months' period for 4 or more such children at any one time unless that person obtains a license to operate a child welfare agency from the department. To obtain a license under this subsection to operate a child welfare agency, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.685 and pay the applicable license fee under s. 48.615 (1) (a) or (b). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 1633. 48.60 (3) of the statutes is amended to read:

48.60 **(3)** Before issuing or continuing any license to a child welfare agency under this section, the department of health and family services shall review the need for the additional placement resources that would be made avail-

able by ~~the~~ licensing or ~~relicensing~~ continuing the license of any child welfare agency after August 5, 1973, providing care authorized under s. 48.61 (3). Neither the department of health and family services nor the department of corrections may make any placements to any child welfare agency where the departmental review required under this subsection has failed to indicate the need for the additional placement resources.

SECTION 1634. 48.615 (1) (a) of the statutes is amended to read:

48.615 **(1)** (a) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that regularly provides care and maintenance for children within the confines of its building, the child welfare agency must pay to the department a biennial fee of ~~$100~~ $110, plus a biennial fee of ~~$15~~ $16.50 per child, based on the number of children that the child welfare agency is licensed to serve.

SECTION 1635. 48.615 (1) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.615 **(1)** (a) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that regularly provides care and maintenance for children within the confines of its building, the child welfare agency must pay to the department a biennial fee of $121, plus a biennial fee of $18.15 per child, based on the number of children that the child welfare agency is licensed to serve.

SECTION 1636. 48.615 (1) (b) of the statutes is amended to read:

48.615 **(1)** (b) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, licensed treatment foster homes and licensed group homes, the child welfare agency must pay to the department a biennial fee of ~~$210~~ $231.

SECTION 1637. 48.615 (1) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.615 **(1)** (b) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, licensed treatment foster homes and licensed group homes, the child welfare agency must pay to the department a biennial fee of $254.10

SECTION 1638. 48.615 (1) (c) of the statutes is amended to read:

48.615 **(1)** (c) A child welfare agency that wishes to ~~renew~~ continue a license issued under s. 48.60 (1) shall pay the applicable fee under par. (a) or (b) by the ~~renewal~~ continuation date of the license.

SECTION 1639. 48.615 (2) of the statutes is amended to read:

48.615 **(2)** A child welfare agency that wishes to ~~renew~~ continue a license issued under s. 48.60 (1) and that fails to pay the applicable fee under sub. (1) (a) or (b) by the ~~renewal~~ continuation date of the license or a new child welfare agency that fails to pay the applicable fee under sub. (1) (a) or (b) by 30 days before the opening of the child welfare agency shall pay an additional fee of $5 per day for every day after the deadline that the agency fails to pay the fee.

SECTION 1639m. 48.62 (4) of the statutes is amended to read:

48.62 **(4)** Monthly payments in foster care shall be provided according to the age−related rates specified in this subsection. Beginning on January 1, ~~1993~~ 1998, the age−related rates are: ~~$240~~ $289 for children aged 4 and under; ~~$267~~ $315 for children aged 5 to 11; ~~$327~~ $358 for children aged 12 to 14 and ~~$337~~ $374 for children aged 15 to 17. Beginning on January 1, ~~1994~~ 1999, the age−related rates are: ~~$276~~ $296 for children aged 4 and under; ~~$301~~ $323 for children aged 5 to 11; ~~$344~~ $367 for children aged 12 to 14; and ~~$361~~ $383 for children aged 15 to 17. ~~Beginning on January 1, 1995, the age−related rates are: $282 for children aged 4 and under; $307 for children aged 5 to 11; $349 for children aged 12 to 14; and $365 for children aged 15 to 17.~~ In addition to these grants for basic maintenance, the department shall make supplemental payments for special needs, exceptional circumstances, care in a treatment foster home and initial clothing allowances according to rules promulgated by the department.

SECTION 1640. 48.625 (1) of the statutes is amended to read:

48.625 **(1)** Any person who receives, with or without transfer of legal custody, 5 to 8 children, to provide care and maintenance for those children shall obtain a license to operate a group home from the department. To obtain a license under this subsection to operate a group home, a person must meet the minimum requirements for a license established by the department under s. 48.67 and pay the license fee under sub. (2). A license issued under this subsection is valid ~~for 2 years after the date of issuance, unless sooner revoked or suspended~~ until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 1640d. 48.625 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.625 **(1)** Any person who receives, with or without transfer of legal custody, 5 to 8 children, to provide care and maintenance for those children shall obtain a license to operate a group home from the department. To obtain a license under this subsection to operate a group home, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.685 and pay the license fee under sub. (2). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 1641. 48.625 (2) (a) of the statutes is amended to read:

48.625 **(2)** (a) Before the department may issue a license under sub. (1) to a group home, the group home must pay to the department a biennial fee of ~~$100~~ $110, plus a biennial fee of ~~$15~~ $16.50 per child, based on the number of children that the group home is licensed to serve. A group home that wishes to ~~renew~~ continue a license issued under sub. (1) shall pay the fee under this paragraph by the ~~renewal~~ continuation date of the license. A new group home shall pay the fee under this paragraph no later than 30 days before the opening of the group home.

SECTION 1642. 48.625 (2) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.625 **(2)** (a) Before the department may issue a license under sub. (1) to a group home, the group home must pay to the department a biennial fee of $121, plus a biennial fee of $18.15 per child, based on the number of children that the group home is licensed to serve. A group home that wishes to continue a license issued under sub. (1) shall pay the fee under this paragraph by the continuation date of the license. A new group home shall pay the fee under this paragraph no later than 30 days before the opening of the group home.

SECTION 1643. 48.625 (2) (b) of the statutes is amended to read:

48.625 **(2)** (b) A group home that wishes to ~~renew~~ continue a license issued under sub. (1) and that fails to pay the fee under par. (a) by the ~~renewal~~ continuation date of the license or a new group home that fails to pay the fee under par. (a) by 30 days before the opening of the group home shall pay an additional fee of $5 per day for every day after the deadline that the group home fails to pay the fee.

SECTION 1644. 48.627 (2) (a) of the statutes is amended to read:

48.627 **(2)** (a) Before the department, a county department or a licensed child welfare agency may issue ~~or~~, renew or continue a foster home, treatment foster home or family−operated group home license, the licensing agency shall require the applicant to furnish proof satisfactory to the licensing agency that he or she has homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by children placed in a foster home, treatment foster home or family−operated group home that result in bodily injury or property damage to 3rd parties.

SECTION 1645. 48.65 (1) of the statutes is amended to read:

48.65 **(1)** No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a day care center from the department. To obtain a license under this subsection to operate a day care center, a person must meet the minimum requirements for a license established by the department under s. 48.67 and pay the license fee under sub. (3). A license issued under this subsection is valid ~~for 2 years after the date of issuance, unless sooner revoked or suspended~~ until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 1645d. 48.65 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.65 **(1)** No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a day care center from the department. To obtain a license under this subsection to operate a day care center, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.685 and pay the license fee under sub. (3). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 1645m. 48.65 (1m) of the statutes is repealed.

SECTION 1650. 48.65 (3) (a) of the statutes is amended to read:

48.65 **(3)** (a) Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 4 to 8 children, the day care center must pay to the department a biennial fee of ~~$50~~ $55. Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 9 or more children, the day care center must pay to the department a biennial fee of ~~$25~~ $27.50, plus a biennial fee of ~~$7~~ $7.70 per child, based on the number of children that the day care center is licensed to serve. A day care center that wishes to ~~renew~~ continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the ~~renewal~~ continuation date of the license. A new day care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the day care center.

SECTION 1651. 48.65 (3) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.65 **(3)** (a) Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 4 to 8 children, the day care center must pay to the department a biennial fee of $60.50. Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 9 or more children, the day care center must pay to the department a biennial fee of $30.25, plus a biennial fee of $8.47 per child, based on the number of children that the day care center is licensed to serve. A day care center that wishes to continue a license issued under sub. (1) shall

pay the applicable fee under this paragraph by the continuation date of the license. A new day care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the day care center.

SECTION 1652. 48.65 (3) (b) of the statutes is amended to read:

48.65 **(3)** (b) A day care center that wishes to ~~renew~~ continue a license issued under par. (a) and that fails to pay the applicable fee under par. (a) by the ~~renewal~~ continuation date of the license or a new day care center that fails to pay the applicable fee under par. (a) by 30 days before the opening of the day care center shall pay an additional fee of $5 per day for every day after the deadline that the group home fails to pay the fee.

SECTION 1653. 48.651 (1) (intro.) of the statutes is amended to read:

48.651 **(1)** (intro.) Each county department shall certify, according to the standards adopted by the department of workforce development under s. ~~46.03 (21)~~ 49.155 (1d), each day care provider reimbursed for child care services provided to families determined eligible under ss. 49.132 (2r) and (4) and 49.155 (1m), unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification. The county shall certify the following categories of day care providers:

SECTION 1653g. 48.651 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

48.651 **(1)** (intro.) Each county department shall certify, according to the standards adopted by the department of workforce development under s. 49.155 (1d), each day care provider reimbursed for child care services provided to families determined eligible under ss. 49.132 (2r) and (4) and 49.155 (1m), unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification. To be certified under this section, a person must meet the minimum requirements for certification established by the department of workforce development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and pay the fee specified in this section. The county shall certify the following categories of day care providers:

SECTION 1654. 48.651 (1) (a) of the statutes is amended to read:

48.651 **(1)** (a) Level I certified family day care providers, as established by the department ~~under s. 46.03 (21)~~ of workforce development under s. 49.155 (1d). No county may certify a provider under this paragraph if the provider is a relative of all of the children for whom he or she provides care. ~~The department may establish by rule other requirements for certification under this paragraph.~~

SECTION 1655. 48.651 (1) (b) of the statutes is amended to read:

48.651 **(1)** (b) Level II certified family day care providers, as established by the department ~~under s. 46.03 (21). In establishing the requirements for certification under this paragraph, the department may not include a requirement for training for providers. The department may establish by rule requirements for certification under this paragraph~~ of workforce development, under s. 49.155 (1d).

SECTION 1655p. 48.651 (2) of the statutes is repealed.

SECTION 1655r. 48.651 (2m) of the statutes is created to read:

48.651 **(2m)** Each county department shall provide the department with information about each person who is denied certification for a reason specified in s. 48.685 (2) (a) 1. to 5.

SECTION 1656. 48.66 (1) of the statutes is amended to read:

48.66 **(1)** 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. ~~48.48~~ 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. 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 children who have been convicted under s. 938.183 or adjudicated delinquent under s. 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 children. 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 1660. 48.66 (4) of the statutes is repealed.

SECTION 1661. 48.66 (5) of the statutes is repealed and recreated to read:

48.66 **(5)** A child welfare agency, group home, day care center or shelter care facility license, other than a probationary license, is valid until revoked or suspended, but shall be reviewed every 2 years after the date of issuance as provided in this subsection. At least 30 days prior to the continuation date of the license, the licensee shall submit to the department an application for continuance of the license in the form and containing the infor-

mation that the department requires. If the minimum requirements for a license established under s. 48.67 are met, the application is approved, the applicable fee referred to in s. 48.68 (1) is paid, any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is due is paid and, for a day care center, the fee under s. 48.65 (1m) (j) is paid, the department shall continue the license for an additional 2−year period, unless sooner suspended or revoked. If the application is not timely filed, the department shall issue a warning to the licensee. If the licensee fails to apply for continuance of the license within 30 days after receipt of the warning, the department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

SECTION 1661d. 48.66 (5) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

48.66 **(5)** A child welfare agency, group home, day care center or shelter care facility license, other than a probationary license, is valid until revoked or suspended, but shall be reviewed every 2 years after the date of issuance as provided in this subsection. At least 30 days prior to the continuation date of the license, the licensee shall submit to the department an application for continuance of the license in the form and containing the information that the department requires. If the minimum requirements for a license established under s. 48.67 are met, the application is approved, the applicable ~~fee~~ fees referred to in ~~s. 48.68 (1) is paid,~~ ss. 48.68 (1) and 48.685 (8) are paid and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is due is paid ~~and, for a day care center, the fee under s. 48.65 (1m) (j) is paid~~, the department shall continue the license for an additional 2−year period, unless sooner suspended or revoked. If the application is not timely filed, the department shall issue a warning to the licensee. If the licensee fails to apply for continuance of the license within 30 days after receipt of the warning, the department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

SECTION 1662. 48.67 of the statutes is amended to read:

48.67 Rules governing child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities and county departments. The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities and county departments. These rules shall be designed to protect and promote the health, safety and welfare of the children in the care of all licensees. The department shall consult with the department of commerce and the department of ~~education~~ public instruction before promulgating these rules.

SECTION 1663. 48.68 (1) of the statutes is amended to read:

48.68 **(1)** After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employe of the applicant, that constitutes a substantial failure by the applicant or employe to protect and promote the health, safety and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615 (1) (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a license under s. 48.66 (1) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the age−related monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments and the procedures for applying for supplemental payments.

SECTION 1663d. 48.68 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.68 **(1)** After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67 and meets the requirements specified in s. 48.685, if applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employe of the applicant, that constitutes a substantial failure by the applicant or employe to protect and promote the health, safety and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615 (1) (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a license under s. 48.66 (1) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the age−related monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments and the procedures for applying for supplemental payments.

SECTION 1664. 48.68 (2) of the statutes is amended to read:

48.68 **(2)** Before ~~renewing~~ continuing the license of any child welfare agency or group home, the department shall consider all formal complaints filed under s. 48.745 (2) and the disposition of each during the ~~current license~~ previous 2−year period.

SECTION 1664d. 48.685 of the statutes is created to read:

48.685 Criminal history and child abuse record search. (1) In this section:

(a) "Client" means a child who receives services from an entity.

(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 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.

(c) "Serious crime" has the meaning specified by the department by rule promulgated under sub. (7) (a).

(2) (a) Notwithstanding s. 111.335, and except as provided in sub. (5), the department may not license 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 and a school board may not contract with a person under s. 120.13 (14), if the department, county department or school board knows or should have known any of the following:

1. That the person has been convicted of a serious crime.

2. That the person has pending against him or her a charge for a serious crime.

3. That a unit of government or a state agency, as defined in s. 16.61 (2) (d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a determination has been made under s. 48.981 (3) (c) 4. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of regulation and licensing, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(ad) 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.

(ag) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity may not hire or contract with a person who will be under the entity's control, as defined by the department by rule, and who is expected to have access to its clients, or permit to reside at the entity a person who is not a client and who is expected to have access to a client, if the entity knows or should have known any of the following:

1. That the person has been convicted of a serious crime.

2. That the person has pending against him or her a charge for a serious crime.

3. That a unit of government or a state agency, as defined in s. 16.61 (2) (d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a determination has been made under s. 48.981 (3) (c) 4. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of regulation and licensing, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(am) Subject to subd. 5., the department, a county department or a school board shall obtain all of the following with respect to a person specified under par. (a) (intro.):

1. A criminal history search from the records maintained by the department of justice.

2. Information that is contained in the registry under s. 146.40 (4g) regarding any findings against the person.

3. Information maintained by the department of regulation and licensing regarding the status of the person's credentials, if applicable.

4. Information maintained by the department regarding any substantiated reports of child abuse or neglect against the person.

5. Information maintained by the department under this section, under section 48.651 (2m) and under s. 120.13 (14) regarding any denial to the person of a license, continuation 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 of a license, certification, a contract, employment or permission to reside as described in this subdivision, the department, a county department or a school board need not obtain the information specified in subds. 1. to 4.

(b) 1. Subject to subds. 1. e., 2. and 3., every entity shall obtain all of the following with respect to a person specified under par. (ag) (intro.):

a. A criminal history search from the records maintained by the department of justice.

b. Information that is contained in the registry under s. 146.40 (4g) regarding any findings against the person.

c. Information maintained by the department of regulation and licensing regarding the status of the person's credentials, if applicable.

d. Information maintained by the department regarding any substantiated reports of child abuse or neglect against the person.

e. Information maintained by the department under this section, under section 48.651 (2m) and under s. 120.13 (14) regarding any denial to the person of a license, continuation 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 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.

2. Subdivision 1. does not apply with respect to a person with whom the entity contracts or whom the entity employs to perform infrequent or sporadic services, including maintenance services and other services that are not directly related to the care of a client.

3. Subdivision 1. does not apply 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 entity for a reason specified in par. (ag) 1. to 5. and with respect to whom the entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with or permitted to reside at the entity for any of those reasons.

(bg) If an entity takes an action specified in par. (ag) (intro.) with respect to a person 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, the entity shall obtain that information from the sources specified in par. (b) 1. a. to c. and e.

(bm) If the person who is the subject of the search under par. (am) or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, the department, county department, school board or entity shall make a good faith effort to obtain from any state in which the person is a resident or was a resident within the 3 years preceding the date of the search information that is equivalent to the information specified in par. (am) 1. or (b) 1. a.

(c) If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be employed, 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. An entity shall provide supervision for a person who is employed, contracted with or permitted to reside as permitted under this paragraph.

(3) (a) Every 4 years or at any time within that period that the department, a county department or a school board considers appropriate, the department, county department 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.

(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.).

(3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a county department 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 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.

(4) An entity that violates sub. (2) or (3) may be required to forfeit not more than $1,000 and may be subject to other sanctions specified by the department by rule.

(5) The department may license to operate an entity, a county department may certify under s. 48.651 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 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 person who has been convicted of any of the following offenses may be permitted to demonstrate that he or she has been rehabilitated:

(a) First−degree intentional homicide under s. 940.01.

(b) First degree sexual assault under s. 940.225 (1).

(c) First degree sexual assault of a child under s. 948.02 (1).

(d) Second degree sexual assault of a child under s. 948.02 (2) if the person was, at the time of the sexual contact or sexual intercourse, more than 4 years older than

the child with whom the person had the sexual contact or sexual intercourse.

(e) Repeated acts of sexual assault of the same child under s. 948.025 if the child had not attained the age of 13, or if the child had attained the age of 13 and had not attained the age of 16 and the person was, at the time of the sexual contact or sexual intercourse, more than 4 years older than the child with whom the person had the sexual contact or sexual intercourse.

(5c) (a) Any person who is permitted but fails under sub. (5) to demonstrate to the department 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.

(b) Any person who is permitted but fails under sub. (5) 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.

(c) Any person who is permitted but fails under sub. (5) 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.

(5g) Beginning on the first January 1 after the effective date of this subsection .... [revisor inserts date], 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), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5) and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been rehabilitated.

(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 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, school board or entity, substantially related to the care of a client.

(6) (a) The department shall require any person who applies for issuance or continuation 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 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.

(am) Every 4 years an entity shall require all of the following persons to complete a background information form that is provided to the entity by the department:

1. A person who is an employe, prospective employe, contractor or prospective contractor of the entity, who will be under the entity's control and who has, or is expected to have, access to its clients, other than a person specified in sub. (2) (b) 2.

2. A person who is a resident or prospective resident at the entity and who is not a client or prospective client of the entity, if the person has, or is expected to have, access to any client of the entity.

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

(c) A person who provides false information on a background information form required under this subsection may be required to forfeit not more than $1,000 and may be subject to other sanctions specified by the department by rule.

(7) The department shall do all of the following:

(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 and shall include classes of crimes or acts involving 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) 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.

(b) Establish by rule a list of crimes or acts that are not included in the definition established under par. (a), that are substantially related to the care of clients and the commission of which warrants a less stringent measure than a bar on employment, residence or similar type of association with an entity. The rule shall be consistent with federal law and regulations and shall include a description of the measures to be taken for the crimes or acts that the department lists under this paragraph.

(c) Conduct throughout the state periodic training sessions that cover criminal background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to comply with the requirements of this section.

(d) Provide a background information form that requires the person completing the form to include his or her date of birth on the form.

(8) The department, a county department 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 1664f. 48.685 (2) (ag) (intro.) of the statutes, as created by 1997 Wisconsin Act .... (this act), is amended to read:

48.685 **(2)** (ag) (intro.) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity may not ~~hire~~ employ or contract with a person who will be under the entity's control, as defined by the department by rule, and who has, or is expected to have, access to its clients, or permit to reside at the entity a person who is not a client and who has, or is expected to have, access to a client, if the entity knows or should have known any of the following:

SECTION 1667. 48.715 (3) (c) of the statutes is amended to read:

48.715 **(3)** (c) Refusal to ~~renew~~ continue a license or a probationary license.

SECTION 1668. 48.715 (4) (e) of the statutes is created to read:

48.715 **(4)** (e) The licensee has failed to apply for a continuance of the license within 30 days after receipt of the warning under s. 48.66 (5).

SECTION 1669. 48.715 (4m) (b) of the statutes is amended to read:

48.715 **(4m)** (b) For revocations under sub. (4) (b) ~~or~~, (c) or (e), the department may revoke the license or probationary license immediately upon written notice to the licensee of the revocation and the grounds for revocation.

SECTION 1673. 48.72 of the statutes is amended to read:

48.72 Appeal procedure. Any person aggrieved by the department's refusal or failure to issue ~~or~~, 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 ~~or~~, 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 1675. 48.735 of the statutes is amended to read:

48.735 Immunization requirements; day care centers. The department, after notice to a day care center licensee, may suspend, revoke or refuse to ~~renew~~ continue a day care center license in any case in which the department finds that there has been a substantial failure to comply with the requirements of s. 252.04.

SECTION 1676. 48.737 of the statutes is amended to read:

48.737 Lead screening, inspection and reduction requirements; day care centers. The department, after notice to a day care provider certified under s. 48.651, or a day care center that holds a license under s. 48.65 or a probationary license under s. 48.69, may suspend, revoke or refuse to renew or continue a license or certification in any case in which the department finds that there has been a substantial failure to comply with any rule promulgated under s. 254.162, 254.168 or 254.172.

SECTION 1678. 48.75 (title) of the statutes is amended to read:

48.75 (title) **Foster homes and treatment foster homes licensed by ~~county departments~~ public licensing agencies and by child welfare agencies.**

SECTION 1679. 48.75 (1) of the statutes is renumbered 48.75 (1d) and amended to read:

48.75 **(1d)** Child welfare agencies, if licensed to do so by the department, and ~~county departments~~ public licensing agencies may license foster homes and treatment foster homes under the rules promulgated by the department under s. 48.67 governing the licensing of foster homes and treatment foster homes. A foster home or treatment foster home license shall be issued for a term not to exceed 2 years from the date of issuance, is not transferable and may be revoked by the child welfare agency or by the ~~county department~~ public licensing agency because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department promulgated pursuant to s. 48.67 or because the licensee fails to meet the minimum requirements for a license. The licensee shall be given written notice of any revocation and the grounds therefor.

SECTION 1680. 48.75 (1b) of the statutes is created to read:

48.75 **(1b)** In this section, "public licensing agency" means a county department or, in a county having a population of 500,000 or more, the department.

SECTION 1681. 48.75 (1g) (a) (intro.) of the statutes is amended to read:

48.75 **(1g)** (a) (intro.) A ~~county department~~ public licensing agency may license a foster home only if the fos-

ter home is located in the county of the ~~county department~~ public licensing agency, except that a ~~county department~~ public licensing agency may license a foster home located in another county if any of the following applies:

SECTION 1682. 48.75 (1g) (a) 2. of the statutes is amended to read:

48.75 **(1g)** (a) 2. A foster parent licensed by the ~~county department~~ public licensing agency moves to the other county with a child who has been placed in the foster parent's home and the license will allow the foster parent to continue to care for that child.

SECTION 1683. 48.75 (1g) (a) 3. of the statutes is amended to read:

48.75 **(1g)** (a) 3. The county of the ~~county department~~ public licensing agency issuing the license and the county in which the foster home is located are contiguous.

SECTION 1684. 48.75 (1g) (a) 4. of the statutes is amended to read:

48.75 **(1g)** (a) 4. The county of the ~~county department~~ public licensing agency issuing the license has a population of 500,000 or more and the placement is for adoption under s. 48.833, 48.835 or 48.837.

SECTION 1685. 48.75 (1g) (c) (intro.) of the statutes is amended to read:

48.75 **(1g)** (c) (intro.) No license may be issued under ~~this subsection~~ par. (a) 1., 2. or 3. unless the ~~county department~~ public licensing agency issuing the license has notified the ~~county department~~ public licensing agency of the county in which the foster home will be located of its intent to issue the license and the 2 ~~county departments~~ public licensing agencies have entered into a written agreement under this paragraph. A ~~county department~~ public licensing agency is not required to enter into any agreement under this paragraph allowing the ~~county department~~ public licensing agency of another county to license a foster home within its jurisdiction. The written agreement shall include all of the following:

SECTION 1686. 48.75 (1g) (c) 1. of the statutes is amended to read:

48.75 **(1g)** (c) 1. A statement that the ~~county department~~ public licensing agency issuing the license is responsible for providing services to the child who is placed in the foster home, as specified in the agreement.

SECTION 1687. 48.75 (1g) (c) 2. of the statutes is amended to read:

48.75 **(1g)** (c) 2. A statement that the ~~county department~~ public licensing agency issuing the license is responsible for the costs of the placement and any related costs, as specified in the agreement.

SECTION 1688. 48.75 (1g) (d) of the statutes is amended to read:

48.75 **(1g)** (d) If the ~~county department~~ public licensing agency issuing a license under ~~this subsection~~ par. (a) 1., 2. or 3. violates the agreement under par. (c), the ~~county department~~ public licensing agency of the county in which the foster home is located may terminate the agreement and, subject to ss. 48.357 and 48.64, require the ~~county department~~ public licensing agency that issued the license to remove the child from the foster home within 30 days after receipt, by the ~~county department~~ public licensing agency that issued the license, of notification of the termination of the agreement.

SECTION 1689. 48.75 (1r) of the statutes is amended to read:

48.75 **(1r)** At the time of initial licensure and license renewal, the child welfare agency or ~~county department~~ public licensing agency issuing a license under sub. ~~(1)~~ (1d) or (1g) shall provide the licensee with written information relating to the age−related monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments and the procedures for applying for supplemental payments.

SECTION 1690. 48.75 (2) of the statutes is amended to read:

48.75 **(2)** Any foster home or treatment foster home applicant or licensee of a ~~county department~~ public licensing agency or a child welfare agency may, if aggrieved by the failure to issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

SECTION 1692. 48.831 (4) (c) of the statutes is amended to read:

48.831 **(4)** (c) If the court finds that adoption is not in the child's best interest, the court shall order that the child be placed in the guardianship of the department and place the child in the custody of a county department or, in a county having a population of 500,000 or more, the department or an agency under contract with the department.

SECTION 1693. 48.832 of the statutes is amended to read:

48.832 (title) **Transfer of guardianship upon revocation of guardian's license or contract.** If the department revokes the license of a county department licensed under s. 48.57 (1) ~~(e) or~~ (hm) to accept guardianship, or of a child welfare agency licensed under s. 48.61 (5) to accept guardianship, or if the department terminates the contract of a county department licensed under s. 48.57 (1) (e) to accept guardianship, the department shall file a motion in the court that appointed the guardian for each child in the guardianship of the county department or agency, requesting that the court transfer guardianship and custody of the child. The motion may specify a county department or child welfare agency that has consented to accept guardianship of the child. The court shall transfer guardianship and custody of the child either to the county department or child welfare agency specified in the motion or to another county department under s. 48.57 (1) (e) or (hm) or a child welfare agency under s. 48.61 (5) which consents to the transfer. If no county department or child welfare agency consents, the

court shall transfer guardianship and custody of the child to the department.

SECTION 1694. 48.837 (4) (d) of the statutes is amended to read:

48.837 **(4)** (d) May, at the request of a petitioning parent, or on its own motion after ordering the child taken into custody under s. 48.19 (1) (c), order the department or a county department under s. 48.57 (1) (e) or (hm) to place the child, pending the hearing on the petition, in any home licensed under s. 48.62 except the home of the proposed adoptive parents or a relative of the proposed adoptive parents.

SECTION 1696. 48.839 (4) (b) of the statutes is amended to read:

48.839 **(4)** (b) Shall transfer legal custody of the child to the department, in a county having a population of 500,000 or more, to a county department or to a child welfare agency licensed under s. 48.60.

SECTION 1697. 48.88 (2) (c) of the statutes is amended to read:

48.88 **(2)** (c) If a stepparent has filed a petition for adoption and no agency has guardianship of the child, the court shall order the department, in a county having a population of 500,000 or more, or a county department or, with the consent of the department in a county having a population of less than 500,000 or a licensed child welfare agency, order the department or the child welfare agency to conduct a screening, consisting of no more than one interview with the petitioner and a check of the petitioner's background through public records, including records maintained by the department or any county department under s. 48.981. The department, county department or child welfare agency that conducts the screening shall file a report of the screening with the court within 30 days. After reviewing the report, the court may proceed to act on the petition, may order the department in a county having a population of 500,000 or more or the county department to conduct an investigation as described under par. (a) (intro.) or may order the department in a county having a population of less than 500,000 or a licensed child welfare agency to make the investigation if the department or child welfare agency consents.

SECTION 1699. 48.93 (1d) of the statutes is amended to read:

48.93 **(1d)** All records and papers pertaining to an adoption proceeding shall be kept in a separate locked file and may not be disclosed except under sub. (1g) or (1r), s. 46.03 (29), 48.432, 48.433, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order of the court for good cause shown.

SECTION 1700. 48.977 (4) (a) 6. of the statutes is amended to read:

48.977 **(4)** (a) 6. A county department under s. 46.22 or 46.23 or, if the child has been placed pursuant to an order under ch. 938, a county department under s. 46.215, 46.22 or 46.23.

SECTION 1701. 48.981 (1) (ag) of the statutes is created to read:

48.981 **(1)** (ag) "Agency" means a county department, the department in a county having a population of 500,000 or more or a licensed child welfare agency under contract with a county department or the department in a county having a population of 500,000 or more to perform investigations under this section.

SECTION 1701m. 48.981 (2m) (b) 2. of the statutes is amended to read:

48.981 **(2m)** (b) 2. "Health care service" means family planning services, as defined in s. 253.07 (1) (b), 1995 stats., pregnancy testing, obstetrical health care or screening, diagnosis and treatment for a sexually transmitted disease.

SECTION 1702. 48.981 (3) (a) of the statutes is amended to read:

48.981 **(3)** (a) *Referral of report.* A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or to a belief that abuse or neglect will occur. The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department all cases reported to it. The county department, department or licensed child welfare agency may require that a subsequent report be made in writing. Each county department, the department and a licensed child welfare agency under contract with the department shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

SECTION 1703. 48.981 (3) (c) 1. of the statutes is amended to read:

48.981 **(3)** (c) 1. Within 24 hours after receiving a report under par. (a), the ~~county department or licensed child welfare agency under contract with the county department~~ agency shall, in accordance with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of protection or services. The investigation shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations. If the investigation is of a report of abuse or neglect or threatened abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8. who continues to have access to the child or a caregiver specified in sub. (1) (am) 1. to 4., or of a report that does not disclose who is suspected of the abuse or neglect and in which the investigation

does not disclose who abused or neglected the child, the investigation shall also include observation of or an interview with the child, or both, and, if possible, an interview with the child's parents, guardian or legal custodian. If the investigation is of a report of abuse or neglect or threatened abuse or neglect by a caregiver who continues to reside in the same dwelling as the child, the investigation shall also include, if possible, a visit to that dwelling. At the initial visit to the child's dwelling, the person making the investigation shall identify himself or herself and the ~~county department or licensed child welfare~~ agency involved to the child's parents, guardian or legal custodian. The ~~county department or licensed child welfare agency under contract with the county department~~ agency may contact, observe or interview the child at any location without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's dwelling only with permission from the child's parent, guardian or legal custodian or after obtaining a court order to do so.

SECTION 1704. 48.981 (3) (c) 2. a. of the statutes is amended to read:

48.981 **(3)** (c) 2. a. If the person making the investigation is an employe of the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department and he or she determines that it is consistent with the child's best interest in terms of physical safety and physical health to remove the child from his or her home for immediate protection, he or she shall take the child into custody under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker under s. 48.20.

SECTION 1705. 48.981 (3) (c) 3. of the statutes is amended to read:

48.981 **(3)** (c) 3. If the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department determines that a child, any member of the child's family or the child's guardian or legal custodian is in need of services, the county department, department or licensed child welfare agency shall offer to provide appropriate services or to make arrangements for the provision of services. If the child's parent, guardian or legal custodian refuses to accept the services, the county department, department or licensed child welfare agency may request that a petition be filed under s. 48.13 alleging that the child who is the subject of the report or any other child in the home is in need of protection or services.

SECTION 1706. 48.981 (3) (c) 4. of the statutes is amended to read:

48.981 **(3)** (c) 4. The county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department shall determine, within 60 days after receipt of a report, whether abuse or neglect has occurred or is likely to occur. The determination shall be based on a preponderance of the evidence produced by the investigation. A determination that abuse or neglect has occurred may not be based solely on the fact that the child's parent, guardian or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child. In making a determination that emotional damage has occurred, the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department shall give due regard to the culture of the subjects and shall establish that the person alleged to be responsible for the emotional damage is neglecting, refusing or unable for reasons other than poverty to remedy the harm. This subdivision does not prohibit a court from ordering medical services for the child if the child's health requires it.

SECTION 1707. 48.981 (3) (c) 5. of the statutes is amended to read:

48.981 **(3)** (c) 5. The ~~county department and licensed child welfare agency under contract with the county department~~ agency shall maintain a record of its actions in connection with each report it receives. The record shall include a description of the services provided to any child and to the parents, guardian or legal custodian of the child. The ~~county department and licensed child welfare agency under contract with the county department~~ agency shall update the record every 6 months until the case is closed.

SECTION 1708. 48.981 (3) (c) 6. of the statutes is amended to read:

48.981 **(3)** (c) 6. The ~~county department or licensed child welfare agency under contract with the county department~~ agency shall, within 60 days after it receives a report from a person required under sub. (2) to report, inform the reporter what action, if any, was taken to protect the health and welfare of the child who is the subject of the report.

SECTION 1709. 48.981 (3) (c) 6m. of the statutes is amended to read:

48.981 **(3)** (c) 6m. If a person who is not required under sub. (2) to report makes a report and is a relative of the child, other than the child's parent, that person may make a written request to the ~~county department or licensed child welfare agency under contract with the county department~~ agency for information regarding what action, if any, was taken to protect the health and welfare of the child who is the subject of the report. ~~A county department or licensed child welfare~~ An agency that receives a written request under this subdivision shall, within 60 days after it receives the report or 20 days after it receives the written request, whichever is later,

inform the reporter in writing of what action, if any, was taken to protect the health and welfare of the child, unless a court order prohibits that disclosure, and of the duty to keep the information confidential under sub. (7) (e) and the penalties for failing to do so under sub. (7) (f). The ~~county department or licensed child welfare~~ agency may petition the court ex parte for an order prohibiting that disclosure and, if the ~~county department or licensed child welfare~~ agency does so, the time period within which the information must be disclosed is tolled on the date the petition is filed and remains tolled until the court issues a decision. The court may hold an ex parte hearing in camera and shall issue an order granting the petition if the court determines that disclosure of the information would not be in the best interests of the child.

SECTION 1710. 48.981 (3) (c) 7. of the statutes is amended to read:

48.981 **(3)** (c) 7. The county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department shall cooperate with law enforcement officials, courts of competent jurisdiction, tribal governments and other human ~~service~~ services agencies to prevent, identify and treat child abuse and neglect. The county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department shall coordinate the development and provision of services to abused and neglected children and to families where abuse or neglect has occurred or to children and families where circumstances justify a belief that abuse or neglect will occur.

SECTION 1711. 48.981 (3) (c) 8. of the statutes is amended to read:

48.981 **(3)** (c) 8. Using the format prescribed by the department, each county department shall provide the department with information about each report that ~~it~~ the county department receives or that is received by a licensed child welfare agency that is under contract with the county department and about each investigation ~~it~~ that the county department or a licensed child welfare agency under contract with the county department conducts. Using the format prescribed by the department, a licensed child welfare agency under contract with the department shall provide the department with information about each report that the child welfare agency receives and about each investigation that the child welfare agency conducts. This information shall be used by the department to monitor services provided by county departments or licensed child welfare agencies under contract with county departments or the department. The department shall use nonidentifying information to maintain statewide statistics on child abuse and neglect, and for planning and policy development.

SECTION 1712. 48.981 (3) (c) 9. of the statutes is amended to read:

48.981 **(3)** (c) 9. The ~~county~~ agency may petition for child abuse restraining orders and injunctions under s. 48.25 (6).

SECTION 1713. 48.981 (3) (cm) of the statutes is amended to read:

48.981 **(3)** (cm) *Contract with licensed child welfare agencies.* A county department may contract with a licensed child welfare agency to fulfill ~~its~~ the county department's duties specified under par. (c) 1., 2. b., 5., 6., 6m. and 8. The department may contract with a licensed child welfare agency to fulfill the department's duties specified under par. (c) 1., 2. a., 3., 4., 5., 6., 6m., 7., 8. and 9. in a county having a population of 500,000 or more. The confidentiality provisions specified in sub. (7) shall apply to any licensed child welfare agency with which a county department or the department contracts.

SECTION 1714. 48.981 (3) (d) of the statutes is amended to read:

48.981 **(3)** (d) *Independent investigation.* 1. In this paragraph, "agent" includes, but is not limited to, a foster parent, treatment foster parent or other person given custody of a child or a human services professional employed by a county department under s. 51.42 or 51.437 or by a child welfare agency who is working with the child under contract with or under the supervision of the department in a county having a population of 500,000 or more or a county department under s. ~~46.215 or~~ 46.22.

2. If an agent or employe of ~~a county department or licensed child welfare agency under contract with the county department~~ an agency required to investigate under this subsection is the subject of a report, or if the ~~county department or licensed child welfare agency under contract with the county department~~ agency determines that, because of the relationship between the ~~county department or licensed child welfare agency under contract with the county department~~ agency and the subject of a report, there is a substantial probability that the ~~county department or licensed child welfare agency under contract with the county department~~ agency would not conduct an unbiased investigation, the ~~county department or licensed child welfare agency under contract with the county department~~ agency shall, after taking any action necessary to protect the child, notify the department. Upon receipt of the notice, the department, in a county having a population of less than 500,000 or a county department or child welfare agency designated by the department in any county shall conduct an independent investigation. If the department designates a county department under s. ~~46.215,~~ 46.22, 46.23, 51.42 or 51.437, that county department shall conduct the independent investigation. If a licensed child welfare agency agrees to conduct the independent investigation, the department may designate ~~that~~ the child welfare agency to do so. The powers and duties of the department or designated county department or child welfare agency making

an independent investigation are those given to county departments under par. (c).

SECTION 1715. 48.981 (5) of the statutes is amended to read:

48.981 **(5)** CORONER'S REPORT. Any person or official required to report cases of suspected child abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report the fact to the appropriate medical examiner or coroner. The medical examiner or coroner shall accept the report for investigation and shall report the findings to the appropriate district attorney~~,~~; to the department~~,~~ or, in a county having a population of 500,000 or more, to a licensed child welfare agency under contract with the department; to the county department and, if the institution making the report initially is a hospital, to the hospital.

SECTION 1716. 48.981 (7) (a) (intro.) of the statutes is amended to read:

48.981 **(7)** (a) (intro.) All reports made under this section, notices provided under sub. (3) (bm) and records maintained by ~~the department, county departments or licensed child welfare agencies under contract with the county departments~~ an agency and other persons, officials and institutions shall be confidential. Reports and records may be disclosed only to the following persons:

SECTION 1717. 48.981 (7) (a) 1m. of the statutes is amended to read:

48.981 **(7)** (a) 1m. A reporter described in sub. (3) (c) 6m. who makes a written request to ~~the county department or licensed child welfare agency under contract with the county department~~ an agency for information regarding what action, if any, was taken to protect the health and welfare of the child who is the subject of the report, unless a court order under sub. (3) (c) 6m. prohibits disclosure of that information to that reporter, except that the only information that may be disclosed is information in the record regarding what action, if any, was taken to protect the health and welfare of the child who is the subject of the report.

SECTION 1718. 48.981 (7) (a) 2. of the statutes is amended to read:

48.981 **(7)** (a) 2. Appropriate staff of ~~the department, a county department or licensed child welfare agency under contract with the county departments,~~ an agency or a tribal social services department.

SECTION 1719. 48.981 (7) (a) 5. of the statutes is amended to read:

48.981 **(7)** (a) 5. A professional employe of a county department under s. 51.42 or 51.437 who is working with the child under contract with or under the supervision of the county department under s. ~~46.215 or~~ 46.22 or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department.

SECTION 1720. 48.981 (7) (a) 6. of the statutes is amended to read:

48.981 **(7)** (a) 6. A multidisciplinary child abuse and neglect team recognized by the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department.

SECTION 1721. 48.981 (7) (a) 6m. of the statutes is amended to read:

48.981 **(7)** (a) 6m. A person employed by a child advocacy center recognized by the county board ~~or,~~ the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department, to the extent necessary to perform the services for which the center is recognized by the county board ~~or,~~ the county department, the department or the licensed child welfare agency.

SECTION 1722. 48.981 (7) (a) 8. of the statutes is amended to read:

48.981 **(7)** (a) 8. A law enforcement officer or law enforcement agency or a district attorney for purposes of investigation or prosecution.

SECTION 1723. 48.981 (7) (a) 11. of the statutes is amended to read:

48.981 **(7)** (a) 11. The county corporation counsel or district attorney representing the interests of the public, the agency legal counsel and the counsel or guardian ad litem representing the interests of a child in proceedings under subd. 10., 10g or 10j.

SECTION 1724. 48.981 (7) (a) 11r. of the statutes is amended to read:

48.981 **(7)** (a) 11r. A volunteer appointed or person employed by a court−appointed special advocate program recognized by the county board or the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department, to the extent necessary to perform the advocacy services in proceedings related to a petition under s. 48.13 for which the court−appointed special advocate program is recognized by the county board ~~or,~~ county department or department.

SECTION 1725. 48.981 (7) (a) 13. of the statutes is amended to read:

48.981 **(7)** (a) 13. The department, a county department under s. 48.57 (1) (e) or (hm) or a licensed child welfare agency ordered to conduct a screening or an investigation of a stepparent under s. 48.88 (2) (c).

SECTION 1726. 48.981 (7) (a) 15. of the statutes is amended to read:

48.981 **(7)** (a) 15. A child fatality review team recognized by the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department.

SECTION 1727. 48.981 (7) (cm) of the statutes is amended to read:

48.981 **(7)** (cm) ~~A county~~ An agency may disclose information from its records for use in proceedings under s. 48.25 (6), 813.122 or 813.125.

SECTION 1728. 48.981 (7) (d) of the statutes is amended to read:

48.981 **(7)** (d) The department may have access to any report or record maintained by ~~a county department or licensed child welfare agency under contract with a county department~~ an agency under this section.

SECTION 1729. 48.981 (8) (a) of the statutes is amended to read:

48.981 **(8)** (a) The department ~~and~~, the county departments and a licensed child welfare agency under contract with the department in a county having a population of 500,000 or more to the extent feasible shall conduct continuing education and training programs for staff of the department, the county departments, a licensed child welfare agency under contract with the department or a county department, and the tribal social services departments, persons and officials required to report, the general public and others as appropriate. The programs shall be designed to encourage reporting of child abuse and neglect, to encourage self−reporting and voluntary acceptance of services and to improve communication, cooperation and coordination in the identification, prevention and treatment of child abuse and neglect. The department ~~and~~, the county departments and a licensed child welfare agency under contract with the department in a county having a population of 500,000 or more shall develop public information programs about child abuse and neglect.

SECTION 1730. 48.981 (8) (c) of the statutes is amended to read:

48.981 **(8)** (c) In meeting its responsibilities under par. (a) or (b), the department ~~or~~, a county department or a licensed child welfare agency under contract with the department in a county having a population of 500,000 or more may contract with any public or private organization which meets the standards set by the department. In entering into the contracts the department ~~or~~, county department or licensed child welfare agency shall give priority to parental organizations combating child abuse and neglect.

SECTION 1731. 48.981 (8) (d) 1. of the statutes is amended to read:

48.981 **(8)** (d) 1. Each ~~county department or licensed child welfare agency under contract with a county department~~ agency staff member and supervisor whose responsibilities include investigation or treatment of child abuse and neglect shall successfully complete training in child abuse and neglect protective services approved by the department. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

SECTION 1732. 48.981 (8) (d) 2. of the statutes is amended to read:

48.981 **(8)** (d) 2. Each year the department shall make available training programs that permit intake workers and ~~county department or licensed child welfare agency under contract with a county department~~ agency staff members and supervisors to satisfy the requirements under subd. 1. and s. 48.06 (1) (am) 3. and (2) (c).

SECTION 1733. 48.981 (10) of the statutes is amended to read:

48.981 **(10)** CURRENT LIST OF TRIBAL AGENTS. The department shall annually provide to each ~~county department~~ agency described in sub. (3) (bm) (intro.) a current list of all tribal agents in the state.

SECTION 1733m. 48.982 (2) (d) of the statutes is amended to read:

48.982 **(2)** (d) Solicit and accept contributions, grants, gifts and bequests for the children's trust fund or for any other purpose for which a contribution, grant, gift or bequest is made and received. Moneys received under this paragraph may be deposited in the appropriation accounts under s. 20.433 (1) (i), (q) or (r). This paragraph does not apply to moneys received under s. 341.14 (6r) (b) 6.

SECTION 1734. 48.982 (2) (g) (intro.) of the statutes is amended to read:

48.982 **(2)** (g) (intro.) In coordination with the departments of health and social services and ~~education~~ public instruction:

SECTION 1734m. 48.982 (2m) (intro.) of the statutes is amended to read:

48.982 **(2m)** DONATION USES. (intro.) If money is accepted by the board for the children's trust fund or for any other purpose under sub. (2) (d), except moneys received under s. 341.14 (6r) (b) 6., the board shall use the money in accordance with the wishes of the donor to do any of the following:

SECTION 1735. 48.985 (1) of the statutes is amended to read:

48.985 **(1)** FEDERAL PROGRAM OPERATIONS. From the appropriation under s. 20.435 (3) (n), the department shall expend not more than ~~$543,700~~ $273,700 in each fiscal year ~~1995−96 and not more than $543,700 in fiscal year 1996−97~~ of the moneys received under 42 USC 620 to 626 for the department's expenses in connection with administering the expenditure of funds received under 42 USC 620 to 626~~, for child welfare projects and services provided or purchased by the department,~~ and for child abuse and neglect independent investigations ~~and for providing child−at−risk field training to counties~~.

SECTION 1736. 48.985 (2) (a) of the statutes is renumbered 48.985 (2) and amended to read:

48.985 **(2)** COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the appropriation under s. 20.435 (7) (o), the department shall distribute not more than ~~$3,919,800 in each~~ $3,804,000 in fiscal year 1997−98 and not more than $3,734,000 in fiscal year 1998−99 of the moneys received under 42 USC 620 to 626 to county departments

under ss. 46.215, 46.22 and 46.23 for the provision or purchase of child welfare projects and services, for services to children and families and for family−based child welfare services.

SECTION 1737. 48.985 (3) of the statutes is amended to read:

48.985 **(3)** COMMUNITY YOUTH AND FAMILY AIDS. From the appropriation account under s. 20.410 (3) ~~(oo)~~ (ko), the department of corrections shall allocate, to county departments under ss. 46.215, 46.22 and 46.23 for the provision of services under s. 301.26, not more than $1,100,000 in each fiscal year.

SECTION 1738. 49.025 (2) (a) (intro.) of the statutes is amended to read:

49.025 **(2)** (a) (intro.) If a county is eligible to receive a relief block grant in a year, the department shall pay to the county, in accordance with s. 49.031, from the appropriation under s. 20.435 ~~(1)~~ (5) (bt), an amount for that year determined as follows:

SECTION 1739. 49.027 (2) (a) (intro.) of the statutes is amended to read:

49.027 **(2)** (a) (intro.) If a county is eligible to receive a relief block grant in a year, the department shall pay to the county, in accordance with s. 49.031, from the appropriation under s. 20.435 ~~(1)~~ (5) (bu), an amount for that year determined as follows:

SECTION 1740. 49.027 (2) (a) 1. d. of the statutes is amended to read:

49.027 **(2)** (a) 1. d. The department shall multiply the amount determined under subd. 1. c. by the amount appropriated under s. 20.435 ~~(1)~~ (5) (bu) for relief block grants for that year.

SECTION 1741. 49.029 (2) of the statutes is amended to read:

49.029 **(2)** AMOUNT AND DISTRIBUTION OF RELIEF BLOCK GRANT. From the appropriation under s. 20.435 ~~(1)~~ (5) (bs), the department shall distribute a relief block grant to each eligible tribal governing body in an amount and in a manner determined in accordance with rules promulgated by the department. The department shall promulgate the rules after consulting with all tribal governing bodies eligible for a relief block grant. In promulgating rules under this section, the department shall consider each tribe's economic circumstances and need for health care services.

SECTION 1741m. 49.114 of the statutes is created to read:

49.114 Contract powers of the department. (1) RELIGIOUS ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the department to contract with, or award grants to, religious organizations, under any program administered by the department, on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

(2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS. If the department is authorized under ch. 16 to contract with a nongovernmental entity, or is authorized to award grants to a nongovernmental entity, religious organizations are eligible, on the same basis as any other private organization, as contractors under any program administered by the department so long as the programs are implemented consistent with the First Amendment of the U.S. Constitution and article I, section 18, of the Wisconsin Constitution. Except as provided in sub. (10), the department may not discriminate against an organization that is or applies to be a contractor on the basis that the organization has a religious character.

(3) RELIGIOUS CHARACTER AND FREEDOM. (a) The department shall allow a religious organization with which the department contracts or to which the department awards a grant to retain its independence from state and local governments, including the organization's control over the definition, development, practice and expression of its religious beliefs.

(b) The department may not require a religious organization to alter its form of internal governance or to remove religious art, icons, scripture or other symbols in order to be eligible for a contract or grant.

(4) RIGHTS OF BENEFICIARIES OF ASSISTANCE. If an individual has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded under any program administered by the department, the department shall provide such individual, if otherwise eligible for such assistance, within a reasonable period of time after the date of the objection with assistance from an alternative provider that is accessible to the individual. The value of the assistance offered by the alternative provider may not be less than the value of the assistance which the individual would have received from the religious organization.

(5) EMPLOYMENT PRACTICES. To the extent permitted under federal law, a religious organization's exemption provided under 42 USC 2000e−la regarding employment practices is not affected by its participation in, or receipt of funds from, programs administered by the department.

(6) NONDISCRIMINATION AGAINST BENEFICIARIES. A religious organization may not discriminate against an individual in regard to rendering assistance funded under any program administered by the department on the basis of religion, a religious belief or refusal to actively participate in a religious practice.

(7) FISCAL ACCOUNTABILITY. (a) Except as provided in par. (b), any religious organization that contracts with, or receives a grant from, the department is subject to the same laws and rules as other contractors to account in accord with generally accepted auditing principles for the use of such funds provided under such programs.

(b) If the religious organization segregates funds provided under programs administered by the department

into separate accounts, then only the financial assistance provided with those funds shall be subject to audit.

(8) COMPLIANCE. Any party that seeks to enforce its rights under this section may assert a civil action for injunctive relief against the entity or agency that allegedly commits the violation.

(9) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES. No funds provided directly to religious organizations by the department may be expended for sectarian worship, instruction or proselytization.

(10) PREEMPTION. Nothing in this section may be construed to preempt any provision of federal law, the U.S. Constitution, the Wisconsin Constitution or any other statute that prohibits or restricts the expenditure of federal or state funds in or by religious organizations.

SECTION 1742. 49.124 (1) of the statutes is renumbered 49.124 (1) (intro.) and amended to read:

49.124 **(1)** (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section~~, "food~~:

(b) "Food stamp program" means the federal food stamp program under 7 USC 2011 to ~~2029~~ 2036.

SECTION 1743. 49.124 (1) (ag) of the statutes is created to read:

49.124 **(1)** (ag) "Controlled substance" has the meaning given in 21 USC 802 (6).

SECTION 1744. 49.124 (1) (am) of the statutes is created to read:

49.124 **(1)** (am) "Custodial parent" has the meaning given in s. 49.141 (1) (b).

SECTION 1745. 49.124 (1) (c) of the statutes is created to read:

49.124 **(1)** (c) "Noncustodial parent" has the meaning given in s. 49.141 (1) (h).

SECTION 1746. 49.124 (1) (d) of the statutes is created to read:

49.124 **(1)** (d) "Parent" has the meaning given in s. 49.141 (1) (j).

SECTION 1747. 49.124 (1) (e) of the statutes is created to read:

49.124 **(1)** (e) "Wisconsin works employment position" has the meaning given in s. 49.141 (1) (r).

SECTION 1748. 49.124 (1g) of the statutes is created to read:

49.124 **(1g)** DENIAL OF ELIGIBILITY. An individual is ineligible to participate in the food stamp program in a month that any of the following is true:

(a) The individual is a custodial parent of a child who is under the age of 18 and who has an absent parent, or the individual lives with and exercises parental control over a child who is under the age of 18 and who has an absent parent, and the individual does not fully cooperate in efforts directed at establishing the paternity of the child, if necessary, and obtaining support payments, if any, or other payments or property, if any, to which that individual or the child may have rights. This paragraph does not apply if the individual has good cause for refusing to cooperate, as determined by the department in accordance with federal law and regulations.

(b) The individual is a man who is alleged to be the father under s. 767.45 of a child under the age of 18 and the individual refuses to cooperate, as determined by the department in accordance with federal law and regulations, in efforts directed at establishing the paternity of the child.

(c) If the individual is a noncustodial mother of a child under the age of 18 and the paternity of the father has not been established, the individual refuses to cooperate, as determined by the department in accordance with federal law and regulations, in efforts directed at establishing the paternity of the child.

(d) The individual is a noncustodial parent of a child under the age of 18 and the individual refuses to cooperate, as determined by the department in accordance with federal law and regulations, in providing or obtaining support for the child.

(e) The individual is obligated by court order to provide child support payments and is delinquent in making those court–ordered payments. This paragraph does not apply if any of the following applies:

1. The delinquency equals less than 3 months of the court–ordered support payments.

2. A court or county child support agency under s. 59.53 (5) is allowing the individual to delay the child support payments.

3. The individual is complying with a payment plan approved by a county child support agency under s. 59.53 (5) to provide support for the child of the individual.

SECTION 1749. 49.124 (1m) (a) of the statutes is amended to read:

49.124 **(1m)** (a) The department shall administer an employment and training program for recipients under the food stamp program. The department may contract with a Wisconsin works agency to administer the employment and training program under this ~~section~~ subsection. Except as provided in pars. (b) ~~and~~, (bm) and (br), the department may require able individuals who are 18 to 60 years of age who are not participants in a Wisconsin works employment position~~, as defined in s. 49.141 (1) (r),~~ to participate in the employment and training program under this ~~section. To the extent permitted by federal law or waiver, and except as provided in par. (cm), the department may distribute food stamp benefits on a pay–for–performance basis, as determined under par. (c). The maximum number of hours an individual may be required to work may not exceed 40 hours per week~~ subsection.

SECTION 1749m. 49.124 (1m) (br) of the statutes is created to read: **Vetoed In Part**

49.124 **(1m)** (br) 1. In this paragraph, "area" means a county or combination of counties; a city; a village; a town; a smaller geographic region of a county, city,

Vetoed In Part village or town; or a federally recognized American Indian reservation.

2. The department shall request a waiver from the secretary of the federal department of agriculture to permit the department to waive the work requirement under 7 USC 2015, as amended by section 824 of P.L. 104−193, for any group of individuals, to the extent permitted under federal law, for whom any of the following is true:

a. The group resides in an area determined by the department to have an unemployment rate of over 10%.

b. The group resides in an area that the department determines does not have a sufficient number of jobs to provide employment for that group of individuals.

2m. To determine if any of the conditions under subd. 2. are met, the department shall evaluate independent studies, including studies prepared by the U.S. department of labor, regarding job scarcity or lagging job growth in any area and, if any of those studies indicate that there is a substantial likelihood that any of the conditions under subd. 2. are met in any area, the department shall request a waiver under subd. 2. for any group of individuals residing in that area.

3. If the waiver under subd. 2. is granted and in effect, the department shall implement the waiver.

SECTION 1751b. 49.124 (1m) (c) of the statutes is repealed.

SECTION 1751c. 49.124 (1m) (cm) of the statutes is amended to read:

49.124 **(1m)** (cm) ~~Notwithstanding par. (c), the~~ The amount of food stamp benefits paid to a recipient who is a participant in a Wisconsin works employment position under s. 49.147 (4) or (5) shall be calculated based on the pre−sanction benefit amount received s. 49.148.

SECTION 1751g. 49.124 (1m) (cm) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.124 **(1m)** (cm) The amount of food stamp benefits paid to a recipient who is a participant in a Wisconsin works employment position under s. 49.147 (4) (b) or (5) shall be calculated based on the pre−sanction benefit amount received s. 49.148.

SECTION 1752. 49.124 (1n) of the statutes is created to read:

49.124 **(1n)** INELIGIBILITY FOR NONCOMPLIANCE WITH WORK REQUIREMENTS. An individual who fails to comply with the work requirements under sub. (1m) (a) without good cause is ineligible to participate in the food stamp program under this section as follows:

(a) For the first occurrence of noncompliance, one month, or until the person complies with the work requirements under sub. (1m) (a), whichever is later.

(b) For the 2nd occurrence of noncompliance, 3 months, or until the person complies with the work requirements under sub. (1m) (a), whichever is later.

(c) For the 3rd and subsequent occurrences of noncompliance, 6 months, or until the person complies with the work requirements under sub. (1m) (a), whichever is later.

SECTION 1753. 49.124 (3) of the statutes is amended to read:

49.124 **(3)** DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The department shall withhold the value of food stamp losses for which a county or federally recognized American Indian tribe is liable under sub. (2) from the payment to the county or tribe under s. 20.445 (3) ~~(de)~~ (dz) and (nL) and reimburse the federal government from the funds withheld.

SECTION 1754. 49.124 (5) of the statutes is created to read:

49.124 **(5)** DRUG CONVICTIONS. (a) The department shall require an applicant for, or recipient under, the food stamp program to state in writing whether the applicant or recipient or any member of the applicant's or recipient's household has been convicted, in any state or federal court of a felony that has as an element possession, use or distribution of a controlled substance. The department shall require an applicant or recipient, or member of the applicant's or recipient's household to submit to a test for use of a controlled substance as a condition of continued eligibility if, after August 22, 1996, but not more than 5 years prior to the date the written statement is made, the applicant or recipient or the member of the applicant's or recipient's household was convicted in any state or federal court of a felony that had as an element possession, use or distribution of a controlled substance. If the test results are positive with respect to any individual, the department may not consider the needs of that individual in determining the household's eligibility for the food stamp program for at least 12 months from the date of the test. The department shall, however, consider the income and resources of that individual to be available to the household.

(b) If an individual whose needs are not considered under par. (a) submits to a test for use of a controlled substance at least 12 months after the date that the department first disregarded that individual's needs under par. (a), and if the test results are negative, the department shall consider the individual's needs in determining the eligibility of the individual's household.

SECTION 1755. 49.124 (6) of the statutes is created to read:

49.124 **(6)** INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the food stamp program in a month in which that person is a fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation or parole imposed by a state or federal court.

SECTION 1755m. 49.124 (7) of the statutes is created to read:

49.124 **(7)** SIMPLIFIED FOOD STAMP PROGRAM. The department shall develop a simplified food stamp program that meets all of the requirements under P.L. 104−193, section 854, and shall submit the plan to the secretary of

the federal department of agriculture for approval. If the secretary of the federal department of agriculture approves the plan, the department shall submit the plan to the secretary of administration for approval. If the secretary of administration approves the plan, the department may implement the plan.

SECTION 1757. 49.127 (8) (a) 2. of the statutes is amended to read:

49.127 **(8)** (a) 2. If the value of the food coupons exceeds $100, but is less than $5,000, a person who violates this section may be fined not more than $10,000 or imprisoned for not more than 5 years or both.

SECTION 1758. 49.127 (8) (b) 2. of the statutes is amended to read:

49.127 **(8)** (b) 2. If the value of the food coupons exceeds $100, but is less than $5,000, a person who violates this section may be fined not more than $10,000 or imprisoned for not more than 5 years or both.

SECTION 1759. 49.127 (8) (c) of the statutes is created to read:

49.127 **(8)** (c) For any offense under this section, if the value of the food coupons is $5,000 or more, a person who violates this section may be fined not more than $250,000 or imprisoned for not more than 20 years or both.

SECTION 1760. 49.127 (8) (d) of the statutes is renumbered 49.127 (8) (d) 1. (intro.) and amended to read:

49.127 **(8)** (d) 1. (intro.) In addition to the penalties applicable under par. (a) ~~or~~, (b) or (c), the court ~~may~~ shall suspend a person who violates this section from participation in the food stamp program ~~up to 18 months.~~ as follows:

2. The person may apply to the county department under s. 46.215, 46.22 or 46.23 or the federally recognized American Indian tribal governing body or, if the person is a supplier, to the federal department of agriculture for reinstatement following the period of suspension, if the suspension is not permanent.

SECTION 1761. 49.127 (8) (d) 1. a., b. and c. of the statutes are created to read:

49.127 **(8)** (d) 1. a. For a first offense under this section, one year. The court may extend the suspension by not more than 18 months.

b. For a 2nd offense under this section, 2 years. The court may extend the suspension by not more than 18 months.

c. For a 3rd offense under this section, permanently.

SECTION 1762. 49.127 (8) (d) 1m. of the statutes is created to read:

49.127 **(8)** (d) 1m. In addition to the penalties applicable under par. (a), (b) or (c), a court shall permanently suspend from the food stamp program a person who has been convicted of an offense under 7 USC 2024 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of $500 or more.

SECTION 1763. 49.127 (8) (e) of the statutes is created to read:

49.127 **(8)** (e) 1. If a court finds that a person traded a controlled substance, as defined in s. 961.01 (4), for food coupons, the court shall suspend the person from participation in the food stamp program as follows:

a. Upon the first such finding, for 2 years.

b. Upon the 2nd such finding, permanently.

2. If a court finds that a person traded firearms, ammunition or explosives for food coupons, the court shall suspend the person permanently from participation in the food stamp program.

SECTION 1764. 49.127 (8) (f) of the statutes is created to read:

49.127 **(8)** (f) Notwithstanding par. (d), in addition to the penalties applicable under par. (a), (b) or (c), the court shall suspend from the food stamp program for a period of 10 years a person who fraudulently misstates or misrepresents his or her identity or place of residence for the purpose of receiving multiple benefits simultaneously under the food stamp program.

SECTION 1765. 49.13 of the statutes is repealed.

SECTION 1766. 49.131 (1) of the statutes is renumbered 49.155 (1) (ag) and amended to read:

49.155 **(1)** (ag) ~~In this section, "child~~ "Child care provider" means a provider licensed under s. 48.65, certified under s. 48.651 or established or contracted for under s. 120.13 (14).

SECTION 1767. 49.131 (2) (intro.) of the statutes is renumbered 49.155 (1g) (intro.) and amended to read:

49.155 **(1g)** (intro.) Subject to sub. ~~(4)~~ (1j) and s. 16.54 (2), the department shall, within the limits of the availability of the federal child care and development block grant funds received under 42 USC 9858, do all of the following:

SECTION 1768. 49.131 (2) (a) of the statutes is repealed.

SECTION 1769. 49.131 (2) (b) 1. and (c) 1., 2., 3. and 4. of the statutes are consolidated, renumbered 49.131 (2) (b) 1m. and amended to read:

49.131 **(2)** (b) 1m. From the appropriation under s. 20.445 (3) (mc), distribute ~~$190,800~~ $4,315,000 in fiscal year ~~1995−96~~ 1997−98 and ~~$197,700~~ $4,315,000 in fiscal year ~~1996−97~~ 1998−99 for the purposes of providing technical assistance for child care providers and of administering the child care ~~programs funded under s. 20.445 (3) (cp) and (md). (c) 1. For~~ program under this section and for grants under s. 49.136 (2) for the start−up and expansion of child day care services, and for child day care start−up and expansion planning, ~~$430,000 in fiscal year 1995−96 and $226,400 in fiscal year 1996−97. 2. For~~ for grants under s. 49.134 (2) for child day care resource and referral services, ~~$960,000 in fiscal year 1995−96 and $960,000, in fiscal year 1996−97. 3. For~~ for grants under s. 49.137 (3) to assist child care providers in

meeting the quality of care standards established under ~~s. 49.132 (4) (e)~~ sub. (1d) and for a system of rates or a program of grants, as provided under ~~s. 49.132 (4) (e)~~ sub. (1d), to reimburse child care providers that meet those quality of care standards~~, $1,559,200 in fiscal year 1995−96 and $1,576,700 in fiscal year 1996−97. If an amount distributed under this subdivision will not be fully expended, the department may transfer the unexpended funds to the distribution under subd. 4. 4. For~~ and for grants under s. 49.137 (2) and contracts under s. 49.137 (4) to improve the quality of child day care services in this state~~, $450,000 in fiscal year 1995−96 and $450,000 in fiscal year 1996−97, plus any amounts that the department transfers to this distribution under subd. 3~~.

SECTION 1770. 49.131 (2) (b) 1m. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 49.155 (1g) (b).

SECTION 1771. 49.131 (2) (b) 2. of the statutes is amended to read:

49.131 **(2)** (b) 2. From the appropriation under s. 20.445 (3) (mc) transfer ~~$1,026,800~~ $1,687,400 in fiscal year ~~1996−97~~ 1997−98 and $1,687,400 in fiscal year 1998−99 to the appropriation under s. 20.435 (6) (kx) for the purpose of day care center licensing under s. 48.65.

SECTION 1772. 49.131 (2) (b) 2. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 49.155 (1g) (c).

SECTION 1773. 49.131 (2) (c) (intro.) of the statutes is repealed.

SECTION 1774. 49.131 (3) of the statutes is repealed.

SECTION 1775. 49.131 (4) of the statutes is renumbered 49.155 (1j) and amended to read:

49.155 **(1j)** If the department receives unanticipated federal child care and development block grant funds under 42 USC 9858 and it proposes to allocate the unanticipated funds so that an allocation limit in sub. ~~(2)~~ (1g) is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after the date of his or her submittal that the committee has scheduled a meeting for the purpose of reviewing the plan ~~within 14 working days after the date of his or her submittal~~, the department may implement the plan, notwithstanding any allocation limit under sub. ~~(2)~~ (1g). If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding sub. ~~(2)~~ (1g), only with the approval of the committee.

SECTION 1776. 49.132 (2) (a) of the statutes is amended to read:

49.132 **(2)** (a) ~~The~~ Within the limits of available federal funds and from the appropriation under s. 20.445 (3) (cm) the department shall distribute ~~the~~ funds ~~allocated under s. 49.13~~ for at−risk and low−income child care services under subs. (2m) and (3) to county departments under s. 46.215, 46.22 or 46.23 and to private nonprofit ~~child care providers who~~ agencies that provide child care for the children of migrant workers or shall reimburse child care providers who provide at−risk and low−income child care.

SECTION 1777. 49.132 (4) (am) of the statutes is amended to read:

49.132 **(4)** (am) A parent who is gainfully employed, or who is less than 20 years of age and is enrolled in an educational program, who is in need of child care services and who applies for aid on or after May 10, 1996, is eligible for aid under this section if the family income of the applicant is equal to or less than 165% of the poverty line. An applicant who is eligible under this paragraph and who began receiving aid under this section on or after May 10, 1996, continues to be eligible for aid under this section until the family income of the applicant is greater than 200% of the poverty line.

SECTION 1778. 49.132 (6) of the statutes is amended to read:

49.132 **(6)** SUNSET. This section does not apply beginning on ~~the first day of the 6th month beginning after the date specified in the notice under s. 49.141 (2) (d)~~ October 1, 1997, or on the first day of the first month beginning after the effective date of this subsection .... [revisor inserts date], whichever is later.

SECTION 1779. 49.134 (2) (a) of the statutes is amended to read:

49.134 **(2)** (a) From the allocation under s. ~~49.131 (2) (c) 2.~~ 49.131 (2) (b) 1m., the department shall make grants to local agencies to fund child care resource and referral services provided by those local agencies. The department shall provide an allocation formula to determine the amount of a grant awarded under this section.

SECTION 1780. 49.134 (2) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.134 **(2)** (a) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the department shall make grants to local agencies to fund child care resource and referral services provided by those local agencies. The department shall provide an allocation formula to determine the amount of a grant awarded under this section.

SECTION 1781. 49.136 (2) (a) of the statutes is amended to read:

49.136 **(2)** (a) From the allocation under s. ~~49.131 (2) (c) 1.~~ 49.131 (2) (b) 1m., the department shall award grants for the start−up or expansion of child care services.

SECTION 1782. 49.136 (2) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.136 **(2)** (a) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the department shall award grants for the start−up or expansion of child care services.

SECTION 1783. 49.137 (2) (a) of the statutes is amended to read:

49.137 **(2)** (a) From the allocation under s. ~~49.131 (2) (c) 4.~~ 49.131 (2) (b) 1m., the department may award grants to child care providers that meet the quality of care standards established under s. ~~49.132 (4) (e) or 49.155 (6)~~ 49.155 (1d) (b) to improve the retention of skilled and experienced child care staff. In awarding grants under this subsection, the department shall consider the applying child care provider's total enrollment of children and average enrollment of children who receive or are eligible for publicly funded care from the child care provider.

SECTION 1784. 49.137 (2) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.137 **(2)** (a) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the department may award grants to child care providers that meet the quality of care standards established under s. ~~49.132 (4) (e) or 49.155 (6)~~ 49.155 (1d) (b) to improve the retention of skilled and experienced child care staff. In awarding grants under this subsection, the department shall consider the applying child care provider's total enrollment of children and average enrollment of children who receive or are eligible for publicly funded care from the child care provider.

SECTION 1785. 49.137 (3) (a) of the statutes is amended to read:

49.137 **(3)** (a) From the allocation under s. ~~49.131 (2) (c) 3.~~ 49.131 (2) (b) 1m., the department may award grants to child care providers for assistance in meeting the quality of care standards established under s. ~~49.132 (4) (e)~~ 49.155 (1d) (b).

SECTION 1786. 49.137 (3) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.137 **(3)** (a) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the department may award grants to child care providers for assistance in meeting the quality of care standards established under s. ~~49.132 (4) (e)~~ 49.155 (1d) (b).

SECTION 1787. 49.137 (4) (intro.) of the statutes is amended to read:

49.137 **(4)** TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the allocation under s. ~~49.131 (2) (c) 4.~~ 49.131 (2) (b) 1m., the department may contract with one or more agencies for the provision of training and technical assistance to improve the quality of child care provided in this state. The training and technical assistance activities contracted for under this subsection may include any of the following activities:

SECTION 1788. 49.137 (4) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.137 **(4)** TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the allocation under s. ~~49.131 (2) (b) 1m.~~ 49.155 (1g) (b), the department may contract with one or more agencies for the provision of training and technical assistance to improve the quality of child care provided in this state. The training and technical assistance activities contracted for under this subsection may include any of the following activities:

SECTION 1788m. 49.137 (4) (gm) of the statutes is created to read:

49.137 **(4)** (gm) Providing training to child care providers in providing child care for children with special needs and developing a network of child care providers who are qualified to provide child care for children with special needs.

SECTION 1789. 49.138 (1) of the statutes is renumbered 49.138 (1m), and 49.138 (1m) (intro.), as renumbered, is amended to read:

49.138 **(1m)** (intro.) The department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or energy crisis. ~~Eligibility shall not exceed the limitations for federal participation defined by applicable federal laws and regulations.~~ The department shall establish the maximum amount of aid to be granted, except for cases of energy crisis, per family member based on the funding available under s. 20.445 (3) (dc) and ~~(p)~~ (md). The department need not establish the maximum amount by rule under ch. 227. The department shall publish the maximum amount and annual changes to it in the Wisconsin administrative register. Emergency assistance provided to needy persons under this section in cases of fire, flood, natural disaster or energy crisis may only be provided to a needy person once in a 12−month period. Emergency assistance provided to needy persons under this section in cases of homelessness may be used only to obtain a permanent living accommodation and, except as provided in sub. (2), may only be provided to a needy person once in a 36−month period. For the purposes of this section, a family is considered to be homeless if any of the following applies:

SECTION 1790. 49.138 (1d) of the statutes is created to read:

49.138 **(1d)** In this section:

(a) "Administering agency" means the department or, if the department has contracted with a Wisconsin works agency under sub. (3), the Wisconsin works agency.

(b) "Needy person" has the meaning specified by the department by rule.

SECTION 1791. 49.138 (2) of the statutes is amended to read:

49.138 **(2)** Emergency assistance provided to a person under sub. ~~(1)~~ (1m) (c) may be provided once in a 12−month period.

SECTION 1792. 49.138 (3) of the statutes is created to read:

49.138 **(3)** The department may contract with a Wisconsin works agency to administer this section.

SECTION 1793. 49.138 (4) of the statutes is created to read:

49.138 **(4)** (a) Any individual whose application for emergency assistance under this section is not acted upon with reasonable promptness after the filing of the application, as defined by the department by rule, or is denied in whole or in part, or who believes that the assistance amount was calculated incorrectly, may petition the administering agency for a review of such action. Review is unavailable if the action by the administering agency occurred more than 45 days prior to submission of the petition for review.

(b) Upon a timely petition under par. (a), the administering agency shall give the petitioner reasonable notice and opportunity for a review. The administering agency shall render its decision as soon as possible after the review and shall send by 1st class mail a certified copy of its decision to the petitioner. The administering agency shall deny a petition for a review or shall refuse to grant relief if the petitioner does any of the following:

1. Withdraws the petition in writing.

2. Abandons the petition. Abandonment occurs if the petitioner fails to appear in person or by representative at a scheduled review without good cause, as defined by the department by rule.

(c) If the administering agency is a Wisconsin works agency, the department may review the decision of the Wisconsin works agency if, within 14 days after the date on which the certified copy of the decision of the Wisconsin works agency is mailed, the applicant or participant petitions the department for a review of that decision.

SECTION 1794. 49.141 (1) (j) of the statutes is renumbered 49.141 (1) (j) (intro.) and amended to read:

49.141 **(1)** (j) (intro.) "Parent" means ~~either a~~ <u>any of the following:</u>

<u>1. A</u> biological parent~~, a~~<u>.</u>

<u>2. A</u> person who has consented to the artificial insemination of his wife under s. 891.40~~, or a~~<u>.</u>

<u>3. A</u> parent by adoption.

SECTION 1795. 49.141 (1) (j) 4. of the statutes is created to read:

49.141 **(1)** (j) 4. A man adjudged in a judicial proceeding to be the biological father of a child if the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.60.

SECTION 1796. 49.141 (1) (j) 5. of the statutes is created to read:

49.141 **(1)** (j) 5. A man who has signed and filed with the state registrar under s. 69.15 (3) (b) 3. a statement acknowledging paternity.

SECTION 1797. 49.141 (1) (p) of the statutes is amended to read:

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

SECTION 1798. 49.141 (2) (a) of the statutes is amended to read:

49.141 **(2)** (a) If necessary, the department shall request a waiver from the secretaries of the federal department of health and human services, the federal department of agriculture and the federal social security administration or shall seek the passage of federal legislation to permit the department to conduct the Wisconsin works program in lieu of the aid to families with dependent children program under s. 49.19, the job opportunities and basic skills program under s. 49.193, the parental responsibility pilot program under s. 49.25 and the work−not−welfare program under s. 49.27 and as part of the food stamp program under 7 USC 2011 to 2029 ~~and the medical assistance program under 42 USC 1396 to 1396u~~.

SECTION 1798m. 49.141 (2g) (a) 1. c. of the statutes is repealed.

SECTION 1799. 49.141 (7) (c) of the statutes is created to read:

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

1. Violating sub. (6) (a) with respect to his or her identity or place of residence for the purpose of receiving simultaneously from this state and at least one other state assistance funded by a block grant under Title I of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

2. Fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of receiving simultaneously from this state and at least one other state benefits under the medical assistance program under 42 USC 1396 et seq.

3. Fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of receiving simultaneously in this state and at least one other state benefits under the federal food stamp program under 7 USC 2011 to 2029.

4. Fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of receiving simultaneously in this state and at least one other state benefits under the federal supplemental security income program under 42 USC 1381 to 1383d.

SECTION 1800. 49.141 (7) (d) of the statutes is created to read:

49.141 **(7)** (d) A person who has been suspended from participating in Wisconsin works under par. (c) and whom the president of the United States has pardoned with respect to the conduct for which the person had been suspended may have his or her eligibility to participate in Wisconsin works reinstated beginning on the first day of the first month beginning after the pardon.

SECTION 1801g. 49.143 (2) (b) of the statutes is amended to read:

49.143 **(2)** (b) Establish a children's services network. The children's services network shall provide information about community resources available to the dependent children in a Wisconsin works group, including charitable food and clothing centers; subsidized and low–income housing; transportation subsidies; the state supplemental food program for women, infants and children under s. 253.06; and child care programs. In a county having a population of 500,000 or more, a children's services network shall, in addition, provide a forum for those persons who are interested in the delivery of child welfare services and other services to children and families in the geographical area under sub. (6) served by that children's services network to communicate with and make recommendations to the providers of those services in that geographical area with respect to the delivery of those services in that area.

SECTION 1801m. 49.143 (2) (e) of the statutes is amended to read:

49.143 **(2)** (e) ~~Certify~~ To the extent permitted under federal law or waiver, certify eligibility for and issue food coupons to eligible Wisconsin works participants in conformity with 7 USC 2011 to 2029.

SECTION 1802. 49.145 (2) (i) of the statutes 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.

SECTION 1803. 49.145 (2) (n) of the statutes is renumbered 49.145 (2) (n) 1. (intro.) and amended to read:

49.145 **(2)** (n) 1. (intro.) ~~Beginning~~ Except as provided in subd. 4., beginning on the date on which the individual has attained the age of 18, the total number of months in which the individual or any adult member of the individual's Wisconsin works group has ~~actively~~ participated in ~~the job opportunities and basic skills program under s. 49.193 or has participated in a Wisconsin works employment position or both~~, or has received benefits under, any of the following or any combination of the following does not exceed 60 months~~. The months need not be consecutive. Participation in the~~, whether or not consecutive:

a. The job opportunities and basic skills program under s. 49.193. Active participation in the job opportunities and basic skills program begins to count toward the 60–month limit beginning on ~~July~~ October 1, 1996.

3. A Wisconsin works agency may extend the time limit under this paragraph only if the Wisconsin works agency determines, in accordance with rules promulgated by the department, that unusual circumstances exist that warrant an extension of the participation period.

SECTION 1804. 49.145 (2) (n) 1. b. of the statutes is created to read:

49.145 **(2)** (n) 1. b. A Wisconsin works employment position.

SECTION 1805. 49.145 (2) (n) 1. c. of the statutes is created to read:

49.145 **(2)** (n) 1. c. Any program in this state or in any other state funded by a federal block grant for temporary assistance for needy families under title I of P.L. 104–193, if the individual received benefits under that program that were attributable to funds provided by the federal government.

SECTION 1806. 49.145 (2) (n) 2. of the statutes is created to read:

49.145 **(2)** (n) 2. Except as provided in subd. 4., in calculating the number of months in which the individual participated under subd. 1., the Wisconsin works agency shall include any month in which any adult member of a Wisconsin works group participated in a Wisconsin works employment position, if the individual was a member of that Wisconsin works group during that month.

SECTION 1807. 49.145 (2) (n) 4. of the statutes is created to read:

49.145 **(2)** (n) 4. In calculating the number of months under subds. 1. and 2., a Wisconsin works agency shall exclude, to the extent permitted under federal law, any month during which any adult in the Wisconsin works group participated in any activity listed under subd. 1. a. to c. while living on a federally recognized American Indian reservation, in an Alaskan Native village or, in Indian country, as defined in 18 USC 1151, occupied by an Indian tribe, if, during that month, all of the following applied:

a. At least 1,000 individuals were living on the reservation or in the village or Indian country.

b. At least 50% of the adults living on the reservation or in the village or Indian country were unemployed.

SECTION 1808. 49.145 (2) (r) of the statutes is created to read:

49.145 **(2)** (r) The individual is not a fugitive felon under 42 USC 608 (a) (9) (A) (i).

SECTION 1809. 49.145 (2) (rm) of the statutes is created to read:

49.145 **(2)** (rm) The individual is not violating a condition of probation or parole imposed under federal or state law.

SECTION 1810. 49.145 (2) (s) of the statutes is created to read:

49.145 **(2)** (s) The individual assigns to the state any right of the individual or of any dependent child of the individual to support or maintenance from any other person, including any right to amounts accruing during the time that any Wisconsin works benefit is paid to the individual. If a minor who is a beneficiary of any Wisconsin works benefit is also the beneficiary of support under a judgment or order that includes support for one or more children not receiving a benefit under Wisconsin works, any support payment made under the judgment or order is assigned to the state during the period that the minor is a beneficiary of the Wisconsin works benefit in the amount that is the proportionate share of the minor receiving the benefit under Wisconsin works, except as otherwise ordered by the court on the motion of a party. Amounts assigned to the state under this paragraph remain assigned to the state until the amount due to the federal government has been recovered. No amount of support that begins to accrue after the individual ceases to receive benefits under Wisconsin works may be considered assigned to this state. Except as provided in s. 49.1455, any money received by the department in a month under an assignment to the state under this paragraph for an individual applying for or participating in Wisconsin works shall be paid to the individual applying for or participating in Wisconsin works. The department shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1811. 49.145 (2) (v) of the statutes is created to read:

49.145 **(2)** (v) The individual states in writing whether the individual has been convicted in any state or federal court of a felony that has as an element possession, use or distribution of a controlled substance, as defined in 21 USC 802 (6).

SECTION 1812. 49.145 (3) (b) 2. of the statutes is amended to read:

49.145 **(3)** (b) 2. Child support payments received by the individual on behalf of a child who is a member of the Wisconsin works group. The Wisconsin works agency shall not include child support payments received by the department under an assignment under sub. (2) (s) unless the department has distributed the money to the individual.

SECTION 1812am. 49.1455 of the statutes is created to read:

49.1455 Child support demonstration project. The department may conduct a demonstration project, pursuant to the terms and conditions of a federal waiver, under which the department may pay to an individual whom the department has selected to be part of a control group a portion of the amount of child support received by the department under an assignment by the individual under s. 49.145 (2) (s).

SECTION 1812b. 49.147 (1) (title) and (a) (title) of the statutes are repealed.

SECTION 1812c. 49.147 (1) (intro.) of the statutes is created to read:

49.147 **(1)** DEFINITIONS. (intro.) In this section:

SECTION 1812d. 49.147 (1) (a) of the statutes is renumbered 49.147 (1) (c) and amended to read:

49.147 **(1)** (c) ~~In this section, "unsubsidized~~ "Unsubsidized employment" means employment for which the Wisconsin works agency provides no wage subsidy to the employer including self−employment and entrepreneurial activities.

SECTION 1812e. 49.147 (1) (b) of the statutes is created to read: **Vetoed In Part**

49.147 **(1)** (b) "Disabled" has the meaning given in s. 46.985 (1) (d).

SECTION 1812f. 49.147 (4) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

49.147 **(4)** COMMUNITY SERVICE JOB. (a) *Administration.* A Wisconsin works agency shall administer a community service job program as part of its administration of Wisconsin works to improve the employability of an individual who is not otherwise able to obtain sufficient employment, as determined by the Wisconsin works agency, by providing work experience and training, if necessary, to assist the individual to move promptly into unsubsidized public or private employment or a trial job. In determining an appropriate placement for a participant, a Wisconsin works agency shall give placement under this subsection priority over a placement under sub. (5). Community service jobs shall be limited to projects that the department determines would serve a useful public purpose or projects the cost of which is partially or wholly offset by revenue generated by the projects. After every 6 months of an individual's participation under this subsection and at the conclusion of each assignment under this subsection, a Wisconsin works agency shall reassess the individual's employability.

(b) *Grant−paying community service job.* 1. 'Required hours.' Except as provided in subd. 1m., a participant under this paragraph may be required to participate in any of the following:

a. Education and training activities for not more than 10 hours per week assigned as part of an employability plan developed by the Wisconsin works agency. The department shall establish by rule permissible education and training under this subd. 1. a., which shall include a course of study meeting the standards established under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation, technical college courses and educational courses that provide an employment skill. Permissible education under this subd. 1. a. shall also include English as a 2nd language courses that the Wisconsin works agency determines would facilitate an individual's efforts to obtain employment and adult basic education courses that the Wisconsin works agency

determines would facilitate an individual's efforts to obtain employment.

b. A community service job for not more than 30 hours per week.

c. For the first 2 weeks of participation under this paragraph, an assessment and motivational training program identified by the community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works agency may require not more than 40 hours of participation per week under this subd. 1. c. in lieu of the participation requirements under subd. 1. a. and b.

1m. 'Education for 18−year−old and 19−year−old students.' A Wisconsin works agency shall permit a participant under this paragraph who has not attained the age of 20 and who has not obtained a high school diploma or a declaration of equivalency of high school graduation to attend high school or enroll in a course of study meeting the standards established under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation to satisfy, in whole or in part, the required hours of participation in a community service job under subd. 1.

2. 'Time−limited participation.' An individual may participate under this paragraph in a particular community service job for a maximum of 6 months, with an opportunity for a 3−month extension under circumstances approved by the department. An individual may participate in more than one community service job under this paragraph, but may not exceed a total of 24 months of participation under this subsection. The months need not be consecutive. The department or, with the approval of the department, the Wisconsin works agency may grant an extension to the 24−month limit on a case−by−case basis if the Wisconsin works agency determines that the individual has made all appropriate efforts to find unsubsidized employment and has been unable to find unsubsidized employment because local labor market conditions preclude a reasonable employment opportunity in unsubsidized employment for that participant, as determined by a Wisconsin works agency and approved by the department, and if the Wisconsin works agency determines, and the department agrees, that no trial job opportunities are available in the specified local labor market.

3. 'Worker's compensation.' A participant under this paragraph is an employe of the Wisconsin works agency for purposes of worker's compensation coverage, except to the extent that the person for whom the participant is performing work provides worker's compensation.

(c) *Wage−paying community service job.* 1. 'Definition.' In this paragraph, "employer" means a nonprofit, nonstock corporation organized under ch. 181 with which the Wisconsin works agency contracts under subd. 1m. to provide employment to a participant.

1g. 'Limited scope.' The department shall permit this paragraph to be implemented by 2 Wisconsin works agencies in Milwaukee County that are selected by the department based on requests received by the department from those Wisconsin works agencies.

1m. 'Employment arrangement.' A Wisconsin works agency may contract with a nonprofit, nonstock corporation organized under ch. 181 to provide employment to the participant. The contract shall require the Wisconsin works agency to reimburse the employer for the amounts paid by the employer for the wages and payroll taxes of the participant.

2. 'Eligibility.' A Wisconsin works agency may not place an individual under this paragraph unless the individual is working at least 15 hours per week in an unsubsidized job.

3. 'Work supplementation.' The Wisconsin works agency may require a participant under this paragraph to work not more than the lesser of the following in a community service job under this paragraph:

a. Fifteen hours per week.

b. The difference between 40 hours and the number of hours that the participant works in an unsubsidized job.

4. 'Time−limited participation.' An individual may participate under this paragraph in a particular community service job for a maximum of 3 months, with an opportunity for a one−month extension under circumstances approved by the department. An individual may participate in more than one community service job under this paragraph, but may not exceed a total of 24 months of participation under this subsection. The months need not be consecutive. The department or, with the approval of the department, the Wisconsin works agency may grant an extension to the 24−month limit on a case−by−case basis if the Wisconsin works agency determines that the individual has made all appropriate efforts to find unsubsidized employment and has been unable to find adequate unsubsidized employment because local labor market conditions preclude a reasonable employment opportunity in unsubsidized employment for that participant, as determined by a Wisconsin works agency and approved by the department, and if the Wisconsin works agency determines, and the department agrees, that no trial job opportunities are available in the specified local labor market.

5. 'Worker's compensation.' The Wisconsin works agency shall provide the participant with worker's compensation coverage, except to the extent that the employer for whom the participant is performing work provides worker's compensation.

6. 'Sunset.' This paragraph does not apply after September 30, 2001.

SECTION 1812g. 49.147 (4) (as) of the statutes is amended to read:

49.147 **(4)** (as) *Required hours.* Except as provided in ~~par.~~ pars. (at) and (av), a Wisconsin works agency may require a participant placed in a community service job program to work not more than 30 hours per week in a community service job. A Wisconsin works agency may

require a participant placed in the community service job program to participate in education or training activities for not more than 10 hours per week.

SECTION 1812h. 49.147 (4) (av) of the statutes is created to read:

49.147 **(4)** (av) *Education for 18−year−old and 19−year−old students.* A Wisconsin works agency shall permit a participant under this subsection who has not attained the age of 20 and who has not obtained a high school diploma or a declaration of equivalency of high school graduation to attend high school or enroll in a course of study meeting the standards established under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation to satisfy, in whole or in part, the required hours of participation in a community service job under par. (as).

Vetoed In Part

SECTION 1812j. 49.147 (5) (bm) of the statutes is amended to read:

49.147 **(5)** (bm) *Education or training activities.* ~~A~~ Except as provided in par. (bw), a participant under this subsection may be required to participate in education and training activities assigned as part of an employability plan developed by the Wisconsin works agency. The department shall establish by rule permissible education and training under this paragraph, which shall include a course of study meeting the standards established under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation, technical college courses and educational courses that provide an employment skill. Permissible education under this paragraph shall also include English as a 2nd language courses that the Wisconsin works agency determines would facilitate an individual's efforts to obtain employment and adult basic education courses that the Wisconsin works agency determines would facilitate an individual's efforts to obtain employment.

SECTION 1812k. 49.147 (5) (bs) of the statutes is amended to read:

49.147 **(5)** (bs) *Required hours.* Except as provided in ~~par.~~ pars. (bt) and (bw), a Wisconsin works agency may require a participant placed in a transitional placement to engage in activities under par. (b) 1. for up to 28 hours per week. A Wisconsin works agency may require a participant placed in a transitional placement to participate in education or training activities under par. (bm) for not more than 12 hours per week.

SECTION 1812p. 49.147 (5) (bt) of the statutes is amended to read:

49.147 **(5)** (bt) *Motivational training.* ~~A~~ Except as provided in par. (bw), a Wisconsin works agency may require a participant, during the first 2 weeks of participation under this subsection, to participate in an assessment and motivational training program identified by the community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works agency may require not more than 40 hours of participation per week under this paragraph in lieu of the participation requirement under par. (bs).

Vetoed In Part

SECTION 1812t. 49.147 (5) (bw) of the statutes is created to read:

49.147 **(5)** (bw) *Certain single parents of disabled children.* A participant may not be required to participate in education and training activities under par. (bm), the work requirement under par. (bs) or motivational training under par. (bt) if all of the following conditions are met:

1. The participant is a single parent of a disabled child.

2. The Wisconsin works agency determines that the participant is needed in the home for at least 40 hours per week to provide care for the disabled child.

SECTION 1812u. 49.147 (5) (c) of the statutes is amended to read:

49.147 **(5)** (c) *Worker's compensation.* A participant under this subsection who is not exempt under par. (bw) is an employe of the Wisconsin works agency for purposes of worker's compensation coverage, except to the extent that the person for whom the participant is performing work provides worker's compensation coverage.

Vetoed In Part

SECTION 1812w. 49.147 (5m) of the statutes is created to read:

49.147 **(5m)** POSTSECONDARY EDUCATION. (a) To the extent permitted under section 103 of P.L. 104−193, a participant under sub. (4) or (5) may elect to participate in a self−initiated technical college education program as part of a community service job placement or transitional placement if all of the following requirements are met:

1. The Wisconsin works agency, in consultation with the community steering committee established under s. 49.143 (2) (a) and the technical college district board, determines that the technical college education program is likely to lead to employment.

2. The participant maintains full−time status in the technical college education program, as determined by the technical college that the participant attends, and regularly attends all classes.

3. The participant maintains a grade point average of at least a 2.0, or the equivalent as determined by the technical college.

(b) 1. Except as provided in subd. 2., for the purposes of s. 49.148 (1) (b) and (c), a Wisconsin works agency shall consider each hour that a participant spends attending classes under this subsection, including time spent traveling to and from classes, as satisfying an hour of required participation under sub. (4) or (5).

2. A Wisconsin works agency may not consider time in excess of 15 hours per week that the participant spends attending or travelling to or from classes under this subsection as satisfying any hours of required participation under sub. (4) or (5).

Vetoed In Part (c) The Wisconsin works agency shall work with the community steering committee established under s. 49.143 (2) (a) and the technical college district board to monitor the participant's progress in the technical college education program and the effectiveness of the program in leading to employment.

SECTION 1813. 49.147 (6) (c) of the statutes is amended to read:

49.147 **(6)** (c) *Distribution and administration.* From the ~~appropriation~~ appropriations under s. 20.445 (3) (e), (jL) and (md), the department shall distribute funds for job access loans to a Wisconsin works agency, which shall administer the loans in accordance with rules promulgated by the department.

SECTION 1814. 49.147 (6) (d) 2. of the statutes is amended to read:

49.147 **(6)** (d) 2. The individual has graduated from high school or has met the standards established by the ~~secretary of education~~ state superintendent of public instruction for the granting of a declaration of equivalency of high school graduation under s. 115.29 (4).

SECTION 1815. 49.148 (1) (b) of the statutes is amended to read:

49.148 **(1)** (b) *Community service jobs.* For a participant in a community service job, a monthly grant of ~~$555~~ $673, paid by the Wisconsin works agency or by the department under sub. (2). For every hour that the participant misses work or education or training activities without good cause, ~~the Wisconsin works agency shall reduce~~ the grant amount shall be reduced by ~~$4.25~~ $5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse. If a participant in a community service job is required to work fewer than 30 hours per week because the participant has unsubsidized employment, as defined in s. 49.147 (1) (c), the grant amount under this paragraph may be reduced by an amount equal to the product of $5.15 and the difference between 30 and the number of hours the participant is required to work.

SECTION 1815c. 49.148 (1) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 49.148 (1) (b) 1. and amended to read:

49.148 **(1)** (b) 1. For a participant in a community service job under s. 49.147 (4) (b), a monthly grant of $673, paid by the Wisconsin works agency or by the department under sub. (2). For every hour that the participant misses work or education or training activities without good cause, the grant amount shall be reduced by $5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse. If a participant in a community service job under s. 49.147 (4) (b) is required to work fewer than 30 hours per week because the participant has unsubsidized employment, as defined in s. 49.147 (1) (c), the grant amount under this paragraph may be reduced by an amount equal to the product of $5.15 and the difference between 30 and the number of hours the participant is required to work.

SECTION 1815d. 49.148 (1) (b) 2. of the statutes is created to read:

49.148 **(1)** (b) 2. For a participant in a community service job under s. 49.147 (4) (c), minimum wage for every hour actually worked in the community service job, not to exceed 15 hours per week, paid by the employer, as defined in s. 49.147 (4) (c) 1.

SECTION 1816. 49.148 (1) (c) of the statutes is amended to read:

49.148 **(1)** (c) *Transitional placements.* For a participant in a transitional placement, a grant of ~~$518~~ $628, paid monthly by the Wisconsin works agency or by the department under sub. (2). For every hour that the participant fails to participate in any required activity without good cause, including any activity under s. 49.147 (5) (b) 1. a. to e., ~~the Wisconsin works agency shall reduce~~ the grant amount shall be reduced by ~~$4.25~~ $5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse.

SECTION 1817. 49.148 (1m) (a) of the statutes is amended to read:

49.148 **(1m)** (a) A custodial parent of a child who is 12 weeks old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly grant of ~~$555~~ $673 unless another adult member of the custodial parent's Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under this subsection to participate in any employment positions. Receipt of a grant under this subsection does not constitute participation in a Wisconsin works employment position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b) or (5) (b) 2. if the child is born to the participant not more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works employment position.

SECTION 1817b. 49.148 (1m) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.148 **(1m)** (a) A custodial parent of a child who is 12 weeks old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly grant of $673 unless another adult member of the custodial parent's Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin works employment position or is employed in unsubsi-

dized employment, as defined in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under this subsection to participate in any employment positions. Receipt of a grant under this subsection does not constitute participation in a Wisconsin works employment position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b) 2. or (c) 4. or (5) (b) 2. if the child is born to the participant not more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works employment position.

SECTION 1817c. 49.148 (1m) (b) of the statutes is amended to read:

49.148 **(1m)** (b) Receipt of a grant under this subsection constitutes participation in a Wisconsin works employment position for purposes of the time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b) 2. or (c) 4. or (5) (b) 2. if the child is born to the participant more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works employment position unless the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not indicate a freely given agreement to have sexual intercourse or of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a physician and to law enforcement authorities.

SECTION 1819b. 49.148 (3) of the statutes is repealed.

SECTION 1820. 49.148 (4) of the statutes is created to read:

49.148 **(4)** DRUG TESTING. (a) A Wisconsin works agency shall require a participant in a community service job or transitional placement who, after August 22, 1996, was convicted in any state or federal court of a felony that had as an element possession, use or distribution of a controlled substance to submit to a test for use of a controlled substance as a condition of continued eligibility. If the test results are positive, the Wisconsin works agency shall decrease the presanction benefit amount for that participant by not more than 15% for not fewer than 12 months, or for the remainder of the participant's period of participation in a community service job or transitional placement, if less than 12 months. If, at the end of 12 months, the individual is still a participant in a community service job or transitional placement and submits to another test for use of a controlled substance and if the results of the test are negative, the Wisconsin works agency shall discontinue the reduction under this paragraph.

(b) The Wisconsin works agency may require an individual who tests positive for use of a controlled substance under par. (a) to participate in a drug abuse evaluation, assessment and treatment program as part of the participation requirement under s. 49.147 (4) (as) or (5) (bs).

(c) Paragraph (a) does not apply if the participant was convicted more than 5 years prior to the date on which the participant applied for a Wisconsin works employment position.

SECTION 1820c. 49.15 of the statutes is created to read:

49.15 Wisconsin works; 2−parent families. (1) DEFINITION. In this section, "other parent" means a parent who is not a participant in a Wisconsin works employment position.

(2) REQUIREMENTS FOR NONPARTICIPANT PARENT. (a) If a participant in a Wisconsin works employment position resides with the other parent of a dependent child with respect to whom the participant is a custodial parent, the other parent shall participate in activities described under sub. (3) if the Wisconsin works group receives federally funded child care assistance on behalf of the dependent child. The other parent shall participate in activities described under sub. (3) for a number of hours per week that is at least equal to the difference between 55 hours and the sum of the number of hours that the participant in the Wisconsin works employment position participates in the Wisconsin works employment position and the number of hours that the participant in the Wisconsin works employment position participates in any activity described in sub. (3) during that week.

(b) Paragraph (a) does not apply if the other parent is disabled, as defined by the department, or is caring for a severely disabled child, as defined by the department.

(3) PRESCRIBED WORK ACTIVITIES. An individual who is subject to the work requirement under sub. (2) may satisfy the requirement only by participating in any of the following activities:

(a) Unsubsidized employment, as defined in s. 49.147 (1) (a).

(b) Subsidized employment, as defined by the department.

(c) If sufficient private sector employment is not available, work experience, as defined by the department.

(d) On−the−job training, as defined by the department.

(e) A community service program, as defined by the department.

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(4) GRANT. An individual who satisfies the requirement under sub. (2) by participating in any of the activities under sub. (3) (b) to (e) shall receive a monthly grant of $555, paid by the Wisconsin works agency. For every hour that the individual fails to participate for the required hours under sub. (2) without good cause and for every hour that the individual participates in an activity under sub. (3) (a) to satisfy the requirement under sub. (2), the grant amount shall be reduced by $4.25. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by

Vetoed In Part the department. Good cause shall include required court appearances for a victim of domestic violence. If the individual is required under sub. (2) to work fewer than 30 hours per week, the grant amount shall be reduced by an amount equal to the product of $4.25 and the difference between 30 and the number of hours that the individual is required to participate under sub. (2).

SECTION 1820d. 49.151 (1) (intro.) of the statutes is amended to read:

49.151 **(1)** REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to participate 3 times in any Wisconsin works employment position component is ineligible to participate in that component. A participant is also ineligible to participate in that Wisconsin works employment position component if an individual in the participant's Wisconsin works group is subject to the work requirement under s. 49.15 (2) and refuses 3 times to participate as required. A participant whom the Wisconsin works agency has determined is ineligible under this section for a particular Wisconsin works employment position component may be eligible to participate in any other Wisconsin works employment position component in which the participant has not refused to participate 3 times. A participant ~~refuses to participate in a Wisconsin works employment position component if the~~ ~~participant does~~ or an individual who is subject to the work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of the following applies:

SECTION 1820e. 49.151 (1) (a) of the statutes is amended to read:

49.151 **(1)** (a) ~~Expresses~~ The participant, or an individual who is in the participant's Wisconsin works group and who is subject to the work requirement under s. 49.15 (2), expresses verbally or in writing to a Wisconsin works agency that he or she refuses to participate.

SECTION 1820f. 49.151 (1) (b) of the statutes is amended to read:

49.151 **(1)** (b) ~~Fails~~ The participant, or an individual who is in the participant's Wisconsin works group and who is subject to the work requirement under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin works agency, to appear for an interview with a prospective employer or, if the participant is in a Wisconsin works transitional placement, the participant fails to appear for an assigned activity, including an activity under s. 49.147 (5) (b) 1. a. to e., without good cause, as determined by the Wisconsin works agency.

SECTION 1820g. 49.151 (1) (c) of the statutes is amended to read:

49.151 **(1)** (c) ~~Voluntarily~~ The participant, or an individual who is in the participant's Wisconsin works group and who is subject to the work requirement under s. 49.15 (2), voluntarily leaves appropriate employment or training without good cause, as determined by the Wisconsin works agency.

SECTION 1820h. 49.151 (1) (d) of the statutes is amended to read:

49.151 **(1)** (d) ~~Loses~~ The participant, or an individual who is in the participant's Wisconsin works group and who is subject to the work requirement under s. 49.15 (2), loses employment as a result of being discharged for cause.

SECTION 1820j. 49.151 (1) (e) of the statutes is amended to read:

49.151 **(1)** (e) ~~Demonstrates~~ The participant, or an individual who is in the participant's Wisconsin works group and who is subject to the work requirement under s. 49.15 (2), demonstrates through other behavior or action, as specified by the department by rule, that he or she refuses to participate in a Wisconsin works employment position.

SECTION 1828. 49.152 (1) of the statutes is amended to read:

49.152 **(1)** PETITION FOR REVIEW. Any individual whose application for any component of Wisconsin works ~~under s. 49.147 (1) to (5)~~ is not acted upon by the Wisconsin works agency with reasonable promptness after the filing of the application, as defined by the department by rule, or is denied in whole or in part, whose benefit is modified or canceled, or who believes that the benefit was calculated incorrectly or that the employment position in which the individual was placed is inappropriate, may petition the Wisconsin works agency for a review of such action. Review is unavailable if the action by the Wisconsin works agency occurred more than 45 days prior to submission of the petition for review.

SECTION 1829. 49.152 (2) (a) (intro.) of the statutes is amended to read:

49.152 **(2)** (a) (intro.) Upon a timely petition under sub. (1), the Wisconsin works agency shall give the applicant or participant reasonable notice and opportunity for a review. The Wisconsin works agency shall render its decision as soon as possible after the review and shall send by 1st class mail a certified copy of its decision to the last–known address of the applicant or participant. The Wisconsin works agency shall deny a petition for a review or shall refuse to grant relief if the petitioner does any of the following:

SECTION 1830. 49.152 (2) (b) 1. of the statutes is amended to read:

49.152 **(2)** (b) 1. Within ~~15~~ 21 days ~~of receiving~~ after the date on which the certified copy of the decision of the Wisconsin works agency is mailed, the applicant or participant petitions the department for a review of that decision.

SECTION 1831. 49.152 (2) (c) 1. of the statutes is amended to read:

49.152 **(2)** (c) 1. Within ~~15~~ 21 days after ~~receiving~~ the date on which the certified copy of the decision of the

Wisconsin works agency is mailed, the applicant petitions the department for a review of the decision.

SECTION 1831g. 49.152 (2) (d) of the statutes is created to read:

49.152 **(2)** (d) If the department reviews a decision under par. (b) and upon receipt of a petition or request under par. (c) the department shall give the applicant or participant reasonable notice and opportunity for a fair hearing and shall permit the applicant or participant to present evidence and testimony and to be represented by counsel at the hearing and to have access to records in preparation for the hearing. The department may make any additional investigation that it considers necessary. Notice of the hearing shall be given to the applicant or participant and, if appropriate, to the county clerk. The Wisconsin works agency may be represented at the hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or participant, the county clerk, if appropriate, and the Wisconsin works agency. The decision of the department shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for a hearing or shall refuse to grant relief if the applicant or participant does any of the following:

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a. Withdraws the petition in writing.

b. Abandons the petition. Abandonment occurs if the applicant or participant fails to appear in person or by representative at a scheduled hearing without good cause as defined by the department by rule.

SECTION 1832. 49.152 (3) of the statutes is created to read:

49.152 **(3)** REMEDIES. (a) If, following review under sub. (2), the Wisconsin works agency or the department determines that an individual, whose application for a Wisconsin works employment position was denied based on eligibility, was in fact eligible, or that the individual was placed in an inappropriate Wisconsin works employment position, the Wisconsin works agency shall place the individual in the first available Wisconsin works employment position that is appropriate for that individual, as determined by the Wisconsin works agency or the department. An individual who is placed in a Wisconsin works employment position under this paragraph is eligible for the benefit for that position under s. 49.148 beginning on the date on which the individual begins participation under s. 49.147.

(b) If, following review under sub. (2), the Wisconsin works agency or the department determines that a participant's benefit was improperly modified or canceled, or was calculated incorrectly, the Wisconsin works agency shall restore the benefit to the level determined to be appropriate by the Wisconsin works agency or by the department retroactive to the date on which the benefit was first improperly modified or canceled or incorrectly calculated.

SECTION 1833c. 49.153 of the statutes, as affected by 1997 Wisconsin Act 3, is repealed.

SECTION 1838. 49.155 (1) (a) of the statutes is renumbered 49.155 (1) (am).

SECTION 1839. 49.155 (1) (c) of the statutes is created to read:

49.155 **(1)** (c) Notwithstanding s. 49.141 (1) (j), "parent" means a custodial parent, guardian, foster parent, treatment foster parent, legal custodian or a person acting in the place of a parent.

SECTION 1840. 49.155 (1d) of the statutes is created to read:

49.155 **(1d)** CHILD CARE CERTIFICATION RULES. (a) The department shall promulgate rules establishing standards for the certification of child care providers under s. 48.651. In establishing the requirements for certification as a Level II certified family day care provider, the department may not include a requirement for training for providers.

(b) The department shall promulgate rules to establish quality of care standards for child care providers that are higher than the quality of care standards required for licensure under s. 48.65 or for certification under s. 48.651. The standards established by rules promulgated under this paragraph shall consist of the standards provided for the accreditation of day care centers by the national association for the education of young children or any other comparable standards that the department may establish, including standards regarding the turnover of child care provider staff and the training and benefits provided for child care provider staff.

SECTION 1841. 49.155 (1g) (title) of the statutes is created to read:

49.155 **(1g)** (title) DISTRIBUTION OF FUNDS.

SECTION 1842. 49.155 (1j) (title) of the statutes is created to read:

49.155 **(1j)** (title) UNANTICIPATED FEDERAL FUNDS.

SECTION 1843. 49.155 (1m) (a) (intro.) of the statutes is amended to read:

49.155 **(1m)** (a) (intro.) The individual is a ~~custodial~~ parent of a child who is under the age of 13, or is a person who, under s. 48.57 (3m), is providing care and maintenance for a child who is under the age of 13, and child care services for that child are needed in order for the individual to do any of the following:

SECTION 1844. 49.155 (1m) (a) 1m. of the statutes is created to read:

49.155 **(1m)** (a) 1m. If the individual is under 20 years of age, but is not subject to the school attendance requirement under s. 49.26 (1) (ge) and the individual resides with his or her custodial parent or with a kinship care relative under s. 48.57 (3m) or is in a foster home or treatment foster home licensed under s. 48.62, a group home or an independent living arrangement supervised by an adult, obtain a high school diploma or participate in a course of study meeting the standards established by

the state superintendent of public instruction for the granting of a declaration of equivalency of high school graduation.

SECTION 1845. 49.155 (1m) (a) 3. of the statutes is amended to read:

49.155 **(1m)** (a) 3. Work in a Wisconsin works employment position, including participation in job search, orientation and training activities under s. 49.147 (2) (a) and in education or training activities under s. 49.147 (3) (am), (4) (am) or (5) (bm).

SECTION 1845b. 49.155 (1m) (a) 3. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.155 **(1m)** (a) 3. Work in a Wisconsin works employment position, including participation in job search, orientation and training activities under s. 49.147 (2) (a) and in education or training activities under s. 49.147 (3) (am), (4) ~~(am)~~ (b) 1. a. or (5) (bm).

SECTION 1845m. 49.155 (1m) (a) 3m. of the statutes is created to read:

49.155 **(1m)** (a) 3m. Participate in a job search or work experience component of the food stamp employment and training program under s. 49.124 (1m).

SECTION 1846. 49.155 (1m) (a) 4. (intro.) of the statutes is amended to read:

49.155 **(1m)** (a) 4. (intro.) Participate in other employment skills training, including an English as a 2nd language course, if the Wisconsin works agency determines that the course would facilitate the individual's efforts to obtain employment; a course of study meeting the standards established by the ~~secretary of education~~ state superintendent of public instruction under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation; a course of study at a technical college; or participation in educational courses that provide an employment skill, as determined by the department. An individual may receive aid under this subdivision for up to one year. An individual may not receive aid under this subdivision unless the individual meets at least one of the following conditions:

SECTION 1846d. 49.155 (1m) (a) 4. (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

49.155 **(1m)** (a) 4. (intro.) Participate in other employment skills training, including an English as a 2nd language course, if the Wisconsin works agency determines that the course would facilitate the individual's efforts to obtain employment; a course of study meeting the standards established by the state superintendent of public instruction under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation; a course of study at a technical college, if the Wisconsin works agency determines that the course would facilitate the individual's efforts to obtain or maintain employment; or participation in educational courses that provide an employment skill, as determined by the department. An individual may receive aid under this subdivision for up to two years. An individual may not receive aid under this subdivision unless the individual meets at least one of the following conditions:

SECTION 1847. 49.155 (1m) (b) of the statutes is renumbered 49.155 (1m) (b) (intro.) and amended to read:

49.155 **(1m)** (b) (intro.) The individual meets the eligibility ~~conditions~~ criteria under ~~s.~~ all of the following:

1. Section 49.145 (2) (c) ~~to~~, (f) and (g) ~~and~~.

3. Section 49.145 (3) (a)~~, except that an individual may be eligible for a child care subsidy under this section regardless of the number of days the individual has resided in this state prior to applying for the child care subsidy~~.

SECTION 1848. 49.155 (1m) (b) 2. of the statutes is created to read:

49.155 **(1m)** (b) 2. Section 49.145 (2) (s).

SECTION 1848m. 49.155 (1m) (c) (intro.) of the statutes is created to read:

49.155 **(1m)** (c) (intro.) Any of the following applies:

SECTION 1849. 49.155 (1m) (c) of the statutes is renumbered 49.155 (1m) (c) 1. and amended to read:

49.155 **(1m)** (c) 1. The gross income of the individual's family is at or below 165% of the poverty line for a family the size of the individual's family or, for an individual who is already receiving a child care subsidy under this section, the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. In calculating the gross income of the family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. to 3.

SECTION 1850m. 49.155 (1m) (c) 1m. of the statutes is created to read:

49.155 **(1m)** (c) 1m. The individual was eligible under s. 49.132 (4) (a) for aid under s. 49.132 and received aid under s. 49.132 on September 30, 1997, but lost aid solely because of the application of s. 49.132 (6), and the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. This subdivision does not apply to an individual whose family's gross income at any time on or after September 30, 1997, is more than 200% of the poverty line for a family the size of the individual's family.

SECTION 1851. 49.155 (1m) (c) 2. of the statutes is created to read:

49.155 **(1m)** (c) 2. The individual was eligible under s. 49.132 (4) (am) for aid under s. 49.132 and received aid under s. 49.132 on or after May 10, 1996, but lost eligibility solely because of increased income, and the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. This subdivision does not apply to an individual whose family's gross income increased to more than 200% of the poverty line for a family the size of the individual's family.

SECTION 1852. 49.155 (1m) (c) 3. of the statutes is created to read:

49.155 **(1m)** (c) 3. The individual was eligible for a child care subsidy under s. 49.191 (2) on or after May 10, 1996, and received a child care subsidy on or after May 10, 1996, but lost the subsidy solely because of increased income, and the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. This subdivision does not apply to an individual whose family's gross income increased to more than 200% of the poverty line for a family the size of the individual's family.

SECTION 1853. 49.155 (3m) of the statutes is created to read:

49.155 **(3m)** DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES AND CERTAIN CHILD CARE PROVIDERS. (a) The department shall reimburse child care providers or shall distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care services provided under this section and to private nonprofit agencies that provide child care for children of migrant workers.

(b) Not more than 5%, or $20,000, whichever is greater, of the funds distributed under par. (a) may be used for the costs of administering the program under this section.

(c) From the funds distributed under par. (a), a county may provide child care services itself, purchase child care services from a child care provider, provide vouchers to an eligible parent for the payment of child care services provided by a child care provider, reimburse an eligible parent for payments made by the parent to a child care provider for child care services, adopt, with the approval of the department, any other arrangement that the county considers appropriate or use any combination of these methods to provide child care.

(d) No funds distributed under par. (a) may be used to provide care for a child by a person who resides with the child, unless the county determines that the care is necessary because of a special health condition of the child.

SECTION 1854. 49.155 (6) (a) of the statutes is amended to read:

49.155 **(6)** (a) ~~The department~~ Subject to review and approval by the department, each county shall establish the maximum reimbursement rate ~~that a county department under s. 46.215, 46.22 or 46.23 may pay~~ for licensed child care services provided under this section. ~~The department~~ A county shall set the rate so that at least 75% of the number of places for children within the licensed capacity of all child care providers in ~~each~~ that county ~~or in a multicounty area determined by the department~~ can be purchased at or below that maximum rate.

SECTION 1855. 49.155 (6) (b) of the statutes is amended to read:

49.155 **(6)** (b) ~~The department~~ Subject to review and approval by the department, each county shall set a maximum reimbursement rate ~~that a county department under s. 46.215, 46.22 or 46.23 may pay~~ for Level I certified family day care providers for services provided to eligible individuals under this section. The maximum rate set under this paragraph may not exceed 75% of the rate established under par. (a).

SECTION 1856. 49.155 (6) (c) of the statutes is amended to read:

49.155 **(6)** (c) ~~The department~~ Subject to review and approval by the department, each county shall set a maximum reimbursement rate ~~that a county department under s. 46.215, 46.22 or 46.23 may pay~~ for Level II certified family day care providers for services provided to eligible individuals under this section. The maximum rate set under this paragraph may not exceed 50% of the rate established under par. (a).

SECTION 1857. 49.155 (6) (d) of the statutes is amended to read:

49.155 **(6)** (d) The department may promulgate rules to establish a system of rates ~~for child care programs that exceed the quality of care standards required for licensure under s. 48.65 or for certification under s. 48.651 (1) (a)~~ or a program of grants that the department will pay to child care providers that meet the higher quality of care standards established by rules promulgated under sub. (1d) (b). If a system of rates is established under this paragraph, the rates under that system shall be higher than the rates established under pars. (a) to (c).

SECTION 1857f. 49.159 (2) of the statutes is amended to read:

49.159 **(2)** MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING. A custodial parent who is under the age of 18 is eligible, regardless of that individual's or that individual's parent's income or assets, to meet with a financial and employment planner. The financial and employment planner may provide the individual with information regarding Wisconsin works eligibility, available child care services, employment and financial planning, family planning services, as defined in s. 253.07 (1) (b), community resources, eligibility for food stamps and other food and nutrition programs.

SECTION 1857m. 49.161 (1) of the statutes is amended to read:

49.161 **(1)** (title) TRIAL JOBS AND WAGE−PAYING COMMUNITY SERVICE JOBS OVERPAYMENTS. Notwithstanding s. 49.96, the department shall recover an overpayment of benefits paid under s. 49.148 (1) (a) and (b) 2. from an individual who receives or has received benefits paid under s. 49.148 (1) (a) or (b) 2. The value of the benefit liable for recovery under this subsection may not exceed the amount that the department paid in wage subsidies with respect to that participant while the participant was ineligible to participate. The department shall promulgate rules establishing policies and procedures for administrating this subsection.

SECTION 1857n. 49.161 (2) of the statutes is amended to read:

49.161 **(2)** (title) ~~COMMUNITY~~ GRANT-PAYING COMMUNITY SERVICE JOBS AND TRANSITIONAL PLACEMENTS OVERPAYMENTS. Except as provided in sub. (3), the department shall recover an overpayment of benefits paid under s. 49.148 (1) (b) 1. and (c) from an individual who continues to receive benefits under s. 49.148 (1) (b) 1. and (c) by reducing the amount of the individual's benefit payment by no more than 10%.

Vetoed In Part

SECTION 1857o. 49.170 of the statutes is created to read:

49.170 Payments for certain tribal economic support programs. (1) DEFINITION. In this section, "tribal economic support program" means an economic support program, operated by a federally recognized American Indian tribe or band in this state, that is funded under P.L. 104–193, section 103, and is not part of the Wisconsin works program under ss. 49.141 to 49.161.

(2) DEPARTMENT PLAN. The department shall develop a plan for making payments, from the appropriation under s. 20.445 (3) (dz), to each federally recognized American Indian tribe or band in this state that operates a tribal economic support program, for the purpose of operating that tribal economic support program. As a condition of receiving a payment under this section, the tribal economic support program shall meet all requirements specified in the plan. These requirements shall be similar to the requirements of the Wisconsin works program under ss. 49.141 to 49.161. The plan shall specify the method of determining the amount of the payment to be made for each tribal economic support program.

(3) JOINT COMMITTEE ON FINANCE APPROVAL. No later than January 1, 1998, the department shall submit the plan under sub. (2) to the cochairpersons of the joint committee on finance for review by the joint committee on finance. The department may not make a payment under the plan unless the plan is approved by the joint committee on finance.

(4) PAYMENTS. If the joint committee on finance approves the plan submitted under sub. (3), the department shall make payments, from the appropriation under s. 20.445 (3) (dz), in the manner specified in the plan.

SECTION 1857p. 49.175 of the statutes is created to read:

49.175 Public assistance and local assistance funding. (1) FUNDS DISTRIBUTION. Except as provided in sub. (2), within the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em), (g), (jg), (jL), (L), (Lm), (mc), (md), (nL), (pm) and (ps), the department shall allocate the following amounts for the following purposes:

(a) *Aid to families with dependent children.* For benefits under s. 49.19, $28,400,000 in fiscal year 1997–98.

(b) *Subsidized employment.* For payments to Wisconsin works agencies for subsidized employment costs, $155,375,100 in fiscal year 1997–98 and $158,678,000 in fiscal year 1998–99.

(bg) *Long–term and refugee supplement.* For payments to Wisconsin works agencies as a supplement for long–term and refugee cases, $8,200,000 in fiscal year 1997–98 and $9,800,000 in fiscal year 1998–99.

(bm) *Wisconsin works agency office costs.* For payments to Wisconsin works agencies for office costs, $104,117,000 in fiscal year 1997–98 and $115,293,800 in fiscal year 1998–99.

(br) *Payments for 2–parent families.* For payments under s. 49.15 (4), $735,000 in fiscal year 1997–98 and $1,100,000 in fiscal year 1998–99. **Vetoed In Part**

(c) *Wisconsin works agency contingency fund.* For contingency payments to Wisconsin works agencies for subsidized employment and office costs to be distributed under criteria established by the department, $25,000,000 in the 1997–99 fiscal biennium.

(d) *Job opportunities and basic skills program.* For services provided under s. 49.193, $15,079,800 in fiscal year 1997–98.

(e) *County income maintenance administration.* For county income maintenance administration, $6,665,600 in fiscal year 1997–98.

(f) *State administration of public assistance programs.* For state administration of public assistance programs, $37,449,500 in fiscal year 1997–98 and $34,338,100 in fiscal year 1998–99.

(g) *Emergency assistance.* For emergency assistance under s. 49.138, $3,300,000 in each fiscal year.

(h) *Funeral expenses.* For funeral expenses under s. 49.30, $3,300,000 in each fiscal year.

(i) *Learnfare case management.* For case management services for learnfare pupils under s. 49.26 (2), $2,619,100 in each fiscal year.

(j) *Local learnfare projects.* For local projects under the learnfare program under s. 49.26, $450,000 in fiscal year 1997–98.

(k) *Children first.* For services under the work experience program for noncustodial parents under s. 49.36, $1,316,400 in each fiscal year.

(L) *County fraud investigations and error reduction.* For county fraud investigations and error reductions under s. 49.197, $588,000 in each fiscal year.

(m) *Job access loans.* For job access loans under s. 49.147 (6), $3,645,600 in fiscal year 1997–98 and $866,900 in fiscal year 1998–99.

(n) *Employment skills advancement grants.* For employment skills advancement grants under s. 49.185, $833,300 in fiscal year 1997–98 and $1,000,000 in fiscal year 1998–99.

(o) *Direct child care services.* For direct child care services under s. 49.155, $155,547,200 in fiscal year 1997−98 and $177,427,200 in fiscal year 1998−99.

(p) *Indirect child care services.* For indirect child care services under s. 49.131 (2) (b), $6,002,400 in each fiscal year. Notwithstanding sub. (2), the department may not use any funds allocated under this paragraph for any other purpose under this subsection.

(q) *Reserve for benefit payments in a county with a population of 500,000 or more.* For a reserve for benefit payments in a county with a population of 500,000 or more, $11,000,000 in fiscal year 1997−98 and $10,000,000 in fiscal year 1998−99.

(r) *Wisconsin works contracts in certain counties.* For contracts with persons for oversight of the administrative structure of Wisconsin works, and of Wisconsin works agencies, in counties having a population of 500,000 or more, $1,000,000 in each fiscal year.

(s) *New hope project.* For the new hope project under s. 49.37, $1,560,000 in fiscal year 1997−98 and $690,000 in fiscal year 1998−99.

(t) *Transportation assistance.* For transportation assistance under s. 49.157, $1,000,000 in fiscal year 1997−98 and $2,000,000 in fiscal year 1998−99. The department may not distribute the funds under this paragraph unless the joint committee on finance supplements the appropriate appropriation from the appropriation under s. 20.865 (4) (m).

(u) *Hospital paternity incentives.* For hospital paternity incentive payments under s. 69.14 (1) (cm), $54,000 in fiscal year 1997−98 and $144,000 in fiscal year 1998−99.

(v) *Passports for youth program.* For the passports for youth program operated by the YMCA of Metropolitan Milwaukee, $500,000 in each fiscal year. The department may not distribute funds under this paragraph if the passports for youth program does not comply with P.L. 104−193, section 103.

(w) *Transfer of federal funds to the department of health and family services.* For the transfer of federal funds to the department of health and family services, as provided in s. 20.445 (3) (md), for the following purposes, the following amounts:

1. 'Kinship care assistance.' For the kinship care program under s. 48.57 (3m) and (3p), $15,720,400 in fiscal year 1997−98 and $22,116,400 in fiscal year 1998−99.

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 in fiscal year 1997−98 and $458,800 in fiscal year 1998−99.

3. 'Community aids.' For community aids, $31,800,000 in each fiscal year.

4. 'Milwaukee County liaison.' For a Milwaukee County child welfare liaison funded from the appropriation under s. 20.435 (8) (kx), $104,000 in fiscal year 1997−98 and $108,100 in fiscal year 1998−99.

(2) TRANSFER OF FUNDS. (a) With the approval of the secretary of administration, the department may use not more than 10% of the amounts required to be allocated for a purpose specified in any paragraph under sub. (1) for any other purpose specified in any other paragraph under sub. (1) in each fiscal year.

(b) The department may use more than 10% if all of the following conditions are met:

1. The secretary of administration approves the transfer.

2. The department submits a request for the transfer to the joint committee on finance and the joint committee on finance does not, within 14 days after receiving the request, schedule a meeting to review the transfer. If, within 14 days after receiving the request, the joint committee on finance schedules a meeting to review the transfer, the department may not use for another purpose specified under any paragraph under sub. (1) more than 10% of the amounts required to allocated for a different purpose specified in any other paragraph under sub. (1) unless it is approved by the committee, which may modify the proposed transfer.

SECTION 1857pm. 49.175 (1) (intro.) of the statutes, as created by 1997 Wisconsin Act .... (this act), is amended to read:

49.175 **(1)** FUNDS DISTRIBUTION. (intro.) Except as provided in sub. (2), within the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em), ~~(g),~~ (jg), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm) and (ps), the department shall allocate the following amounts for the following purposes:

SECTION 1857q. 49.175 (1) (b) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 49.175 (1) (b) 1. and amended to read:

49.175 **(1)** (b) 1. ~~For~~ Except as provided in subd. 2. for payments to Wisconsin works agencies for subsidized employment costs, $155,375,100 in fiscal year 1997−98 and $155,678,000 in fiscal year 1998−99.

SECTION 1857r. 49.175 (1) (b) 2. of the statutes is created to read:

49.175 **(1)** (b) 2. The department of revenue shall determine the amount that is required to pay claims approved under s. 71.07 (9e) for participants under s. 49.147 (4) (c). The department of workforce development shall subtract that amount from the allocation in subd. 1. and transfer the amount to the appropriation under s. 20.835 (2) (k).

SECTION 1858. 49.185 (1m) of the statutes is created to read:

49.185 **(1m)** FUNDING. Payments for grants awarded under this section shall be made from the appropriations under s. 20.445 (3) (em) and (md).

SECTION 1858m. 49.185 (5) of the statutes is amended to read:

49.185 **(5)** APPLICABILITY. This section applies beginning on the ~~first day of the 6th month beginning after the~~ date stated in the notice under s. 49.141 (2) (d), or on the first day of the first month beginning after the effective date of this subsection .... [revisor inserts date], whichever is later.

SECTION 1860. 49.19 (10) (d) of the statutes is amended to read:

49.19 **(10)** (d) Aid may also be paid under this section to a licensed foster home ~~or~~, treatment foster home, ~~to a~~ group home ~~licensed under s. 48.625~~ or ~~to a~~ child−caring institution by the state when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body or when the child was part of the state's direct service case load and was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department of health and family services or the department of corrections.

SECTION 1861. 49.19 (11) (a) 1. a. (intro.) of the statutes is amended to read:

49.19 **(11)** (a) 1. a. (intro.) Except as provided in subs. (11m) and (11s), monthly payments made under s. 20.445 (3) ~~(d)~~ (dz) and ~~(p)~~ (md) to persons or to families with dependent children shall be based on family size and shall be at 80% of the total of the allowances under subds. 2. and 4. plus the following standards of assistance beginning on September 1, 1987:

SECTION 1861d. 49.19 (11s) (d) of the statutes is amended to read:

49.19 **(11s)** (d) From the appropriation under s. ~~20.435 (4)~~ 20.445 (3) (a), the department may award grants to county departments under ss. 46.215, 46.22 and 46.23 for providing ~~family planning~~ education services relating to family planning, as defined in s. 253.07 (1) (a), to persons who are subject to par. (b).

SECTION 1862. 49.19 (19m) of the statutes is created to read:

49.19 **(19m)** Notwithstanding subs. (1) to (19), no aid may be paid under this section for a child on whose behalf a payment is made under s. 49.775.

SECTION 1863. 49.19 (20) (b) of the statutes is repealed and recreated to read:

49.19 **(20)** (b) Notwithstanding par. (a):

1. If a nonlegally responsible relative is receiving aid under this section on behalf of a dependent child on the effective date of this subdivision .... [revisor inserts date], no aid under this section may be paid to the nonlegally responsible relative after December 31, 1997, or the first reinvestigation under sub. (5) (e) occurring after the effective date of this subdivision .... [revisor inserts date], whichever is earlier.

2. If a nonlegally responsible relative is not receiving aid under this section on behalf of a dependent child on the effective date of this subdivision .... [revisor inserts date], no aid may be paid to the nonlegally responsible relative on or after the effective date of this subdivision .... [revisor inserts date].

SECTION 1864. 49.191 (1) (b) of the statutes is amended to read:

49.191 **(1)** (b) Within the limits of funds available under s. 20.445 (3) ~~(cn)~~ (cm), (dz), (jg), (md) and (na), the department shall provide funds for individuals who are working and who receive aid to families with dependent children to pay child care costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) and child care costs incurred before the child care disregard under s. 49.19 (5) (a) becomes available if the child care is provided by a child care provider. This paragraph does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

SECTION 1866. 49.193 (10m) of the statutes is amended to read:

49.193 **(10m)** WORK−FIRST PROGRAM. The department shall select Kenosha county and additional counties in which to pilot the work−first program under this subsection. The work−first program shall be conducted as part of the job opportunities and basic skills program under this section and shall be funded from s. 20.445 (3) ~~(df)~~ (dz). The work−first program shall seek to increase the amount of job opportunities and basic skills program services provided to recipients of aid to families with dependent children and to minimize the time between the date on which a person in a pilot county first applies for aid to families with dependent children under s. 49.19 and the date on which the person begins to participate in the job opportunities and basic skills program under this section.

SECTION 1866v. 49.195 (1) of the statutes is amended to read:

49.195 **(1)** If any parent at the time of receiving aid under s. 49.19 or a benefit under s. 49.148, ~~49.153,~~ 49.155 or 49.157 or at any time thereafter acquires property by gift, inheritance, sale of assets, court judgment or settlement of any damage claim, or by winning a lottery or prize, the county granting such aid, or the Wisconsin works agency granting such a benefit, may sue the parent on behalf of the department to recover the value of that portion of the aid or of the benefit which does not exceed the amount of the property so acquired. The value of the aid or benefit liable for recovery under this section may not include the value of work performed by a member of the family in a community work experience program under s. 46.215 (1) (o), 1991 stats., s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work experience component under s. 49.193 (6). During

the life of the parent, the 10−year statute of limitations may be pleaded in defense against any suit for recovery under this section; and if such property is his or her homestead it shall be exempt from execution on the judgment of recovery until his or her death or sale of the property, whichever occurs first. Notwithstanding the foregoing restrictions and limitations, where the aid or benefit recipient is deceased a claim may be filed against any property in his or her estate and the statute of limitations specified in s. 859.02 shall be exclusively applicable. The court may refuse to render judgment or allow the claim in any case where a parent, spouse or child is dependent on the property for support, and the court in rendering judgment shall take into account the current family budget requirement as fixed by the U.S. department of labor for the community or as fixed by the authorities of the community in charge of public assistance. The records of aid or benefits paid kept by the county, by the department or by the Wisconsin works agency are prima facie evidence of the value of the aid or benefits furnished. Liability under this section shall extend to any parent or stepparent whose family receives aid under s. 49.19 or benefits under s. 49.148, 49.155 or 49.157 during the period that he or she is a member of the same household, but his or her liability is limited to such period. This section does not apply to medical and health assistance payments for which recovery is prohibited or restricted by federal law or regulation.

SECTION 1866x. 49.195 (3) of the statutes is amended to read:

49.195 **(3)** Notwithstanding s. 49.96, the department shall promptly recover all overpayments made under s. 49.19, 49.148, ~~49.153,~~ 49.155 or 49.157 and shall promulgate rules establishing policies and procedures to administer this subsection.

SECTION 1871. 49.197 (1m) of the statutes is amended to read:

49.197 **(1m)** FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3) ~~(de)~~ (dz), (L), (md), (n) and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to ~~2029~~ 2036 and on the part of participants in the Wisconsin works program under ss. 49.141 to 49.161. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state and local agencies, development of an advisory welfare investigation prosecution standard and provision of funds to county departments under ss. 46.215, 46.22 and 46.23 and to Wisconsin works agencies to encourage activities to detect fraud. The department shall cooperate with district attorneys regarding fraud prosecutions.

SECTION 1872. 49.197 (4) of the statutes is amended to read:

49.197 **(4)** COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide funds from the appropriations under s. 20.445 (3) ~~(de)~~ (dz), (L) and (Lm) and federal matching funds from the appropriations under s. 20.445 (3) (md), (n) and (nL) to counties and governing bodies of federally recognized American Indian tribes administering medical assistance under subch. IV, aid to families with dependent children under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 to offset administrative costs of reducing payment errors in those programs.

SECTION 1873c. 49.20 (3) of the statutes is amended to read:

49.20 **(3)** PAYMENT. Aid under this section shall be paid from the appropriation under s. 20.445 (3) ~~(d)~~ (dz) and shall be in an amount equal to that to which the person would be entitled under s. 49.19 if he or she were 17 years of age, except that if the person's family became ineligible for aid under s. 49.19 on the person's 18th birthday, the amount paid shall equal the amount of aid granted to a single person under s. 49.19.

SECTION 1873f. 49.20 (5) of the statutes is created to read:

49.20 **(5)** SUNSET. No aid may be paid under this section beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d). **Vetoed In Part**

SECTION 1877r. 49.22 (2m) of the statutes is amended to read:

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

SECTION 1878. 49.22 (2p) of the statutes is amended to read:

49.22 **(2p)** ~~The~~ Except as provided in sub. (12), the department or a county child ~~and spousal~~ support agency under s. 59.53 (5) may disclose to a parent with legal custody of a child, upon the parent's request, the last−known address, and the name and address of the last−known employer, of the child's other parent if that other parent owes a support obligation to the child and is in arrears in the payment of the support.

SECTION 1878p. 49.22 (6) of the statutes is amended to read:

49.22 **(6)** The department shall establish, pursuant to federal and state laws, rules and regulations, a uniform system of fees for services provided under this section to individuals not receiving aid under s. 46.261, 49.19 or 49.47 or benefits under s. 49.148~~, 49.153~~ or 49.155 and to individuals not receiving kinship care payments under s. 48.57 (3m). The system of fees may take into account an individual's ability to pay. Any fee paid and collected under this subsection may be retained by the county providing the service except for the fee specified in 42 USC 653 (e) (2) for federal parent locator services.

SECTION 1879. 49.22 (7) of the statutes is amended to read:

49.22 **(7)** The department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to an attorney responsible for support enforcement under s. 59.53 (6) (a) pursuant to a contract entered into under s. 59.53 (5). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.53 (5), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.445 (3) ~~(p)~~ (md) to carry out a contract under this subsection.

SECTION 1881. 49.22 (12) of the statutes is created to read:

49.22 **(12)** The department or a county child support agency under s. 59.53 (5) may not release information to a person about the whereabouts of another person if any of the following applies:

(a) The person seeking the information is subject to a temporary restraining order or injunction under s. 813.12, 813.122, 813.123, 813.125 or 813.127 with respect to the person about whom the information is sought; and the department or county child support agency under s. 59.53 (5) has notice of the temporary restraining order or injunction.

(b) The department or county child support agency under s. 59.53 (5) has reason to believe that releasing the information may result in physical or emotional harm to the person about whom the information is sought.

SECTION 1882m. 49.24 of the statutes is created to read:

49.24 Child support incentive payments. (1) From the appropriation under s. 20.445 (3) (g), the department shall provide child support incentive payments to counties to offset reduced federal child support incentive payments. Total payments under this subsection may not exceed $3,178,000 in fiscal year 1997−98 or $3,850,000 in fiscal year 1998−99.

(2) The department shall distribute the payments under sub. (1) in accordance with a formula developed by the department in consultation with representatives of counties. The total of payments made to counties under sub. (1) and in federal child support incentive payments may not exceed $10,500,000 in a state fiscal year.

(3) A county that receives payment under sub. (1) may use the funds only to pay costs under its child support program under s. 49.22.

SECTION 1882n. 49.24 (1) of the statutes, as created by 1997 Wisconsin Act .... (this act), is amended to read:

49.24 **(1)** From the appropriation under s. 20.445 (3) ~~(g)~~ (k), the department shall provide child support incentive payments to counties to offset reduced federal child support incentive payments. Total payments under this subsection may not exceed $3,178,000 in fiscal year 1997−98 or $3,850,000 in fiscal year 1998−99.

SECTION 1883m. 49.25 (7) (a) of the statutes is amended to read:

49.25 **(7)** (a) The department shall contract with the county department under s. 46.215, 46.22 or 46.23 to provide education on parenting, human growth and development, family planning, as defined in s. 253.07 (1) (a), and independent living skills and to provide employment−related training to persons subject to the program under this section and to persons subject to orders under s. 767.078 (1) (d). The county department may contract with other agencies for the provision of these services.

SECTION 1884. 49.26 (1) (a) 2. d. of the statutes is amended to read:

49.26 **(1)** (a) 2. d. A course of study meeting the standards established by the ~~secretary of education~~ state superintendent of public instruction under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation.

SECTION 1884f. 49.26 (1) (c) of the statutes is amended to read:

49.26 **(1)** (c) A county department or Wisconsin works agency may provide services under this subsection directly or may contract with a nonprofit agency or a school district to provide the services.

SECTION 1884g. 49.26 (1) (d) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

49.26 **(1)** (d) A county department or Wisconsin works agency that provides services under this subsection directly shall develop a plan, in coordination with the school districts located in whole or in part in the county, describing the assistance that the county department or Wisconsin works agency and school districts will provide to individuals receiving services under this subsection, the number of individuals that will be served and the estimated cost of the services. The county department or Wisconsin works agency shall submit the plan to the

department of workforce development and the department of public instruction by ~~August~~ January 15, annually.

SECTION 1886. 49.26 (1) (e) of the statutes is amended to read:

49.26 **(1)** (e) For an individual who is a recipient of aid under s. 49.19, or whose custodial parent is a participant under s. 49.147 (3) to (5), who is the parent with whom a dependent child lives and who is ~~either~~ subject to the school attendance requirement under par. (ge) ~~or is under 20 years of age and wants to attend school~~, the department shall make a monthly payment to the individual or the child care provider for the month's child care costs in an amount based on need with the maximum amount per child equal to the lesser of the actual cost of the care or the rate established under s. 49.155 (6) if the individual demonstrates the need to purchase child care services in order to attend school and those services are available from a child care provider.

SECTION 1887. 49.26 (1) (g) 1. of the statutes is amended to read:

49.26 **(1)** (g) 1. Before the first day of the fall 1994 school term, as defined in s. 115.001 (12), the individual is 13 to ~~19~~ 17 years of age. Beginning on the first day of the fall 1997 school term, as defined in s. 115.001 (12), the individual is 6 to ~~19~~ 17 years of age.

SECTION 1887d. 49.26 (1) (ge) (intro.) and 1. of the statutes are consolidated, renumbered 49.26 (1) (ge) and amended to read:

49.26 **(1)** (ge) An individual ~~who is subject to this paragraph~~ fails to meet the school attendance requirement if the individual ~~meets at least one of the following conditions: 1. The individual is either~~ is not enrolled in school or ~~is a habitual truant~~ was not enrolled in the immediately preceding semester. The Wisconsin works agency or county department shall verify enrollment.

SECTION 1887dc. 49.26 (1) (ge) 2. of the statutes is repealed.

SECTION 1887df. 49.26 (1) (gm) of the statutes is repealed and recreated to read:

49.26 **(1)** (gm) 1. The following individuals who are subject to the school attendance requirement under the learnfare program are required to participate in case management under sub. (2) (b):

a. Minor parents.

b. Habitual truants.

c. Dropouts, as defined in s. 118.153 (1) (b), including individuals who were dropouts and reenrolled in school in the same or immediately succeeding semester in which they dropped out of school.

2. The department may, in accordance with rules promulgated by the department, sanction any individual specified under subd. 1. who fails to cooperate with case management efforts.

SECTION 1887dh. 49.26 (1) (h) 1. (intro.) of the statutes is amended to read:

49.26 **(1)** (h) 1. (intro.) An individual who ~~is 6 to 12 years of age and who~~ fails to ~~meet the school attendance requirement under par. (ge)~~ cooperate with case management efforts under par. (gm) is subject to sanctions as provided under subd. 1s. only if all of the following apply:

SECTION 1887dj. 49.26 (1) (h) 1. a. of the statutes is repealed.

SECTION 1887dk. 49.26 (1) (h) 1. am. of the statutes is repealed.

SECTION 1887g. 49.26 (1) (h) 1. as. of the statutes is amended to read:

49.26 **(1)** (h) 1. as. The individual has failed to request a hearing ~~under s. 49.21 (1)~~ or has failed to show good cause for ~~the absences or nonenrollment under subd. 1. am.~~ not cooperating with case management efforts in a hearing ~~under s. 49.21 (1)~~. If the individual is a recipient of aid under s. 49.19, the hearing shall be requested and held under s. 49.21 (1). If the individual is a member of a Wisconsin works group, as defined in s. 49.141 (1) (s), the hearing shall be requested and held under s. 49.152. The department shall determine by rule the criteria for good cause.

SECTION 1888g. 49.26 (1) (h) 1m. of the statutes is repealed.

SECTION 1888gm. 49.26 (1) (i) of the statutes is repealed.

SECTION 1889c. 49.26 (2) (b) of the statutes is amended to read:

49.26 **(2)** (b) ~~From the appropriation under s. 20.445 (3) (dg), the department shall allocate funds to county~~ County departments ~~for the provision of~~ or Wisconsin works agencies shall provide case management services to individuals who are subject to the school attendance requirement under the learnfare program under sub. (1) and their families to improve the school attendance and achievement of those individuals. ~~At least 75% of the funds that the department allocates under this paragraph to provide case management services to individuals who are 13 to 19 years of age shall be allocated to a county department of a county with a population of 500,000 or more. A county department is eligible to receive funds under this subsection to provide case management services to individuals who are 13 to 19 years of age in a year if 35 or more individuals, 13 to 19 years of age, residing in the county were sanctioned under sub. (1) (h) or were subject to the monthly attendance requirement under s. HSS 201.195 (4) (b) 2., Wis. adm. code, in any month during the previous year.~~

SECTION 1890. 49.27 (5) (e) 5. of the statutes is amended to read:

49.27 **(5)** (e) 5. A person in need of a high school diploma shall be assigned to a course of study meeting the standards established by the ~~secretary of education~~ state superintendent of public instruction for the granting of a declaration of equivalency of high school graduation unless the person demonstrates a basic literacy level or

the employability plan for the individual identifies a long–term employment goal that does not require a high school diploma or a declaration of equivalency.

SECTION 1891. 49.27 (8) of the statutes is repealed.

SECTION 1892. 49.27 (11) (i) of the statutes is amended to read:

49.27 **(11)** (i) Provide transitional child care services under sub. (6)~~,~~ and shelter payments under sub. (7) ~~and transitional medical assistance coverage under sub. (8)~~.

SECTION 1893. 49.30 (2) of the statutes is amended to read:

49.30 **(2)** ~~The state~~ From the appropriation under s. 20.445 (3) (dz), the department shall reimburse a county or applicable tribal governing body or organization for any amount that the county or applicable tribal governing body or organization is required to pay under sub. (1). ~~The state~~ From the appropriation under s. 20.445 (3) (dz), the department shall reimburse a county or applicable tribal governing body or organization for cemetery expenses or for funeral and burial expenses for persons described under sub. (1) that the county or applicable tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department approves the reimbursement due to unusual circumstances.

SECTION 1894. 49.32 (8) of the statutes is amended to read:

49.32 **(8)** PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall make a periodic check of the amounts earned by recipients of aid to families with dependent children under s. 49.19 and by participants under Wisconsin works under ss. 49.141 to 49.161 through a check of the amounts credited to the recipient's social security number. The department shall make an investigation into any discrepancy between the amounts credited to a social security number and amounts reported as income on the declaration application and take appropriate action under s. 49.95 when warranted. The department shall use the state wage reporting system under 1985 Wisconsin Act 17, section 65 (1), when the system is implemented, to make periodic earnings checks.

SECTION 1895. 49.32 (9) (a) of the statutes is amended to read:

49.32 **(9)** (a) Each county department under s. 46.215, 46.22 or 46.23 administering aid to families with dependent children shall maintain a monthly report at its office showing the names of all persons receiving ~~such~~ aid to families with dependent children together with the amount paid during the preceding month. Each Wisconsin works agency administering Wisconsin works under ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names ~~and addresses~~ of all persons receiving benefits under s. 49.148 together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes or treatment foster homes under s. ~~42.261~~ 46.261 or 49.19 (10).

SECTION 1896. 49.32 (9) (b) of the statutes is amended to read:

49.32 **(9)** (b) The report under par. (a) shall be open to public inspection at all times during regular office hours and may be destroyed after the next succeeding report becomes available. Any person except any public officer, seeking permission to inspect such report shall be required to prove his or her identity and to sign a statement setting forth his or her address and the reasons for making the request and indicating that he or she understands the provisions of par. (c) with respect to the use of the information obtained. The use of a fictitious name is a violation of this section. ~~or Wisconsin works agency~~ Within 7 days after the record is inspected, or on the next regularly scheduled communication with that person, whichever is sooner, the county department or Wisconsin works agency shall notify each person whose name and amount of aid was inspected that the record was inspected and of the name and address of the person making such inspection. County departments under ss. 46.215 ~~and~~, 46.22 and 46.23 administering aid to families with dependent children and Wisconsin works agencies administering Wisconsin works under ss. 49.141 to 49.161 may withhold the right to inspect the name of and amount paid to recipients from private individuals who are not inspecting this information for purposes related to public, educational, organizational, governmental or research purposes until the person whose record is to be inspected is notified by the county department or Wisconsin works agency, but in no case may the county department or Wisconsin works agency withhold this information for more than 5 working days. The county department or Wisconsin works agency shall keep a record of such requests. The record shall indicate the name, address, employer and telephone number of the person making the request. If the person refuses to provide his or her name, address, employer and telephone number, the request to inspect this information may be denied.

SECTION 1897. 49.32 (10) (a) (intro.) of the statutes is amended to read:

49.32 **(10)** (a) (intro.) Each county department under s. 46.215 ~~or~~, 46.22 or 46.23 may release the current address of a recipient of food stamps or of aid under s. 49.19, and each Wisconsin works agency may release the current address of a participant in Wisconsin works under ss. 49.141 to 49.161 or, if administering the food stamp program, of a food stamp recipient, to a law enforcement officer if the officer meets all of the following conditions:

SECTION 1898. 49.32 (10) (a) 1. of the statutes is amended to read:

49.32 **(10)** (a) 1. The officer provides, in writing, the name ~~and social security number~~ of the recipient or participant.

SECTION 1899. 49.32 (10) (a) 2. a. of the statutes is amended to read:

49.32 **(10)** (a) 2. a. That the recipient or participant is a fugitive felon under 42 USC ~~602~~ 608 (a) (9), is violating a condition of probation or parole imposed under state or federal law or has information that is necessary for the officer to conduct the official duties of the officer.

SECTION 1900. 49.32 (10) (a) 2. b. of the statutes is amended to read:

49.32 **(10)** (a) 2. b. That the location or apprehension of the ~~felon~~ recipient or participant under subd. 2. a. is within the official duties of the officer.

SECTION 1901. 49.33 (2) of the statutes is amended to read:

49.33 **(2)** CONTRACTS. County departments under ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department detailing the reasonable cost of administering the income maintenance programs and the food stamp program under 7 USC 2011 to 2029 when so appointed by the department. Contracts created under this section control the distribution of payments under s. 20.445 (3) ~~(de)~~ (dz), (md) and (nL) in accordance with the reimbursement method established under sub. (8). The department may reduce its payment to any county under s. 20.445 (3) ~~(de)~~ (dz), (md) and (nL) if federal reimbursement is withheld due to audits, quality control samples or program reviews.

SECTION 1902. 49.33 (8) (a) of the statutes is amended to read:

49.33 **(8)** (a) The department shall reimburse each county for reasonable costs of income maintenance relating to the administration of the programs under this subchapter and subch. IV according to a formula based on workload within the limits of available state and federal funds under s. 20.445 (3) ~~(de),~~ (dz), (md) and (nL) by contract under s. 49.33 (2). The amount of reimbursement calculated under this paragraph and par. (b) is in addition to any reimbursement provided to a county for fraud and error reduction under s. 49.197 (1m) and (4).

SECTION 1903. 49.33 (9) of the statutes is amended to read:

49.33 **(9)** REIMBURSEMENT FOR INCOME MAINTENANCE BENEFITS. The department shall reimburse each county from the appropriations under s. 20.445 (3) ~~(d)~~ (dz) and ~~(p)~~ (md) for 100% of the cost of aid to families with dependent children granted under s. 49.19 and for funeral expenses paid for recipients of aid under s. 49.30.

SECTION 1904. 49.36 (2) of the statutes is amended to read:

49.36 **(2)** The department may contract with any county to administer a work experience and job training program for parents who are not custodial parents and who fail to pay child support or to meet their children's needs for support as a result of unemployment or underemployment. The program may provide the kinds of work experience and job training services available from the program under s. 49.193 or 49.147 (3) or (4). The program may also include job search and job orientation activities. The department shall fund the program from the appropriation under s. 20.445 (3) ~~(df)~~ (dz).

SECTION 1904k. 49.37 (1) (intro.) of the statutes is amended to read:

49.37 **(1)** (intro.) ~~From the appropriation under s. 20.445 (3) (dk), the~~ The department shall allocate funds to new hope project, inc., as provided in s. 49.175 (1) (s), for a demonstration project that will be conducted in 2 areas in the city of Milwaukee, if all of the following conditions are satisfied:

SECTION 1904L. 49.37 (3) of the statutes is amended to read:

49.37 **(3)** The contract under sub. (1) (g) shall require an interim evaluation to be submitted to the department no later than January 1, 1993. New hope project, inc., may not use funds appropriated under s. 20.445 (3) ~~(dk)~~ (dz) to fund the evaluation under sub. (1) (g).

SECTION 1904m. 49.37 (4) of the statutes is amended to read:

49.37 **(4)** This section does not apply after June 30, ~~1997~~ 1999.

SECTION 1905. 49.45 (2) (a) 3. of the statutes is amended to read:

49.45 **(2)** (a) 3. Determine the eligibility of persons for medical assistance, rehabilitative and social services under ss. 49.46, 49.468 and 49.47 and rules and policies adopted by the department and may designate this function to the county department under s. 46.215 ~~or~~, 46.22 or 46.23 or , to the extent permitted by federal law or a waiver from federal secretary of health and human services, to a Wisconsin works agency.

SECTION 1906. 49.45 (2) (a) 5. of the statutes is amended to read:

49.45 **(2)** (a) 5. Cooperate with the division for learning support, equity and advocacy in the department of ~~education~~ public instruction to carry out the provisions of Title XIX.

SECTION 1909. 49.45 (2) (a) 17. of the statutes is amended to read:

49.45 **(2)** (a) 17. Notify the governor, the joint committee on legislative organization, the joint committee on finance and appropriate standing committees, as determined by the presiding officer of each house, if the appropriation under s. 20.435 ~~(1)~~ (5) (b) is insufficient to provide the state share of medical assistance.

SECTION 1910. 49.45 (3) (ag) of the statutes is created to read:

49.45 **(3)** (ag) Reimbursement shall be made to each entity contracted with under s. 46.271 (2m) for assessments completed under s. 46.271 (2m) (a) 2.

SECTION 1911. 49.45 (5) of the statutes is renumbered 49.45 (5) (a) and amended to read:

49.45 **(5)** (a) Any person whose application for medical assistance is denied or is not acted upon promptly or

who believes that the payments made in the person's behalf have not been properly determined or that his or her eligibility has not been properly determined may file an appeal with the department pursuant to ~~s. 49.21 (1)~~ par. (b). Review is unavailable if the decision or failure to act arose more than 45 days before submission of the petition for a hearing.

SECTION 1912. 49.45 (5) (b) of the statutes is created to read:

49.45 **(5)** (b) 1. Upon receipt of a timely petition under par. (a) the department shall give the applicant or recipient reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county clerk or, if a Wisconsin works agency is responsible for making the medical assistance determination, the Wisconsin works agency. The county or the Wisconsin works agency may be represented at such hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or recipient, the county clerk and to the county officer or the Wisconsin works agency charged with administration of the medical assistance program. The decision of the department shall have the same effect as an order of the county officer or the Wisconsin works agency charged with the administration of the medical assistance program. The decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for a hearing or shall refuse to grant relief if:

a. The petitioner withdraws the petition in writing.

b. The sole issue in the petition concerns an automatic payment adjustment or change that affects an entire class of recipients and is the result of a change in state or federal law.

c. The petitioner abandons the petition. Abandonment occurs if the petitioner fails to appear in person or by representative at a scheduled hearing without good cause, as determined by the department.

2. If a recipient requests a hearing within the timely notice period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be suspended, reduced or discontinued until a decision is rendered after the hearing but medical assistance payments made pending the hearing decision may be recovered by the department if the contested decision or failure to act is upheld. The department shall promptly notify the county department or, if a Wisconsin works agency is responsible for making the medical assistance determination, the Wisconsin works agency of the county in which the recipient resides that the recipient has requested a hearing. Medical assistance coverage shall be suspended, reduced or discontinued if:

a. The recipient is contesting a state or federal law or a change in state or federal law and not the determination of the payment made on the recipient's behalf.

b. The recipient is notified of a change in his or her medical assistance coverage while the hearing decision is pending but the recipient fails to request a hearing on the change.

3. The recipient shall be promptly informed in writing if medical assistance is to be suspended, reduced or terminated pending the hearing decision.

SECTION 1913. 49.45 (5m) (a) of the statutes is amended to read:

49.45 **(5m)** (a) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 ~~(1)~~ (5) (b) and (o) the department shall distribute not more than $2,256,000 in each fiscal year, to provide supplemental funds to rural hospitals that, as determined by the department, have high utilization of inpatient services by patients whose care is provided from governmental sources, except that the department may not distribute funds to a rural hospital to the extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

SECTION 1914m. 49.45 (6b) (b) of the statutes is amended to read:

49.45 **(6b)** (b) Beginning in fiscal year ~~1995–96~~ 1997–98, for relocations from the northern Wisconsin center for the developmentally disabled, by ~~$199~~ $174 per day.

SECTION 1915m. 49.45 (6b) (c) of the statutes is amended to read:

49.45 **(6b)** (c) Beginning in fiscal year ~~1995–96~~ 1997–98, for relocations from the southern Wisconsin center for the developmentally disabled, by ~~$149~~ $174 per day.

SECTION 1916. 49.45 (6c) (c) (intro.) of the statutes is amended to read:

49.45 **(6c)** (c) *Resident review.* (intro.) Except as provided in par. (e), ~~by April 1, 1990, and at least annually thereafter,~~ the department or an entity to which the department has delegated authority shall review every resident of a facility or institution for mental diseases who has a developmental disability or mental illness and who has experienced a significant change in his or her physical or mental condition to determine if any of the following applies:

SECTION 1917. 49.45 (6m) (a) 3. of the statutes is amended to read:

49.45 **(6m)** (a) 3. "Facility" means a nursing home ~~as defined under s. 50.01 (3)~~ or a community–based residential facility that is licensed under s. 50.03 and that is certified by the department as a provider of medical assistance.

SECTION 1918. 49.45 (6m) (a) 5. of the statutes is created to read:

49.45 **(6m)** (a) 5. "Nursing home" has the meaning given under s. 50.01 (3).

SECTION 1919. 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

49.45 **(6m)** (ag) (intro.) Payment for care provided in a facility under this subsection made under s. 20.435 (1) ~~(b), (o) or~~ (p) or (5) (b) or (o) shall, except as provided in pars. (bg), (bm) and (br), be determined according to a prospective payment system updated annually by the department. The payment system shall implement standards ~~which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care in conformity with this section, with federal regulations authorized under 42 USC 1396a (a) (13) (A), 1396a (a) (30), 1396b (i) (3), 1396L and 1396r (e) and with quality and safety standards established under subch. II of ch. 50 and ch. 150. In administering this payment system, the department shall allow costs it determines~~ that are necessary and proper for providing patient care and that meet quality and safety standards established under subch. II of ch. 50 and ch. 150. The payment system shall reflect all of the following:

SECTION 1919g. 49.45 (6m) (ag) 2. of the statutes is amended to read:

49.45 **(6m)** (ag) 2. Standards established by the department ~~for costs of economically and efficiently operated facilities~~ that shall be based upon allowable costs incurred by facilities in the state as available from information submitted under par. (c) 3. and compiled by the department.

SECTION 1920. 49.45 (6m) (ag) 3m. of the statutes is amended to read:

49.45 **(6m)** (ag) 3m. For state fiscal year ~~1995−96~~ 1997−98, rates that shall be set by the department based on information from cost reports for the ~~1994~~ 1996 fiscal year of the facility and for state fiscal year ~~1996−97~~ 1998−99, rates that shall be set by the department based on information from cost reports for the ~~1995~~ 1997 fiscal year of the facility.

SECTION 1921. 49.45 (6m) (ag) 8. of the statutes is amended to read:

49.45 **(6m)** (ag) 8. Calculation of total payments and supplementary payments to facilities that permits an aggregate increase in funds allocated under s. 20.435 ~~(1)~~ (5) (b) and (o) for nursing home care provided medical assistance recipients, including an increase resulting in adjustment of facility base rates and percentage increases over facility base rates, over that paid for services provided in state fiscal year ~~1994−95~~ 1996-97 of no more than ~~4.25%~~

Vetoed In Part 5.4% or $45,908,500, whichever is less, during state fiscal year ~~1995−96 and~~ 1997-98; and calculation of total payments and supplementary payments to facilities that permits an aggregate increase in funds allocated under s. 20.435 (5) (b) and (o) for nursing home care provided medical assistance recipients, including a percentage increase over facility base rates, over that paid for services provided in state fiscal year ~~1995−96~~ 1997-98 of no more than 3.5% or $30,145,200, whichever is less, during state fiscal year ~~1996−97, excluding~~ 1998-99. Calculation of total payments and supplementary payments under this subdivision excludes increases in total payments attributable to increases in recipient utilization of facility care, payments for the provision of active treatment to facility residents with developmental disability or chronic mental illness and payments for preadmission screening of facility applicants and annual reviews of facility residents required under 42 USC 1396r (e).

SECTION 1922. 49.45 (6m) (ap) of the statutes is created to read:

49.45 **(6m)** (ap) If the bed occupancy of a nursing home is below the minimum patient day occupancy standards that are established by the department under par. (ar) (intro.), the department may approve a request by the nursing home to delicense any of the nursing home's licensed beds. If the department approves the nursing home's request, all of the following apply:

1. The department shall delicense the number of beds in accordance with the nursing home's request.

2. The department may not include the number of beds of the nursing home that the department delicenses under this paragraph in determining the costs per patient day under the minimum patient day occupancy standards under par. (ar).

3. The nursing home may not use or sell a bed that is delicensed under this paragraph.

4. a. Every 12 months following the delicensure of a bed under this paragraph, for which a nursing home has not resumed licensure under subd. 5., the department shall reduce the licensed bed capacity of the nursing home by 10% of all of the nursing home's beds that remain delicensed under this paragraph or by 25% of one bed, whichever is greater. The department shall reduce the statewide maximum number of licensed nursing home beds under s. 150.31 (1) (intro.) by the number or portion of a number of beds by which the nursing home's licensed bed capacity is reduced under this subdivision.

b. Subdivision 4. a. does not apply with respect to the delicensure of beds between the effective date of this subd. 4. b. .... [revisor inserts date], and the date that is 60 days after the effective date of this subd. 4. b. .... [revisor inserts date], during the period of any contract entered into by a nursing home prior to January 1, 1997, if the contract requires the nursing home to maintain its current licensed bed capacity.

5. A nursing home retains the right to resume licensure of a bed of the nursing home that was delicensed under this paragraph unless the licensed bed capacity of the nursing home has been reduced by that bed under subd. 4. The nursing home may not resume licensure of a fraction of a bed. The nursing home may resume licensure 18 months after the nursing home notifies the department in writing that the nursing home intends to resume the licensure. If a nursing home resumes licensure of a bed under this subdivision, subd. 2. does not apply with respect to that bed.

6. If subd. 4. b. applies and the nursing home later resumes licensure of a bed that was delicensed between the effective date of this subdivision .... [revisor inserts date], and the date that is 60 days after the effective date of this subdivision .... [revisor inserts date], the department shall calculate the costs per patient day using the methodology specified in the state plan that is in place at the time that the delicensed beds are resumed.

SECTION 1923. 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

49.45 **(6m)** (ar) 1. a. The department shall establish standards for payment of allowable direct care costs, for facilities that do not primarily serve the developmentally disabled, that are ~~at least 110% of~~ not less than the median for direct care costs for a sample of all of those facilities ~~that do not primarily serve the developmentally disabled~~ in this state and separate standards for payment of allowable direct care costs, for facilities that primarily serve the developmentally disabled, that are ~~at least 110% of~~ not less than the median for direct care costs for a sample of all of those facilities ~~primarily serving the developmentally disabled~~ in this state. The standards shall be adjusted by the department for regional labor cost variations. ~~The department may decrease the percentage established for the standards only if amounts available under par. (ag) (intro.) are insufficient to provide total payment under par. (am), less capital costs under subd. 6.~~

SECTION 1924. 49.45 (6m) (br) 1. of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 ~~(1)~~ (5) (bt) or (bu) or (7) (b) or 20.445 (3) ~~(de)~~ (dz), the department shall reduce allocations of funds to counties in the amount of the disallowance from the ~~appropriations~~ appropriation account under s. ~~20.410 (3) (cd) or~~ 20.435 ~~(1)~~ (5) (bt) or (bu) or (7) (b), or the department shall direct the department of workforce development to reduce allocations of funds to counties or Wisconsin works agencies in the amount of the disallowance from the appropriation account under s. 20.445 (3) ~~(de) or~~ (dz) or direct the department of corrections to reduce allocations of funds to counties in the amount of the disallowance from the appropriation account under s. 20.410 (3) (cd), in accordance with s. 16.544 to the extent applicable.

SECTION 1925. 49.45 (6s) of the statutes is repealed.

SECTION 1926. 49.45 (6t) (intro.) of the statutes is amended to read:

49.45 **(6t)** COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 ~~(1)~~ (5) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42 or by a local health department, as defined in s. 250.01 (4), for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., j., k. and L., 9. and 15., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5), the department shall allocate up to $4,500,000 in each fiscal year to these county departments, or local health departments as determined by the department, and shall perform all of the following:

SECTION 1927. 49.45 (6t) (d) of the statutes is amended to read:

49.45 **(6t)** (d) If the federal department of health and human services approves for state expenditure in a fiscal year amounts under s. 20.435 ~~(1)~~ (5) (o) that result in a lesser allocation amount than that allocated under this subsection or disallows use of the allocation of federal medicaid funds under par. (c), reduce allocations under this subsection and distribute on a prorated basis, as determined by the department.

SECTION 1928. 49.45 (6u) (intro.) of the statutes is amended to read:

49.45 **(6u)** (title) ~~FACILITY OPERATING DEFICIT REDUCTION~~ SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.) ~~Except as provided in par. (g)~~ Notwithstanding sub. (6m), from the appropriation under s. 20.435 ~~(1)~~ (5) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a facility, as defined under sub. (6m) (a) ~~2.~~ 3., that is established under s. 49.70 (1) or that is owned and operated by a city, village or town, the department ~~shall~~ may not distribute to these facilities ~~not~~ more than ~~$18,600,000~~ $38,600,000 in each fiscal year, as determined by the department, ~~and~~ except that the department shall also distribute for this same purpose from the appropriation under s. 20.435 (5) (o) any additional federal medical assistance moneys that were not anticipated before enactment of the biennial budget act or other legislation affecting s. 20.435 (5) (o) and that were not used to fund nursing home rate increases under sub. (6m) (ag) 8. The total amount that a county certifies under this subsection may not exceed 100% of otherwise−unreimbursed care. In distributing funds under this subsection, the department shall perform all of the following:

SECTION 1929. 49.45 (6u) (d) of the statutes is amended to read:

49.45 **(6u)** (d) If the federal department of health and human services approves for state expenditure in a fiscal year amounts under s. 20.435 ~~(1)~~ (5) (o) that result in a lesser allocation amount than that allocated under this subsection, allocate not more than the lesser amount so approved by the federal department of health and human services.

SECTION 1930. 49.45 (6u) (e) of the statutes is amended to read:

49.45 **(6u)** (e) If the federal department of health and human services approves for state expenditure in a fiscal year amounts under s. 20.435 ~~(1)~~ (5) (o) that result in a lesser allocation amount than that allocated under this subsection, submit a revision of the method developed

under par. (b) for approval by the joint committee on finance in that state fiscal year.

SECTION 1931. 49.45 (6u) (f) of the statutes is amended to read:

49.45 **(6u)** (f) If the federal department of health and human services disallows use of the allocation of matching federal medical assistance funds distributed under par. (c), apply the requirements under sub. (6m) (br) ~~shall apply~~.

SECTION 1932. 49.45 (6u) (g) of the statutes is amended to read:

49.45 **(6u)** (g) If a facility that is otherwise eligible for an allocation of funds under this section is found by the federal health care financing administration or the department to be an institution for mental diseases, as defined under 42 CFR 435.1009, ~~the department may not allocate~~ cease distributing to that facility funds under this section after the date on which the finding is made.

SECTION 1932m. 49.45 (6v) of the statutes is created to read:

49.45 **(6v)** (a) In this subsection, "facility" has the meaning given in sub. (6m) (a) 3.

Vetoed In Part (b) The department shall, by December 1 of each year, submit to the joint committee on finance a report that provides information on the utilization of beds by recipients of medical assistance in facilities for the immediate prior 2 consecutive fiscal years.

Vetoed In Part (c) If the report specified in par. (b) indicates that utilization of beds by recipients of medical assistance in facilities decreased during the most recently completed fiscal year from the utilization of beds by recipients of medical assistance in facilities in the next most recently completed fiscal year, the department shall do all of the following:

Vetoed In Part 1. Multiply the difference between the number of days of care provided in the facilities in each of the immediate prior 2 consecutive fiscal years by the average daily costs of care in such facilities. The average daily costs of care shall be calculated by dividing the total medical assistance expenditures for care in facilities by the total number of days of care provided in facilities in that fiscal year.

2. For new placements under ss. 46.275, 46.277 and 46.278 in the most recently completed fiscal year, multiply the number of days of service under ss. 46.275, 46.277 and 46.278 by the rate paid by the department for those placements.

3. Subtract the product calculated under subd. 2. from the product calculated under subd. 1.

4. Multiply the difference in subd. 3. by the amount paid by the department for the state's share of the costs of care.

Vetoed In Part (d) If par. (c) applies, the department's report under par. (b) shall include a proposal to transfer the amount calculated under par. (c) 4. from the appropriation under s. 20.435 (5) (b) to the appropriation under s. 20.435 (7) (bd) 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.

Vetoed In Part (e) The joint committee on finance may approve or modify any proposal submitted by the department under this subsection.

SECTION 1933. 49.45 (6w) (intro.) of the statutes is amended to read:

49.45 **(6w)** HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 ~~(1)~~ (5) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a hospital, as defined under s. 50.33 (2) (a) and (b), that is operated by the state, established under s. 49.71 or owned and operated by a city or village, the department shall allocate up to $3,300,000 in each fiscal year to these hospitals, as determined by the department, and shall perform all of the following:

SECTION 1934. 49.45 (6w) (d) of the statutes is amended to read:

49.45 **(6w)** (d) If the federal department of health and human services approves for state expenditure in a fiscal year amounts under s. 20.435 ~~(1)~~ (5) (o) that result in a lesser allocation amount than that allocated under this subsection or disallows use of the allocation of federal medicaid funds under par. (c), reduce allocations under this subsection and distribute on a prorated basis, as determined by the department.

SECTION 1935. 49.45 (6x) (a) of the statutes is amended to read:

49.45 **(6x)** (a) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 ~~(1)~~ (5) (b) and (o) the department shall distribute not more than $4,748,000 in each fiscal year, to provide funds to an essential access city hospital, except that the department may not allocate funds to an essential access city hospital to the extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

SECTION 1936. 49.45 (6x) (d) of the statutes is amended to read:

49.45 **(6x)** (d) If the federal department of health and human services approves for state expenditure in any state fiscal year amounts under s. 20.435 ~~(1)~~ (5) (o) that result in a lesser distribution amount than that distributed under this subsection or disallows use of federal medicaid funds under par. (a), the department of health and family services shall reduce the distributions under this subsection.

SECTION 1937. 49.45 (6y) (a) of the statutes is amended to read:

49.45 **(6y)** (a) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 ~~(1)~~ (5) (b) and (o) the

department shall distribute funding in each fiscal year to provide supplemental payment to hospitals that enter into a contract under s. 49.02 (2) to provide health care services funded by a relief block grant, as determined by the department, for hospital services that are not in excess of the hospitals' customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department may distribute funds to hospitals that have not entered into a contract under s. 49.02 (2).

SECTION 1938. 49.45 (6z) (a) (intro.) of the statutes is amended to read:

49.45 **(6z)** (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 ~~(1)~~ (5) (b) and (o) the department shall distribute funding in each fiscal year to supplement payment for services to hospitals that enter into a contract under s. 49.02 (2) to provide health care services funded by a relief block grant under this chapter, if the department determines that the hospitals serve a disproportionate number of low–income patients with special needs. If no medical relief block grant under this chapter is awarded or if the allocation of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department may distribute funds to hospitals that have not entered into a contract under s. 49.02 (2). The department may not distribute funds under this subsection to the extent that the distribution would do any of the following:

SECTION 1939. 49.45 (8) (b) of the statutes is amended to read:

49.45 **(8)** (b) Reimbursement under s. 20.435 ~~(1)~~ (5) (b) and (o) for home health services provided by a certified home health agency or independent nurse shall be made at the home health agency's or nurse's usual and customary fee per patient care visit, subject to a maximum allowable fee per patient care visit that is established under par. (c).

SECTION 1940. 49.45 (8e) of the statutes is repealed.

SECTION 1941. 49.45 (8m) (intro.) of the statutes is amended to read:

49.45 **(8m)** RATES FOR RESPIRATORY CARE SERVICES. (intro.) Notwithstanding the ~~limits under subs. (8) and (8e)~~ limit under sub. (8), the rates under sub. (8) and rates charged by providers under s. 49.46 (2) (a) 4. d. that are not home health agencies, for reimbursement for respiratory care services for ventilator–dependent individuals under ss. 49.46 (2) (b) 6. m. and 49.47 (6) (a) 1., shall be as follows:

SECTION 1941b. 49.45 (8m) (a) of the statutes is amended to read:

49.45 **(8m)** (a) For visits subsequent to an initial visit and for extended visits by a licensed registered nurse, ~~$30~~ $30.60 per hour.

SECTION 1941c. 49.45 (8m) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.45 **(8m)** (a) For visits subsequent to an initial visit and for extended visits by a licensed registered nurse, ~~$30.60~~ $31.21 per hour.

SECTION 1941d. 49.45 (8m) (b) of the statutes is amended to read:

49.45 **(8m)** (b) For visits subsequent to an initial visit and for extended visits by a licensed practical nurse, ~~$20~~ $20.40 per hour.

SECTION 1941e. 49.45 (8m) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.45 **(8m)** (b) For visits subsequent to an initial visit and for extended visits by a licensed practical nurse, ~~$20.40~~ $20.81 per hour.

SECTION 1942. 49.45 (8r) of the statutes is amended to read:

49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The rate of payment for obstetric and gynecological care provided in primary care ~~health professional~~ shortage areas, as defined in s. ~~560.184 (1) (c)~~ 560.183 (1) (cm), or provided to recipients of medical assistance who reside in primary care ~~health professional~~ shortage areas, that is equal to 125% of the rates paid under this section to primary care physicians in primary care ~~health professional~~ shortage areas, shall be paid to all certified primary care providers who provide obstetric or gynecological care to those recipients.

SECTION 1942e. 49.45 (18) (b) 5. of the statutes is amended to read:

49.45 **(18)** (b) 5. Family planning services, as defined in s. 253.07 (1) (b).

SECTION 1942m. 49.45 (24g) of the statutes is created to read:

49.45 **(24g)** MANAGED CARE FOR DENTAL SERVICES PILOT. (a) The department shall, in consultation with the Wisconsin Dental Association, develop a pilot project for the provision of dental services under a managed care system. The department shall request a waiver from the secretary of the federal department of health and human services to permit the department to implement the pilot project developed under this subsection. If the waiver is granted and in effect, and if the department of health and family services determines that the costs of providing dental services under s. 49.46 (2) (b) 1. under the pilot project will not exceed the costs of providing those dental services in the absence of the pilot project, the department shall implement the pilot project in Ashland, Douglas, Bayfield and Iron counties for the period beginning no later than January 1, 1998, and ending on June 30, 1999. Only those dental services covered under s. 49.46 (2) (b) 1. may be covered under the pilot project.

Vetoed In Part

(b) In developing the pilot project under this subsection, the department shall provide that recipients who are subject to the pilot project are required to select a dental provider from among those dentists participating in the pilot project. The department shall also provide that, if a recipient does not make a selection, a dental provider will be assigned to the recipient.

(c) If the department is able to implement the pilot project under this subsection, the department shall contract with a person to do all of the following:

1. Accept a capitation payment from the department for each recipient who is subject to the pilot project.

2. Enroll dentists to be participating providers under the pilot project.

3. Coordinate with county departments to provide outreach and education to recipients and persons who are eligible to be recipients.

4. Pay all allowable charges on a fee−for−service basis to participating dentists on behalf of recipients in the pilot counties for dental services received by those recipients.

SECTION 1943. 49.45 (24m) (intro.) of the statutes is amended to read:

49.45 **(24m)** HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.) From the appropriations under s. 20.435 ~~(1)~~ (5) (b) and (o), in order to test the feasibility of instituting a system of reimbursement for providers of home health care and personal care services for medical assistance recipients that is based on competitive bidding, the department shall:

SECTION 1943c. 49.45 (24r) of the statutes is created to read:

49.45 **(24r)** FAMILY PLANNING DEMONSTRATION PROJECT. The department shall request a waiver from the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide family planning services, as defined in s. 253.07 (1) (b), under medical assistance to any woman between the ages of 15 and 44 whose family income does not exceed 185% of the poverty line for a family the size of the woman's family. If the waiver is granted and in effect, the department shall implement the waiver no later than July 1, 1998, or on the effective date of the waiver, whichever is later.

SECTION 1944. 49.45 (25) (am) 14. of the statutes is created to read:

49.45 **(25)** (am) 14. Is a woman who is aged 45 to 64 and who is not a resident of a nursing home or otherwise receiving case management services under this paragraph.

SECTION 1945. 49.45 (25) (b) of the statutes is amended to read:

49.45 **(25)** (b) A county, city, village ~~or,~~ town or, in a county having a population of 500,000 or more, the department may elect to make case management services under this subsection available in the county, city, village or town to one or more of the categories of beneficiaries under par. (am) through the medical assistance program. A county, city, village ~~or,~~ town or, in a county having a population of 500,000 or more, the department that elects to make the services available shall reimburse a case management provider for the amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government.

SECTION 1946. 49.45 (25) (be) of the statutes is amended to read:

49.45 **(25)** (be) A private nonprofit agency that is a certified case management provider may elect to provide case management services to medical assistance beneficiaries who have HIV infection, as defined in s. 252.01 (2). The amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government shall be paid from the appropriation under s. 20.435 ~~(1)~~ (5) (am).

SECTION 1946m. 49.45 (30e) of the statutes is created to read:

49.45 **(30e)** COMMUNITY−BASED PSYCHOSOCIAL SERVICE PROGRAMS. (a) *When services are reimbursable.* Services under s. 49.46 (2) (b) 6. Lm. provided to an individual are reimbursable under the medical assistance program only if all of the following conditions are met:

1. Reimbursement for the services under s. 49.46 (2) (b) 6. Lm. in the manner provided under this subsection is permitted pursuant to federal law or pursuant to a waiver from the secretary of the federal department of health and human services.

2. The county in which the individual resides elects to make the services under s. 49.46 (2) (b) 6. Lm. available in the county through the medical assistance program.

3. The individual's psychosocial health needs require more than outpatient counseling, but less than the services provided by a community support program under s. 51.421.

4. The psychosocial services are provided by a community−based psychosocial service program certified under rules promulgated by the department under par. (b) 3.

(b) *Rules.* The department shall promulgate rules regarding all of the following:

1. Standards for determining whether an individual is eligible under par. (a) 3.

2. The scope of psychosocial services that may be provided under s. 49.46 (2) (b) 6. Lm.

3. Requirements for certification of community−based psychosocial service programs.

(c) *Provider reimbursement.* A county that elects to make the services under s. 49.46 (2) (b) 6. Lm. available shall reimburse a provider of the services for the amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government. The department shall reimburse the

provider only for the amount of the allowable charges for those services under the medical assistance program that is provided by the federal government.

SECTION 1948m. 49.45 (45) of the statutes is created to read:

49.45 **(45)** IN–HOME AND COMMUNITY MENTAL HEALTH AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. (a) Services under s. 49.46 (2) (b) 6. fm. provided to an individual are reimbursable under the medical assistance program only if all of the following conditions are met:

1. Reimbursement for the services under s. 49.46 (2) (b) 6. fm. in the manner provided under this subsection is permitted pursuant to federal law or pursuant to a waiver from the secretary of the federal department of health and human services.

2. The county, city, town or village in which the individual resides elects to make the services under s. 49.46 (2) (b) 6. fm. available in the county, city, town or village through the medical assistance program.

(b) A county, city, town or village that elects to make the services under s. 49.46 (2) (b) 6. fm. available shall reimburse a provider of the services for the amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government. The department shall reimburse the provider only for the amount of the allowable charges for those services under the medical assistance program that is provided by the federal government.

SECTION 1949. 49.46 (1) (a) 1. of the statutes is amended to read:

49.46 **(1)** (a) 1. Any person included in the grant of aid to families with dependent children and any person who does not receive such aid solely because of the application of s. 49.19 (11) (a) 7. ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1950b. 49.46 (1) (a) 1m. of the statutes is amended to read:

49.46 **(1)** (a) 1m. Any pregnant woman who meets the resource and income limits under s. 49.19 (4) (bm) and (es) and whose pregnancy is medically verified. Eligibility continues to the last day of the month in which the 60th day after the last day of the pregnancy falls. ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1951. 49.46 (1) (a) 4m. of the statutes is created to read:

49.46 **(1)** (a) 4m. Any child for whom a payment is made under s. 49.775.

SECTION 1952. 49.46 (1) (a) 6. of the statutes is amended to read:

49.46 **(1)** (a) 6. Any person not described in pars. (c) to (e) who is considered, under federal law, to be receiving aid to families with dependent children for the purpose of determining eligibility for medical assistance. ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1953b. 49.46 (1) (a) 9. of the statutes is amended to read:

49.46 **(1)** (a) 9. Any pregnant woman not described under subd. 1. or 1m. whose family income does not exceed 133% of the poverty line for a family the size of the woman's family. ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1954d. 49.46 (1) (a) 10. of the statutes is amended to read:

49.46 **(1)** (a) 10. Any child not described under subd. 1. who is under 6 years of age and whose family income does not exceed 133% of the poverty line for a family the size of the child's family. ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1955d. 49.46 (1) (a) 11. of the statutes is amended to read:

49.46 **(1)** (a) 11. ~~Any~~ <u>If a waiver under s. 49.665 is granted and in effect, any</u> child not described under subd. 1. ~~who was born after September 30, 1983,~~ who has attained the age of 6 but has not attained the age of 19 and whose family income does not exceed 100% of the poverty line for a family the size of the child's family. ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d)~~ <u>If a waiver under s. 49.665 is not granted or in effect, any child not described in subd. 1. who was born after September 30,1983, who has attained the age of 6 but has not attained the age of 19 and whose family income does not exceed 100% of the poverty line for a family the size of the child's family</u>.

SECTION 1956b. 49.46 (1) (a) 12. of the statutes is amended to read:

49.46 **(1)** (a) 12. Any child not described under subd. 1. who is under 19 years of age and who meets the resource and income limits under s. 49.19 (4). ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1957b. 49.46 (1) (a) 13. of the statutes is amended to read:

49.46 **(1)** (a) 13. Any child who is under one year of age, whose mother was determined to be eligible under subd. 9. and who lives with his or her mother. ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1958c. 49.46 (1) (am) 3. of the statutes is repealed.

SECTION 1959. 49.46 (1) (c) (intro.) of the statutes is amended to read:

49.46 **(1)** (c) (intro.) Except as provided under ~~pars.~~ par. (co) ~~and (cs)~~, a family that becomes ineligible for aid to families with dependent children under s. 49.19 because of increased income from employment or increased hours of employment or because of the expiration of the time during which the disregards under s. 49.19 (5) (a) 4. or 4m. or (am) apply shall receive medical assistance for:

SECTION 1960b. 49.46 (1) (cb) of the statutes is repealed.

SECTION 1961b. 49.46 (1) (cg) of the statutes is amended to read:

49.46 **(1)** (cg) ~~Except as provided in par. (cs), medical~~ Medical assistance shall be provided to a dependent child, a relative with whom the child is living or the spouse of the relative, if the spouse meets the requirements of s. 49.19 (1) (c) 2. a. or b., for 4 calendar months beginning with the month in which the child, relative or spouse is ineligible for aid to families with dependent children because of the collection or increased collection of maintenance or support, if the child, relative or spouse received aid to families with dependent children in 3 or more of the 6 months immediately preceding the month in which that ineligibility begins. ~~This paragraph does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1962. 49.46 (1) (co) 1. of the statutes is amended to read:

49.46 **(1)** (co) 1. Except as provided under subd. 2. ~~and par. (cs)~~, medical assistance shall be provided to a family for 12 consecutive calendar months following the month in which the family becomes ineligible for aid to families with dependent children because of increased income from employment, because the family no longer receives the earned income disregard under s. 49.19 (5) (a) 4. or 4m. or (am) due to the expiration of the time limit during which the disregards are applied or because of the application of the monthly employment time eligibility limitation under 45 CFR 233.100 (a) (1) (i).

SECTION 1963b. 49.46 (1) (co) 4. of the statutes is repealed.

SECTION 1964. 49.46 (1) (cr) of the statutes is repealed.

SECTION 1965. 49.46 (1) (cs) of the statutes is repealed.

SECTION 1965m. 49.46 (1) (d) 1. of the statutes is amended to read:

49.46 **(1)** (d) 1. Children who are placed in licensed foster homes or licensed treatment foster homes by the department and who would be eligible for payment of aid to families with dependent children in foster homes or treatment foster homes except that their placement is not made by a county department under s. 46.215, 46.22 or 46.23 will be considered as recipients of aid to families with dependent children. ~~This subdivision does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).~~

SECTION 1965p. 49.46 (1) (e) 1. of the statutes is renumbered 49.46 (1) (e).

SECTION 1966b. 49.46 (1) (e) 2. of the statutes is repealed.

SECTION 1967. 49.46 (2) (a) 4. d. of the statutes is amended to read:

49.46 **(2)** (a) 4. d. Home health services, subject to the ~~limitations~~ limitation under s. 49.45 (8) ~~and (8e)~~, or, if a home health agency is unavailable, nursing services~~, subject to the limitations under s. 49.45 (8e)~~.

SECTION 1967d. 49.46 (2) (a) 4. f. of the statutes is amended to read:

49.46 **(2)** (a) 4. f. ~~Family planning services~~ Services and supplies for family planning, as defined in s. 253.07 (1) (a).

SECTION 1967m. 49.46 (2) (b) 6. fm. of the statutes is created to read:

49.46 **(2)** (b) 6. fm. Subject to the limitations under s. 49.45 (45), mental health services and alcohol and other drug abuse services, including services provided by a psychiatrist, to an individual who is 21 years of age or older in the individual's home or in the community.

SECTION 1968. 49.46 (2) (b) 6. j. of the statutes is amended to read:

49.46 **(2)** (b) 6. j. Personal care services, subject to the ~~limitations~~ limitation under s. 49.45 ~~(8e) and~~ (42).

SECTION 1968m. 49.46 (2) (b) 6. Lm. of the statutes is created to read:

49.46 **(2)** (b) 6. Lm. Subject to the limitations under s. 49.45 (30e), psychosocial services, including case management services, provided by the staff of a community−based psychosocial service program.

SECTION 1968s. 49.46 (2) (be) of the statutes is amended to read:

49.46 **(2)** (be) Benefits for an individual eligible under sub. (1) (a) 9. are limited to those services under par. (a) or (b) that are related to pregnancy, including postpartum services and family planning services, as defined in s. 253.07 (1) (b), or related to other conditions which may complicate pregnancy.

SECTION 1969b. 49.465 (7) of the statutes is repealed.

SECTION 1970. 49.47 (1) of the statutes is amended to read:

49.47 **(1)** PURPOSE. Medical assistance as set forth herein shall be provided to persons over 65, if eligible under this section, all disabled children under 18, if eligible under this section, and persons who are blind or disabled, if eligible under this section.

SECTION 1970m. 49.47 (4) (a) (intro.) of the statutes is amended to read:

49.47 **(4)** (a) (intro.) ~~Except as provided in par. (ag), any~~ Any individual who meets the limitations on income and resources under pars. (b) and (c) and who complies

with par. (cm) shall be eligible for medical assistance under this section if such individual is:

SECTION 1971b. 49.47 (4) (ag) of the statutes is repealed.

SECTION 1972b. 49.47 (4) (an) of the statutes is repealed.

SECTION 1973b. 49.47 (4) (c) 2. of the statutes is amended to read:

49.47 **(4)** (c) 2. Whenever an applicant has excess income under subd. 1. or par. (am), no certification may be issued until the excess income above the applicable limits has been obligated or expended for medical care or for any other type of remedial care recognized under state law or for personal health insurance premiums or both. ~~No individual is eligible for medical assistance under this subdivision in a month in which the individual is eligible for health care coverage under s. 49.153.~~

SECTION 1973t. 49.47 (6) (a) 7. of the statutes is amended to read:

49.47 **(6)** (a) 7. Beneficiaries eligible under sub. (4) (a) 2. or (am) 1., for services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including postpartum services and family planning services, as defined in s. 253.07 (1) (b), or related to other conditions which may complicate pregnancy.

SECTION 1975. 49.496 (5) of the statutes is amended to read:

49.496 **(5)** USE OF FUNDS. From the appropriation under s. 20.435 ~~(1)~~ (5) (im), the department shall pay the amount of the payments under sub. (4) that is not paid from federal funds, shall pay to the federal government the amount of the funds recovered under this section equal to the amount of federal funds used to pay the benefits recovered under this section and shall spend the remainder of the funds recovered under this section for medical assistance benefits under this subchapter

SECTION 1976. 49.496 (7) of the statutes is created to read:

49.496 **(7)** INSTALMENT PAYMENTS. If a recovery under sub. (3) does not work an undue hardship on the heirs of the estate, and if the heirs wish to satisfy the recovery claim without selling a nonliquid asset that is subject to recovery, the department may establish a reasonable payment schedule subject to reasonable interest.

SECTION 1976m. 49.498 (3) (b) 1. of the statutes is amended to read:

49.498 **(3)** (b) 1. Inform each resident, orally and in writing at the time of admission to the nursing facility, of the resident's legal rights during the stay at the nursing facility, including a description of the protection of personal funds under sub. (8) and a statement that a resident may file a complaint with the department under s. 146.40 (4r) (a) concerning ~~neglect, abuse or~~ misappropriation of property or neglect or abuse of a resident.

SECTION 1979. 49.498 (16) (g) of the statutes is amended to read:

49.498 **(16)** (g) All forfeitures, penalty assessments and interest, if any, shall be paid to the department within 10 days of receipt of notice of assessment or, if the forfeiture, penalty assessment and interest, if any, are contested under par. (f), within 10 days of receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under sub. (19) (b). The department shall remit all forfeitures paid to the state treasurer for deposit in the school fund. The department shall deposit all penalty assessments and interest in the appropriation under s. 20.435 ~~(1)~~ (6) (g).

SECTION 1980. 49.499 (intro.) of the statutes is amended to read:

49.499 Nursing facility resident protection. (intro.) From the appropriation under s. 20.435 ~~(1)~~ (6) (g), the department shall contribute to the payment of all of the following, as needed by a resident in a nursing facility, as defined in s. 49.498 (1) (i), that is in violation of s. 49.498 or of a rule promulgated under s. 49.498:

SECTION 1980p. 49.665 of the statutes is created to read:

49.665 Badger care. (1) DEFINITIONS. In this section:

(a) "Custodial parent" has the meaning given in s. 49.141 (1) (b).

(b) "Dependent child" has the meaning given in s. 49.141 (c).

(c) "Employer–subsidized health care coverage" means family coverage under a group health insurance plan offered by an employer for which the employer pays at least 80% of the cost, excluding any deductibles or copayments that may be required under the plan.

(d) "Family" means a custodial parent and his or her dependent children.

(2) WAIVER. The department of health and family services shall request a waiver from the secretary of the federal department of health and human services to permit the department of health and family services to implement, beginning not later than July 1, 1998, or the effective date of the waiver, whichever is later, a health care program under this section. If a waiver that is consistent with all of the provisions of this section is granted and in effect, the department of health and family services shall implement the program under this section. The department of health and family services may not implement the program under this section unless a waiver that is consistent with all of the provisions of this section is granted and in effect. The department of health and family services shall promulgate all rules required under this section no later than 60 days after the receipt of the waiver. **Vetoed In Part**

(3) ADMINISTRATION. The department shall administer a program to provide the health services and benefits described in s. 49.46 (2) to families that meet the eligibility requirements specified in sub. (4). The department shall promulgate rules setting forth the application proce-

dures and appeal and grievance procedures. The department may promulgate rules limiting access to the program under this section to defined enrollment periods. The department may also promulgate rules establishing a method by which the department may purchase family coverage offered by the employer of a member of an eligible family under circumstances in which the department determines that purchasing that coverage would not be more costly than providing the coverage under this section.

(4) ELIGIBILITY. (a) A family is eligible for health care coverage under this section if the family meets all of the following requirements:

1. The family's income does not exceed 185% of the poverty line, except that a family that is already receiving health care coverage under this section may have an income that does not exceed 200% of the poverty line. The department shall establish by rule the criteria to be used to determine income.

2. The family does not have access to employer−subsidized health care coverage.

3. The family has not had access to employer−subsidized health care coverage within the time period established by the department by rule, but not to exceed 18 months, immediately preceding application for health care coverage under this section. The department may establish exceptions to this subdivision by rule.

4. The family meets all other requirements established by the department by rule. In establishing other eligibility criteria, the department may not include any health condition requirements.

(b) Notwithstanding fulfillment of the eligibility requirements under this subsection, a family is not entitled to health care coverage under this section.

(c) No family may be denied health care coverage under this section solely because of a health condition of any family member.

(5) LIABILITY FOR COST. (a) Except as provided in par. (b), a family that receives health care coverage under this section shall pay a percentage of the cost of that coverage in accordance with a schedule established by the department by rule. If the schedule established by the department requires a family to contribute more than 3% of the family's income towards the cost of the health care coverage provided under this section, the department shall submit the schedule to the joint committee on finance for review and approval of the schedule. If the cochairpersons of the joint committee on finance do not notify the department within 14 working days after the date of the department's submittal of the schedule that the committee has scheduled a meeting to review the schedule, the department may implement the schedule. If, within 14 days after the date of the department's submittal of the schedule, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the schedule, the department may not require a family to contribute more than 3% of the family's income unless the joint committee on finance approves the schedule. The joint committee on finance may not approve and the department may not implement a schedule that requires a family to contribute more than 3.5% of the family's income towards the cost of the health care coverage provided under this section.

(b) The department may not require a family with an income below 143% of the poverty line to contribute to the cost of health care coverage provided under this section.

(c) The department may establish by rule requirements for wage withholding as a means of collecting the family's share of the cost of the health care coverage under this section.

(6) ANNUAL REPORT. Not later than October 1 of each year, the department shall submit a report to the legislature under s. 13.172 (2) that summarizes enrollment in and cost of the health care program under this section and any other information that the department determines is pertinent information regarding the program under this section.

SECTION 1981. 49.683 (2) of the statutes is amended to read:

49.683 **(2)** Approved costs for medical care under sub. (1) shall be paid from the appropriation under s. 20.435 ~~(1)~~ (5) (e).

SECTION 1982. 49.686 (2) of the statutes is amended to read:

49.686 **(2)** REIMBURSEMENT. From the appropriation under s. 20.435 ~~(1)~~ (5) (am), the department may reimburse or supplement the reimbursement of the cost of AZT, the drug pentamidine and any drug approved for reimbursement under sub. (4) (c) for an individual who is eligible under sub. (3).

SECTION 1983. 49.687 (2) of the statutes is amended to read:

49.687 **(2)** The department shall develop and implement a sliding scale of patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s. 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to pay for treatment. To ensure that the needs for treatment of patients with lower incomes receive priority within the availability of funds under s. 20.435 ~~(1)~~ (5) (e), the department shall revise the sliding scale for patient liability by January 1, 1994, and shall, every 3 years thereafter by January 1, review and, if necessary, revise the sliding scale.

SECTION 1984. 49.775 of the statutes is created to read:

49.775 Payments for the support of children of supplemental security income recipients. (1) DEFINITIONS. In this section:

(a) "Custodial parent" has the meaning given in s. 49.141 (1) (b).

(b) "Dependent child" has the meaning given in s. 49.141 (1) (c).

(2) SUPPLEMENTAL PAYMENTS. 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:

(a) The custodial parent is a recipient of supplemental security income under 42 USC 1381 to 1383c or of state supplemental payments under s. 49.77, or both.

(b) If the dependent child has 2 custodial parents, each custodial parent receives supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77, or both.

(bm) The custodial parent assigns to the state any right of the custodial parent or of the dependent child to support from any other person. No amount of support that begins to accrue after the individual ceases to receive payments under this section may be considered assigned to the state. Any money received by the department of workforce development under an assignment to the state under this paragraph shall be paid to the custodial parent.

(c) The dependent child of the custodian parent meets the eligibility criteria under the aid to families with dependent children program under s. 49.19 (1) to (19) or would meet the eligibility criteria under s. 49.19 but for the application of s. 49.19 (20).

(d) The dependent child does not receive supplemental security income under 42 USC 1381 to 1383d.

(e) The custodial parent meets any of the following conditions:

1. The custodial parent is ineligible for aid under s. 49.19 solely because he or she receives supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

2. The custodial parent is ineligible for a Wisconsin works employment position, as defined under s. 49.141 (1) (r), solely because of the application of s. 49.145 (2) (i).

(3) TWO−PARENT FAMILIES. In the case of a dependent child who has 2 custodial parents, the department may not make more than one payment under sub. (2) per month for the support of that dependent child.

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

(b) If the department is able to certify that the federal government recognizes the expenditure of funds under this section as satisfying the maintenance−of−effort requirements under 42 USC 1382g, the payment under sub. (2) is $100 per month per dependent child.

SECTION 1989b. 49.855 (1) and (2) of the statutes, as affected by 1997 Wisconsin Act 3, are consolidated, renumbered 49.855 (1) and amended to read:

49.855 **(1)** If a person obligated to provide child support, family support or maintenance is delinquent in making court−ordered payments, or owes an outstanding amount that has been ordered by the court for past support, medical expenses or birth expenses, ~~the clerk of circuit court or county support collection designee under s. 59.53 (5m), whichever is appropriate,~~ upon application ~~of the county designee~~ under s. 59.53 (5) ~~or~~ the department of workforce development~~,~~ shall certify the delinquent payment or outstanding amount to the department of ~~workforce development. **(2)** At least annually, the department of workforce development~~ revenue and, at least annually, shall provide to the department of revenue ~~the certifications that it receives under sub. (1) and~~ any certifications of delinquencies or outstanding amounts that it receives from another state because the obligor resides in this state.

SECTION 1991m. 49.855 (3) of the statutes 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). 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. ~~59.07 (97m)~~ 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 1992m. 49.855 (3) of the statutes, as affected by 1997 Wisconsin Act .... (this act), 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). 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)~~ 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 1993. 49.855 (4) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

49.855 **(4)** The department of revenue shall send that portion of any state or federal tax refunds or credits withheld for delinquent child support or maintenance or past support, medical expenses or birth expenses to the department of workforce development or its designee for distribution to the ~~appropriate clerk of circuit court or county support collection designee under s. 59.53 (5m)~~ obligee. The department of workforce development shall make a settlement at least annually with the department of revenue ~~and with each clerk of circuit court or county support collection designee under s. 59.53 (5m) who has certified a delinquent obligation or outstanding amount for past support, medical expenses or birth expenses~~. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits ~~and returned to the clerk of circuit court or county support collection designee under s. 59.53 (5m)~~ and the administrative costs incurred by the department of revenue. ~~The department of workforce development may charge the county whose clerk of circuit court or support collection designee under s. 59.53 (5m) certified the obligation or outstanding amount the related administrative costs incurred by the department of workforce development and the department of revenue.~~

SECTION 1994m. 49.855 (4m) (b) of the statutes is amended to read:

49.855 **(4m)** (b) The department of revenue may provide a certification that it receives under sub. (2) or (2m) 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.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, 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). 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. ~~59.07 (97m)~~ 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 1995m. 49.855 (4m) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

49.855 **(4m)** (b) The department of revenue may provide a certification that it receives under sub. ~~(2)~~ (1) or (2m) 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.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, 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). 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)~~ 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 1997m. 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 its designee or department of health and family services, 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 1998. 49.855 (5) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

49.855 **(5)** Certification of an obligation to the department of ~~workforce development~~ revenue does not deprive any party of the right to collect the obligation or to prosecute the obligor. The ~~clerk of court or county support collection designee under s. 59.53 (5m), whichever is appropriate,~~ department of workforce development or its designee shall immediately notify the department of ~~workforce development~~ revenue of any collection of an obligation that has been certified ~~by the clerk of court or county support collection designee under s. 59.53 (5m). The department of workforce development shall correct the certified obligation according to the amount the county has collected and report the correction~~ to the department of revenue.

SECTION 1999. 49.855 (6) of the statutes is amended to read:

49.855 **(6)** If the state implements the child and spousal support and paternity program under ~~s.~~ ss. 49.22 and 59.53 (5), the state may act under this section in place of the county ~~designee~~ child support agency under s. ~~59.07 (97)~~ 59.53 (5).

SECTION 2000. 49.855 (7) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

49.855 **(7)** The department of workforce development may provide a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), ~~45.351 (2) (c),~~ 45.356 (6), 45.396 (6), 45.74 (6), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.83 (2) (a) 3., 234.90 (3) (d) or (3g) (c), 234.905 (3) (d), 281.65 (8) (L) or 949.08 (2) (g).

SECTION 2004. 49.90 (2g) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

49.90 **(2g)** In addition to the remedy specified in sub. (2), upon failure of a grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who is or may be required to provide maintenance under sub. (1) (a) 2., a child of a dependent minor or the child's parent may apply to the circuit court for the county in which the child resides for an order to compel the provision of maintenance. A county department under s. 46.215, 46.22 or 46.23, a county child support agency under s. 59.53 (5) or the department of workforce development may initiate an action to obtain maintenance of the child by the child's grandparent under sub. (1) (a) 2., regardless of whether the child receives public assistance.

SECTION 2004m. 49.96 of the statutes is amended to read:

49.96 Assistance grants exempt from levy. All grants of aid to families with dependent children, payments made under ss. 48.57 (3m) ~~or~~, 49.148 (1) (b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

SECTION 2006r. 50.01 (1g) (g) of the statutes is created to read:

50.01 **(1g)** (g) A residential facility in the village of Union Grove that was authorized to operate without a license under a final judgment entered by a court before January 1, 1982, and that continues to comply with the judgment notwithstanding the expiration of the judgment.

SECTION 2006u. 50.01 (1r) of the statutes is created to read:

50.01 **(1r)** "Home health agency" has the meaning given under s. 50.49 (1) (a).

SECTION 2007. 50.03 (1m) of the statutes is amended to read:

50.03 **(1m)** DISTINCT PART OR SEPARATE LICENSURE FOR INSTITUTIONS FOR MENTAL DISEASES. Upon applica-

tion to the department, the department may approve licensure of the operation of a nursing home or a distinct part of a nursing home as an institution for mental diseases, as defined under 42 CFR 435.1009. Conditions and procedures for application for, approval of~~,~~ and operation under ~~and renewal of~~ licensure under this subsection shall be established in rules promulgated by the department.

SECTION 2008. 50.03 (2) (d) of the statutes is amended to read:

50.03 **(2)** (d) Any holder of a license or applicant for a license shall be deemed to have given consent to any authorized officer, employe or agent of the department to enter and inspect the facility in accordance with this subsection. Refusal to permit such entry or inspection shall constitute grounds for initial licensure denial, ~~nonrenewal~~ as provided in sub. (4), or suspension or revocation of license, as provided in sub. (5).

SECTION 2009. 50.03 (3) (b) (intro.) of the statutes is amended to read:

50.03 **(3)** (b) (intro.) The application for a license ~~or a license renewal~~ and the report of a licensee shall be in writing upon forms provided by the department and shall contain such information as the department requires, including the name, address and type and extent of interest of each of the following persons:

SECTION 2010. 50.03 (3) (f) of the statutes is amended to read:

50.03 **(3)** (f) Community−based residential facilities ~~applying for renewal of license~~ shall report all formal complaints regarding their operation filed under sub. (2) (f) and the disposition of each when reporting under sub. (4) (c) 1.

SECTION 2012. 50.03 (4) (a) 1. b. of the statutes is amended to read:

50.03 **(4)** (a) 1. b. Except as provided in sub. (4m) (b), the department shall issue a license for a community−based residential facility if it finds the applicant to be fit and qualified, if it finds that the community−based residential facility meets the requirements established by this subchapter and if the community−based residential facility has paid the license fee under s. 50.037 (2) (a). In determining whether to issue a license for a community−based residential facility, the department may consider any action by the applicant or by an employe of the applicant that constitutes a substantial failure by the applicant or employe to protect and promote the health, safety or welfare of a resident. The department may deny licensure to or ~~not renew~~ revoke licensure for any person who conducted, maintained, operated or permitted to be maintained or operated a community−based residential facility for which licensure was revoked. The department, or its designee, shall make such inspections and investigations as are necessary to determine the conditions existing in each case and shall file written reports. ~~Before renewing the license of any~~ In reviewing the report of a community−based residential facility that is required to be submitted under par. (c) 1., the department shall consider all complaints filed under sub. (2) (f) ~~during the current license period~~ since initial license issuance or since the last review, whichever is later, and the disposition of each. The department shall promulgate rules defining "fit and qualified" for the purposes of this subd. 1. b.

SECTION 2013. 50.03 (4) (a) 2. of the statutes is amended to read:

50.03 **(4)** (a) 2. The past record of violations of applicable laws and regulations of the United States or of this or any other state, in the operation of a residential or health care facility, or in any other health−related activity by any of the persons listed in sub. (3) (b) shall be relevant to the issue of the fitness of an applicant for ~~issuance or renewal of~~ a license.

SECTION 2014. 50.03 (4) (c) 1. of the statutes is amended to read:

50.03 **(4)** (c) 1. ~~Unless sooner~~ A community−based residential facility license is valid until it is revoked or suspended~~, a community−based residential facility license is valid for 24 months. At least 30 days prior to license expiration, the applicant~~ under this section. Every 24 months, on a schedule determined by the department, a community−based residential facility licensee shall submit a biennial report ~~and application for renewal of the license~~ in the form and containing the information that the department requires~~. If the report and application are approved, the license shall be renewed for an additional 24−month period. If the application for renewal and~~, including payment of the fees required under s. 50.037 (2) (a). If a complete ~~annual~~ biennial report ~~are~~ is not timely filed, the department shall issue a warning to the licensee. ~~Failure to make application for renewal within 30 days after receipt of the warning is grounds for nonrenewal of the license.~~ The department may revoke a community−based residential facility license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 2015. 50.03 (4) (c) 2. of the statutes is amended to read:

50.03 **(4)** (c) 2. ~~Unless sooner revoked or suspended, a~~ A nursing home license is valid ~~for 12 months, but may be issued to a new licensee for less than 12 months to coincide with the date of federal medical assistance certification as a skilled nursing facility or intermediate care facility. At least 120 days but not more than 150 days prior to license expiration, the applicant~~ until it is revoked or suspended under this section. Every 12 months, on a schedule determined by the department, a nursing home licensee shall submit ~~an annual~~ a report ~~and application for renewal of the license~~ in the form and containing the information that the department requires~~. If the report and application are approved, the license shall be renewed for an additional 12−month period. If the applica-~~

~~tion for renewal and~~, including payment of the fee required under s. 50.135 (2) (a). If a complete ~~annual~~ report ~~are~~ is not timely filed, the department shall issue a warning to the licensee. ~~Failure to make application for renewal within 30 days after receipt of the warning is grounds for nonrenewal of the license.~~ The department may revoke a nursing home license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 2017. 50.03 (4) (e) of the statutes is amended to read:

50.03 **(4)** (e) Each license shall be issued only for the premises and persons named in the application and ~~shall not be~~ is not transferable or assignable. The license shall be posted in a place readily visible to residents and visitors, such as the lobby or reception area of the facility. Any license granted shall state the maximum bed capacity allowed, the person to whom the license is granted, the date~~, the expiration date~~ of issuance, the maximum level of care for which the facility is licensed as a condition of its licensure and such additional information and special conditions as the department may prescribe.

SECTION 2018. 50.03 (4) (f) of the statutes is amended to read:

50.03 **(4)** (f) The issuance or ~~renewal~~ continuance of a license after notice of a violation has been sent shall not constitute a waiver by the department of its power to rely on the violation as the basis for subsequent license revocation or other enforcement action under this subchapter arising out of the notice of violation.

SECTION 2021. 50.03 (5) (title) of the statutes is amended to read:

50.03 **(5)** (title) ~~NONRENEWAL~~ SUSPENSION AND REVOCATION OF NURSING HOME LICENSES.

SECTION 2022. 50.03 (5) (a) of the statutes is amended to read:

50.03 **(5)** (a) *Power of department.* The department, after notice to a nursing home applicant or licensee, may suspend~~,~~ or revoke ~~or refuse to renew~~ a license in any case in which the department finds that the nursing home has substantially failed to comply with the applicable requirements of this subchapter and the rules promulgated under this subchapter. No state or federal funds passing through the state treasury may be paid to a nursing home that does not have a valid license issued under this section.

SECTION 2023. 50.03 (5) (b) of the statutes is amended to read:

50.03 **(5)** (b) *Form of notice.* Notice under this subsection shall include a clear and concise statement of the violations on which the ~~nonrenewal or~~ revocation is based, the statute or rule violated and notice of the opportunity for an evidentiary hearing under par. (c).

SECTION 2024. 50.03 (5) (c) of the statutes is amended to read:

50.03 **(5)** (c) (title) *Contest of ~~nonrenewal or~~ revocation.* If a nursing home desires to contest the ~~nonrenewal or~~ revocation of a license, the nursing home shall, within 10 days after receipt of notice under par. (b), notify the department in writing of its request for a hearing under s. 227.44. The department shall hold the hearing within 30 days of receipt of such notice and shall send notice to the nursing home of the hearing as provided under s. 227.44 (2).

SECTION 2025. 50.03 (5) (d) (title) of the statutes is amended to read:

50.03 **(5)** (d) (title) *Effective date of ~~nonrenewal or~~ revocation.*

SECTION 2026. 50.03 (5) (d) 2. of the statutes is repealed.

SECTION 2027. 50.03 (5) (d) 3. of the statutes is amended to read:

50.03 **(5)** (d) 3. The department may extend the effective date of license revocation ~~or expiration~~ in any case in order to permit orderly removal and relocation of residents of the nursing home.

SECTION 2030. 50.03 (5g) (c) 3. of the statutes is amended to read:

50.03 **(5g)** (c) 3. ~~Refusal to renew licensure or revocation~~ Revocation of licensure, as specified in pars. (d) to (g).

SECTION 2031. 50.03 (5g) (d) (intro.) of the statutes is amended to read:

50.03 **(5g)** (d) (intro.) Under the procedure specified in par. (e), the department may revoke ~~or refuse to renew~~ a license for a licensee for any of the following reasons:

SECTION 2032. 50.03 (5g) (e) 1. of the statutes is amended to read:

50.03 **(5g)** (e) 1. The department may revoke ~~or refuse to renew~~ a license for a licensee for the reason specified in par. (d) 1., 2., 3. or 4. ~~and may refuse to renew a license for a licensee for the reason specified in par. (d) 1., 2. or 3.~~ if the department provides the licensee with written notice of revocation ~~or nonrenewal~~, the grounds for the revocation ~~or nonrenewal~~ and an explanation of the process for appealing the revocation ~~or nonrenewal~~, at least 30 days before the date of revocation ~~or license expiration~~. The department may revoke ~~or refuse to renew~~ the license only if the violation remains substantially uncorrected on the date of revocation or license expiration.

SECTION 2034. 50.03 (5g) (f) of the statutes is amended to read:

50.03 **(5g)** (f) If a community−based residential facility desires to contest the ~~nonrenewal or~~ revocation of a license or to contest the imposing of a sanction under this subsection, the community−based residential facility shall, within 10 days after receipt of notice under par. (e), notify the department in writing of its request for a hearing under s. 227.44. The department shall hold the hearing within 30 days after receipt of such notice and shall

send notice to the community−based residential facility of the hearing as provided under s. 227.44 (2).

SECTION 2035. 50.03 (5g) (g) 2. of the statutes is repealed.

SECTION 2036. 50.03 (5g) (g) 3. of the statutes is amended to read:

50.03 **(5g)** (g) 3. The department may extend the effective date of license revocation ~~or expiration~~ in any case in order to permit orderly removal and relocation of residents.

SECTION 2038. 50.03 (5m) (a) 2. of the statutes is amended to read:

50.03 **(5m)** (a) 2. The department has suspended~~,~~ or revoked ~~or refused to renew~~ the existing license of the facility as provided under sub. (5).

SECTION 2039. 50.03 (5m) (a) 3. of the statutes is amended to read:

50.03 **(5m)** (a) 3. The department has initiated revocation ~~or nonrenewal~~ procedures under sub. (5) and has determined that the lives, health, safety, or welfare of the resident cannot be adequately assured pending a full hearing on license ~~nonrenewal or~~ revocation under sub. (5).

SECTION 2041. 50.032 (2) of the statutes is amended to read:

50.032 **(2)** REGULATION. Standards for operation of certified adult family homes and procedures for application for certification, monitoring, inspection, decertification and appeal of decertification under this section shall be under rules promulgated by the department under s. 50.02 (2) (am) 1. An adult family home certification is valid until decertified under this section. Certification ~~shall be for a term not to exceed 12 months from the date of issuance and~~ is not transferable.

SECTION 2042. 50.032 (2r) of the statutes is created to read:

50.032 **(2r)** REPORTING. Every 12 months, on a schedule determined by the department, a certified adult family home shall submit an annual report in the form and containing the information that the department requires, including payment of a fee, if any is required under rules promulgated under s. 50.02 (2) (am) 1. If a complete annual report is not timely filed, the department shall issue a warning to the operator of the certified adult family home. The department may decertify a certified adult family home for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 2043. 50.032 (4) of the statutes is amended to read:

50.032 **(4)** DECERTIFICATION. A certified adult family home may be decertified because of the substantial and intentional violation of this section or of rules promulgated by the department under s. 50.02 (2) (am) 1. or because of failure to meet the minimum requirements for certification. The operator of the certified adult family home shall be given written notice of any decertification and the grounds for the decertification. Any adult family home certification applicant or operator of a certified adult family home may, if aggrieved by the failure to issue ~~or renew~~ the certification or by decertification, appeal under the procedures specified by the department by rule under s. 50.02 (2) (am) 1.

SECTION 2044. 50.033 (2) of the statutes is amended to read:

50.033 **(2)** REGULATION. Standards for operation of licensed adult family homes and procedures for application for licensure, monitoring, inspection, revocation and appeal of revocation under this section shall be under rules promulgated by the department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until revoked under this section. Licensure ~~shall be for a term not to exceed 24 months from the date of issuance and~~ is not transferable. The biennial licensure fee for a licensed adult family home is $75. The fee is payable to the county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family home under sub. (1m) (b), and is payable to the department, on a schedule determined by the department if the department licenses the adult family home under sub. (1m) (b).

SECTION 2045. 50.033 (2m) of the statutes is created to read:

50.033 **(2m)** REPORTING. Every 24 months, on a schedule determined by the department, a licensed adult family home shall submit a biennial report in the form and containing the information that the department requires, including payment of the fee required under sub. (2). If a complete biennial report is not timely filed, the department shall issue a warning to the licensee. The department may revoke the license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 2046. 50.033 (4) of the statutes is amended to read:

50.033 **(4)** LICENSE REVOCATION. The license of a licensed adult family home may be revoked because of the substantial and intentional violation of this section or of rules promulgated by the department under s. 50.02 (2) (am) 2. or because of failure to meet the minimum requirements for licensure. The operator of the licensed adult family home shall be given written notice of any revocation and the grounds for the revocation. Any adult family home licensure applicant or operator of a licensed adult family home may, if aggrieved by the failure to issue ~~or renew~~ the license or by revocation, appeal under the procedures specified by the department by rule under s. 50.02 (2) (am) 2.

SECTION 2046m. 50.034 (3) (e) of the statutes is created to read: **Vetoed In Part**

Vetoed In Part 50.034 **(3)** (e) Post in a conspicuous location in each wing or unit and on each floor of the residential care apartment complex 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 2048. 50.035 (8) of the statutes is created to read:

50.035 **(8)** ADMISSION OF RESIDENTS IN PILOT AREAS. No community−based residential facility located in a geographic area in which a pilot project under s. 46.271 (2m) is established may admit an individual as a resident until the individual is assessed or is exempt from or waives assessment under s. 46.271 (2m) (a) 2.

SECTION 2048m. 50.035 (9) of the statutes is created to read:

50.035 **(9)** NOTIFICATION TO PROSPECTIVE RESIDENTS OF ASSESSMENT REQUIREMENT. Every community−based residential facility shall inform all prospective residents of the assessment requirements under ss. 46.27 (7) (cj) 3. and (11) (c) 5n. and 46.277 (3) (d) 1n. for the receipt of funds under those sections.

SECTION 2049. 50.037 (2) (a) of the statutes is amended to read:

50.037 **(2)** (a) The biennial fee for a community−based residential facility is $170, plus ~~an annual~~ a biennial fee of $22 per resident, based on the number of residents that the facility is licensed to serve.

SECTION 2050. 50.037 (2) (b) of the statutes is amended to read:

50.037 **(2)** (b) ~~Such fees~~ Fees specified under par. (a) shall be paid to the department by the community−based residential facility before the department may issue a license under s. 50.03 (4) (a) 1. b. A licensed community−based residential facility ~~that wishes to renew a license issued under s. 50.03 (4) (a) 1. b.~~ shall pay the fee under par. (a) by the ~~renewal~~ date ~~of the license~~ established by the department. A ~~new~~ newly licensed community−based residential facility shall pay the fee under this subsection no later than 30 days before the opening of the facility.

SECTION 2051. 50.037 (2) (c) of the statutes is amended to read:

50.037 **(2)** (c) A community−based residential facility that ~~wishes to renew a license issued under s. 50.03 (4) (a) 1. b. and that~~ fails to submit the biennial fee prior to the ~~renewal~~ date ~~of the license~~ established by the department, or a new community−based residential facility subject to this section that fails to submit the biennial fee by 30 days prior to the opening of the new community−based residential facility, shall pay an additional fee of $10 per day for every day after the deadline that the facility does not pay the fee.

SECTION 2052. 50.04 (2m) of the statutes is amended to read:

50.04 **(2m)** PLAN OF CARE AND ASSESSMENT REQUIRED. No nursing home may admit any patient until a physician has completed a plan of care for the patient and the patient is assessed or the patient is exempt from or waives assessment under s. 46.27 (6) (a) or 46.271 (2m) (a) 2. Failure to comply with this subsection is a class "C" violation under sub. (4) (b) 3.

SECTION 2054. 50.05 (2) (b) of the statutes is amended to read:

50.05 **(2)** (b) The department has suspended~~,~~ or revoked ~~or refused to renew~~ the existing license of the facility.

SECTION 2055. 50.05 (2) (c) of the statutes is amended to read:

50.05 **(2)** (c) The department has initiated revocation ~~or nonrenewal~~ procedures under s. 50.03 (5) and has determined that the lives, health, safety, or welfare of the residents cannot be adequately assured pending a full hearing on license ~~nonrenewal or~~ revocation.

SECTION 2057. 50.05 (10) of the statutes is amended to read:

50.05 **(10)** CONTINGENCY FUND. If funds collected under subs. (3), (7) and (8) are insufficient to meet the expenses of performing the powers and duties conferred on the receiver by this section, or if there are insufficient funds on hand to meet those expenses, the department may draw from the supplemental fund created under s. 20.435 ~~(1)~~ (6) (dm) to pay the expenses associated with the placement of a monitor, if any, in a nursing home and the receivership of a nursing home. Operating funds collected under this section and not applied to the expenses of the placement of a monitor, if any, and the receivership, except for the amount of a security, if any is required under sub. (14m), shall be used to reimburse the fund for advances made under this section.

SECTION 2059. 50.05 (15) (d) of the statutes is amended to read:

50.05 **(15)** (d) The lien provided by this subsection is prior to any lien or other interest which originates subsequent to the filing of a petition for receivership under this section, except for a construction or mechanic's lien arising out of work performed with the express consent of the receiver or a lien under s. 292.31 (8) (i)~~, 292.41 (6) (d)~~ or 292.81.

SECTION 2059d. 50.065 of the statutes is created to read:

50.065 Criminal history and patient abuse record search. (1) In this section:

(b) "Client" means a person who receives services from an entity.

(c) "Entity" means a facility, organization or service that is regulated, licensed or certified by or registered with the department. "Entity" includes a personal care worker agency and a supportive home care service agency. "Entity" does not include any of the following:

1. Licensed or certified child care under ch. 48.
2. Kinship care under s. 48.57 (3m).

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

4. An entity, as defined in s. 48.685 (1) (b).

5. Foster homes and treatment foster homes under s. 48.62 that are licensed by the department, a county department under s. 46.215, 46.22 or 46.23 or a child welfare agency.

(d) "Personal care worker agency" has the meaning specified by the department by rule.

(e) "Serious crime" has the meaning specified by the department by rule under sub. (7) (a).

(f) "Supportive home care service agency" has the meaning specified by the department by rule.

(2) (a) Notwithstanding s. 111.335, and except as provided in sub. (5), the department may not license a person to operate an entity or continue the license of a person to operate an entity if the department knows or should have known any of the following:

1. That the person has been convicted of a serious crime.

2. That the person has pending against him or her a charge for a serious crime.

3. That a unit of government or a state agency, as defined in s. 16.61 (2) (d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a determination has been made under s. 48.981 (3) (c) 4. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of regulation and licensing, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(ag) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity may not hire or contract with a person who will be under the entity's control, as defined by the department by rule, and who is expected to have access to its clients, or permit to reside at the entity a person who is not a client and who is expected to have access to a client, if the entity knows or should have known any of the following:

1. That the person has been convicted of a serious crime.

2. That the person has pending against him or her a charge for a serious crime.

3. That a unit of government or a state agency, as defined in s. 16.61 (2) (d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a determination has been made under s. 48.981 (3) (c) 4. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of regulation and licensing, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(am) The department shall obtain all of the following with respect to a person specified under par. (a) (intro.):

1. A criminal history search from the records maintained by the department of justice.

2. Information that is contained in the registry under s. 146.40 (4g) regarding any findings against the person.

3. Information maintained by the department of regulation and licensing regarding the status of the person's credentials, if applicable.

4. Information maintained by the department regarding any substantiated reports of child abuse or neglect against the person.

(b) 1. Subject to subds. 2. and 3., every entity shall obtain all of the following with respect to a person specified under par. (ag) (intro.):

a. A criminal history search from the records maintained by the department of justice.

b. Information that is contained in the registry under s. 146.40 (4g) regarding any findings against the person.

c. Information maintained by the department of regulation and licensing regarding the status of the person's credentials, if applicable.

d. Information maintained by the department regarding any substantiated reports of child abuse or neglect against the person.

2. Subdivision 1. does not apply with respect to a person with whom the entity contracts or whom the entity employs to provide infrequent or sporadic services, including maintenance services and other services that are not directly related to the care of a client.

3. Subdivision 1. does not apply 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 entity for a reason specified in par. (ag) 1. to 5. and with respect to whom the entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with or permitted to reside at the entity for any of those reasons.

(bg) If an entity takes an action specified in par. (ag) (intro.) with respect to a person for whom, within the last 4 years, the information required under par. (b) 1. a. to c. 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. 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. from another entity or from a temporary

employment agency, the entity shall obtain that information from the sources specified in par. (b) 1. a. to c.

(bm) If the person who is the subject of the search under par. (am) or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, the department or entity shall make a good faith effort to obtain from any state in which the person is a resident or was a resident within the 3 years preceding the date of the search information that is equivalent to the information specified in par. (am) 1. or (b) 1. a.

(c) If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be employed, 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. An entity shall provide supervision for a person who is employed or contracted with or permitted to reside as permitted under this paragraph.

(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.

(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.).

(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 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.

(4) An entity that violates sub. (2) or (3) may be required to forfeit not more than $1,000 and may be subject to other sanctions specified by the department by rule.

(5) The department may license to operate an entity a person who otherwise may not be licensed 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:

(a) First−degree intentional homicide under s. 940.01.

(b) First degree sexual assault under s. 940.225 (1).

(c) First degree sexual assault of a child under s. 948.02 (1).

(d) Second degree sexual assault of a child under s. 948.02 (2) if the person was, at the time of the sexual contact or sexual intercourse, more than 4 years older than the child with whom the person had the sexual contact or sexual intercourse.

(e) Repeated acts of sexual assault of the same child under s. 948.025 if the child had not attained the age of 13, or if the child had attained the age of 13 and had not attained the age of 16 and the person was, at the time of the sexual contact or sexual intercourse, more than 4 years older than the child with whom the person had the sexual contact or sexual intercourse.

(5c) Any person who is permitted but fails under sub. (5) to demonstrate to the department 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 subsection has a right to a contested case hearing under ch. 227.

(5g) Beginning on the first January 1 after the effective date of this subsection .... [revisor inserts date], 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), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5) and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been rehabilitated.

(5m) Notwithstanding s. 111.335, the department may refuse to license 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.

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

(am) Every 4 years an entity shall require all of the following persons to complete a background information form that is provided to the entity by the department:

1. A person who is an employe, prospective employe, contractor or prospective contractor of the entity, who will be under the entity's control and who has, or is expected to have, access to its clients, other than a person specified in sub. (2) (b) 2.

2. A person who is a resident or prospective resident at the entity and who is not a client or prospective client

of the entity, if the person has, or is expected to have, access to any client of the entity.

(b) For persons specified under par. (a) who are regulated, licensed 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.

(c) A person who provides false information on a background information form required under this subsection may be required to forfeit not more than $1,000 and may be subject to other sanctions specified by the department by rule.

(7) The department shall do all of the following:

(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 and shall include classes of crimes or acts involving 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) 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.

(b) Establish by rule a list of crimes or acts that are not included in the definition established under par. (a), that are substantially related to the care of clients and the commission of which warrants a less stringent measure than a bar on employment, residence or similar type of association with an entity. The rule shall be consistent with federal law and regulations and shall include a description of the measures to be taken for the crimes or acts that the department lists under this paragraph.

(c) Conduct throughout the state periodic training sessions that cover criminal background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to comply with the requirements of this section.

(d) Provide a background information form that requires the person completing the form to include his or her date of birth on the form.

(8) The department 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 the information if to do so would be inconsistent with federal law.

SECTION 2059f. 50.065 (2) (ag) (intro.) of the statutes, as created by 1997 Wisconsin Act .... (this act), is amended to read:

50.065 **(2)** (ag) (intro.) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity may not ~~hire~~ employ or contract with a person who will be under the entity's control, as defined by the department by rule, and who has, or is expected to have, access to its clients, or permit to reside at the entity a person who is not a client and who has, or is expected to have, access to a client, if the entity knows or should have known any of the following:

SECTION 2061. 50.09 (6) (d) of the statutes is amended to read:

50.09 **(6)** (d) The facility shall attach a statement, which summarizes complaints or allegations of violations of rights established under this section, to ~~an application for a new license or a renewal of its license. Such~~ the report required under s. 50.03 (4) (c) 1. or 2. The statement shall contain the date of the complaint or allegation, the name of the persons involved, the disposition of the matter and the date of disposition. The department shall consider ~~such~~ the statement in reviewing the ~~application~~ report.

SECTION 2062. 50.13 of the statutes is amended to read:

50.13 Fees permitted for a workshop or seminar. If the department develops and provides a workshop or seminar relating to the provision of service by facilities, adult family homes or residential care apartment complexes under this subchapter, the department may establish a fee for each workshop or seminar and impose the fee on registrants for the workshop or seminar. A fee so established and imposed shall be in an amount sufficient to reimburse the department for the costs directly associated with developing and providing the workshop or seminar.

SECTION 2062m. 50.135 (2) (c) of the statutes is amended to read:

50.135 **(2)** (c) The fees collected under par. (a) shall be credited to the ~~appropriation~~ appropriations under s. 20.435 (1) (gm) and (6) (jm) as specified in those appropriations for licensing, review and certifying activities.

SECTION 2064. 50.355 of the statutes is created to read:

50.355 Reporting. Every 12 months, on a schedule determined by the department, an approved hospital shall submit an annual report in the form and containing the information that the department requires, including payment of the fee required under s. 50.135 (2) (a). If a complete annual report is not timely filed, the department shall issue a warning to the holder of the certificate for approval. The department may revoke approval for failure to timely and completely report within 60 days after the

report date established under the schedule determined by the department.

SECTION 2065. 50.49 (2) (b) of the statutes is amended to read:

50.49 **(2)** (b) The department shall, by rule, set a license fee to be paid by home health agencies. The fee ~~for license renewal~~ shall be based on the annual net income, as determined by the department, of a home health agency.

SECTION 2066. 50.49 (6) (title) of the statutes is amended to read:

50.49 **(6)** (title) ISSUANCE OF LICENSE; INSPECTION AND INVESTIGATION; ANNUAL ~~RENEWAL; NONTRANSFERABLE~~ REPORT; NONTRANSFERABILITY; CONTENT.

SECTION 2067. 50.49 (6) (a) of the statutes is amended to read:

50.49 **(6)** (a) The department shall issue a home health agency license if the applicant is fit and qualified, and if the ~~home health agencies meet~~ 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 2068. 50.49 (6) (b) of the statutes is amended to read:

50.49 **(6)** (b) A home health agency license~~, unless sooner~~ is valid until suspended or revoked~~, shall be renewable at least biennially upon filing by the licensee, payment of the license fee and approval by the department of an annual report and application for renewal on forms provided by the department~~.

SECTION 2069. 50.49 (6) (c) of the statutes is amended to read:

50.49 **(6)** (c) Each license shall be issued only for the home health agency named in the application and ~~shall not be~~ is not transferable or assignable. ~~If application for renewal is not so filed, such license is automatically canceled as of the date of its expiration.~~ Any license granted shall state such additional information and special limitations as the department, by rule, prescribes.

SECTION 2070. 50.49 (6) (d) of the statutes is created to read:

50.49 **(6)** (d) Every 12 months, on a schedule determined by the department, a licensed home health agency shall submit an annual report in the form and containing the information that the department requires, including payment of the fee required under sub. (2) (b). If a complete annual report is not timely filed, the department shall issue a warning to the licensee. The department may revoke the license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 2072. 50.495 of the statutes is created to read:

50.495 Fees permitted for a workshop or seminar. If the department develops and provides a workshop or seminar relating to the provision of services by hospitals and home health agencies under this subchapter, the department may establish a fee for each workshop or seminar and impose the fee on registrants for the workshop or seminar. A fee so established and imposed shall be in an amount sufficient to reimburse the department for the costs directly associated with developing and providing the workshop or seminar.

SECTION 2073. 50.51 (2) (b) of the statutes is amended to read:

50.51 **(2)** (b) Minimum requirements for issuance of a provisional license~~,~~ or a regular ~~initial~~ license ~~or a license renewal~~ to rural medical centers.

SECTION 2074. 50.51 (2) (c) of the statutes is amended to read:

50.51 **(2)** (c) Fees for rural medical center provisional licensure and regular ~~initial~~ licensure ~~and licensure renewal~~. The amounts of the fees shall be based on the health care services provided by the rural medical center.

SECTION 2075. 50.52 (2) (intro.) of the statutes is amended to read:

50.52 **(2)** (intro.) The department shall issue a provisional license~~,~~ or a regular ~~initial~~ license ~~or a license renewal~~ as a rural medical center to an applicant if all of the following are first done:

SECTION 2075c. 50.52 (2) (a) of the statutes is amended to read:

50.52 **(2)** (a) The applicant pays the appropriate license fee, as established under s. 50.51 (2) (c). Fees collected under this paragraph shall be credited to the appropriation under s. 20.435 ~~(1) (gm)~~ (6) (jm) for licensing and inspection activities.

SECTION 2076. 50.52 (4) of the statutes is amended to read:

50.52 **(4)** ~~Unless sooner revoked or suspended, a~~ A regular ~~initial~~ license ~~or a license renewal~~ issued to a rural medical center is valid ~~for 24 months from the date of issuance and a~~ until it is suspended or revoked. A provisional license issued to a rural medical center is valid for 6 months from the date of issuance.

SECTION 2077. 50.535 of the statutes is created to read:

50.535 Reporting. Every 24 months, on a schedule determined by the department, a licensed rural medical center shall submit a biennial report in the form and containing the information that the department requires, including payment of the fee required under s. 50.51 (2) (c). If a complete annual report is not timely filed, the department shall issue a warning to the licensee. The department may revoke the license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 2078. 50.56 (1) (intro.) of the statutes is amended to read:

50.56 **(1)** (intro.) Any of the following facilities or entities is not required to obtain licensure or a certificate of approval under the following statutes or to pay ~~initial or renewal~~ license fees under the following statutes if all of the services of the facility or entity are provided as a part of a rural medical center that holds a ~~current,~~ valid license under this subchapter:

SECTION 2079. 50.57 of the statutes is created to read:

50.57 Fees permitted for a workshop or seminar. If the department develops and provides a workshop or seminar relating to the provision of services by rural medical centers under this subchapter, the department may establish a fee for each workshop or seminar and impose the fee on registrants for the workshop or seminar. A fee so established and imposed shall be in an amount sufficient to reimburse the department for the costs directly associated with developing and providing the workshop or seminar.

SECTION 2080. 50.92 (2) of the statutes is amended to read:

50.92 **(2)** The department shall issue ~~an initial license or a renewal of~~ a license if the department finds that the applicant is fit and qualified and that the hospice meets the requirements of this subchapter and the rules promulgated under this subchapter.

SECTION 2081. 50.92 (4) (a) of the statutes is amended to read:

50.92 **(4)** (a) In lieu of inspecting or investigating a hospice under sub. (3) prior to issuance of ~~an initial~~ a license, the department may accept evidence that a hospice applying for licensure under s. 50.93 has been inspected under and is currently certified as meeting the conditions for medicare participation under 42 USC 1395 to 1395ccc. ~~In lieu of inspecting or investigating a hospice under sub. (3) prior to issuance of a license renewal, the department shall accept evidence that a hospice applying for licensure under s. 50.93 has been inspected under and is currently certified as meeting the conditions for medicare participation under 42 USC 1395 to 1395ccc. The department shall inspect or investigate under sub. (3) prior to issuance of an initial license or a renewal of a license~~ If a hospice ~~that~~ fails to meet the conditions for medicare participation under 42 USC 1395 to 1395ccc, the department shall inspect or investigate the hospice under sub. (3) before initially issuing a license for the hospice.

SECTION 2082. 50.92 (4) (b) of the statutes is amended to read:

50.92 **(4)** (b) In lieu of inspecting or investigating a hospice under sub. (3) prior to issuance of ~~an initial license or a renewal of~~ a license, the department may accept evidence that a hospice applying for licensure under s. 50.93 has been inspected under and is currently in compliance with the hospice requirements of the joint commission for the accreditation of health organizations. A hospice shall provide the department with a copy of the report by the joint commission for the accreditation of health organizations of each periodic review the association conducts of the hospice.

SECTION 2083. 50.92 (5) of the statutes is amended to read:

50.92 **(5)** The past record of violations of applicable laws or regulations of the United States or of state statutes or rules of this or any other state, in the operation of any health−related organization, by an operator, managing employe or direct or indirect owner of a hospice or of an interest of a hospice is relevant to the issue of the fitness of an applicant for ~~receipt of an initial license or the renewal of~~ a license. The department or the department's designated representative shall inspect and investigate as necessary to determine the conditions existing in each case under this subsection and shall prepare and maintain a written report concerning the investigation and inspection.

SECTION 2084. 50.93 (1) (intro.) of the statutes is amended to read:

50.93 **(1)** APPLICATION. (intro.) The application for ~~an initial license, for renewal of~~ a license or for a provisional license shall:

SECTION 2085. 50.93 (1) (c) of the statutes is amended to read:

50.93 **(1)** (c) Include licensing fee payment, unless the licensing fee is waived by the department on a case−by−case basis under criteria for determining financial hardship established in rules promulgated by the department. An initial licensing fee is $300, except that, for a hospice that is a nonprofit corporation and that is served entirely by uncompensated volunteers or employs persons in not more than 1.5 positions at 40 hours of employment per week, the initial licensing fee is $25. The ~~renewal~~ annual fee thereafter is an amount equal to 0.15% of the net annual income of the hospice, based on the most recent annual report of the hospice under ~~par. (d)~~ sub. (3m), or~~, if that amount is less than $200, the renewal fee is~~ $200, whichever is greater, and if ~~that~~ the amount equal to 0.15% of the net annual income of the hospice is greater than $1,000, the ~~renewal~~ fee is $1,000, except that for a hospice that is a nonprofit corporation and that is served entirely by uncompensated volunteers or employs persons in not more than 1.5 positions at 40 hours of employment per week the ~~renewal~~ annual fee is $10. The amount of the provisional licensing fee shall be established under s. 50.95 (2). The initial licensing fee for ~~an initial license~~ a hospice, including the initial licensing fee for a hospice that is a nonprofit corporation and that is served entirely by uncompensated volunteers or employs persons in not more than 1.5 positions at 40 hours of employment per week, issued after September 1 ~~shall~~ may be prorated ~~according to the number of full months remaining in the license period~~.

SECTION 2086. 50.93 (1) (d) of the statutes is repealed.

SECTION 2087. 50.93 (2) (title) of the statutes is amended to read:

50.93 **(2)** (title) ISSUANCE OF ~~INITIAL~~ LICENSE ~~OR LICENSE RENEWAL~~.

SECTION 2088. 50.93 (2) (a) of the statutes is amended to read:

50.93 **(2)** (a) ~~Unless sooner revoked or suspended, an initial~~ A hospice license ~~or renewal of a license issued to a hospice~~ is valid ~~for 12 months from the date of issuance~~ until suspended or revoked.

SECTION 2089. 50.93 (2) (b) of the statutes is repealed.

SECTION 2090. 50.93 (2) (d) of the statutes is amended to read:

50.93 **(2)** (d) Any ~~initial~~ license ~~or renewal of a license shall state any additional information or~~ granted under special limitations prescribed by the department shall state the limitations.

SECTION 2092. 50.93 (3m) of the statutes is created to read:

50.93 **(3m)** REPORTING. Every 12 months, on a schedule determined by the department, a licensed hospice shall submit an annual report in the form and containing the information that the department requires, including payment of the fee required under sub. (1) (c), evidence of current certification as meeting the conditions for medicare participation under 42 USC 1395 to 1395ccc and evidence of current compliance with the hospice requirements of the joint commission for the accreditation of health organizations. If a complete annual report is not timely filed, the department shall issue a warning to the licensee. The department may revoke the license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 2093. 50.93 (4) (title) of the statutes is amended to read:

50.93 **(4)** (title) SUSPENSION~~, NONRENEWAL~~ AND REVOCATION.

SECTION 2094. 50.93 (4) (a) of the statutes is amended to read:

50.93 **(4)** (a) The department, after notice to the applicant or licensee, may suspend~~,~~ or revoke ~~or refuse to renew~~ a license in any case in which the department finds that there has been a substantial failure to comply with the requirements of this subchapter or the rules promulgated under this subchapter. No state or federal funds passing through the state treasury may be paid to a hospice not having a valid license issued under this section.

SECTION 2095. 50.93 (4) (b) of the statutes is amended to read:

50.93 **(4)** (b) Notice under this subsection shall include a clear and concise statement of the violations on which the ~~nonrenewal or~~ revocation is based, the statute or rule violated and notice of the opportunity for an evidentiary hearing under par. (c).

SECTION 2096. 50.93 (4) (c) of the statutes is amended to read:

50.93 **(4)** (c) If a hospice desires to contest the ~~nonrenewal or~~ revocation of a license, the hospice shall, within 10 days after receipt of notice under par. (b), notify the department in writing of its request for a hearing under s. 227.44.

SECTION 2097. 50.93 (4) (d) 2. of the statutes is repealed.

SECTION 2098. 50.93 (4) (d) 3. of the statutes is amended to read:

50.93 **(4)** (d) 3. The department may extend the effective date of license revocation ~~or expiration~~ in any case in order to permit orderly removal and relocation of individuals served by the hospice.

SECTION 2100. 50.95 (5) of the statutes is amended to read:

50.95 **(5)** Criteria for determining that the applicant for ~~initial~~ licensure ~~or license renewal~~ is fit and qualified.

SECTION 2101. 50.981 of the statutes is created to read:

50.981 Fees permitted for a workshop or seminar. If the department develops and provides a workshop or seminar relating to the provision of services by hospices under this subchapter, the department may establish a fee for each workshop or seminar and impose the fee on registrants for the workshop or seminar. A fee so established and imposed shall be in an amount sufficient to reimburse the department for the costs directly associated with developing and providing the workshop or seminar.

SECTION 2106b. 51.05 (3g) of the statutes is amended to read:

51.05 **(3g)** ~~Beginning October 1, 1994, the~~ The department shall annually ~~increase rates charged for the various types of services provided by the mental health institutes by amounts that equal an average of at least a 10% total increase in rates~~ reduce by $500,000 the amount by which accumulated expenses of providing care to patients of the mental health institutes exceed the accumulated revenues from providing that care, until the accumulated revenues of the mental health institutes are in balance with the accumulated expenses of the mental health institutes.

SECTION 2107. 51.05 (3m) of the statutes is amended to read:

51.05 **(3m)** Notwithstanding s. 20.903 (1), the department shall implement a plan that is approved by the department of administration to assure that~~, before July 1, 1999,~~ there are sufficient revenues, as projected by the department of health and family services, to cover anticipated expenditures ~~by that date~~ under the appropriation under s. 20.435 (2) (gk) for the purpose of reimbursing the provision of care to patients of the Mendota mental health institute or the Winnebago mental health institute

and to ensure that the department complies with sub. (3g). The department of health and family services shall make reports to the department of administration every 3 months, beginning on October 1, 1993, ~~and ending on July 1, 1999,~~ concerning the implementation of this plan. The department of health and family services shall make reports to the joint committee on finance by December 31 of each year that identify the change, during the preceding fiscal year, in the amount by which the accumulated expenses of providing care to patients of the mental health institutes exceed the accumulated revenues from providing that care; describe the actions taken by the department during the preceding fiscal year to reduce that amount; and describe the actions that the department is taking during the current year to reduce that amount.

SECTION 2108. 51.05 (5) of the statutes is amended to read:

51.05 **(5)** SCHOOL ACTIVITIES. If an individual over the age of 2 and under the age of 22 and eligible for schooling under ss. 115.76 (2) and 115.85 is committed, admitted or transferred to or is a resident of the Mendota mental health institute or Winnebago mental health institute, the individual shall attend a school program operated by the applicable mental health institute or a school outside the applicable mental health institute which is approved by the department of ~~education~~ public instruction. A school program operated by the Mendota mental health institute or Winnebago mental health institute shall be under the supervision of the department of ~~education~~ public instruction and shall meet standards prescribed by that agency.

SECTION 2110. 51.06 (2) of the statutes is amended to read:

51.06 **(2)** SCHOOL ACTIVITIES. If an individual over the age of 2 years and under the age of 22 years and eligible for schooling under ss. 115.76 (2) and 115.85 is admitted to, is placed in or is a resident of a center, the individual shall attend a school program operated by the center or a school outside the center which is approved by the department of ~~education~~ public instruction. A school program operated by the center shall be under the supervision of the department of ~~education~~ public instruction and shall meet standards prescribed by that agency.

SECTION 2111. 51.07 (3) of the statutes is amended to read:

51.07 **(3)** The department may provide outpatient services only to patients contracted for with county departments under ss. 51.42 and 51.437 in accordance with s. 46.03 (18), except for those patients whom the department finds to be nonresidents of this state and those patients specified in sub. (4) (a). The full and actual cost less applicable collections of ~~such~~ services contracted for with county departments under s. 51.42 or 51.437 shall be charged to the respective county department under s. 51.42 or 51.437. The state shall provide the services required for patient care only if no ~~such~~ outpatient services are funded by the department in the county or group of counties served by the respective county department under s. 51.42 or 51.437.

SECTION 2112. 51.07 (4) of the statutes is created to read:

51.07 **(4)** (a) The department may provide outpatient services at the Winnebago Mental Health Institute to a patient who is a pupil of a school district that contracts with the department for the provision of those services. The department shall charge the full and actual cost of those services contracted for to the school district in which the patient is enrolled.

(b) If the Winnebago Mental Health Institute has provided a pupil of a school district with the services contracted for under par. (a), the department shall regularly bill the school district for the services provided and, subject to the provisions of the contract, the school district shall pay the amount due within 60 days after the billing date.

(c) The department shall credit any revenues received under this subsection to the appropriation account under s. 20.435 (2) (gk).

SECTION 2112p. 51.13 (4) (g) (intro.) of the statutes is amended to read:

51.13 **(4)** (g) (intro.) If the court finds that the minor is in need of psychiatric services~~,~~ or services for developmental disability, alcoholism or drug abuse in an inpatient facility, and that the inpatient facility to which the minor is admitted offers therapy or treatment ~~which~~ that is appropriate for the minor's needs and ~~which~~ that is the least restrictive therapy or treatment consistent with the minor's needs and, in the case of a minor aged 14 or older, the application is voluntary on the part of the minor, ~~it~~ the court shall permit voluntary admission. If the court finds that the therapy or treatment in the inpatient facility to which the minor is admitted is not appropriate or is not the least restrictive therapy or treatment consistent with the minor's needs, the court may order placement in or transfer to another more appropriate or less restrictive inpatient facility, except that the court may not permit or order placement in or transfer to the northern or southern centers for the developmentally disabled of a minor unless the department gives approval for the placement or transfer and if the order of the court is approved by all of the following if applicable:

SECTION 2112vm. 51.14 (4) (a) of the statutes is amended to read:

51.14 **(4)** (a) Within 21 days after the issuance of the order by the mental health review officer under sub. (3) or if the requirements of sub. (3) (f) are satisfied, the minor or his or her parent or guardian may petition a court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938 in the county of residence of the minor's parent or guardian for a review of the refusal of either the minor or his or her parent or guardian to provide the informed con-

sent for outpatient mental health treatment required under s. 51.61 (6).

SECTION 2126. 51.42 (3) (bm) of the statutes is amended to read:

51.42 **(3)** (bm) *Educational services.* A county department of community programs may not furnish services and programs provided by the department of ~~education~~ public instruction and local educational agencies.

SECTION 2127. 51.42 (7) (a) 5. of the statutes is amended to read:

51.42 **(7)** (a) 5. Ensure that county departments of community programs that elect to provide special education programs to children aged 3 years and under comply with requirements established by the department of ~~education~~ public instruction.

SECTION 2131. 51.423 (1) of the statutes is amended to read:

51.423 **(1)** The department shall fund, within the limits of the department's allocation for mental health services under s. 20.435 (3) (o) and (7) (b), (kw) and (o) and subject to this section, services for mental illness, developmental disability, alcoholism and drug abuse to meet standards of service quality and accessibility. The department's primary responsibility is to guarantee that county departments established under either s. 51.42 or 51.437 receive a reasonably uniform minimum level of funding and its secondary responsibility is to fund programs which meet exceptional community needs or provide specialized or innovative services. Moneys appropriated under s. 20.435 (7) (b) and earmarked by the department for mental health services under s. 20.435 (7) (o) shall be allocated by the department to county departments under s. 51.42 or 51.437 in the manner set forth in this section.

SECTION 2132. 51.423 (2) of the statutes is amended to read:

51.423 **(2)** From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw) and (o), the department shall distribute the funding for services provided or purchased by county departments under s. 46.23, 51.42 or 51.437 to such county departments as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2). Each county's required match for a year equals 9.89% of the total of the county's distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency–related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the counties that meet the requirements specified in sub. (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 2133. 51.437 (4r) (a) 1. of the statutes is amended to read:

51.437 **(4r)** (a) 1. May not furnish services and programs provided by the department of ~~education~~ public instruction and local educational agencies.

SECTION 2134. 51.437 (4rm) (a) of the statutes is amended to read:

51.437 **(4rm)** (a) A county department of developmental disabilities services shall authorize all care of any patient in a state, local or private facility under a contractual agreement between the county department of developmental disabilities services and the facility, unless the county department of developmental disabilities services governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the county department of developmental disabilities services or its contract agency prior to the admission of a patient to the facility except in the case of emergency services. In cases of emergency, a facility under contract with any county department of developmental disabilities services shall charge the county department of developmental disabilities services having jurisdiction in the county where the individual receiving care is found. The county department of developmental disabilities services shall reimburse the facility, except as provided under par. (c), for the actual cost of all authorized care and services less applicable collections under s. 46.036, unless the department of health and family services determines that a charge is administratively infeasible, or unless the department of health and family services, after individual review, determines that the charge is not attributable to the cost of basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which are attributable to care and treatment of the client. County departments of developmental disabilities services may not reimburse any state institution or receive credit for collections for care received therein by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., or children placed in the guardianship of the department of health and family services under s. 48.427 or 48.43 or under the supervision of the department of corrections under s. 938.183 ~~(2)~~ or 938.355.

SECTION 2135. 51.437 (4rm) (c) 1. of the statutes is amended to read:

51.437 **(4rm)** (c) 1. Regularly bill the county department of developmental disabilities services for services ~~provided prior to January 1, 1982~~ as specified in par. (c) 2. a. and 2m. ~~If collections for care received by the~~

~~department of health and family services prior to January 1, 1982, exceed current billings, the difference shall be remitted to the county department of developmental disabilities services through the appropriation under s. 20.435 (2) (gk). If billings for the quarter ending December 31, 1981, exceed collections for care received by the department of health and family services during the quarter ending December 31, 1981, collections for care provided prior to January 1, 1982, shall be remitted to the county department of developmental disabilities services through the appropriation under s. 20.435 (2) (gk), up to the level of the net amount billed the county department of developmental disabilities services for the quarter ending December 31, 1981.~~ Under this section, collections on or after January 1, 1976, from medical assistance shall be the approved amounts listed by the patient on remittance advices from the medical assistance carrier, not including adjustments due to retroactive rate approval and less any refunds to the medical assistance program. For care provided on and after January 1, 1978, the department of health and family services shall adjust collections from medical assistance to compensate for differences between specific rate scales for care charged to the county department of developmental disabilities services and the average daily medical assistance reimbursement rate. Payment shall be due from the county department of developmental disabilities services within 60 days of the billing date subject to provisions of the contract. If any payment has not been received within 60 days, the department of health and family services shall deduct all or part of the amount due from any payment due from the department of health and family services to the county department of developmental disabilities services.

SECTION 2136. 51.437 (4rm) (c) 2. b. of the statutes is amended to read:

51.437 **(4rm)** (c) 2. b. Bill the county department of developmental disabilities services for services provided on or after ~~January 1, 1982, at 10% of the rate paid by medical assistance, excluding any retroactive rate adjustment~~ December 31, 1997, at $48 per day, if the guardian or parent of the person served does not object to placement of the person in the community and if an independent professional review established under 42 USC 1396a (a) (31) designates the person served as appropriate for community care, including persons who have been admitted for more than 180 consecutive days and for whom the cost of care in the community would be less than $184 per day. The department of health and family services shall use money it receives from the county department of developmental disabilities services to offset the state's share of medical assistance. Payment is due from the county department of developmental disabilities services within 60 days of the billing date, subject to provisions of the contract. If the department of health and family services does not receive any payment within 60 days, it shall deduct all or part of the amount due from any payment the department of health and family services is required to make to the county department of developmental disabilities services. The department of health and family services shall first use collections received under s. 46.10 as a result of care at a center for the developmentally disabled to reduce the costs paid by medical assistance, and shall remit the remainder to the county department of developmental disabilities services up to the portion billed. The department of health and family services shall use the appropriation under s. 20.435 (2) (gk) to remit collection credits and other appropriate refunds to county departments of developmental disabilities services.

Vetoed In Part

SECTION 2137. 51.437 (4rm) (c) 2m. of the statutes is amended to read:

51.437 **(4rm)** (c) 2m. Bill the county department of developmental disabilities services for services provided under s. 51.06 (1) (d) to individuals who are eligible for medical assistance that are not provided by the federal government, using the procedure established under subd. 1.

SECTION 2138. 51.437 (14) (g) of the statutes is amended to read:

51.437 **(14)** (g) Ensure that any county department of developmental disabilities services which elects to provide special education programs to children aged 3 years and under complies with requirements established by the department of ~~education~~ public instruction.

SECTION 2139. 51.44 (3) (a) of the statutes is amended to read:

51.44 **(3)** (a) From the appropriations under s. 20.435 ~~(3)~~ (7) (bt) and (nL) the department shall allocate and distribute funds to counties to provide or contract for the provision of early intervention services to individuals eligible to receive the early intervention services.

SECTION 2141. 51.45 (4) (d) of the statutes is amended to read:

51.45 **(4)** (d) Cooperate with the department of ~~education~~ public instruction, local boards of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and treatment of alcoholics and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education.

SECTION 2142. 51.45 (5) (b) (intro.) of the statutes is amended to read:

51.45 **(5)** (b) (intro.) The department shall select, upon application by counties, county departments under s. 46.215, 46.22, 46.23, 51.42 or 51.437 in up to 8 counties representing various geographical regions and populations and shall, from the appropriations under s. 20.435 ~~(7) (f) and (mb)~~ (3) (fm) and (nL), award a total of not more than $500,000 in grants in each fiscal year to the selected county departments to participate in a program to implement and coordinate alcohol and other drug abuse

programs and services relating to primary prevention. The county department in each county receiving funding under this paragraph shall appoint or contract with an alcohol and other drug abuse prevention specialist whose duties shall include all of the following:

SECTION 2157. 51.62 (3m) of the statutes is amended to read:

51.62 **(3m)** FUNDING. From the appropriation under s. 20.435 (7) (md), the department ~~shall~~ may not distribute more than $75,000 in each fiscal year to the protection and advocacy agency for performance of community mental health protection and advocacy services.

SECTION 2157gv. 55.043 (1) (a) (intro.), (4) (intro.), (e) and (f) and (5) of the statutes are amended to read:

55.043 **(1)** (a) (intro.) If a county protective services agency has probable cause to believe that there is ~~abuse, neglect or~~ misappropriation of property or neglect or abuse of a vulnerable adult, the county protective services agency may conduct an investigation in Milwaukee county to determine if the vulnerable adult in question is in need of protective services. The county protective services agency shall conduct the investigation in accordance with standards established by the department for conducting the investigations. The investigation shall include at least one of the following:

(4) OFFER OF SERVICES. (intro.) If upon investigation the county protective services agency finds ~~abuse, neglect or~~ misappropriation of property or neglect or abuse of a vulnerable adult, the county protective services agency may do one or more of the following:

(e) Refer the case to the department of regulation and licensing ~~or the appropriate examining board~~ if the ~~abuse, neglect or~~ misappropriation of property or neglect or abuse involves an individual who is required to ~~be licensed, permitted, certified or registered~~ hold a credential, as defined in s. 440.01 (2) (a), under chs. 440 to 459.

(f) Bring a petition for a guardianship and protective service or protective placement if necessary to prevent ~~abuse, neglect or~~ misappropriation of property or neglect or abuse and if the vulnerable adult would otherwise be at risk of serious harm because of an inability to arrange for necessary food, clothing, shelter and services.

(5) APPLICABILITY. This section does not apply to patients or residents of state−operated or county−operated inpatient institutions or hospitals issued certificates of approval under s. 50.35 unless the alleged ~~abuse, neglect or~~ misappropriation of property or neglect or abuse of such a patient or resident is alleged to have been done by a person other than an employe of the inpatient institution or hospital.

SECTION 2158. 59.07 (1) of the statutes is amended to read:

59.07 **(1)** No action may be brought or maintained against a county upon a claim or upon a cause of action unless the claimant complies with s. 893.80. This subsection does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 2159. 59.23 (2) (j) of the statutes is amended to read:

59.23 **(2)** (j) (title) *School taxes, records to department of ~~education~~ public instruction.* Transmit to the department of ~~education~~ public instruction on the last Monday in December in each year certified copies of all resolutions adopted and proceedings of the board passed or had during the preceding year relating to the raising of any money for school purposes, and report the amount to be raised in each town in the county.

SECTION 2160m. 59.25 (3) (f) 2. of the statutes 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. 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 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 2160p. 59.25 (3) (f) 2. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated 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 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 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 2160r. 59.27 (12) of the statutes is created to read:

59.27 **(12)** Before conducting a sale of foreclosed property, contact the clerk of the federal bankruptcy court to determine whether the court has granted a stay of relief on that property.

SECTION 2160s. 59.32 (1) of the statutes is amended to read:

59.32 **(1)** SHERIFF; FEES. The sheriff shall collect the fees prescribed in s. 814.70, unless a higher fee is applicable under s. 814.705 (1) <u>(a) or (2)</u>, and remit them to the treasurer as provided in s. 59.22 (1) (b).

SECTION 2162. 59.40 (2) (h) of the statutes is repealed.

SECTION 2163m. 59.40 (2) (m) of the statutes 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, <u>the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment,</u> 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. 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, <u>the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children,</u> 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 2163p. 59.40 (2) (m) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated 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 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 2164am. 59.43 (1) (u) of the statutes is repealed.

SECTION 2164c. 59.43 (2) (ag) 1. of the statutes is amended to read:

59.43 **(2)** (ag) 1. ~~After June 30, 1991, and subject to s. 59.72 (5), for~~ For recording any instrument entitled to be recorded in the office of the register of deeds, ~~$10~~ $8 for the first page if the county maintains a land information office under s. 59.72 (3) and $4 for the first page if the county does not maintain such an office, and $2 for each additional page, except that no fee may be collected for recording a change of address that is exempt from a filing fee under s. 181.68 (1) (b) or (e) or 185.83 (1) (b).

SECTION 2164e. 59.43 (2) (e) of the statutes is amended to read:

59.43 **(2)** (e) ~~After June 30, 1991, and subject to s. 59.72 (5), for~~ For filing any instrument which is entitled to be filed in the office of register of deeds and for which no other specific fee is specified, ~~$10~~ $8 for the first page if the county maintains a land information office under s. 59.72 (3) and $4 for the first page if the county does not maintain such an office, and $2 for each additional page.

SECTION 2165. 59.53 (5) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

59.53 **(5)** CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT LIABILITY PROGRAM. The board shall contract with the department of workforce development to implement and administer the child and spousal support and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act. The board may designate by board resolution any office, officer, board, department or agency, except the clerk of circuit court, as the county ~~designee~~ child support agency. The board or ~~its designee~~ county child support agency shall implement and administer the programs in accordance with the contract with the department of workforce development. The attorneys responsible for support enforcement under sub. (6) (a), family court commissioner~~, clerk of court~~ and all other county officials shall cooperate with the county and the department of workforce development as necessary to provide the services required under the programs. The county shall charge the fee established by the department of workforce development under s. 49.22 for services provided under this subsection to persons not receiving benefits under s. 49.148, 49.153 or 49.155 or assistance under s. 46.261, 49.19 or 49.47.

SECTION 2166. 59.53 (5) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 59.53 (5) (a) and amended to read:

59.53 **(5)** (a) The board shall contract with the department of workforce development to implement and administer the child and spousal support and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act. The board may designate by board resolution any office, officer, board, department or agency, except the clerk of circuit court, as the county child support agency. The board or county child support agency shall implement and administer the programs in accordance with the contract with the department of workforce development. The attorneys responsible for support enforcement under sub. (6) (a), family court commissioner and all other county officials shall cooperate with the county and the department of workforce development as necessary to provide the services required under the programs. The county shall charge the fee established by the department of workforce development under s. 49.22 for services provided under this ~~subsection~~ paragraph to persons not receiving benefits under s. 49.148~~, 49.153~~ or 49.155 or assistance under s. 46.261, 49.19 or 49.47.

SECTION 2167. 59.53 (5) (b) of the statutes is created to read:

59.53 **(5)** (b) The county child support agency under par. (a) shall electronically enter into the statewide data system related to child and spousal support payments that is operated by the department of workforce development the terms of any order made or judgment granted in the circuit court of the county requiring payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s. 767.29 (1) to be paid to the department of workforce development or its designee. The county child support agency shall enter the terms of any such order or judgment within the time required by federal law and shall enter revisions ordered by the court to any order or judgment the terms of which are maintained on the data system.

SECTION 2168. 59.53 (5m) of the statutes is repealed.

SECTION 2169f. 59.53 (13) (title) of the statutes is amended to read:

59.53 **(13)** (title) ~~SUBSIDY OF~~ PAYMENTS FOR ABORTIONS AND ABORTION–RELATED ACTIVITY RESTRICTED.

SECTION 2169g. 59.53 (13) of the statutes is renumbered 59.53 (13) (a).

SECTION 2169h. 59.53 (13) (b) of the statutes is created to read:

59.53 **(13)** (b) No county or agency or subdivision of a county may authorize payment of funds for a grant, subsidy or other funding involving a pregnancy program, project or service if s. 20.9275 (2) applies to the pregnancy program, project or service.

SECTION 2169m. 59.54 (8) (a) 4. of the statutes is amended to read:

59.54 **(8)** (a) 4. At least annually, submit to the ~~state emergency response board~~ division of emergency management in the department of military affairs a list of the members of the local emergency planning committee appointed by the county board under this paragraph, including the agency, organization or profession that each member represents.

SECTION 2173. 59.58 (3) (d) 2. of the statutes is amended to read:

59.58 **(3)** (d) 2. School bus transportation businesses or systems that are engaged primarily in the transportation of children to or from school, and which are subject to the regulatory jurisdiction of the department of transportation and the department of ~~education~~ public instruction.

SECTION 2174. 59.64 (1) (a) of the statutes is amended to read:

59.64 **(1)** (a) *In general.* Every person, except jurors, witnesses and interpreters, and except physicians or other persons who are entitled to receive from the county fees for reporting to the register of deeds births or deaths, which have occurred under their care, having any claim against any county shall comply with s. 893.80. This ~~subsection~~ paragraph does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 2174p. 59.692 (1) (c) of the statutes is amended to read:

59.692 **(1)** (c) "Shoreland zoning standard" means a standard for ordinances enacted under this section that ~~are~~ is promulgated as ~~rules~~ a rule by the department.

SECTION 2174pm. 59.692 (1s) of the statutes is created to read:

59.692 **(1s)** (a) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location and use that it had immediately before the damage or destruction occurred or impose any limits on the costs of the repair, reconstruction or improvement if all of the following apply:

1. The nonconforming structure was damaged or destroyed after the effective date of this subdivision .... [revisor inserts date].

2. The damage or destruction was caused by violent wind, vandalism, fire or a flood.

(b) An ordinance enacted under this section to which par. (a) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

SECTION 2174q. 59.692 (1t) of the statutes is created to read:

59.692 **(1t)** A county or the department may not commence an enforcement action against a person who owns a building or structure that is in violation of a shoreland zoning standard or an ordinance enacted under this section if the building or structure has been in place for more than 10 years.

SECTION 2175aj. 59.72 (1) (a) of the statutes is amended to read:

59.72 **(1)** (a) "Land information" ~~has the meaning given in s. 16.967 (1) (b)~~ means any physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface resources or air in this state. "Land information" includes information relating to topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife, associated natural resources, land ownership, land use, land use controls and restriction, jurisdictional boundaries, tax assessment, land value, land survey records and references, geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections.

SECTION 2175ak. 59.72 (1) (am) of the statutes is repealed.

SECTION 2175aL. 59.72 (1) (b) of the statutes is amended to read:

59.72 **(1)** (b) "Land records" ~~has the meaning given in s. 16.967 (1) (d)~~ means maps, documents, computer files and any other storage medium in which land information is recorded.

SECTION 2175am. 59.72 (3) (intro.), (a) and (b) of the statutes are consolidated, renumbered 59.72 (3) and amended to read:

59.72 **(3)** LAND INFORMATION OFFICE. The board may establish a separate county land information office or may direct that ~~the functions and duties of the office be performed by~~ an office be established within an existing department, board, commission, agency, institution, authority or office. The county land information office shall~~: (a) Coordinate~~ coordinate land information projects within the county, between the county and local governmental units, between the state and local governmental units and among local governmental units, the federal government and the private sector. ~~(b) Within~~ If the board establishes a land information office, the board shall, within 2 years after the land information office is established, develop ~~and receive approval for~~ a countywide plan for land records modernization. ~~The plan shall be submitted for approval to the land information board under s. 16.967 (3) (e).~~

SECTION 2175b 59.72 (3) (c) and (4) of the statutes are repealed.

SECTION 2175c. 59.72 (5) of the statutes is repealed and recreated to read:

59.72 **(5)** LAND RECORD MODERNIZATION FUNDING. A county which establishes a land information office shall

use $4 of the $8 per page received under s. 59.43 (2) (ag) 1. and (e) to develop, implement and maintain a countywide plan for land records modernization.

SECTION 2178c. 60.23 (25) of the statutes, as affected by 1995 Wisconsin Act 289, 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), ~~632.745 (2), (3) and (5)~~ 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) and 632.896.

SECTION 2178p. 60.23 (25) of the statutes, as affected by 1997 Wisconsin Act .... (this act), 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), 632.87 (4) and (5), 632.895 (9) and (11) to (13) and 632.896.

SECTION 2178s. 60.30 (2) (a) of the statutes is amended to read:

60.30 **(2)** (a) Only an elector of the town may hold a town office, other than an assessor appointed under s. 60.307 or a town clerk, town treasurer or combined town clerk and town treasurer appointed under sub. (1e).

SECTION 2179. 60.33 (9) (a) of the statutes is amended to read:

60.33 **(9)** (a) Perform the clerk's duties under chs. 115 to 121, relating to ~~education~~ public instruction.

SECTION 2179m. 60.351 (1) of the statutes is amended to read:

60.351 **(1)** Town constables shall collect the fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 ~~(4)~~ (1) (d).

SECTION 2180. 60.44 (1) (a) of the statutes is amended to read:

60.44 **(1)** (a) Claims for money against a town or against officers, officials, agents or employes of the town arising out of acts done in their official capacity shall be filed with the town clerk as provided under s. 893.80 (1) (b). This paragraph does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 2181. 60.44 (3) of the statutes is amended to read:

60.44 **(3)** COURT ACTIONS TO RECOVER CLAIMS. Subsection (2), or an ordinance adopted under that subsection, does not affect the applicability of s. 893.80. No action may be brought or maintained against a town upon a claim unless the claimant complies with s. 893.80. This subsection does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 2181c. 60.62 (1) of the statutes is amended to read:

60.62 **(1)** Subject to subs. (2) ~~and~~, (3) and (4), if a town board has been granted authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning ordinances under s. 61.35.

SECTION 2181i. 60.62 (4) of the statutes is created to read:

60.62 **(4)** (a) Notwithstanding ss. 61.35 and 62.23 (1) (a), a town with a population of less than 2,500 that acts under this section may create a "Town Plan Commission" under s. 62.23 (1) (a) that has 5 members, consisting of the town chairperson, who shall be its presiding officer, the town engineer, the president of the park board, another member of the town board and one citizen. If the town plan commission has only 5 members and the town has no engineer or park board, an additional citizen member shall be appointed so that the commission has at all times 5 members. All other provisions of ss. 61.35 and 62.23 shall apply to a town plan commission that has 5 members.

(b) If a town plan commission consists of 7 members and the town board enacts an ordinance or adopts a resolution reducing the size of the commission to 5 members, the commission shall continue to operate with 6 or 7 members until the expiration of the terms of the 2 citizen members, who were appointed under s. 62.23 (1) (c), whose terms expire soonest after the effective date of the ordinance or resolution that reduces the size of the commission.

(c) If a town plan commission consists of 5 members and the town board enacts an ordinance or adopts a resolution increasing the size of the commission to 7 members, the town board chairperson shall appoint the 2 new members under s. 62.23 (1) (c).

SECTION 2181p. 61.28 of the statutes is amended to read:

61.28 Marshal. The village marshal shall execute and file an official bond. The marshal shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. The marshal shall obey all lawful written orders of the village board; and arrest with or without process every person found in the village engaged in any disturbance of the peace or violating any law of the state or ordinance of the village. The marshal may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance the person shall forfeit not exceeding $10. The marshal is entitled to the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 ~~(3)~~ (1) (c); for other service rendered the village, compensation as the board fixes.

SECTION 2182. 61.34 (4) of the statutes is amended to read:

61.34 **(4)** VILLAGE FINANCES. The village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was

unjust or illegal; and generally may manage the village finances. The village board may loan money to any school district located within the village or within which the village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from such village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one−half of the estimated receipts for such district as certified by the ~~department of education~~ state superintendent of public instruction and the local school clerk. The rate of interest on any such loan shall be determined by the village board.

SECTION 2182m. 62.09 (13) (a) of the statutes is amended to read:

62.09 **(13)** (a) The chief of police shall have command of the police force of the city under the direction of the mayor. The chief shall obey all lawful written orders of the mayor or common council. The chief and each police officer shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; shall arrest with or without process and with reasonable diligence take before the municipal judge or other proper court every person found in the city engaged in any disturbance of the peace or violating any law of the state or ordinance of the city and may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance the person shall forfeit not exceeding $10. They shall collect the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 ~~(2)~~ (1) (b).

SECTION 2183. 62.12 (9) of the statutes is amended to read:

62.12 **(9)** LOANS. The council may loan money to any school district located within the city, or within which the city is wholly or partially located, in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from such city accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one−half of the estimated receipts for such district as certified by the ~~department of education~~ state superintendent of public instruction and the local school clerk. The rate of interest on any such loan shall be determined by the city council.

SECTION 2184. 62.25 (1) of the statutes is amended to read:

62.25 **(1)** CLAIMS. No action may be brought or maintained against a city upon a claim or cause of action unless the claimant complies with s. 893.80. This subsection does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 2185. 65.90 (3) (c) of the statutes is amended to read:

65.90 **(3)** (c) The department of ~~education~~ public instruction under s. 115.28, the department of revenue under s. 73.10 and the technical college system board under s. 38.04 shall encourage and consult with interested public and private organizations regarding the budget summary information required under pars. (a) and (b). The department of ~~education~~ public instruction and the technical college system board shall specify the revenue and expenditure detail that is required under par. (b) 1. and 2. for school districts and for technical college districts.

SECTION 2186. 66.013 (2) (a) of the statutes is amended to read:

66.013 **(2)** (a) "Department" means the department of ~~commerce~~ administration.

SECTION 2187. 66.02 of the statutes is amended to read:

66.02 Consolidation. Subject to s. 66.023 (7), any town, village or city may be consolidated with a contiguous town, village or city, by ordinance, passed by a two−thirds vote of all the members of each board or council, fixing the terms of the consolidation and ratified by the electors at a referendum held in each municipality. The ballots shall bear the words, "for consolidation", and "against consolidation", and if a majority of the votes cast thereon in each municipality are for consolidation, the ordinances shall then be in effect and have the force of a contract. The ordinance and the result of the referendum shall be certified as provided in s. 66.018 (5); if a town the certification shall be preserved as provided in ss. 60.03 and 66.018 (5), respectively. Consolidation shall not affect the preexisting rights or liabilities of any municipality and actions thereon may be commenced or completed as though no consolidation had been effected. Any consolidation ordinance proposing the consolidation of a town and another municipality shall, within 10 days after its adoption and prior to its submission to the voters for ratification at a referendum, be submitted to the circuit court and the department of ~~commerce~~ administration for a determination whether such proposed consolidation is in the public interest. The circuit court shall determine whether the proposed ordinance meets the formal requirements of this section and shall then refer the matter to the department of ~~commerce~~ administration, which shall find as prescribed in s. 66.014 whether the proposed consolidation is in the public interest in accordance with the standards in s. 66.016. The department's findings shall have the same status as incorporation findings under ss. 66.014 to 66.019.

SECTION 2188. 66.021 (7) (a) of the statutes is amended to read:

66.021 **(7)** (a) An ordinance for the annexation of the territory described in the annexation petition may be enacted by a two−thirds vote of the elected members of the

governing body not less than 20 days after the publication of the notice of intention to circulate the petition and not later than 120 days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to sub. (11) the governing body shall first review the reasons given by the department of ~~commerce~~ administration that the proposed annexation is against the public interest. Subject to s. 59.692 (7), such an ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing such temporary classification, the proposed classification shall be referred to and recommended by the plan commission. The authority to make such temporary classification shall not be effective when the county ordinance prevails during litigation as provided in s. 59.69 (7).

SECTION 2189. 66.021 (8) (b) of the statutes is amended to read:

66.021 **(8)** (b) Within 10 days of receipt of the ordinance, certificate and plat, the secretary of state shall forward 2 copies of the ordinance, certificate and plat to the department of transportation, one copy to the department of administration, one copy to the department of revenue, one copy to the department of ~~education~~ public instruction, one copy to the department of commerce, one copy to the department of natural resources, one copy to the department of agriculture, trade and consumer protection and 2 copies to the clerk of the municipality from which the territory was annexed.

SECTION 2190. 66.021 (11) (a) of the statutes is amended to read:

66.021 **(11)** (a) *Annexations within populous counties.* No annexation proceeding within a county having a population of 50,000 or more shall be valid unless the person causing a notice of annexation to be published under sub. (3) shall within 5 days of the publication mail a copy of the notice, legal description and a scale map of the proposed annexation to the clerk of each municipality affected and the department of ~~commerce~~ administration. The department may within 20 days after receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that in its opinion the annexation is against the public interest. No later than 10 days after mailing the notice, the department shall advise the clerk of the town in which the territory is located and the clerk of the village or city to which the annexation is proposed of the reasons the annexation is against the public interest as defined in par. (c). The annexing municipality shall review the advice before final action is taken.

SECTION 2191. 66.021 (11) (c) (intro.) of the statutes is amended to read:

66.021 **(11)** (c) *Definition of public interest.* (intro.) For purposes of this subsection public interest is determined by the department of ~~commerce~~ administration after consideration of the following:

SECTION 2192. 66.021 (12) of the statutes is amended to read:

66.021 **(12)** UNANIMOUS APPROVAL. If a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two–thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of sub. (3). In such annexations, subject to sub. (11), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department of ~~commerce~~ administration and the governing body shall review the advice of the department, if any, before enacting the annexation ordinance.

SECTION 2193. 66.021 (15) of the statutes is amended to read:

66.021 **(15)** ANNEXATION OF TOWN ISLANDS. Upon its own motion, a city or village by a two–thirds vote of the entire membership of its governing body may enact an ordinance annexing territory which comprises a portion of a town or towns and which was completely surrounded by territory of the city or village on December 2, 1973. The ordinance shall include all surrounded town areas except those exempt by mutual agreement of all of the governing bodies involved. The annexation ordinance shall contain a legal description of the territory and the name of the town or towns from which the territory is detached. Upon enactment of the ordinance, the city or village clerk immediately shall file 6 certified copies of the ordinance in the office of the secretary of state, together with 6 copies of a scale map. The secretary of state shall forward 2 copies of the ordinance and scale map to the department of transportation, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of ~~commerce~~ administration. This subsection does not apply if the town island was created only by the annexation of a railroad right–of–way or drainage ditch. This subsection does not apply to land owned by a town government which has existing town government buildings located thereon. No town island may be annexed under this subsection if the island consists of over 65 acres or contains over 100 residents. After December 2, 1973, no city or village may, by annexation, create a town area which is completely surrounded by the city or village.

SECTION 2194. 66.023 (1) (a) of the statutes is amended to read:

66.023 **(1)** (a) "Department" means the department of ~~commerce~~ administration.

SECTION 2195. 66.025 of the statutes is amended to read:

66.025 Annexation of owned territory. In addition to other methods provided by law and subject to ss. 59.692 (7) and 66.023 (7), territory owned by and lying near but not necessarily contiguous to a village or city may be annexed to a village or city by ordinance enacted by the board of trustees of the village or the common council of the city, provided that in the case of noncontiguous territory the use of the territory by the city or village is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description of the territory annexed and the names of the towns from which detached, and shall operate to attach the territory to the village or city upon the filing of 6 certified copies thereof in the office of the secretary of state, together with 6 copies of a plat showing the boundaries of the territory attached. Two copies of the ordinance and plat shall be forwarded by the secretary of state to the department of transportation, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of ~~education~~ public instruction.

SECTION 2196. 66.03 (2c) (a) 2. of the statutes is amended to read:

66.03 **(2c)** (a) 2. The clerk of any school district to which territory is transferred, within 30 days of the effective date of the transfer, shall certify to the clerk of the municipality from which the territory was transferred a metes and bounds description of the land area involved. Upon receipt of the description the clerk of the municipality from which the territory was transferred shall certify to the department of revenue the latest assessed value of the real and personal property located within the transferred territory, file one copy of the certification with the school district clerk and one copy with the department of ~~education~~ public instruction and make such further reports as are needed by the department of revenue in the performance of duties required by law.

SECTION 2197. 66.03 (3) (c) of the statutes is amended to read:

66.03 **(3)** (c) When as a result of any annexation whereby a school district is left without a school building, any moneys are received by such school district as a result of the division of assets and liabilities required by s. 66.03, which are derived from values that were capital assets, such moneys and interest thereon shall be held in trust by such school district and dispensed only for procuring new capital assets or remitted to an operating district as the remainder of the suspended district becomes a part of such operating district, and shall in no case be used to meet current operating expenditures. This shall include any funds in the hands of any district officers on July 1, 1953, resulting from such action previously taken under s. 66.03. The boards involved shall, as part of their duties in division of assets and liabilities in school districts, make a written report of the allocation of assets and liabilities to the ~~department of education~~ state superintendent of public instruction and any local superintendent of schools whose territory is involved in the division of assets.

Vetoed In Part

SECTION 2198. 66.03 (5) of the statutes is amended to read:

66.03 **(5)** APPORTIONMENT BOARD. The boards or councils of the municipalities, or committees, thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality is dissolved by reason of all of its territory being so transferred the board or council thereof existing at the time of such dissolution shall, for the purpose of this section, continue to exist as the governing body of such municipality until there has been an apportionment of assets by agreement of the interested municipalities or by an order of the circuit court. After an agreement for apportionment of assets has been entered into between the interested municipalities, or an order of the circuit court becomes final, a copy of such apportionment agreement, or of such order, certified to by the clerks of the interested municipalities, shall be filed with the department of revenue, the department of natural resources, the department of transportation, the ~~department of education~~ state superintendent of public instruction, the department of administration, and with any other department or agency of the state from which the town may be entitled by law to receive funds or certifications or orders relating to the distribution or disbursement of funds, with the county treasurer, with the treasurer of any municipality, or with any other entity from which payment would have become due if such dissolved municipality from which such territory was transferred had continued in existence. Subject to ss. 79.006 and 86.303 (4), thereafter payments from the shared revenue account made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of transportation aids under s. 20.395, of state aids for school purposes under ch. 121, payments for managed forest land under subch. VI of ch. 77 and all payments due from a department or agency of the state, from a county, from a municipality, or from any other entity from which payments would have become due if such dissolved municipality from which such territory was transferred had continued in existence, shall be paid to the interested municipality as provided by such agreement for apportionment of assets or by any order of apportionment by the circuit court and such payments shall have the same force and effect as if made to the dissolved municipality from which such territory was transferred.

SECTION 2198m. 66.04 (1) (intro.) of the statutes is amended to read:

66.04 **(1)** BONUS TO STATE INSTITUTION. (intro.) No appropriation or bonus of any kind ~~shall~~, except for a donation of land, may be made by any town, village, or

city, nor any municipal liability created nor tax levied, as a consideration or inducement to the state to locate any public educational, charitable, reformatory, or penal institution.

SECTION 2198r. 66.04 (1) (m) (title) of the statutes is renumbered 66.04 (1m) (title) and amended to read:

66.04 **(1m)** (title) ~~SUBSIDY OF~~ PAYMENTS FOR ABORTIONS AND ABORTION–RELATED ACTIVITY RESTRICTED.

SECTION 2198s. 66.04 (1) (m) of the statutes is renumbered 66.04 (1m) (a).

SECTION 2198t. 66.04 (1m) (b) of the statutes is created to read:

66.04 **(1m)** (b) No city, village or town or agency or subdivision of a city, village or town may authorize payment of funds for a grant, subsidy or other funding involving a pregnancy program, project or service if s. 20.9275 (2) applies to the pregnancy program, project or service.

Vetoed In Part

SECTION 2198v. 66.04 (2) (b) of the statutes is amended to read:

66.04 **(2)** (b) Any town, city or village may invest surplus funds in any bonds or securities issued under the authority of the municipality, whether the bonds or securities create a general municipality liability or a liability of the property owners of the municipality for special improvements, and may sell or hypothecate the bonds or securities. Funds of any employer, as defined by s. 40.02 (28), in a deferred compensation plan may also be invested and reinvested in the same manner authorized for investments under s. 881.01 (1). Funds of any school district operating under ch. 119, held in trust for pension plans intended to qualify under section 401 (a) of the Internal Revenue Code, may be invested and reinvested in the same manner authorized for investments under s. 881.01.

SECTION 2198w. 66.04 (2s) of the statutes is created to read:

66.04 **(2s)** ADDITIONAL DELEGATION OF INVESTMENT AUTHORITY. In addition to the authority granted under sub. (2m), a school district operating under ch. 119 may delegate the investment authority over any of its funds not immediately needed and held in trust for its qualified pension plans to an investment manager who meets the requirements and qualifications specified in the trust's investment policy and who is registered as an investment adviser under the Investment Advisers Act of 1940, 15 USC 80b–3.

SECTION 2199m. 66.045 (6) of the statutes is amended to read:

66.045 **(6)** Subsections (1) to (5) do not apply to telecommunications carriers, as defined in s. 196.01 (8m), telecommunications utilities, as defined in s. 196.01 (10), alternative telecommunications utilities, as defined in s. 196.01 (1d), public service corporations, or to cooperative associations organized under ch. 185 to render or furnish telecommunications service, gas, light, heat or power, but such carriers, utilities, corporations and associations shall secure permit from the proper official for temporary obstructions or excavation in a highway and shall be liable for all injuries to person or property thereby.

SECTION 2200m. 66.058 (3) (c) 8. of the statutes is amended to read:

66.058 **(3)** (c) 8. The credit under s. 79.10 (9) (bm), as it applies to ~~the principal dwelling on~~ a parcel of taxable property ~~of an owner~~ shall apply to the estimated fair market value of a mobile home ~~that is the principal dwelling of the owner. The owner of the mobile home shall file a claim for the credit with the treasurer of the municipality in which the property is located no later than January 31. To obtain the credit under s. 79.10 (9) (bm), the owner shall attest on the claim that the mobile home is the owner's principal dwelling, as defined in s. 79.10 (1) (f)~~. The treasurer shall reduce the owner's parking permit fee by the amount of any allowable credit. The treasurer shall furnish notice of all ~~claims~~ amounts for credits ~~filed~~ under this subdivision to the department of revenue as provided under s. 79.10 (1m).

SECTION 2200tc. 66.067 of the statutes is amended to read:

66.067 Public works projects. For financing purposes, garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, village halls, town halls, courthouses, jails, schools, cooperative educational service agencies, hospitals, homes for the aged or indigent, child care centers, as defined in s. 231.01 (3c), regional projects, waste collection and disposal operations, systems of sewerage, local professional baseball park facilities and any and all other necessary public works projects undertaken by any municipality are public utilities within the meaning of s. 66.066.

SECTION 2200td. 66.069 (1) (b) of the statutes is amended to read:

66.069 **(1)** (b) ~~On~~ Except as provided in pars. (bg) and (bn), on October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 by a public utility operated by any town, city or village and payment for which is owing and in arrears at the time of giving such notice. The department in charge of the utility shall furnish the treasurer with a list of all such lots or parcels of real estate, and the notice shall be given by the treasurer, unless the governing body of the city, village or town shall authorize such notice to be given directly by the department. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such utility; that unless the same is paid by November 1 thereafter a penalty of 10% of the amount of such arrears will be added thereto; and that unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the

same will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post−office address of such lot or parcel of real estate. On November 16 the officer or department issuing the notice shall certify and file with the clerk a list of all lots or parcels of real estate, giving the legal description thereof, to the owners or occupants of which notice of arrears in payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided. Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate. Under this paragraph, if an arrearage is for utility service furnished and metered by the utility directly to a mobile home unit in a licensed mobile home park, the notice shall be given to the owner of the mobile home unit and the delinquent amount shall become a lien on the mobile home unit rather than a lien on the parcel of real estate on which the mobile home unit is located. A lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2). This paragraph does not apply to arrearages collected using the procedure under s. 66.60 (16).

SECTION 2200tp. 66.069 (1) (bg) of the statutes is created to read:

66.069 **(1)** (bg) A municipal utility may use the procedures under par. (b) to collect arrearages for electric service only if one of the following applies:

1. The municipality has enacted an ordinance that authorizes the use of the procedures under par. (b) for the collection of arrearages for electric service provided by the municipal utility.

2. In 1996, the municipality collected arrearages for electric service provided by the municipal utility using the procedures under s. 66.60 (16), 1993 stats.

SECTION 2201. 66.119 (1) (b) 7. c. of the statutes is amended to read:

66.119 **(1)** (b) 7. c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by s. 165.87, a jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1) not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

SECTION 2202. 66.119 (1) (b) 7. d. of the statutes is amended to read:

66.119 **(1)** (b) 7. d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under sub. (3) (d), or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1).

SECTION 2203. 66.119 (1) (c) of the statutes is amended to read:

66.119 **(1)** (c) An ordinance adopted under par. (a) shall contain a schedule of cash deposits that are to be required for the various ordinance violations, and for the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1), for which a citation may be issued. The ordinance shall also specify the court, clerk of court or other official to whom cash deposits are to be made and shall require that receipts be given for cash deposits.

SECTION 2204. 66.119 (3) (a) of the statutes is amended to read:

66.119 **(3)** (a) The person named as the alleged violator in a citation may appear in court at the time specified in the citation or may mail or deliver personally a cash deposit in the amount, within the time and to the court, clerk of court or other official specified in the citation. If a person makes a cash deposit, the person may nevertheless appear in court at the time specified in the citation, provided that the cash deposit may be retained for application against any forfeiture, restitution, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment or domestic abuse assessment that may be imposed.

SECTION 2205. 66.119 (3) (b) of the statutes is amended to read:

66.119 **(3)** (b) If a person appears in court in response to a citation, the citation may be used as the initial pleading, unless the court directs that a formal complaint be made, and the appearance confers personal jurisdiction over the person. The person may plead guilty, no contest or not guilty. If the person pleads guilty or no contest, the court shall accept the plea, enter a judgment of guilty and impose a forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic

abuse assessment imposed by s. 973.055 (1). If the court finds that the violation meets the conditions in s. 800.093 (1), the court may order restitution under s. 800.093. A plea of not guilty shall put all matters in the case at issue, and the matter shall be set for trial.

SECTION 2206. 66.119 (3) (c) of the statutes is amended to read:

66.119 **(3)** (c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be considered to have tendered a plea of no contest and submitted to a forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1) 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. If the court finds the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees may be taxed against the violator, but a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment and, if applicable, a domestic abuse assessment shall be assessed. If the court rejects the plea of no contest, an action for collection of the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment may be commenced. A city, village, town sanitary district or public inland lake protection and rehabilitation district may commence action under s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment.

SECTION 2207. 66.119 (3) (d) of the statutes is amended to read:

66.119 **(3)** (d) If the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, the court may issue a summons or warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment accordingly if service was completed as provided under par. (e) or the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district may commence an action for collection of the forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment. A city, village, town sanitary district or public inland lake protection and rehabilitation district may commence action under s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment. If the court considers the nonappearance to be a plea of no contest and enters judgment accordingly, the court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow the defendant not less than 20 days from the date of the judgment to pay any forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment imposed. If the defendant moves to open the judgment within 6 months after the court appearance date fixed in the citation, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect, the court shall reopen the judgment, accept a not guilty plea and set a trial date.

SECTION 2208. 66.12 (1) (b) of the statutes is amended to read:

66.12 **(1)** (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under those ordinances, and may designate the manner in which the stipulation is to be made and fix the penalty to be paid. When a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation and pays the required penalty and pays the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1). The official receiving the penalties shall remit all moneys collected to the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district in whose behalf the sum was paid, except that all jail assessments shall be remitted to the county treasurer, within 20 days after its receipt by him or her; and in case of any failure in the payment, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. In the

case of the penalty assessment imposed by s. 165.87, the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the driver improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall remit to the state treasurer the sum required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month. The governing body of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall by ordinance designate the official to receive the penalties and the terms under which the official shall qualify.

SECTION 2210c. 66.184 of the statutes, as affected by 1995 Wisconsin Act 289, 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), ~~632.745 (2), (3) and (5)~~ 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) and (10), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

SECTION 2210m. 66.184 of the statutes, as affected by 1997 Wisconsin Act .... (this act), 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), 632.87 (4) and (5), 632.895 (9) ~~and (10)~~ to (13), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

SECTION 2213. 66.30 (6) (g) of the statutes is amended to read:

66.30 **(6)** (g) At least 30 days prior to entering into a contract under this subsection or a modification or extension of the contract, the school boards of the districts involved or their designated agent shall file the proposed agreement with the ~~department of education~~ state superintendent of public instruction to enable the ~~department~~ state superintendent or state superintendent's designee to assist and advise the school boards involved in regard to the applicable recognized accounting procedure for the administration of the school aid programs. The ~~department of education~~ state superintendent shall review the terms of the proposed contract to ensure that each participating district's interests are protected.

SECTION 2213m. 66.307 of the statutes is created to read:

66.307 Premier resort areas. (1) DEFINITIONS. In this section:

(a) "Infrastructure expenses" means the costs of purchasing, constructing or improving parking lots; access ways; transportation facilities, including roads and bridges; sewer and water facilities; parks, boat ramps, beaches and other recreational facilities; fire fighting equipment; police vehicles; ambulances; and other equipment or materials dedicated to public safety or public works.

(b) "Political subdivision" means a city, village, town or county.

(c) "Premier resort area" means a political subdivision whose governing body enacts an ordinance or adopts a resolution under sub. (2) (a).

(d) "Tourism−related retailers" means retailers classified in the standard industrial classification manual, 1987 edition, published by the U.S. office of management and budget under the following industry numbers:

1. 5331 — Variety stores.
2. 5399 — Miscellaneous general merchandise stores.
3. 5441 — Candy, nut and confectionary stores.
4. 5451 — Dairy product stores.
5. 5461 — Retail bakeries.
6. 5541 — Gasoline service stations.
7. 5812 — Eating places.
8. 5813 — Drinking places.
9. 5912 — Drug stores and proprietary stores.
10. 5921 — Liquor stores.
11. 5941 — Sporting goods stores and bicycle shops.
12. 5946 — Camera and photographic supply stores.
13. 5947 — Gift, novelty and souvenir shops.
14. 7011 — Hotels and motels.
15. 7032 — Sporting and recreational camps.
16. 7033 — Recreational vehicle parks and campsites.
17. 7948 — Racing, including track operation.
18. 7992 — Public golf courses.
19. 7993 — Coin−operated amusement devices.
20. 7996 — Amusement parks.
21. 7999 — Amusement and recreational services, not elsewhere classified.

(2) PREMIER RESORT AREA CREATION. (a) The governing body of a political subdivision, by a two−thirds vote of the members of the governing body who are present when the vote is taken, may enact an ordinance or adopt a resolution declaring itself to be a premier resort area if at least 40% of the equalized assessed value of the taxable property within such political subdivision is used by tourism−related retailers.

(b) A political subdivision that is a premier resort area may impose the tax under s. 77.994.

(c) If 2 or more contiguous political subdivisions that are premier resort areas each impose the tax under s. 77.994, they may enter into a contract under s. 66.30 to cooperate in paying for infrastructure expenses, in addition to any other authority they have to act under s. 66.30.

(d) The proceeds from a tax that is imposed under s. 77.994 and this subsection may be used only to pay for infrastructure expenses within the jurisdiction of a premier resort area.

(3) JURISDICTION. The jurisdiction of a premier resort area is coterminous with the boundaries of a political subdivision whose governing body enacts an ordinance or adopts a resolution under sub. (2) (a) or with the boundaries of 2 or more political subdivisions that enter into a contract under sub. (2) (c).

SECTION 2214. 66.36 (intro.) of the statutes is amended to read:

66.36 (title) **Municipal financing; clean water fund ~~project~~ program costs.** (intro.) Subject to the terms and conditions of its financial assistance agreement, a municipality may repay financial assistance costs received ~~from~~ under the clean water fund program under ss. 281.58 and 281.59 by any lawful method, including any one of the following methods or any combination thereof:

SECTION 2214b. 66.46 (2) (f) 2. a. of the statutes is amended to read:

66.46 **(2)** (f) 2. a. The cost of constructing or expanding administrative buildings, police and fire buildings, libraries, community and recreational buildings and school buildings, unless the administrative buildings, police and fire buildings, libraries and community and recreational buildings were damaged or destroyed before January 1, 1997, by a natural disaster.

SECTION 2214h. 66.46 (6) (am) 1. of the statutes is amended to read:

66.46 **(6)** (am) 1. For a tax incremental district that is created after September 30, 1995, no expenditure may be made later than 7 years after the tax incremental district is created, and for a tax incremental district that is created before October 1, 1995, no expenditure may be made later than 10 years after the tax incremental district is created, except that, for a tax incremental district that is created before October 1, 1995, and which receives tax increments under par. (d), no expenditure may be made later than 12 years after the tax incremental district is created.

SECTION 2214k. 66.46 (6) (c) of the statutes is amended to read:

66.46 **(6)** (c) Except for tax increments allocated under par. (d), (dm) or (e), all tax increments received with respect to a tax incremental district shall, upon receipt by the city treasurer, be deposited into a special fund for that district. The city treasurer may deposit additional moneys into such fund pursuant to an appropriation by the common council. No moneys may be paid out of such fund except to pay project costs with respect to that district, to reimburse the city for such payments, to pay project costs of a district under par. (d), (dm) or (e) or to satisfy claims of holders of bonds or notes issued with respect to such district. Subject to par. (d), (dm) or (e), moneys paid out of the fund to pay project costs with respect to a district may be paid out before or after the district is terminated under sub. (7). Subject to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other city funds if any investment earnings are applied to reduce project costs. After all project costs and all bonds and notes with respect to the district have been paid or the payment thereof provided for, subject to any agreement with bondholders, if there remain in the fund any moneys that are not allocated under par. (d), (dm) or (e), they shall be paid over to the treasurer of each county, school district or other tax levying municipality or to the general fund of the city in the amounts that belong to each respectively, having due regard for that portion of the moneys, if any, that represents tax increments not allocated to the city and that portion, if any, that represents voluntary deposits of the city into the fund.

SECTION 2214n. 66.46 (6) (d) 2m. of the statutes is amended to read:

66.46 **(6)** (d) 2m. No tax increments may be allocated under this paragraph later than ~~20~~ 30 years after the last expenditure identified in the project plan of the tax incremental district, the positive tax increments of which are to be allocated, is made if the district is created before October 1, 1995, except that in no case may the total number of years during which expenditures are made under par. (am) 1. plus the total number of years during which tax increments are allocated under this paragraph exceed ~~27~~ 37 years.

SECTION 2214p. 66.46 (6) (d) 4. of the statutes is amended to read:

66.46 **(6)** (d) 4. This paragraph does not apply after ~~January~~ August 1, ~~2002~~ 2016.

SECTION 2214r. 66.46 (6) (dm) of the statutes is created to read:

66.46 **(6)** (dm) 1. After the date on which a tax incremental district 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.

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

2m. No tax increments may be allocated under this paragraph later than 20 years after the last expenditure identified in the project plan of the tax incremental dis-

trict, the positive tax increments of which are to be allocated, is made if the district is created before October 1, 1995, except that in no case may the total number of years during which expenditures are made under par. (am) 1. plus the total number of years during which tax increments are allocated under this paragraph exceed 27 years.

3. This paragraph applies only to the following cities:

a. A city with a population of at least 10,000 that was incorporated in 1950 and that is in a county with a population of more than 500,000 which is adjacent to one of the Great Lakes.

b. A city with a population of at least 55,000 that was incorporated in 1853 and that is in a county that was incorporated in 1840.

4. This paragraph does not apply after January 1, 2002.

SECTION 2214u. 66.46 (7) (a) of the statutes is amended to read:

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

SECTION 2216. 66.462 of the statutes is created to read:

66.462 Environmental remediation tax incremental financing. (1) DEFINITIONS. In this section:

(a) "Chief executive officer" means the mayor or city manager of a city, the village president of a village, the town board chairperson of a town or the county executive of a county or, if the county does not have a county executive, the chairperson of the county board of supervisors.

(b) "Department" means the department of revenue.

(c) "Eligible costs" means capital costs, financing costs and administrative and professional service costs for the investigation, removal, containment or monitoring of, or the restoration of soil or groundwater affected by, environmental pollution, including monitoring costs incurred within 2 years after the date on which the department of natural resources certifies that environmental pollution on the property has been remediated, except that for any parcel of land "eligible costs" shall be reduced by any amounts received from persons responsible for the discharge, as defined in s. 292.01 (3), of a hazardous substance on the property to pay for the costs of remediating environmental pollution on the property and the amount of net gain from the sale of the property by the political subdivision.

(d) "Environmental pollution" has the meaning given in s. 292.01 (4), except that "environmental pollution" does not include any damage caused by runoff from land under agricultural use.

(e) "Environmental remediation tax increment" means that amount obtained by multiplying the total city, county, school and other local general property taxes levied on a parcel of real property that is certified under this section in a year by a fraction having as a numerator the environmental remediation value increment for that year for that parcel and as a denominator that year's equalized value of that parcel. In any year, an environmental remediation tax increment is "positive" if the environmental remediation value increment is positive; it is "negative" if the environmental remediation value increment is negative.

(f) "Environmental remediation tax incremental base" means the aggregate value, as equalized by the department, of a parcel of real property that is certified under this section as of the January 1 preceding the date on which the department of natural resources issues a certificate certifying that environmental pollution on the property has been remediated in accordance with rules promulgated by the department of natural resources.

(g) "Environmental remediation value increment" means the equalized value of a parcel of real property that is certified under this section minus the environmental remediation tax incremental base. In any year, the environmental remediation value increment is "positive" if the environmental remediation tax incremental base of the parcel of property is less than the aggregate value of the parcel of property as equalized by the department; it is "negative" if that base exceeds that aggregate value.

(h) "Hazardous substance" has the meaning given in s. 292.01 (5).

(i) "Period of certification" means a period of not more than 16 years beginning after the department certifies the environmental remediation tax incremental base of a parcel of property under sub. (4) or a period before all eligible costs have been paid, whichever occurs first.

(j) "Political subdivision" means a city, village, town or county.

(k) "Taxable property" means all real and personal taxable property.

(2) USE OF ENVIRONMENTAL REMEDIATION TAX INCREMENTS. A political subdivision that develops, and whose governing body approves, a written proposal to remediate environmental pollution on property owned by the political subdivision may use an environmental remediation tax increment to pay the eligible costs of remediating environmental pollution on property that is not part of a tax incremental district created under s. 66.46 and that is owned by the political subdivision at the time of the remediation and then transferred to another person after the property is remediated, as provided in this section. No political subdivision may submit an application to the department under sub. (4) until the joint review board approves the political subdivision's written proposal under sub. (3).

(3) JOINT REVIEW BOARD. (a) Any political subdivision that seeks to use an environmental remediation tax increment under sub. (2) shall convene a joint review board to review the proposal. The board shall consist of one representative chosen by the school district that has power to levy taxes on the property that is remediated, one representative chosen by the technical college district that has power to levy taxes on the property, one representative chosen by the county that has power to levy taxes on the property that is remediated, one representative chosen by the political subdivision and one public member. If more than one school district, more than one technical college district or more than one county has the power to levy taxes on the property that is remediated, the unit in which is located property that has the greatest value shall choose that representative to the board. The public member and the board's chairperson shall be selected by a majority of the other board members at the board's first meeting. All board members shall be appointed and the first board meeting held within 14 days after the political subdivision's governing body approves the written proposal under sub. (2). Additional meetings of the board shall be held upon the call of any member. The political subdivision that seeks to act under sub. (2) shall provide administrative support for the board. By majority vote, the board may disband following approval or rejection of the proposal.

(b) 1. The board shall review the written proposal and the statement described under sub. (4) (a). As part of its deliberations the board may hold additional hearings on the proposal.

2. No written application may be submitted under sub. (4) unless the board approves the written proposal under sub. (2) by a majority vote not less than 10 days nor more than 30 days after receiving the proposal.

3. The board shall submit its decision to the political subdivision no later than 7 days after the board acts on and reviews the written proposal.

(c) 1. The board shall base its decision to approve or deny a proposal on the following criteria:

a. Whether the development expected in the remediated property would occur without the use of environmental remediation tax incremental financing.

b. Whether the economic benefits of the remediated property, as measured by increased employment, business and personal income and property value, are insufficient to compensate for the cost of the improvements.

c. Whether the benefits of the proposal outweigh the anticipated environmental remediation tax increments to be paid by the owners of property in the overlying taxing districts.

2. The board shall issue a written explanation describing why any proposal it rejects fails to meet one or more of the criteria specified in subd. 1.

(d) If a joint review board convened by a city or village under s. 66.46 (4m) is in existence when a city or village seeks to act under this section, the city or village may require the joint review board convened under s. 66.46 (4m) to exercise the functions of a joint review board that could be convened under this subsection.

(4) CERTIFICATION. Upon written application to the department of revenue by the clerk of a political subdivision on or before April 1 of the year following the year in which the certification described in par. (a) is received from the department of natural resources, the department of revenue shall certify to the clerk of the political subdivision the environmental remediation tax incremental base of a parcel of real property if all of the following apply:

(a) The political subdivision submits a statement that it has incurred eligible costs with respect to the parcel of property and the statement details the purpose and amount of the expenditures and includes a dated certificate issued by the department of natural resources that certifies that environmental pollution on the parcel of property has been remediated in accordance with rules promulgated by the department of natural resources.

(b) The political subdivision submits a statement that all taxing jurisdictions with the authority to levy general property taxes on the parcel of property have been notified that the political subdivision intends to recover the costs of remediating environmental pollution on the property and have been provided a statement of the estimated costs to be recovered.

(c) The political subdivision submits a statement, signed by its chief executive officer, that the political subdivision has attempted to recover the cost of remediating environmental pollution on the property from responsible parties.

(d) The political subdivision completes and submits all forms required by the department that relate to the determination of the environmental remediation tax incremental base.

(5) DESIGNATION ON ASSESSMENT AND TAX ROLLS. The assessor of a taxation district shall identify on the assessment roll returned and examined under s. 70.45 those parcels of property that have been certified under sub. (4) during the period of certification. The clerk of a taxation district shall make a similar notation on the tax roll under s. 70.65.

(6) NOTICE TO TAXING JURISDICTIONS. During the period of certification, the department shall annually give notice to the designated finance officer of all taxing jurisdictions having the power to levy general taxes on property that is certified under sub. (4) of the equalized value of that property and the environmental remediation tax incremental base of that property. The notice shall explain that the environmental remediation tax increment shall be paid to the political subdivision as provided under sub. (8) from the taxes collected.

(7) ENVIRONMENTAL REMEDIATION TAX INCREMENTS AUTHORIZED. (a) Subject to pars. (b) and (c), the depart-

ment shall annually authorize the positive environmental remediation tax increment with respect to a parcel of property during the period of certification to the political subdivision that incurred the costs to remediate environmental pollution on the property, except that an authorization granted under this paragraph does not apply after the department receives the notice described under sub. (10) (b).

(b) The department may authorize a positive environmental remediation tax increment under par. (a) only if the political subdivision submits to the department all information required by the department on or before the 2nd Monday in June of the year to which the authorization relates.

(c) If the department receives the notice described under sub. (10) (b) during the period from January 1 to May 15, the effective date of the notice is the date on which the notice is received. If the department receives the notice described under sub. (10) (b) during the period from May 16 to December 31, the effective date of the notice is the first January 1 after the date on which the notice is received.

(8) SETTLEMENT FOR ENVIRONMENTAL REMEDIATION TAX INCREMENTS. Every officer charged by law to collect and settle general property taxes shall, on the settlement dates provided by law, pay to the treasurer of a political subdivision from all general property taxes collected by the officer the proportion of the environmental remediation tax increment due the political subdivision that the general property taxes collected bears to the total general property taxes levied, exclusive of levies for state trust fund loans, state taxes and state special charges.

(9) SEPARATE ACCOUNTING REQUIRED. An environmental remediation tax increment received with respect to a parcel of land that is subject to this section shall be deposited in a separate fund by the treasurer of the political subdivision. No money may be paid out of the fund except to pay eligible costs for a parcel of land, to reimburse the political subdivision for such costs or to satisfy claims of holders of bonds or notes issued to pay eligible costs. If an environmental remediation tax increment that has been collected with respect to a parcel of land remains in the fund after the period of certification has expired, it shall be paid to the treasurers of the taxing jurisdictions in which the parcel is located in proporation to the relative share of those taxing jurisdictions in the most recent levy of general property taxes on the parcel.

(10) REPORTING REQUIREMENTS. A political subdivision that uses an environmental remediation tax increment to pay eligible costs of remediating environmental pollution under this section shall do all of the following:

(a) Prepare and make available to the public updated annual reports describing the status of all projects to remediate environmental pollution funded under this section, including revenues and expenditures. A copy of the report shall be sent to all taxing jurisdictions with authority to levy general property taxes on the parcel of property by May 1 annually.

(b) Notify the department within 10 days after the period of certification for a parcel of property has expired.

SECTION 2217. 66.521 (9) of the statutes is amended to read:

66.521 **(9)** PAYMENT OF TAXES. When any industrial project acquired by a municipality under this section is used by a private person as a lessee, sublessee or in any capacity other than owner, that person shall be subject to taxation in the same amount and to the same extent as though that person were the owner of the property. Taxes shall be assessed to such private person using the real property and collected in the same manner as taxes assessed to owners of real property. When due, the taxes shall constitute a debt due from such private person to the taxing unit and shall be recoverable as provided by law, and such unpaid taxes shall become a lien against the property with respect to which they were assessed, superior to all other liens, except a lien under s. 292.31 (8) (i)~~, 292.41 (6) (d)~~ or 292.81, and shall be placed on their tax roll when there has been a conveyance of the property in the same manner as are other taxes assessed against real property.

SECTION 2217f. 66.55 (1) (f) of the statutes is amended to read:

66.55 **(1)** (f) "Public facilities" means highways, as defined in s. 340.01 (22), and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and other recreational facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries <u>except that, with regard to counties, "public facilities" does not include highways, as defined in s. 340.01 (22), other transportation facilities or traffic control devices</u>. "Public facilities" does not include facilities owned by a school district.

SECTION 2217h. 66.55 (2) (a) of the statutes is amended to read:

66.55 **(2)** (a) ~~A~~ <u>Subject to par. (am), a</u> political subdivision may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development.

SECTION 2217i. 66.55 (2) (am) of the statutes is created to read:

66.55 **(2)** (am) No county may impose an impact fee under this section to recover costs related to transportation projects.

SECTION 2218. 66.73 of the statutes is amended to read:

66.73 Citizenship day. To redirect the attention of the citizens of Wisconsin (particularly those who are

about to exercise the franchise for the first time) to the fundamentals of American government and to American traditions, any county, municipal or school board may annually provide for and appropriate funds for a program of citizenship education which stresses, through free and frank discussion of a nonpolitical, nonsectarian and nonpartisan nature, the doctrine of democracy, the duties and responsibilities of elective and appointive officers, the responsibilities of voters in a republic and the organization, functions and operation of government. This program should culminate in a ceremony of induction to citizenship for those who have been enfranchised within the past year. Any county may determine to conduct such ceremony either on or within the octave of the day designated by congress or proclaimed by the president of the United States as Citizenship Day. The board may carry out this function in such manner as it determines. The secretary of state, department of ~~education~~ public instruction and other state officers and departments shall cooperate with the participating units of government by the dissemination of available information which will stimulate interest in the government of Wisconsin and its subdivisions.

SECTION 2220. 67.03 (1) (b) of the statutes is repealed and recreated to read:

67.03 **(1)** (b) For any school district which offers no less than grades 1 to 12 and which at the time of incurring such debt is eligible to receive state aid under s. 121.08, 10% of such equalized value shall be permitted. Any school district about to incur indebtedness may apply to the state superintendent of public instruction for, and the state superintendent may issue, a certificate as to the eligibility of the school district to receive state aid under s. 121.08, which certificate shall be conclusive as to such eligibility for 30 days, but not beyond the next June 30.

SECTION 2222. 69.03 (5) of the statutes is amended to read:

69.03 **(5)** Under this subchapter, accept for registration, assign a date of acceptance and index and preserve original certificates of birth and death, original marriage documents and original divorce reports. Notwithstanding s. 69.24 (1) (e), the state registrar may transfer the paper original of a vital record to optical disc or electronic format in accordance with s. 16.61 (5) or to microfilm reproduction in accordance with s. 16.61 (6) and destroy the paper original of any vital record that is so converted. For the purposes of this subchapter, the electronic format version or microfilm reproduction version of the paper original of a vital record that has been transferred under this subsection shall serve as the original vital record.

SECTION 2223. 69.03 (15) of the statutes is amended to read:

69.03 **(15)** Periodically provide to each county ~~designee~~ child support agency under s. 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants who reside in that county for whom no father's name has been inserted on the registrant's birth certificate within 6 months of birth.

SECTION 2224. 69.14 (1) (cm) of the statutes is amended to read:

69.14 **(1)** (cm) For a birth which occurs en route to or at a hospital, the filing party shall give the mother a copy of the pamphlet under s. 69.03 (14). If the child's parents are not married at the time of the child's birth, the filing party shall give the mother a copy of the form prescribed by the state registrar under s. 69.15 (3) (b) 3. If the mother provides a completed form to the filing party while she is a patient in the hospital and within 5 days after the birth, the filing party shall send the form directly to the state registrar. From the appropriation under s. 20.445 (3) (mc), the department of workforce development shall pay the filing party a financial incentive for correctly filing a form within 60 days after the child's birth.

SECTION 2225. 69.15 (3) (b) 3. of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

69.15 **(3)** (b) 3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents, along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form shall be available to the department of workforce development or ~~its designee~~ a county child support agency under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment a notice of the information in ss. 767.458 (1) (a) to (e) and 767.62.

SECTION 2227r. 69.186 (1) (hm) of the statutes is created to read:

69.186 **(1)** (hm) Whether the abortion was a chemically induced abortion, a surgical abortion or a surgical abortion following a failed or incomplete chemical abortion.

SECTION 2230. 69.20 (3) (b) 4. of the statutes is amended to read:

69.20 **(3)** (b) 4. The information is from a birth certificate which indicates that the registrant has a congenital disability and is submitted to the department of ~~education~~ public instruction.

SECTION 2230m. 69.30 (1) (d) of the statutes is created to read:

69.30 **(1)** (d) "Wisconsin works agency" has the meaning given in s. 49.001 (9).

SECTION 2230p. 69.30 (2) of the statutes is amended to read:

69.30 **(2)** A financial institution, state agency, county department, Wisconsin works agency or service office or an employe of a financial institution, state agency, county department, Wisconsin works agency or service office is

not subject to s. 69.24 (1) (a) for copying a certified copy of a vital record for use by the financial institution, state agency, county department, Wisconsin works agency or service office, including use under s. 45.36 (4m), if the copy is marked "FOR ADMINISTRATIVE USE".

SECTION 2233. 70.01 of the statutes is amended to read:

70.01 General property taxes; upon whom levied. Taxes shall be levied, under this chapter, upon all general property in this state except property that is exempt from taxation. Real estate taxes and personal property taxes are deemed to be levied when the tax roll in which they are included has been delivered to the local treasurer under s. 74.03. When so levied such taxes are a lien upon the property against which they are charged. That lien is superior to all other liens, except a lien under s. 292.31 (8) (i)~~, 292.41 (6) (d)~~ or 292.81, and is effective as of January 1 in the year when the taxes are levied. Liens of special assessments of benefits for local improvements shall be in force as provided by the charter or general laws applicable to the cities that make the special assessments. In this chapter, unless the context requires otherwise, references to "this chapter" do not include ss. 70.37 to 70.395.

SECTION 2233d. 70.11 (2m) of the statutes is created to read:

70.11 **(2m)** PROPERTY LEASED OR SUBLEASED TO SCHOOL DISTRICTS. All of the property that is owned or leased by a corporation, organization or association that is exempt from federal income taxation under section 501 (c) (3) of the Internal Revenue Code if all of that property is leased or subleased to a school district for no or nominal consideration for use by an educational institution that offers regular courses for 6 months in a year.

SECTION 2233t. 70.11 (12) (title) and (a) of the statutes are amended to read:

70.11 **(12)** (title) ~~SCOUTS AND BOYS' CLUBS OF AMERICA~~ CERTAIN CHARITABLE ORGANIZATIONS. (a) Property owned by units which are organized in this state of the following organizations: the Salvation Army, the Boy Scouts of America, the Boys' Clubs of America, the Girl Scouts or Camp Fire Girls or any person as trustee for them of property used for the purposes of those organizations, provided no pecuniary profit results to any individual owner or member.

SECTION 2234b. 70.113 (1) of the statutes is renumbered 70.113 (1) (intro.) and amended to read:

70.113 **(1)** (intro.) As soon after April 20 of each year as is feasible the department of natural resources shall pay to the city, village, or town treasurer ~~the sum of 80 cents per acre as a grant out of the appropriation made by s. 20.370 (5) (da) and (dq) on~~ all of the following amounts from the following appropriations for each acre situated in the municipality of state forest lands, as defined in s. 28.02 (1), state parks under s. 27.01 and state public shooting, trapping or fishing grounds and reserves or refuges operated thereon, acquired at any time under s. 29.10, 1943 stats., s. 23.09 (2) (d) or 29.571 (1) or from the appropriations made by s. 20.866 (2) (tp) by the department of natural resources or leased from the federal government by the department of natural resources~~.~~:

SECTION 2234c. 70.113 (1) (a) and (b) of the statutes are created to read:

70.113 **(1)** (a) Eighty cents, to be paid from the appropriation under s. 20.370 (5) (da) or (dq).

(b) Eight cents, to be paid from the appropriation under s. 20.370 (5) (dq).

SECTION 2234m. 70.119 (3) (d) of the statutes is amended to read: **Vetoed In Part**

70.119 **(3)** (d) "Municipal services" means police and fire protection~~, garbage and trash disposal and collection not paid for under sub. (1)~~ and, subject to approval by the committee, any other direct general government service provided by municipalities to state facilities and facilities of the University of Wisconsin Hospitals and Clinics Authority described in s. 70.11 (38). "Municipal services" includes garbage and trash disposal and collection services not paid for under sub. (1) provided to state facilities and the facilities of the University of Wisconsin Hospitals and Clinics Authority, if the municipality provides the same services to all commercial properties in the municipality.

SECTION 2235. 70.27 (5) of the statutes is amended to read:

70.27 **(5)** SURVEYS, RECONCILIATIONS. The surveyor making the plat shall survey and lay out the boundaries of each parcel, street, alley, lane, roadway, or dedication to public or private use, according to the records of the register of deeds, and whatever evidence that may be available to show the intent of the buyer and seller, in the chronological order of their conveyance or dedication, and set temporary monuments to show the results of such survey which shall be made permanent upon recording of the plat as provided for in this section. The map shall be at a scale of not more than 100 feet per inch, unless waived in writing by the department of ~~commerce~~ administration under s. 236.20 (2) (L). The owners of record of lands in the plat shall be notified by certified letter mailed to their last-known address, in order that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown by the temporary monuments. It is the duty of the surveyor making the plat to reconcile any discrepancies that may be revealed, so that the plat as certified to the governing body is in conformity with the records of the register of deeds as nearly as is practicable. When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the owners of record, such lines shall be the true boundaries for all purposes thereafter, even though they may vary from the metes and bounds descriptions previously of record. Such written agreements shall be recorded in the office of the register of deeds. On every as-

sessor's plat, as certified to the governing body, shall appear the volume, page and document number of the metes and bounds description of each parcel, as recorded in the office of the register of deeds, which shall be identified with the number by which such parcel is designated on the plat, except that lots which have been conveyed or otherwise acquired but upon which no deed is recorded in the office of register of deeds may be shown on an assessor's plat and when so shown shall contain a full metes and bounds description.

SECTION 2236. 70.27 (8) of the statutes is amended to read:

70.27 **(8)** PLAT FILED WITH GOVERNING BODY. Within 2 days after the assessor's plat is filed with the governing body, it shall be transmitted to the department of ~~commerce~~ administration by the clerk of the governing body which ordered the plat. The department of ~~commerce~~ administration shall review the plat within 30 days of its receipt. No such plat may be given final approval by the local governing body until the department of ~~commerce~~ administration has certified on the face of the original plat that it complies with the applicable provisions of ss. 236.15 and 236.20. After the plat has been so certified the clerk shall promptly publish a class 3 notice thereof, under ch. 985. The plat shall remain on file in the clerk's office for 30 days after the first publication. At any time within the 30−day period any person or public body having an interest in any lands affected by the plat may bring a suit to have the plat corrected. If no suit is brought within the 30−day period, the plat may be approved by the governing body, and filed for record. If a suit is brought, approval shall be withheld until the suit is decided. The plat shall then be revised in accordance with the decision if necessary, and, without rereferral to the department of ~~commerce~~ administration unless rereferral is ordered by the court. The plat may then be approved by the governing body and filed for record. When so filed the plat shall carry on its face the certificate of the clerk that all provisions of this section have been complied with. When recorded after approval by the governing body, the plat shall have the same effect for all purposes as if it were a land division plat made by the owners in full compliance with ch. 236. Before January 1 of each year, the register of deeds shall notify the town clerks of the recording of any assessors' plats made or amended during the preceding year, affecting lands in their towns.

SECTION 2237. 70.375 (2) (b) of the statutes is amended to read:

70.375 **(2)** (b) The secretary may promulgate any rules necessary to implement the tax under ss. 70.37 to 70.39 and 70.395 ~~(1)~~ (1e). In respect to mines not in operation on November 28, 1981, ss. 71.10 (1), 71.30 (1), 71.74 (2), (3), (9), (11) and (15), 71.77, 71.78, 71.80 (6), 71.83 (1) (a) 1. and 2. and (b) 2. and (2) (a) 3. and (b) 1. and 71.85 (2) apply to the administration of this section.

SECTION 2238. 70.375 (6) of the statutes is amended to read:

70.375 **(6)** INDEXING. ~~For calendar year 1983 and corresponding fiscal years and thereafter, the~~ The dollar amounts in sub. (5) and s. 70.395 (1)~~, (1m)~~ and (2) (d) 1m. and 5. a. and ~~(2)~~ (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%. 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 2239. 70.395 (1) (intro.) of the statutes is renumbered 70.395 (1e) and amended to read:

70.395 **(1e)** DISTRIBUTION. Fifteen days after the collection of the tax under ss. 70.38 to 70.39, the department of administration, upon certification of the department of revenue, shall transfer the amount collected ~~as follows:~~ in respect to mines not in operation on November 28, 1981, to the investment and local impact fund.

SECTION 2240. 70.395 (1) (a) 1. of the statutes is repealed.

SECTION 2241. 70.395 (1) (a) 2. of the statutes is renumbered 70.395 (1) and amended to read:

70.395 **(1)** (title) DEFINITION. In this ~~paragraph, except as provided in subd. 3.~~ section, "first−dollar payment" means an amount equal to $100,000 ~~for each county, Native American community or municipality eligible to receive a payment under sub. (2) (d) 1., 2. or 2m~~ adjusted as provided in s. 70.375 (6).

SECTION 2242. 70.395 (1) (a) 3. of the statutes is repealed.

SECTION 2243. 70.395 (1) (b) of the statutes is repealed.

SECTION 2244. 70.395 (1) (c) of the statutes is repealed.

SECTION 2245. 70.395 (1g) of the statutes is repealed.

SECTION 2246. 70.395 (1m) of the statutes is repealed.

SECTION 2247. 70.395 (2) (d) 1. of the statutes is amended to read:

70.395 **(2)** (d) 1. To each county in which metalliferous minerals are extracted, the first−dollar payment ~~under sub. (1) (a)~~.

SECTION 2248. 70.395 (2) (d) 2. of the statutes is amended to read:

70.395 **(2)** (d) 2. To each city, town or village in which metalliferous minerals are extracted, the first−dollar payment ~~under sub. (1) (a)~~ minus any payment during

that year under par. (d) (intro.) or subd. 5. If the minable ore body is located in 2 contiguous municipalities and if at least 15% of the minable ore body is in each municipality, each qualifying municipality shall receive a full payment specified in this subdivision as if the ore body were located solely within that municipality. The department of revenue shall annually change the dollar amount specified in this subdivision as specified in s. 70.375 (6) except that the dollar amount may not be reduced below the dollar amount under this subdivision on November 28, 1981.

SECTION 2249. 70.395 (2) (d) 4. a. of the statutes is amended to read:

70.395 **(2)** (d) 4. a. To ensure an annual payment to each municipality under ~~sub. (1) (a)~~ subds. 1. and 2. in an amount equal to the average payment for the 3 previous years to that municipality.

SECTION 2250. 70.395 (2) (dg) of the statutes is amended to read:

70.395 **(2)** (dg) Each person constructing a metalliferous mining site shall pay to the department of revenue for deposit in the investment and local impact fund, as a construction fee, an amount sufficient to make the construction period payments under par. (d) 5. in respect to that site. Any person paying a construction fee under this paragraph may credit against taxes due under s. 70.375 an amount equal to the payments that the taxpayer has made under this paragraph, provided that the credit does not reduce the taxpayer's liability under s. 70.375 below the amount needed to make the first−dollar payments ~~as defined under sub. (1) (a) 2.~~ under subds. 1., 2. and 2m. for that year in respect to the taxpayer's mine. Any amount not creditable because of that limitation in any year may be carried forward.

SECTION 2251. 70.395 (2) (g) (intro.) of the statutes is amended to read:

70.395 **(2)** (g) (intro.) The board may distribute the revenues received under ~~subs. (1) (a) and (1g) (b)~~ sub. (1e) or proceeds thereof in accordance with par. (h) for the following purposes, as the board determines necessary:

SECTION 2253. 71.01 (1m) of the statutes is created to read:

71.01 **(1m)** "Department" means the department of revenue.

SECTION 2254. 71.01 (5g) of the statutes is created to read:

71.01 **(5g)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2254b. 71.01 (6) (d) of the statutes is repealed.

SECTION 2254c. 71.01 (6) (e) of the statutes is amended to read:

71.01 **(6)** (e) For taxable years that begin after December 31, 1989, and before January 1, 1991, 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, 1989, and as amended by P.L. 101−280, P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188. 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, 1989, do not apply to this paragraph with respect to taxable years beginning after December 31, 1989, and before January 1, 1991, except that changes to the internal revenue code made by P.L. 101−280, P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the federal internal revenue code made by P.L. 101−280, P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2254d. 71.01 (6) (f) of the statutes is amended to read:

71.01 **(6)** (f) For taxable years that begin after December 31, 1990, and before January 1, 1992, 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, 1990. and as amended by P.L. 102−90, P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188. 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, 1990, do not apply to this paragraph with respect to taxable years beginning after December 31, 1990, and before January 1, 1992, except that changes to the internal revenue code made by P.L. 102−90, P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the federal internal revenue code made by P.L. 102−90, P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section

1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2254e. 71.01 (6) (g) of the statutes is amended to read:

71.01 **(6)** (g) For taxable years that begin after December 31, 1991, and before January 1, 1993, 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, 1991, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103–66, and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103–66, and P.L. 104–188, excluding section 1311 of P.L. 104–188. 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, 1991, do not apply to this paragraph with respect to taxable years beginning after December 31, 1991, and before January 1, 1993, except that changes to the internal revenue code made by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2254f. 71.01 (6) (h) of the statutes is amended to read:

71.01 **(6)** (h) For taxable years that begin after December 31, 1992, and before January 1, 1994, 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, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 104–188, excluding section 1311 of P.L. 104–188. 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, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2254g. 71.01 (6) (i) of the statutes is amended to read:

71.01 **(6)** (i) For taxable years that begin after December 31, 1993, and before January 1, 1995, 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, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66 and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193. 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, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. ~~103–276~~ 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2254h. 71.01 (6) (j) of the statutes is amended to read:

71.01 **(6)** (j) For taxable years that begin after December 31, 1994, and before January 1, 1996, 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, 1994, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−7 ~~and~~, P.L. 104−117, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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 ~~and~~, 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 ~~and~~, P.L. 104−117, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193. 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, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the internal revenue code made by P.L. 104−7 ~~and~~, P.L. 104−117, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104−7 ~~and~~, P.L. 104−117, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2254i. 71.01 (6) (k) of the statutes is amended to read:

71.01 **(6)** (k) For taxable years that begin after December 31, 1995, and before January 1, 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, 1995, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−117, P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193, 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 ~~and~~, P.L. 104−117, P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193. 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, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the internal revenue code made by P.L. 104−117, P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104−117, P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2254j. 71.01 (6) (L) of the statutes is created to read:

71.01 **(6)** (L) For taxable years that begin after December 31, 1996, 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, 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 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 and P.L. 104−193. 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, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996.

SECTION 2254k. 71.01 (7r) of the statutes 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, ~~1995~~ 1996, 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 2255. 71.01 (8r) of the statutes is created to read:

71.01 **(8r)** "Pay", in regard to submissions to or for the department, means mail or deliver funds to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2256. 71.01 (9c) of the statutes is created to read:

71.01 **(9c)** "Sign" means write one's signature or, if the department prescribes another method of authenticating, use that other method.

SECTION 2256m. 71.01 (15) of the statutes is repealed.

SECTION 2257. 71.02 (1) of the statutes 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 ~~multistate~~ 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 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 2258. 71.04 (1) (a) of the statutes 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 ~~multistate~~ 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. 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 2260m. 71.05 (6) (intro.) of the statutes is amended to read:

71.05 **(6)** MODIFICATIONS AND TRANSITIONAL ADJUSTMENTS. (intro.) Some of the modifications referred to in s. 71.01 (13)~~,~~ and (14) ~~and (15)~~ are:

SECTION 2260t. 71.05 (6) (a) 10. of the statutes is amended to read:

71.05 **(6)** (a) 10. For the taxable year, for a person who is not "actively engaged in farming", as that term is used in 7 CFR 1497.201, combined net losses, exclusive of net gains from the sale or exchange of capital or business assets and exclusive of net profits, from businesses, from rents, from partnerships, from limited liability companies, from S corporations, from estates or from trusts, under section 165 of the internal revenue code, except losses allowable under sections 1211 and 1231 of the internal revenue code, otherwise includable in calculating Wisconsin income if those losses are incurred in the operation of a farming business, as defined in section 464 (e) 1. of the internal revenue code to the extent that those combined net losses exceed $20,000 if nonfarm Wiscon-

sin adjusted gross income exceeds $55,000 but does not exceed $75,000, exceed $17,500 if nonfarm Wisconsin adjusted gross income exceeds $75,000 but does not exceed $100,000, exceed $15,000 if nonfarm Wisconsin adjusted gross income exceeds $100,000 but does not exceed $150,000, exceed $12,500 if nonfarm Wisconsin adjusted gross income exceeds $150,000 but does not exceed $200,000, exceed $10,000 if nonfarm Wisconsin adjusted gross income exceeds $200,000 but does not exceed $250,000, exceed $7,500 if nonfarm Wisconsin adjusted gross income exceeds $250,000 but does not exceed $300,000, exceed $5,000 if nonfarm Wisconsin adjusted gross income exceeds $300,000 but does not exceed ~~$400,000~~ $600,000 and exceed $0 if nonfarm adjusted gross income exceeds ~~$400,000~~ $600,000, except that the amounts applicable to married persons filing separately are 50% of the amounts specified in this subdivision.

SECTION 2261. 71.05 (6) (a) 15. of the statutes is amended to read:

71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dr) ~~and~~, (2ds), (2dx) and (3s) and not passed through by a partnership, limited liability company or tax−option corporation that has added that amount to the partnership's, company's or tax−option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

SECTION 2261am. 71.05 (6) (a) 19. of the statutes is repealed.

SECTION 2261ao. 71.05 (6) (a) 20. of the statutes is created to read:

71.05 **(6)** (a) 20. The amount of any excess distribution, as that term is used in section 1291 (b) of the Internal Revenue Code, from a passive foreign investment company.

SECTION 2261b. 71.05 (6) (b) 24. of the statutes is repealed.

SECTION 2261c. 71.05 (6) (b) 25. of the statutes is created to read:

71.05 **(6)** (b) 25. All gains that are not excluded from taxation under subd. 9., on business assets or on assets used in farming, including shares in a corporation or trust that meets the standards under s. 182.001 (1), or both, held more than one year, that are sold or otherwise disposed of to persons who are related to the seller or transferor by blood, marriage or adoption within the 3rd degree of kinship as that term is used in s. 852.03 (2), as computed under the Internal Revenue Code, not including amounts treated as ordinary income for federal income tax purposes because of the recapture of depreciation or any other reason.

SECTION 2261d. 71.05 (6) (b) 26. of the statutes is created to read:

71.05 **(6)** (b) 26. For taxable years beginning on or after January 1, 1998, an amount paid by a person for a long−term care insurance policy for the person and his or her spouse, calculated as follows:

a. One hundred percent of the amount paid by the person for a long−term care insurance policy. In this subdivision, "long−term care insurance policy" means a disability insurance policy or certificate advertised, marketed, offered or designed primarily to provide coverage for care that is provided in the insured person's home or in institutional and community−based settings and that is convalescent or custodial care or care for a chronic condition or terminal illness; the term does not include a medicare supplement policy or medicare replacement policy or a continuing care contract, as defined in s. 647.01 (2). "Long−term care insurance policy" applies to a policy that covers the person and his or her spouse.

b. From the amount calculated under subd. 26. a., subtract the amounts deducted from gross income for a long−term care insurance policy in the calculation of federal adjusted gross income.

c. For a person who is a nonresident or a part−year resident of this state, modify the amount calculated under subd. 26. b. by multiplying the amount by a fraction the numerator of which is the person's wages, unearned income and net earnings from a trade or business that are taxable by this state and the denominator of which is the person's total wages, unearned income and net earnings from a trade or business.

d. Reduce the amount calculated under subd. 26. b. or c. to the person's aggregate wages, unearned income and net earnings from a trade or business that are taxable by this state.

SECTION 2261ds. 71.05 (22) (ds) of the statutes is created to read:

71.05 **(22)** (ds) *Standard deduction indexing.* For taxable years beginning after December 31, 1998, the dollar amounts of the standard deduction that is allowable under par. (dm) and all of the dollar amounts of Wisconsin adjusted gross income under par. (dm) shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of $10 if the revised amount is not a multiple of $10 or, if the revised amount is a multiple of $5, such an amount shall be increased to the next higher multiple of $10. The department of revenue shall annually adjust the changes in dollar amounts required under this paragraph and incorporate the changes into the income tax forms and instructions.

SECTION 2261e. 71.06 (1) (intro.) of the statutes is amended to read:

71.06 **(1)** (title) FIDUCIARIES, SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLDS; 1986 TO 1997. (intro.) The tax to be assessed, levied and collected upon the taxable incomes of all fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, and single individuals for taxable years beginning on or after August 1, 1986, and before January 1, 1994, and upon the taxable incomes of all fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, and single individuals and heads of households for taxable years beginning ~~on or~~ after ~~January 1, 1994~~ December 31, 1993, and before January 1, 1998, shall be computed at the following rates:

SECTION 2261ee. 71.06 (1m) of the statutes is created to read:

71.06 **(1m)** FIDUCIARIES, SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLDS; AFTER 1997. The tax to be assessed, levied and collected upon the taxable incomes of all fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, and single individuals and heads of households shall be computed at the following rates for taxable years beginning after December 31, 1997:

(a) On all taxable income from $0 to $7,500, 4.85%.

(b) On all taxable income exceeding $7,500 but not exceeding $15,000, 6.48%.

(c) On all taxable income exceeding $15,000, 6.87%.

SECTION 2261eg. 71.06 (2) (intro.) of the statutes is amended to read:

71.06 **(2)** MARRIED PERSONS. (intro.) The tax to be assessed, levied and collected upon the taxable incomes of all married persons ~~for calendar year 1987 and corresponding fiscal years and for calendar and fiscal years thereafter~~ shall be computed at the following rates:

SECTION 2261ei. 71.06 (2) (a) (intro.) of the statutes is amended to read:

71.06 **(2)** (a) (intro.) For joint returns, for taxable years beginning after July 31, 1986, and before January 1, 1998:

SECTION 2261ek. 71.06 (2) (b) (intro.) of the statutes is amended to read:

71.06 **(2)** (b) (intro.) For married persons filing separately, for taxable years beginning after July 31, 1986, and before January 1, 1998:

SECTION 2261eL. 71.06 (2) (c) of the statutes is created to read:

71.06 **(2)** (c) For joint returns, for taxable years beginning after December 31, 1997:

1. On all taxable income from $0 to $10,000, 4.85%.

2. On all taxable income exceeding $10,000 but not exceeding $20,000, 6.48%.

3. On all taxable income exceeding $20,000, 6.87%.

SECTION 2261em. 71.06 (2) (d) of the statutes is created to read:

71.06 **(2)** (d) For married persons filing separately, for taxable years beginning after December 31, 1997:

1. On all taxable income from $0 to $5,000, 4.85%.

2. On all taxable income exceeding $5,000 but not exceeding $10,000, 6.48%.

3. On all taxable income exceeding $10,000, 6.87%.

SECTION 2261en. 71.06 (2e) of the statutes is created to read:

71.06 **(2e)** BRACKET INDEXING. For taxable years beginning after December 31, 1998, the maximum dollar amount in each tax bracket, and the corresponding minimum dollar amount in the next bracket, under subs. (1m) and (2) (c) and (d) shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this subsection shall be rounded to the nearest multiple of $10 if the revised amount is not a multiple of $10 or, if the revised amount is a multiple of $5, such an amount shall be increased to the next higher multiple of $10. The department of revenue shall annually adjust the changes in dollar amounts required under this subsection and incorporate the changes into the income tax forms and instructions.

SECTION 2261eo. 71.06 (2m) of the statutes is amended to read:

71.06 **(2m)** RATE CHANGES. If a rate under sub. (1), (1m) or (2) changes during a taxable year, the taxpayer shall compute the tax for that taxable year by the methods applicable to the federal income tax under section 15 of the internal revenue code.

SECTION 2261f. 71.06 (2s) of the statutes is created to read:

71.06 **(2s)** NONRESIDENTS AND PART–YEAR RESIDENTS. For taxable years beginning after December 31, 1996, with respect to nonresident individuals, including individuals changing their domicile into or from this state, the tax brackets under subs. (1) and (2) shall be multiplied by a fraction, the numerator of which is Wisconsin adjusted gross income and the denominator of which is federal adjusted gross income. In this subsection, for married persons filing separately "adjusted gross income" means the separate adjusted gross income of each spouse, and for married persons filing jointly "adjusted gross income" means the total adjusted gross income of both spouses. If an individual and that individual's spouse are not both domiciled in this state during the entire taxable year, the tax brackets under subs. (1) and (2) on a joint return shall be multiplied by a fraction, the numerator of which is their joint Wisconsin adjusted gross income and the de-

nominator of which is their joint federal adjusted gross income.

SECTION 2261fm. 71.06 (2s) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 71.06 (2s) (a) and amended to read:

71.06 **(2s)** (a) For taxable years beginning after December 31, 1996, and ending before January 1, 1998, with respect to nonresident individuals, including individuals changing their domicile into or from this state, the tax brackets under subs. (1) and (2) shall be multiplied by a fraction, the numerator of which is Wisconsin adjusted gross income and the denominator of which is federal adjusted gross income. In this ~~subsection~~ paragraph, for married persons filing separately "adjusted gross income" means the separate adjusted gross income of each spouse, and for married persons filing jointly "adjusted gross income" means the total adjusted gross income of both spouses. If an individual and that individual's spouse are not both domiciled in this state during the entire taxable year, the tax brackets under subs. (1) and (2) on a joint return shall be multiplied by a fraction, the numerator of which is their joint Wisconsin adjusted gross income and the denominator of which is their joint federal adjusted gross income.

SECTION 2261fn. 71.06 (2s) (b) of the statutes is created to read:

71.06 **(2s)** (b) For taxable years beginning after December 31, 1997, with respect to nonresident individuals, including individuals changing their domicile into or from this state, the tax brackets under subs. (1m) and (2) (c) and (d) shall be multiplied by a fraction, the numerator of which is Wisconsin adjusted gross income and the denominator of which is federal adjusted gross income. In this paragraph, for married persons filing separately "adjusted gross income" means the separate adjusted gross income of each spouse, and for married persons filing jointly "adjusted gross income" means the total adjusted gross income of both spouses. If an individual and that individual's spouse are not both domiciled in this state during the entire taxable year, the tax brackets under subs. (1m) and (2) (c) and (d) on a joint return shall be multiplied by a fraction, the numerator of which is their joint Wisconsin adjusted gross income and the denominator of which is their joint federal adjusted gross income.

SECTION 2261h. 71.07 (2dd) (e) of the statutes is created to read:

71.07 **(2dd)** (e) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2261j. 71.07 (2de) (d) of the statutes is created to read:

71.07 **(2de)** (d) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2261k. 71.07 (2di) (i) of the statutes is created to read:

71.07 **(2di)** (i) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2261m. 71.07 (2dj) (i) of the statutes is created to read:

71.07 **(2dj)** (i) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2261p. 71.07 (2dL) (h) of the statutes is created to read:

71.07 **(2dL)** (h) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2261q. 71.07 (2dr) (a) of the statutes is amended to read:

71.07 **(2dr)** (a) *Credit.* Any person may credit against taxes otherwise due under this chapter an amount equal to 5% of the amount obtained by subtracting from the person's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" include only expenses incurred by the claimant in a development zone under subch. VI of ch. 560, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that "qualified research expenses" do not include compensation used in computing the credit under sub. (2dj) nor research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), the person's base amount, as defined in section 41 (c) of the internal revenue code, in a development zone, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.04 (7) (b) 1. and 2. and (d) and research expenses used in calculating the base amount include research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant submits with the

claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of commerce verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this paragraph. The rules under sub. (2di) (f) and (g), as they apply to the credit under that subsection, apply to claims under this paragraph. Section 41 (h) of the internal revenue code does not apply to the credit under this paragraph.

SECTION 2261t. 71.07 (2dr) (i) of the statutes is created to read:

71.07 **(2dr)** (i) *Sunset.* No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2261v. 71.07 (2ds) (i) of the statutes is created to read:

71.07 **(2ds)** (i) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2262. 71.07 (2dx) of the statutes is created to read:

71.07 **(2dx)** DEVELOPMENT ZONES CREDIT. (a) *Definitions.* In this subsection:

1. "Brownfield" means an industrial or commercial facility the expansion or redevelopment of which is complicated by environmental contamination.

2. "Development zone" means a development zone under s. 560.70, a development opportunity zone under s. 560.795 or an enterprise development zone under s. 560.797.

3. "Environmental remediation" means removal or containment of environmental pollution, as defined in s. 299.01 (4), and restoration of soil or groundwater that is affected by environmental pollution, as defined in s. 299.01 (4), in a brownfield if that removal, containment or restoration fulfills the requirement under sub. (2de) (a) 1. and investigation unless the investigation determines that remediation is required and that remediation is not undertaken.

4. "Full–time job" means a regular, nonseasonal full–time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays, and for which the individual receives pay that is equal to at least 150% of the federal minimum wage and receives benefits that are not required by federal or state law. "Full–time job" does not include initial training before an employment position begins.

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

(b) *Credit.* Except as provided in s. 73.03 (35) and subject to s. 560.785, for any taxable year for which the person is certified under s. 560.765 (3), any person may claim as a credit against taxes the following amounts:

1. Fifty percent of the amount expended for environmental remediation in a development zone.

2. The amount determined by multiplying the amount determined under s. 560.785 (1) (b) by the number of full–time jobs created in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

3. The amount determined by multiplying the amount determined under s. 560.785 (1) (c) by the number of full–time jobs created in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

4. The amount determined by multiplying the amount determined under s. 560.785 (1) (b) by the number of full–time jobs retained, as provided in the rules under s. 560.785, excluding jobs for which a credit has been claimed under sub. (2dj), in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

5. The amount determined by multiplying the amount determined under s. 560.785 (1) (c) by the number of full–time jobs retained, as provided in the rules under s. 560.785, excluding jobs for which a credit has been claimed under sub. (2dj), in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

(c) *Credit precluded.* If the certification of a person for tax benefits under s. 560.765 (3) is revoked, that person may not claim credits under this subsection for the taxable year that includes the day on which the certification is revoked or succeeding taxable years and that person may not carry over unused credits from previous years to offset tax under this chapter for the taxable year

that includes the day on which certification is revoked or succeeding taxable years.

(d) *Carry−over precluded.* If a person who is certified under s. 560.765 (3) for tax benefits ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year during which operations cease or from previous taxable years.

(e) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection. Subsection (2dj) (c), as it applies to the credit under sub. (2dj), applies to the credit under this subsection. Claimants shall include with their returns a copy of their certification for tax benefits and a copy of the department of commerce's verification of their expenses.

SECTION 2262m. 71.07 (3s) of the statutes is created to read:

71.07 **(3s)** MANUFACTURING SALES TAX CREDIT. (a) In this subsection:

1. "Manufacturing" has the meaning given in s. 77.54 (6m).

2. "Sales and use tax under ch. 77 paid by the person" includes use taxes paid directly by the person and sales and use taxes paid by the person's supplier and passed on to the person whether separately stated on the invoice or included in the total price.

(b) The tax imposed under s. 71.02 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.

(c) 1. The credit under par. (b), including any credits carried over, may be offset only against the amount of the tax imposed upon or measured by the business operations of the claimant in which the fuel and electricity are consumed. If the credit computed is not entirely offset against taxes otherwise due, the unused balance shall be carried forward and credited against taxes otherwise due for the following 15 taxable years to the extent not offset by taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry−forward credit is claimed.

2. For shareholders in a tax−option corporation, the credit may be offset only against the tax imposed on the shareholder's prorated share of the tax−option corporation's income.

3. For partners, the credit may be offset only against the tax imposed on the partner's distributive share of partnership income.

4. If a tax−option corporation becomes liable for tax, the corporation may offset the credit against the tax due, with any remaining credit passing through to the shareholders.

5. If a corporation that is not a tax−option corporation has a carry−over credit 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.

6. If the shareholders of a tax−option corporation have carry−over credits and the corporation becomes a corporation other than a tax−option corporation after the effective date of this subdivision .... [revisor inserts date], and before the credits carried over are used, the unused portion of the credits may be used by the corporation that is not a tax−option corporation.

SECTION 2262n. 71.07 (5) (a) 7. of the statutes is repealed.

SECTION 2262nm. 71.07 (5) (a) 15. of the statutes is amended to read:

71.07 **(5)** (a) 15. The amount claimed as a deduction for medical care insurance under section 213 of the ~~internal revenue code~~ Internal Revenue Code that is exempt from taxation under s. 71.05 (6) (b) 17. to 20. and the amount claimed as a deduction for a long−term care insurance policy under section 213 (d) (1) (D) of the Internal Revenue Code, as defined in section 7702B (b) of the Internal Revenue Code that is exempt from taxation under s. 71.05 (6) (b) 26.

SECTION 2262np. 71.07 (5m) of the statutes is created to read:

71.07 **(5m)** WORKING FAMILIES TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means an individual who is eligible to claim the credit under this subsection.

2. "Department" means the department of revenue.

3. "Household" means a claimant and an individual related to the claimant as husband or wife.

4. "Net tax liability" means a claimant's income tax liability after he or she completes the computations listed in s. 71.10 (4) (a) to (dr).

(b) *Filing claims.* Subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, one of the following amounts:

1. If the claimant is single and his or her adjusted gross income is less than $9,000 in the year to which the claim relates, an amount equal to his or her net tax liability.

2. If the claimant is single and his or her adjusted gross income is at least $9,000 but less than $10,000 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is $1,000 and the numerator of which is the difference between the claimant's adjusted gross income and $9,000.

b. Subtract from 1.0 the amount that is calculated under subd. 2. a.

c. Multiply the amount of the claimant's net income tax liability by the amount that is calculated under subd. 2. b.

3. If the claimant is married and filing jointly and the sum of the claimant's adjusted gross income and his or her spouse's adjusted gross income is less than $18,000 in the year to which the claim relates, an amount equal to the married couple's net tax liability.

4. If the claimant is married and filing jointly and the sum of the claimant's adjusted gross income and his or her spouse's adjusted gross income is at least $18,000 but less than $19,000 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is $1,000 and the numerator of which is the difference between the married couple's adjusted gross income and $18,000.

b. Subtract from 1.0 the amount that is calculated under subd. 4. a.

c. Multiply the amount of the married couple's net income tax liability by the amount that is calculated under subd. 4. b.

5. If the claimant is married and filing separately and his or her adjusted gross income is less than $9,000 in the year to which the claim relates, an amount equal to his or her net tax liability.

6. If the claimant is married and filing separately and his or her adjusted gross income is at least $9,000 but less than $10,000 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is $1,000 and the numerator of which is the difference between the claimant's adjusted gross income and $9,000.

b. Subtract from 1.0 the amount that is calculated under subd. 6. a.

c. Multiply the amount of the claimant's net income tax liability by the amount that is calculated under subd. 6. b.

(c) *Limitations.* 1. No credit may be allowed under this subsection unless it is claimed within the time period under s. 71.75 (2).

2. Part−year residents and nonresidents of this state are not eligible for the credit under this subsection.

3. Except as provided in subd. 4., only one credit per household is allowed each year.

4. If a married couple files separately, each spouse may claim the credit calculated under par. (b) 5. or 6., except a married person living apart from the other spouse and treated as single under section 7703 (b) of the Internal Revenue Code may claim the credit under par. (b) 1. or 2.

5. The credit under this subsection may not be claimed by a person who may be claimed as a dependent on the individual income tax return of another taxpayer.

(d) *Administration.* The department of revenue may enforce the credit under this subsection and may take any action, conduct any proceeding and proceed as it is authorized in respect to taxes under this chapter. The income tax provisions in this chapter relating to assessments, refunds, appeals, collection, interest and penalties apply to the credit under this subsection.

SECTION 2262ns. 71.07 (6) (a) of the statutes is amended to read:

71.07 **(6)** (a) ~~Married~~ For taxable years beginning before January 1, 1998, married persons filing a joint return, except those who reduce their gross income under section 911 or 931 of the internal revenue code, may claim as a credit against, but not to exceed the amount of, Wisconsin net income taxes otherwise due an amount equal to 2% of the earned income of the spouse with the lower earned income, but not more than $300. In this paragraph, "earned income" means qualified earned income, as defined in section 221 (b) of the internal revenue code as amended to December 31, 1985, plus employe business expenses under section 62 (2) (B) to (D) of that code, allocable to Wisconsin under s. 71.04, plus amounts received by the individual for services performed in the employ of the individual's spouse minus the amount of disability income excluded under s. 71.05 (6) (b) 4. and minus any other amount not subject to tax under this chapter. Earned income is computed notwithstanding the fact that each spouse owns an undivided one−half interest in the whole of the marital property. A marital property agreement or unilateral statement under ch. 766 transferring income between spouses has no effect in computing earned income under this paragraph.

SECTION 2262nt. 71.07 (6) (am) of the statutes is created to read:

71.07 **(6)** (am) 1. In this paragraph, "earned income" means qualified earned income, as defined in section 221 (b) of the internal revenue code as amended to December 31, 1985, plus employe business expenses under section 62 (2) (B) to (D) of that code, allocable to Wisconsin under s. 71.04, plus amounts received by the individual for services performed in the employ of the individual's spouse minus the amount of disability income excluded under s. 71.05 (6) (b) 4. and minus any other amount not subject to tax under this chapter. Earned income is computed notwithstanding the fact that each spouse owns an undivided one−half interest in the whole of the marital property. A marital property agreement or unilateral

statement under ch. 766 transferring income between spouses has no effect in computing earned income under this paragraph.

2. Married persons filing a joint return, except those who reduce their gross income under section 911 or 931 of the Internal Revenue Code, may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount equal to one of the following:

a. For taxable years beginning after December 31, 1997, and before January 1, 1999, 2.17% of the earned income of the spouse with the lower earned income, but not more than $304.

b. For taxable years beginning after December 31, 1998, and before January 1, 2000, 2.5% of the earned income of the spouse with the lower earned income, but not more than $350.

c. For taxable years beginning after December 31, 1999, and before January 1, 2001, 2.75% of the earned income of the spouse with the lower earned income, but not more than $385.

d. For taxable years beginning after December 31, 2000, 3% of the earned income of the spouse with the lower earned income, but not more than $420.

SECTION 2262nu. 71.07 (6) (b) of the statutes is amended to read:

71.07 **(6)** (b) A claimant who has filed a timely claim under ~~par. (a)~~ this subsection may file an amended claim with the department of revenue within 4 years of the last day prescribed by law for filing the original claim.

SECTION 2262p. 71.07 (8) (a) of the statutes is renumbered 71.07 (8) (a) (intro.) and amended to read:

71.07 **(8)** (a) (intro.) An exemption of ~~$25~~ one of the following amounts if the taxpayer has reached the age of 65 prior to the close of the calendar or fiscal year~~.~~ and if one of the following applies:

SECTION 2262q. 71.07 (8) (a) 1. to 6. of the statutes are created to read:

71.07 **(8)** (a) 1. If the taxpayer is an individual, the taxpayer files an individual return, and has adjusted gross income of less than $30,000 in the year to which the claim relates, $25.

2. If the taxpayer is an individual, the taxpayer files an individual return, and has adjusted gross income of at least $30,000 but less than $31,000 in the year to which the claim relates, the amount obtained by subtracting from $25 2.5% of the amount by which the taxpayer's adjusted gross income exceeds $30,000.

3. If the taxpayer is married, the taxpayer files a joint return, and has adjusted gross income of less than $40,000 in the year to which the claim relates, $25.

4. If the taxpayer is married, the taxpayer files a joint return, and has adjusted gross income of at least $40,000 but less than $41,000 in the year to which the claim relates, the amount obtained by subtracting from $25 2.5% of the amount by which the taxpayer's adjusted gross income exceeds $40,000.

5. If the taxpayer is married, the taxpayer files a separate return, and has adjusted gross income of less than $20,000 in the year to which the claim relates, $25.

6. If the taxpayer is married, the taxpayer files a separate return and has adjusted gross income of at least $20,000 but less than $21,000 in the year to which the claim relates, the amount obtained by subtracting from $25 2.5% of the amount by which the taxpayer's adjusted gross income exceeds $20,000.

Vetoed In Part

SECTION 2262r. 71.07 (9m) (a) of the statutes is amended to read:

71.07 **(9m)** (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section 47 (c) (2) of the internal revenue code, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988~~, and the rehabilitated property is placed in service after June 30, 1989~~.

SECTION 2262s. 71.07 (10) (a) of the statutes is repealed.

SECTION 2262t. 71.07 (10) (b) of the statutes is renumbered 71.07 (10).

SECTION 2263. 71.08 (1) (intro.) of the statutes 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), (6) and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd) and (2m) and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd) and (2m) 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 2264. 71.09 (6) of the statutes is repealed.

SECTION 2264m. 71.10 (4) (de) of the statutes is created to read:

71.10 **(4)** (de) The manufacturing sales tax credit under s. 71.07 (3s).

SECTION 2264s. 71.10 (4) (du) of the statutes is created to read:

71.10 **(4)** (du) Working families tax credit under s. 71.07 (5m).

SECTION 2265. 71.10 (4) (gu) of the statutes is created to read:

71.10 **(4)** (gu) Development zones credit under s. 71.07 (2dx).

SECTION 2265m. 71.10 (4) (j) of the statutes is amended to read:

71.10 **(4)** (j) Any amount ~~of money or other assets~~ computed under s. 71.83 (1) (c).

SECTION 2266. 71.10 (5) (a) 2. of the statutes is amended to read:

71.10 **(5)** (a) 2. "Endangered resources program" means purchasing or improving land or habitats for any native Wisconsin endangered or threatened species as defined in s. 29.415 (2) (a) or (b) or for any nongame species as defined in s. 29.01 (10), conducting the natural heritage inventory program under s. 23.27 (3), conducting wildlife and resource research and surveys and providing wildlife management services, providing for wildlife damage control or the payment of claims for damage associated with endangered or threatened species, repaying the general fund for amounts expended under s. 20.370 (1) (fb) in fiscal year 1983−84 and the payment of administrative expenses related to the administration of this subsection.

SECTION 2266c. 71.122 of the statutes is created to read:

71.122 Definition. In this subchapter, "Wisconsin taxable income" means federal taxable income, as defined in s. 71.01 (4), as modified under s. 71.05 (6) to (12), (19) and (20).

SECTION 2266g. 71.125 of the statutes is renumbered 71.125 (1) and amended to read:

71.125 **(1)** ~~The~~ Except as provided in sub. (2), the tax imposed by this chapter on individuals and the rates under s. 71.06 (1), (1m) and (2) shall apply to the Wisconsin taxable income of estates or trusts, except nuclear decommissioning trust or reserve funds, and that tax shall be paid by the fiduciary.

SECTION 2266h. 71.125 (2) of the statutes is created 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.

SECTION 2266k. 71.195 of the statutes is created to read:

71.195 Definition. In this subchapter, "partnership" includes limited liability companies and other entities that are treated as partnerships under the Internal Revenue Code, and "partnership" does not include publicly traded partnerships treated as corporations under s. 71.22 (1).

SECTION 2266m. 71.20 (1) of the statutes is amended to read:

71.20 **(1)** Every partnership~~, except publicly traded partnerships treated as corporations under s. 71.22 (1), and every limited liability company, except limited liability companies treated as corporations under s. 71.22 (1),~~ shall furnish to the department a true and accurate statement, on or before April 15 of each year, except that returns for fiscal years ending on some other date than December 31 shall be furnished on or before the 15th day of the 4th month following the close of such fiscal year, in such manner and form and setting forth such facts as the department deems necessary to enforce this chapter. A partnership that is the owner of a single−owner entity that is disregarded as a separate entity under section 7701 of the Internal Revenue Code shall include that entity's information on the owner's return under this subchapter. The statement shall be subscribed by one of the members of the partnership ~~or limited liability company~~.

SECTION 2266r. 71.21 (1) of the statutes is amended to read:

71.21 **(1)** The net income of a partnership~~, except publicly traded partnerships treated as corporations under s. 71.22 (1), and of a limited liability company, except limited liability companies treated as corporations under s. 71.22 (1),~~ shall be computed in the same manner and on the same basis as provided for computation of the income of persons other than corporations.

SECTION 2266t. 71.21 (2) of the statutes is amended to read:

71.21 **(2)** The standard deduction shall not be allowed in computing the taxable income of a partnership ~~or of a limited liability company~~.

SECTION 2266u. 71.21 (3) of the statutes is amended to read:

71.21 **(3)** The credits under s. 71.28 (4) and (5) may not be claimed by a partnership~~, except a publicly traded partnership treated as a corporation under s. 71.22 (1), or a limited liability company, except a limited liability company treated as a corporation under s. 71.22 (1),~~ or by partners, including partners of a publicly traded partnership~~, or members of a limited liability company~~.

SECTION 2267. 71.21 (4) of the statutes is amended to read:

71.21 **(4)** Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL) ~~and~~, (2ds), (2dx) and (3s) and passed through to partners ~~or members~~ shall be added to the partnership's ~~or limited liability company's~~ income.

SECTION 2267m. 71.22 (1) of the statutes is amended to read:

71.22 **(1)** "Corporation" includes corporations, publicly traded partnerships treated as corporations in section 7704 of the internal revenue code, limited liability companies treated as corporations under the internal revenue code, joint stock companies, associations ~~and~~, common law trusts and all other entities treated as corporations under section 7701 of the Internal Revenue Code, unless the context requires otherwise. 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 or measured by the entity's income. "Corporation" does not include any entity that is a qualified subchapter S subsidiary under s. 71.365 (7).

SECTION 2268. 71.22 (1m) of the statutes is created to read:

71.22 **(1m)** "Department" means the department of revenue.

SECTION 2269. 71.22 (2m) of the statutes is created to read:

71.22 **(2m)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2269b. 71.22 (4) (d) of the statutes is repealed.

SECTION 2269c. 71.22 (4) (e) of the statutes is amended to read:

71.22 **(4)** (e) 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, 1989, and before January 1, 1991, means the federal internal revenue code as amended to December 31, 1989, and as amended by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188. 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, 1989, do not apply to this paragraph with respect to taxable years beginning after December 31, 1989, and before January 1, 1991, except that changes to the internal revenue code made by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269d. 71.22 (4) (f) of the statutes is amended to read:

71.22 **(4)** (f) 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, 1990, and before January 1, 1992, means the federal internal revenue code as amended to December 31, 1990, and as amended by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188. 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, 1990, do not apply to this paragraph with respect to taxable years beginning after December 31, 1990, and before January 1, 1992, except that changes to the internal revenue code made by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269e. 71.22 (4) (g) of the statutes is amended to read:

71.22 **(4)** (g) 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, 1991, and before January 1, 1993, means the federal internal revenue code as amended to December 31, 1991, excluding sections 103, 104 and 110 of P.L. 102−227, and as amended by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66, and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66, and P.L. 104−188, excluding section 1311 of P.L. 104−188. 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, 1991, do not apply to this paragraph with respect to taxable years beginning after December 31, 1991, and before January 1, 1993, except that changes to the internal revenue code made by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269f. 71.22 (4) (h) of the statutes is amended to read:

71.22 **(4)** (h) 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, 1992, and before January 1, 1994, means the federal internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102−227, and as amended by P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103−66, ~~and~~ P.L. 103−465, and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103−66 ~~and~~, P.L. 103−465 and P.L. 104−188, excluding section 1311 of P.L. 104−188. 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, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103−66 ~~and~~, P.L. 103−465 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103−66 ~~and~~, P.L. 103−465 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269g. 71.22 (4) (i) of the statutes is amended to read:

71.22 **(4)** (i) 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, 1993, and before January 1, 1995, means the federal internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103−66, and as amended by P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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, 13203 (d) and 13215 of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193. 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, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269h. 71.22 (4) (j) of the statutes is amended to read:

71.22 **(4)** (j) 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, 1994, and before January 1, 1996, means the federal internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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 ~~and~~, P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193. 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, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the internal revenue code made by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this sub-

chapter made by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269i. 71.22 (4) (k) of the statutes is amended to read:

71.22 **(4)** (k) 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, 1995, and before January 1, 1997, means the federal internal revenue code as amended to December 31, 1995, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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 ~~and~~, P.L. 104–7, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193. 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, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269j. 71.22 (4) (L) of the statutes is created to read:

71.22 **(4)** (L) 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, 1996, means the federal internal revenue code as amended to December 31, 1996, 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 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 and P.L. 104–193. 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, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996.

SECTION 2269k. 71.22 (4m) (b) of the statutes is repealed.

SECTION 2269L. 71.22 (4m) (c) of the statutes is amended to read:

71.22 **(4m)** (c) For taxable years that begin after December 31, 1989, and before January 1, 1991, "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, 1989, and as amended by P.L. 101–508, P.L. 102–227 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188. 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, 1989, do not apply to this paragraph with respect to taxable years beginning after December 31, 1989, and before January 1, 1991, except that changes to the internal revenue code made by P.L. 101–508, P.L. 102–227 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 101–508, P.L. 102–227 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269m. 71.22 (4m) (d) of the statutes is amended to read:

71.22 **(4m)** (d) For taxable years that begin after December 31, 1990, and before January 1, 1992, "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, 1990, and as amended by P.L. 102–227, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and as indirectly af-

fected 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, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188. 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, 1990, do not apply to this paragraph with respect to taxable years beginning after December 31, 1990, and before January 1, 1992, except that changes to the internal revenue code made by P.L. 102–227, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 102–227, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269n. 71.22 (4m) (e) of the statutes is amended to read:

71.22 **(4m)** (e) For taxable years that begin after December 31, 1991, and before January 1, 1993, "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, 1991, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103–66, and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103–66, and P.L. 104–188, excluding section 1311 of P.L. 104–188. 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, 1991, do not apply to this paragraph with respect to taxable years beginning after December 31, 1991, and before January 1, 1993, except that changes to the internal revenue code made by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269no. 71.22 (4m) (f) of the statutes is amended to read:

71.22 **(4m)** (f) For taxable years that begin after December 31, 1992, and before January 1, 1994, "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, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~ P.L. 103–465, and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188. 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, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269p. 71.22 (4m) (g) of the statutes is amended to read:

71.22 **(4m)** (g) For taxable years that begin after December 31, 1993, and before January 1, 1995, "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, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193. 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, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269q. 71.22 (4m) (h) of the statutes is amended to read:

71.22 **(4m)** (h) For taxable years that begin after December 31, 1994, and before January 1, 1996, "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, 1994, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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 ~~and~~, P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193. 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, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the internal revenue code made by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269r. 71.22 (4m) (i) of the statutes is amended to read:

71.22 **(4m)** (i) For taxable years that begin after December 31, 1995, and before January 1, 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, 1995, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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 ~~and~~, P.L. 104−7, P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193. 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, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997 except that changes to the Internal Revenue Code made by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2269t. 71.22 (4m) (j) of the statutes is created to read:

71.22 **(4m)** (j) For taxable years that begin after December 31, 1996, "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, 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 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 and P.L. 104−193. 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, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996.

SECTION 2270. 71.22 (8) of the statutes is repealed and recreated to read:

71.22 **(8)** "Pay", in regard to submissions to persons other than the department, has the meaning appropriate to the taxpayer's method of accounting.

SECTION 2271. 71.22 (9m) of the statutes is created to read:

71.22 **(9m)** "Subscribe" means write one's signature or, if the department prescribes another method of authenticating, use that other method.

SECTION 2272. 71.24 (8) of the statutes is repealed.

SECTION 2274. 71.26 (2) (a) of the statutes is amended to read:

71.26 **(2)** (a) *Corporations in general.* The "net income" of a corporation means the gross income as computed under the internal revenue code as modified under sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit computed under s. 71.28 (1) and (3) to (5) plus the amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL) ~~and~~, (1ds) and (1dx) and not passed through by a partnership, limited liability company or tax−option corporation that has added that amount to the partnership's, limited liability company's or tax−option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from the sale or other disposition of assets the gain from which would be wholly exempt income, as defined in sub. (3) (L), if the assets were sold or otherwise disposed of at a gain and minus deductions, as computed under the internal revenue code as modified under sub. (3), plus or minus, as appropriate, an amount equal to the difference between the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned or otherwise disposed of in a taxable transaction during the taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

SECTION 2274b. 71.26 (2) (b) (title) of the statutes is amended to read:

71.26 **(2)** (b) (title) *Regulated investment companies, real estate mortgage investment conduits ~~and~~, real estate investment trusts and financial asset securitization investment trusts.*

SECTION 2274bg. 71.26 (2) (b) 4. of the statutes is repealed.

SECTION 2274c. 71.26 (2) (b) 5. of the statutes is amended to read:

71.26 **(2)** (b) 5. For taxable years that begin after December 31, 1989, and before January 1, 1991, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1989, and as amended by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188 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 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1989, and as amended by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, 1989, and as amended by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1989, do not apply to this subdivision with respect to taxable years that begin after December 31, 1989, and before January 1, 1991, except that changes to the internal revenue code made by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2274d. 71.26 (2) (b) 6. of the statutes is amended to read:

71.26 **(2)** (b) 6. For taxable years that begin after December 31, 1990, and before January 1, 1992, for a corporation, conduit or common law trust which qualifies as a

regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1990, and as amended by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1990, and as amended by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, 1990, and as amended by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1990, do not apply to this subdivision with respect to taxable years that begin after December 31, 1990, and before January 1, 1992, except that changes to the internal revenue code made by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2274e. 71.26 (2) (b) 7. of the statutes is amended to read:

71.26 **(2)** (b) 7. For taxable years that begin after December 31, 1991, and before January 1, 1993, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1991, excluding sections 103, 104 and 110 of P.L. 102−227, and as amended by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66, and P.L. 104−188, excluding section 1311 of P.L. 104−188, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1991, excluding sections 103, 104 and 110 of P.L. 102−227, and as amended by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66, and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66, and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, 1991, excluding sections 103, 104 and 110 of P.L. 102−227, and as amended by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66, and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103–66, and P.L. 104–188, excluding section 1311 of P.L. 104–188, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1991, do not apply to this subdivision with respect to taxable years that begin after December 31, 1991, and before January 1, 1993, except that changes to the internal revenue code made by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2274f. 71.26 (2) (b) 8. of the statutes is amended to read:

71.26 **(2)** (b) 8. For taxable years that begin after December 31, 1992, and before January 1, 1994, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1., 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~ P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~ P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188,"net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, ~~and P.L. 103–465~~ excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1., 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~ P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~ P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~ P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1992, do not apply to this subdivision with respect to taxable years that begin after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2274g. 71.26 (2) (b) 9. of the statutes is amended to read:

71.26 **(2)** (b) 9. For taxable years that begin after December 31, 1993, and before January 1, 1995, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~ P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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, ~~P.L. 103–296, P.L. 103–337, P.L. 103–465~~ excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, ~~and~~ P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, 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, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1993, do not apply to this subdivision with respect to taxable years that begin after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L.104–191 and P.L. 104–193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2274h. 71.26 (2) (b) 10. of the statutes is amended to read:

71.26 **(2)** (b) 10. For taxable years that begin after December 31, 1994, and before January 1, 1996, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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 ~~and~~, P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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, ~~P.L. 103−296, P.L. 103−337, P.L. 103−465~~ excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, ~~and~~ P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193, 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, 1994, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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 ~~and~~, P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1994, do not apply to this subdivision with respect to taxable years that begin after December 31, 1994, and before January 1, 1996, except that changes made by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2274i. 71.26 (2) (b) 11. of the statutes is amended to read:

71.26 **(2)** (b) 11. For taxable years that begin after December 31, 1995, and before January 1, 1997, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1995, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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 ~~and~~, P.L. 104−7, P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1995, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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, ~~P.L. 103−296, P.L. 103−337, P.L. 103−465 and P.L. 104−7~~ 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, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191, and P.L. 104−193, 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, 1995, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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 ~~and~~, P.L. 104−7, P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1995, do not apply to this subdivision with respect to taxable years that begin after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2274j. 71.26 (2) (b) 12. of the statutes is created to read:

71.26 **(2)** (b) 12. For taxable years that begin after December 31, 1996, for a corporation, conduit or common 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, 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 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 and P.L. 104−193 "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, 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 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 and P.L. 104−193 applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1996, do not apply to this subdivision with respect to taxable years that begin after December 31, 1996.

SECTION 2275. 71.26 (3) (n) of the statutes is amended to read:

71.26 **(3)** (n) Sections 381, 382 and 383 (relating to carry−overs in certain corporate acquisitions) are modified so that they apply to losses under sub. (4) and credits under s. 71.28 (1di), (1dL), (1dx) and (3) to (5) instead of to federal credits and federal net operating losses.

SECTION 2275b. 71.26 (3) (y) of the statutes 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, ~~1995~~ 1996, 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 2275bm. 71.28 (1dd) (f) of the statutes is created to read:

71.28 **(1dd)** (f) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2275c. 71.28 (1de) (e) of the statutes is created to read:

71.28 **(1de)** (e) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2275d. 71.28 (1di) (j) of the statutes is created to read:

71.28 **(1di)** (j) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2275e. 71.28 (1dj) (j) of the statutes is created to read:

71.28 **(1dj)** (j) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2275f. 71.28 (1dL) (j) of the statutes is created to read:

71.28 **(1dL)** (j) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2275g. 71.28 (1ds) (j) of the statutes is created to read:

71.28 **(1ds)** (j) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2276. 71.28 (1dx) of the statutes is created to read:

71.28 **(1dx)** DEVELOPMENT ZONES CREDIT. (a) *Definitions.* In this subsection:

1. "Brownfield" means an industrial or commercial facility the expansion or redevelopment of which is complicated by environmental contamination.

2. "Development zone" means a development zone under s. 560.70, a development opportunity zone under s. 560.795 or an enterprise development zone under s. 560.797.

3. "Environmental remediation" means removal or containment of environmental pollution, as defined in s. 299.01 (4), and restoration of soil or groundwater that is affected by environmental pollution, as defined in s. 299.01 (4), in a brownfield if that removal, containment or restoration fulfills the requirement under sub. (1de) (a) 1. and investigation unless the investigation determines that remediation is required and that remediation is not undertaken.

4. "Full–time job" means a regular, nonseasonal full–time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays, and for which the individual receives pay that is equal to at least 150% of the federal minimum wage and receives benefits that are not required by federal or state law. "Full–time job" does not include initial training before an employment position begins.

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

(b) *Credit.* Except as provided in s. 73.03 (35) and subject to s. 560.785, for any taxable year for which the person is certified under s. 560.765 (3), any person may claim as a credit against taxes under this subchapter the following amounts:

1. Fifty percent of the amount expended for environmental remediation in a development zone.

2. The amount determined by multiplying the amount determined under s. 560.785 (1) (b) by the number of full–time jobs created in a development zone and filled by a member of a targeted group and by then sub-

tracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

3. The amount determined by multiplying the amount determined under s. 560.785 (1) (c) by the number of full−time jobs created in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

4. The amount determined by multiplying the amount determined under s. 560.785 (1) (b) by the number of full−time jobs retained, as provided in the rules under s. 560.785, excluding jobs for which a credit has been claimed under sub. (1dj), in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

5. The amount determined by multiplying the amount determined under s. 560.785 (1) (c) by the number of full−time jobs retained, as provided in the rules under s. 560.785, excluding jobs for which a credit has been claimed under sub. (1dj), in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

(c) *Credit precluded.* If the certification of a person for tax benefits under s. 560.765 (3) is revoked, that person may not claim credits under this subsection for the taxable year that includes the day on which the certification is revoked or succeeding taxable years and that person may not carry over unused credits from previous years to offset tax under this chapter for the taxable year that includes the day on which certification is revoked or succeeding taxable years.

(d) *Carry−over precluded.* If a person who is certified under s. 560.765 (3) for tax benefits ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year during which operations cease or from previous taxable years.

(e) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under sub. (4), applies to the credit under this subsection. Subsection (1dj) (c), as it applies to the credit under sub. (1dj), applies to the credit under this subsection. Claimants shall include with their returns a copy of their certification for tax benefits and a copy of the department of commerce's verification of their expenses.

SECTION 2276m. 71.28 (3) (b) of the statutes is amended to read:

71.28 **(3)** (b) The tax imposed upon or measured by corporation Wisconsin net income under s. 71.23 (1) or (2) shall be reduced by an amount equal to the sales and use tax under ch. 77 paid by the corporation in such taxable year on fuel and electricity consumed in manufacturing tangible personal property in this state. Shareholders of a tax−option corporation and partners may claim the credit under this subsection, based on eligible sales and use taxes paid by the tax−option corporation or partnership, in proportion to the ownership interest of each shareholder or partner. The tax−option corporation or partnership shall calculate the amount of the credit that may be claimed by each shareholder or partner and shall provide that information to the shareholder or partner.

SECTION 2276n. 71.28 (3) (c) of the statutes is renumbered 71.28 (3) (c) 1.

SECTION 2276no. 71.28 (3) (c) 2. to 6. of the statutes are created to read:

71.28 **(3)** (c) 2. For shareholders in a tax−option corporation, the credit may be offset only against the tax imposed on the shareholder's prorated share of the tax−option corporation's income.

3. For partners, the credit may be offset only against the tax imposed on the partner's distributive share of partnership income.

4. If a tax−option corporation becomes liable for tax, the corporation may offset the credit against the tax due, with any remaining credit passing through to the shareholders.

5. If a corporation that is not a tax−option corporation has a carry−over credit 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.

6. If the shareholders of a tax−option corporation have carry−over credits and the corporation becomes a corporation other than a tax−option corporation after the effective date of this subdivision .... [revisor inserts date], and before the credits carried over are used, the unused portion of the credits may be used by the corporation that is not a tax−option corporation.

SECTION 2276p. 71.28 (3) (d) of the statutes is repealed.

SECTION 2277. 71.28 (4) (a) of the statutes is amended to read:

71.28 **(4)** (a) *Credit.* Any corporation may credit against taxes otherwise due under this chapter an amount equal to 5% of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" includes only expenses incurred by the claimant, incurred for research conducted in this state for the taxable year, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that "qualified research expenses" does not include compensation used in computing the credit under ~~sub.~~ subs. (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the internal revenue code, except that gross receipts used in calculating the base

amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and (d). Section 41 (h) of the internal revenue code does not apply to the credit under this paragraph.

SECTION 2277d. 71.28 (4) (am) 1. of the statutes is amended to read:

71.28 **(4)** (am) 1. In addition to the credit under par. (a), any corporation may credit against taxes otherwise due under this chapter an amount equal to 5% of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" include only expenses incurred by the claimant in a development zone under subch. VI of ch. 560, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that "qualified research expenses" do not include compensation used in computing the credit under sub. (1dj) nor research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), the corporation's base amount, as defined in section 41 (c) of the internal revenue code, in a development zone, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and (d) and research expenses used in calculating the base amount include research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of commerce verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this subdivision. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims under this subdivision. Section 41 (h) of the internal revenue code does not apply to the credit under this subdivision.

SECTION 2277m. 71.28 (4) (am) 3. of the statutes is created to read:

71.28 **(4)** (am) 3. No credit may be claimed under this paragraph for taxable years that begin on January 1, 1998, or thereafter. Credits under this paragraph for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, and thereafter.

Vetoed In Part

SECTION 2277n. 71.28 (6) (a) of the statutes is amended to read:

71.28 **(6)** (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section 47 (c) (2) of the internal revenue code, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988~~, and the rehabilitated property is placed in service after June 30, 1989~~.

SECTION 2278. 71.29 (2) of the statutes is amended to read:

71.29 **(2)** WHO SHALL PAY. Every corporation subject to tax under s. 71.23 (1) or (2) and every virtually exempt entity subject to tax under s. 71.125 or 71.23 (1) or (2) shall pay an estimated tax ~~to the department of revenue at its offices in Madison unless the department, by rule, prescribes another place of payment~~.

SECTION 2279. 71.30 (3) (eom) of the statutes is created to read:

71.30 **(3)** (eom) Development zones credit under s. 71.28 (1dx).

SECTION 2280. 71.34 (1) (g) of the statutes is amended to read:

71.34 **(1)** (g) An addition shall be made for credits computed by a tax–option corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL) ~~and~~, (1ds), (1dx) and (3) and passed through to shareholders.

SECTION 2280am. 71.34 (1) (i) of the statutes is created to read:

71.34 **(1)** (i) In section 1366 (f) of the Internal Revenue Code, the tax under s. 71.35 is substituted for the taxes under sections 1374 and 1375 of the Internal Revenue Code.

SECTION 2280ar. 71.34 (1) (j) of the statutes is created to read:

71.34 **(1)** (j) An addition shall be made for credits computed under s. 71.28 (3) in taxable years of the tax–option corporation that begin before January 1, 1998, if the credits are passed through to shareholders.

SECTION 2280b. 71.34 (1g) (d) of the statutes is repealed.

SECTION 2280c. 71.34 (1g) (e) of the statutes is amended to read:

71.34 **(1g)** (e) "Internal revenue code" for tax–option corporations, for taxable years that begin after December 31, 1989, and before January 1, 1991, means the federal internal revenue code as amended to December 31, 1989, and as amended by P.L. 101–508, P.L. 102–227 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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, 1989, do not apply to this paragraph with respect to taxable years beginning after December 31, 1989, and before January 1, 1991, except that changes to the internal revenue code made by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect provisions applicable to this subchapter made by P.L. 101−508, P.L. 102−227 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2280d. 71.34 (1g) (f) of the statutes is amended to read:

71.34 **(1g)** (f) "Internal revenue code" for tax−option corporations, for taxable years that begin after December 31, 1990, and before January 1, 1992, means the federal internal revenue code as amended to December 31, 1990, and as amended by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, 1990, do not apply to this paragraph with respect to taxable years beginning after December 31, 1990, and before January 1, 1992, except that changes to the internal revenue code made by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect provisions applicable to this subchapter made by P.L. 102−227, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2280e. 71.34 (1g) (g) of the statutes is amended to read:

71.34 **(1g)** (g) "Internal revenue code" for tax−option corporations, for taxable years that begin after December 31, 1991, and before January 1, 1993, means the federal internal revenue code as amended to December 31, 1991, excluding sections 103, 104 and 110 of P.L. 102−227, and as amended by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66, and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 ~~and~~, P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103−66, and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, 1991, do not apply to this paragraph with respect to taxable years beginning after December 31, 1991, and before January 1, 1993, except that changes to the internal revenue code made by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 102−318, P.L. 102−486 ~~and~~, P.L. 103−66 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2280f. 71.34 (1g) (h) of the statutes is amended to read:

71.34 **(1g)** (h) "Internal revenue code" for tax−option corporations, for taxable years that begin after December 31, 1992, and before January 1, 1994, means the federal internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102−227, and as amended by P.L. 103−66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103−66, ~~and~~ P.L. 103−465 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103−66, ~~and~~ P.L. 103−465 and P.L. 104−188, excluding section 1311 of P.L. 104−188, 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, 1992, do not apply to this paragraph with respect to taxable years be-

ginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103−66 ~~and~~, P.L. 103−465 and P.L. 104−188, excluding section 1311 of P.L. 104−188, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103−66 ~~and~~, P.L. 103−465 and P.L. 104−188, excluding section 1311 of P.L. 104−188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2280g. 71.34 (1g) (i) of the statutes is amended to read:

71.34 **(1g)** (i) "Internal revenue code" for tax−option corporations, for taxable years that begin after December 31, 1993, and before January 1, 1995, means the federal internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103−66, and as amended by P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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, 13203 (d) and 13215 of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103−296, P.L. 103−337, P.L. 103−465 ~~and~~, P.L. 104−7, excluding section 1 of P.L. 104−7, P.L. 104−188, excluding section 1311 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2280h. 71.34 (1g) (j) of the statutes is amended to read:

71.34 **(1g)** (j) "Internal revenue code" for tax−option corporations, for taxable years that begin after December 31, 1994, and before January 1, 1996, means the federal internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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 ~~and~~, P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 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, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except changes to the internal revenue code made by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104−7, P.L. 104−188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2280i. 71.34 (1g) (k) of the statutes is amended to read:

71.34 **(1g)** (k) "Internal revenue code" for tax−option corporations, for taxable years that begin after December 31, 1995, and before January 1, 1997, means the federal internal revenue code as amended to December 31, 1995, excluding sections 103, 104 and 110 of P.L. 102−227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and as amended by P.L. 104−188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104−188, P.L. 104−191 and P.L. 104−193, 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 ~~and~~, P.L. 104–7, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, 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, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2280j. 71.34 (1g) (L) of the statutes is created to read:

71.34 **(1g)** (L) "Internal Revenue Code" for tax–option corporations, for taxable years that begin after December 31, 1996, means the federal Internal Revenue Code as amended to December 31, 1996, 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 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 and P.L. 104–193, 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, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996.

SECTION 2280L. 71.365 (1m) of the statutes 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, ~~1995~~ 1996, 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 2280m. 71.365 (3) (a) of the statutes is renumbered 71.365 (3).

SECTION 2280n. 71.365 (3) (b) of the statutes is repealed.

SECTION 2280nm. 71.365 (4) (a) of the statutes is amended to read:

71.365 **(4)** (a) If persons who hold more than 50% of the shares on the day on which this election is made consent, a corporation that is an S corporation for federal income tax purposes and that does not have a qualified subchapter S subsidiary may elect, on or before the due date or extended due date of its return under this chapter, not to be a tax–option corporation for that taxable year and for later taxable years until its status is again changed.

SECTION 2280p. 71.365 (7) of the statutes is created to read:

71.365 **(7)** QUALIFIED SUBCHAPTER S SUBSIDIARIES. If a tax–option corporation elects to treat a subsidiary as a qualified subchapter S subsidiary for federal purposes, that election also applies for this chapter. If this state has jurisdiction to impose the taxes under this chapter on the qualified subchapter S subsidiary, this state has the jurisdiction to impose the taxes under this chapter on the tax–option corporation.

SECTION 2281. 71.42 (1m) of the statutes is created to read:

71.42 **(1m)** "Department" means the department of revenue.

SECTION 2281b. 71.42 (2) (c) of the statutes is repealed.

SECTION 2281c. 71.42 (2) (d) of the statutes is amended to read:

71.42 **(2)** (d) For taxable years that begin after December 31, 1989, and before January 1, 1991, "internal revenue code" means the federal internal revenue code as amended to December 31, 1989, and as amended by P.L. 101–508, P.L. 102–227 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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, 1989, do not apply to this paragraph with respect to taxable years beginning after December 31, 1989, and before January 1, 1991, except that changes to the internal revenue code made by P.L. 101–508, P.L. 102–227 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the federal internal revenue code made by P.L. 101–508, P.L. 102–227 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2281d. 71.42 (2) (e) of the statutes is amended to read:

71.42 **(2)** (e) For taxable years that begin after December 31, 1990, and before January 1, 1992, "internal revenue code" means the federal internal revenue code as amended to December 31, 1990, and as amended by P.L. 102–227, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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, 1990, do not apply to this paragraph with respect to taxable years beginning after December 31, 1990, and before January 1, 1992, except that changes to the internal revenue code made by P.L. 102–227, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the federal internal revenue code made by P.L. 102–227, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2281e. 71.42 (2) (f) of the statutes is amended to read:

71.42 **(2)** (f) For taxable years that begin after December 31, 1991, and before January 1, 1993, "internal revenue code" means the federal internal revenue code as amended to December 31, 1991, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103–66, and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13171 and 13174 of P.L. 103–66, and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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, 1991, do not apply to this paragraph with respect to taxable years beginning after December 31, 1991, and before January 1, 1993, except that changes to the internal revenue code made by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the federal internal revenue code made by P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2281f. 71.42 (2) (g) of the statutes is amended to read:

71.42 **(2)** (g) For taxable years that begin after December 31, 1992, and before January 1, 1994, "internal revenue code" means the federal internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L.

103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~ P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, ~~and~~ P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, 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, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, and changes that indirectly affect the federal internal revenue code made by P.L. 103–66 ~~and~~, P.L. 103–465 and P.L. 104–188, excluding section 1311 of P.L. 104–188, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2281g. 71.42 (2) (h) of the statutes is amended to read:

71.42 **(2)** (h) For taxable years that begin after December 31, 1993, and before January 1, 1995, "internal revenue code" means the federal internal revenue code as amended to December 31, 1993 excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, 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 and P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, 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, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337, P.L. 103–465 ~~and~~, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2281h. 71.42 (2) (i) of the statutes is amended to read:

71.42 **(2)** (i) For taxable years that begin after December 31, 1994, and before January 1, 1996, "internal revenue code" means the federal internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, 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 ~~and~~, P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, 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, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the internal revenue code made by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2281i. 71.42 (2) (j) of the statutes is amended to read:

71.42 **(2)** (j) For taxable years that begin after December 31, 1995, and before January 1, 1997, "internal revenue code" means the federal internal revenue code as amended to December 31, 1995, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L.

104–191 and P.L. 104–193 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 ~~and~~, P.L. 104–7, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 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, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191 and P.L. 104–193 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2281j. 71.42 (2) (k) of the statutes is created to read:

71.42 **(2)** (k) For taxable years that begin after December 31, 1996, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1996, 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 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 and P.L. 104–193 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, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996.

SECTION 2282. 71.42 (3m) of the statutes is created to read:

71.42 **(3m)** "Pay" means mail or deliver funds to the department or, if the department prescribes another method of payment or another destination, use that other method or submit to that other destination.

SECTION 2283. 71.44 (4) (a) of the statutes is repealed.

SECTION 2285. 71.45 (2) (a) 10. of the statutes is amended to read:

71.45 **(2)** (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dd) to ~~(1ds)~~ (1dx) and not passed through by a partnership, limited liability company or tax–option corporation that has added that amount to the partnership's, limited liability company's or tax–option corporation's income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under s. 71.47 (1), (3), (4) and (5).

SECTION 2285b. 71.45 (2) (a) 10m. of the statutes is created to read:

71.45 **(2)** (a) 10m. By adding to federal taxable income the amount deducted under section 847 of the Internal Revenue Code.

SECTION 2285bm. 71.45 (2) (a) 13. of the statutes 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, ~~1995~~ 1996, 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 2285bp. 71.47 (1dd) (e) of the statutes is created to read:

71.47 **(1dd)** (e) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2285c. 71.47 (1de) (d) of the statutes is created to read:

71.47 **(1de)** (d) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2285d. 71.47 (1di) (i) of the statutes is created to read:

71.47 **(1di)** (i) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2285e. 71.47 (1dj) (i) of the statutes is created to read:

71.47 **(1dj)** (i) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2285f. 71.47 (1dL) (h) of the statutes is created to read:

71.47 **(1dL)** (h) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2285g. 71.47 (1ds) (i) of the statutes is created to read:

71.47 **(1ds)** (i) No credit may be claimed under this subsection for taxable years that begin on January 1, 1998, or thereafter. Credits under this subsection for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

SECTION 2286. 71.47 (1dx) of the statutes is created to read:

71.47 **(1dx)** DEVELOPMENT ZONES CREDIT. (a) *Definitions*. In this subsection:

1. "Brownfield" means an industrial or commercial facility the expansion or redevelopment of which is complicated by environmental contamination.

2. "Development zone" means a development zone under s. 560.70, a development opportunity zone under s. 560.795 or an enterprise development zone under s. 560.797.

3. "Environmental remediation" means removal or containment of environmental pollution, as defined in s. 299.01 (4), and restoration of soil or groundwater that is affected by environmental pollution, as defined in s. 299.01 (4), in a brownfield if that removal, containment or restoration fulfills the requirement under sub. (1de) (a) 1. and investigation unless the investigation determines that remediation is required and that remediation is not undertaken.

4. "Full−time job" means a regular, nonseasonal full−time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays, and for which the individual receives pay that is equal to at least 150% of the federal minimum wage and receives benefits that are not required by federal or state law. "Full−time job" does not include initial training before an employment position begins.

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

(b) *Credit.* Except or provided in s. 73.03 (35) and subject to s. 560.785, for any taxable year for which the person is certified under s. 560.765 (3), any person may claim as a credit against taxes under this subchapter the following amounts:

1. Fifty percent of the amount expended for environmental remediation in a development zone.

2. The amount determined by multiplying the amount determined under s. 560.785 (1) (b) by the number of full−time jobs created in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

3. The amount determined by multiplying the amount determined under s. 560.785 (1) (c) by the number of full−time jobs created in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

4. The amount determined by multiplying the amount determined under s. 560.785 (1) (b) by the number of full−time jobs retained, as provided in the rules under s. 560.785, excluding jobs for which a credit has been claimed under sub. (1dj), in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

5. The amount determined by multiplying the amount determined under s. 560.785 (1) (c) by the number of full−time jobs retained, as provided in the rules under s. 560.785, excluding jobs for which a credit has been claimed under sub. (1dj), in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

(c) *Credit precluded.* If the certification of a person for tax benefits under s. 560.765 (3) is revoked, that person may not claim credits under this subsection for the

taxable year that includes the day on which the certification is revoked or succeeding taxable years and that person may not carry over unused credits from previous years to offset tax under this chapter for the taxable year that includes the day on which certification is revoked or succeeding taxable years.

(d) *Carry–over precluded.* If a person who is certified under s. 560.765 (3) for tax benefits ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year during which operations cease or from previous taxable years.

(e) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection. Subsection (1dj) (c), as it applies to the credit under sub. (1dj), applies to the credit under this subsection. Claimants shall include with their returns a copy of their certification for tax benefits and a copy of the department of commerce's verification of their expenses.

SECTION 2286m. 71.47 (3) (b) of the statutes is amended to read:

71.47 **(3)** (b) The tax imposed upon or measured by corporation Wisconsin net income under s. 71.43 (1) or (2) shall be reduced by an amount equal to the sales and use tax under ch. 77 paid by the corporation in such taxable year on fuel and electricity consumed in manufacturing tangible personal property in this state. Shareholders of a tax–option corporation and partners may claim the credit under this subsection, based on eligible sales and use taxes paid by the tax–option corporation or partnership, in proportion to the ownership interest of each shareholder or partner. The tax–option corporation or partnership shall calculate the amount of the credit that may be claimed by each shareholder or partner and shall provide that information to the shareholder or partner.

SECTION 2286n. 71.47 (3) (c) of the statutes is renumbered 71.47 (3) (c) 1.

SECTION 2286no. 71.47 (3) (c) 2. to 6. of the statutes are created to read:

71.47 **(3)** (c) 2. For shareholders in a tax–option corporation, the credit may be offset only against the tax imposed on the shareholder's prorated share of the tax–option corporation's income.

3. For partners, the credit may be offset only against the tax imposed on the partner's distributive share of partnership income.

4. If a tax–option corporation becomes liable for tax, the corporation may offset the credit against the tax due, with any remaining credit passing through to the shareholders.

5. If a corporation that is not a tax–option corporation has a carry–over credit 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.

6. If the shareholders of a tax–option corporation have carry–over credits and the corporation becomes a corporation other than a tax–option corporation after the effective date of this subdivision .... [revisor inserts date], and before the credits carried over are used, the unused portion of the credits may be used by the corporation that is not a tax–option corporation.

SECTION 2286p. 71.47 (3) (d) of the statutes is repealed.

SECTION 2287. 71.47 (4) (a) of the statutes is amended to read:

71.47 **(4)** (a) *Credit.* Any corporation may credit against taxes otherwise due under this chapter an amount equal to 5% of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" includes only expenses incurred by the claimant, incurred for research conducted in this state for the taxable year, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that "qualified research expenses" does not include compensation used in computing the credit under ~~sub.~~ subs. (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the internal revenue code, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and (d). Section 41 (h) of the internal revenue code does not apply to the credit under this paragraph.

SECTION 2287m. 71.47 (4) (am) of the statutes is amended to read:

71.47 **(4)** (am) *Development zone additional research credit.* In addition to the credit under par. (a), any corporation may credit against taxes otherwise due under this chapter an amount equal to 5% of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" include only expenses incurred by the claimant in a development zone under subch. VI of ch. 560, except that a taxpayer may elect the alternative computation under section 41 (c) (4) of the Internal Revenue Code and that election applies until the department permits its revocation and except that "qualified research expenses" do not include compensation used in computing the credit under sub. (1dj) nor research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), the corporation's base amount, as defined in section 41 (c) of the internal revenue code, in a development zone, except that gross receipts used in calculating the base amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and (d) and re-

search expenses used in calculating the base amount include research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of commerce verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this paragraph. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims under this paragraph. Section 41 (h) of the internal revenue code does not apply to the credit under this paragraph. No credit may be claimed under this paragraph for taxable years that begin on January 1, 1998, or thereafter. Credits under this paragraph for taxable years that begin before January 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or thereafter.

Vetoed In Part

SECTION 2287mn. 71.47 (6) (a) of the statutes is amended to read:

71.47 **(6)** (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section 47 (c) (2) of the internal revenue code, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988~~, and the rehabilitated property is placed in service after June 30, 1989~~.

SECTION 2288. 71.49 (1) (eom) of the statutes is created to read:

71.49 **(1)** (eom) Development zones credit under s. 71.47 (1dx).

SECTION 2289. 71.52 (6) of the statutes is amended to read:

71.52 **(6)** "Income" means the sum of Wisconsin adjusted gross income and the following amounts, to the extent not included in Wisconsin adjusted gross income: maintenance payments (except foster care maintenance and supplementary payments excludable under section 131 of the internal revenue code), support money, cash public assistance (not including credit granted under this subchapter and amounts under s. 46.27), cash benefits paid by counties under s. 59.53 (21), the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act and veterans disability pensions), nontaxable interest received from the federal government or any of its instrumentalities, nontaxable interest received on state or municipal bonds, worker's compensation, unemployment compensation, the gross amount of "loss of time" insurance, compensation and other cash benefits received from the United States for past or present service in the armed forces, scholarship and fellowship gifts or income, capital gains, gain on the sale of a personal residence excluded under section 121 of the internal revenue code, dividends, income of a nonresident or part−year resident who is married to a full−year resident, housing allowances provided to members of the clergy, the amount by which a resident manager's rent is reduced, nontaxable income of an American Indian, nontaxable income from sources outside this state and nontaxable deferred compensation. Intangible drilling costs, depletion allowances and depreciation, including first−year depreciation allowances under section 179 of the internal revenue code, amortization, contributions to individual retirement accounts under section 219 of the internal revenue code, contributions to Keogh plans, net operating loss carry−forwards and capital loss carry−forwards deducted in determining Wisconsin adjusted gross income shall be added to "income". "Income" does not include gifts from natural persons, cash reimbursement payments made under title XX of the federal social security act, surplus food or other relief in kind supplied by a governmental agency, the gain on the sale of a personal residence deferred under section 1034 of the internal revenue code or nonrecognized gain from involuntary conversions under section 1033 of the internal revenue code. Amounts not included in adjusted gross income but added to "income" under this subsection in a previous year and repaid may be subtracted from income for the year during which they are repaid. Scholarship and fellowship gifts or income that are included in Wisconsin adjusted gross income and that were added to household income for purposes of determining the credit under this subchapter in a previous year may be subtracted from income for the current year in determining the credit under this subchapter. A marital property agreement or unilateral statement under ch. 766 has no effect in computing "income" for a person whose homestead is not the same as the homestead of that person's spouse.

SECTION 2290. 71.63 (1m) of the statutes is created to read:

71.63 **(1m)** "Deposit" means mail or deliver funds to the department or, if the department prescribes another method of submitting or if the department of administration designates under s. 34.05 another destination, use that other method or submit to that other destination.

SECTION 2291. 71.63 (2) of the statutes is amended to read:

71.63 **(2)** "Employe" means a resident individual who performs or performed services for an employer anywhere or a nonresident individual who performs or performed such services within this state, and includes an officer, employe or elected official of the United States, a state, territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of these entities. The term includes an officer of a corporation, an entertainer and an entertainment corporation, but does not include a qualified

real estate agent or a direct seller who is not treated as an employe under section 3508 of the Internal Revenue Code.

SECTION 2291m. 71.63 (3) (c) of the statutes is created to read:

71.63 **(3)** (c) In regard to a single−owner entity that is disregarded as a separate entity under section 7701 of the Internal Revenue Code, the owner, not the entity, is an "employer".

SECTION 2292. 71.63 (3m) of the statutes is created to read:

71.63 **(3m)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or the department of administration designates under s. 34.05 another destination, use that other method or submit to that other destination.

SECTION 2293. 71.63 (3r) of the statutes is created to read:

71.63 **(3r)** "Furnish" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2294. 71.63 (5m) of the statutes is created to read:

71.63 **(5m)** "Remit" means mail or deliver funds to the department or, if the department prescribes another method of submitting or if the department of administration designates under s. 34.05 another destination, use that other method or submit to that other destination.

SECTION 2294m. 71.64 (9) (b) of the statutes is amended to read:

71.64 **(9)** (b) The department shall from time to time adjust the withholding tables to reflect any changes in income tax rates, any applicable surtax or any changes in dollar amounts in s. 71.06 (1), (1m) and (2) resulting from statutory changes, except that the department may not adjust the withholding tables to reflect the changes in rates in s. 71.06 (1m) and (2) (c) and (d) for any taxable year that begins before January 1, 2000. The tables shall account for the working families tax credit under s. 71.07 (5m). The tables shall be extended to cover from zero to 10 withholding exemptions, shall assume that the payment of wages in each pay period will, when multiplied by the number of pay periods in a year, reasonably reflect the annual wage of the employe from the employer and shall be based on the further assumption that the annual wage will be reduced for allowable deductions from gross income. The department may determine the length of the tables and a reasonable span for each bracket. In preparing the tables the department shall adjust all withholding amounts not an exact multiple of 10 cents to the next highest figure that is a multiple of 10 cents. The department shall also provide instructions with the tables for withholding with respect to quarterly, semiannual and annual pay periods.

SECTION 2295. 71.65 (2) (title) and (a) of the statutes are amended to read:

71.65 **(2)** (title) ~~EMPLOYERS MUST FURNISH STATEMENT TO THE DEPARTMENT~~ EMPLOYERS' STATEMENTS. (a) Every person required to deduct and withhold from an employe under this subchapter shall furnish ~~to the department of revenue at its offices in Madison~~, in respect to remuneration paid by such person to such employe during the calendar year, on or before January 31 of the succeeding year, one copy of the statement under sub. (1).

SECTION 2296. 71.65 (2) (b) of the statutes is amended to read:

71.65 **(2)** (b) Every resident of this state and every nonresident carrying on activities within this state, whether taxable or not under this chapter, who pays in any calendar year for services performed within this state by an individual remuneration which is excluded from the definition of wages, in the amount of $600 or more, shall, on or before January 31 of the succeeding year, furnish ~~the department of revenue at its offices in Madison~~ a statement in such form as required by the department, disclosing the name of the payor, the name and address of the recipient and the total amount paid in such year to such recipient. In any case in which an individual receives wages and also remuneration for services which remuneration is excluded from such definition, both from the same payor, the wages and the excluded remuneration shall both be reported in the report required under this subsection in a manner satisfactory to the department, regardless of the amount of the excluded remuneration.

SECTION 2297. 71.65 (3) (a) of the statutes is amended to read:

71.65 **(3)** (a) Every employer who deducts and withholds any amount under this subchapter shall deposit such amount on a quarterly basis, except that if the amount deducted and withheld in any quarter exceeds $300, the department may require by written notice to the employer, that amounts deducted and withheld on and after the date indicated on such notice be deposited on a monthly basis. Employers who are required to file reports and deposit withheld taxes on a monthly, quarterly or annual basis, as the case may be, shall file such reports and deposit such taxes on or before the last day of the month next succeeding the withholding period. If the amount deducted and withheld in any quarter exceeds $5,000, the department may require by written notice to the employer, that for amounts deducted and withheld from the first day of the month through the 15th day of the month, the employer shall file reports and deposit such taxes on or before the last day of such month and that for amounts deducted and withheld from the 16th day of the month through the last day of the month the employer shall file reports and deposit such taxes on or before the

15th day of the next succeeding month. Employers shall file reports and deposit taxes with such public depository in Wisconsin as the department of administration designates a public depository therefor under s. 34.05 to the credit of the general fund. With each deposit the employer shall include a deposit report on a form to be provided by the department. The department may, when satisfied that the revenues will be adequately safeguarded, permit an employer whose withheld taxes do not exceed $50 per month to deposit withheld taxes and reports for other than quarterly periods. The department may revoke such permission at any time. The department, if it deems it necessary in order to ensure payment to or facilitate the collection by the state of the amount of taxes, may require reports or payments of the amount of withheld taxes for other than quarterly periods. The public depository shall record on such deposit report the amount deposited and shall then forward such report to the department in such manner and at such time as the department by rule prescribes. On or before January 31 of each year every employer shall file ~~with the department at its offices in Madison, or at such other place as the department by rule prescribes,~~ a withholding report on a form to be provided by the department showing the amount withheld from the wages paid each employe in the previous calendar year, the amount deposited in respect to each employe on wages paid in the previous calendar year and a reconciliation of the aggregate of the amounts deposited in respect to each employe on wages paid in the previous calendar year with the aggregate of the amounts shown on the semimonthly, monthly and quarterly deposit reports filed in respect to such withholding. Every employer who discontinues business prior to the end of a calendar year shall, within 30 days of such discontinuance, deposit withheld taxes not previously deposited and submit a deposit report concerning such deposit with the public depository and file a withholding report with the department covering the period from the beginning of the calendar year to the date of discontinuance. No employe shall have any right of action against an employer in regard to money deducted from wages and deposited with the public depository in compliance or intended compliance with this subchapter.

SECTION 2298. 71.65 (3) (d) of the statutes is amended to read:

71.65 **(3)** (d) On or before January 31 of each year every employer shall file ~~with the department~~ an annual withholding report on forms provided by the department showing the amount withheld from the wages paid each employe in the previous calendar year, the amount deposited or paid over in respect to each employe on wages paid in the previous calendar year and a reconciliation of the aggregate deposited or paid over in respect to each employe on wages paid in the previous calendar year with the aggregate of the amounts shown on deposit and withholding reports filed in respect of such withholding.

SECTION 2299. 71.65 (3) (e) of the statutes is amended to read:

71.65 **(3)** (e) Every employer who discontinues his or her business prior to the end of a calendar year shall, within 30 days of such discontinuance, pay over withheld taxes not previously deposited or paid over, and shall file a withholding report ~~with the department~~ covering the period from the beginning of the calendar year to the date of discontinuance.

SECTION 2300. 71.65 (4) of the statutes is amended to read:

71.65 **(4)** SELF−INSURERS. A person who is required to file an annual withholding report under sub. (3) (a) and who is a self−insurer for the purposes of ~~subch. II of~~ ch. ~~619~~ 149 shall indicate on the return that the person is such a self−insurer.

SECTION 2301. 71.66 (1) (a), (b), (c) and (d) of the statutes are amended to read:

71.66 **(1)** (a) On or before the date on which an employe commences employment with an employer each employe shall ~~furnish~~ provide his or her employer with a signed withholding exemption certificate relating to the number of withholding exemptions he or she claims, which shall not exceed the number to which he or she is entitled. If the employe fails to ~~furnish~~ provide such certificate, such employe, for withholding purposes, shall be considered as claiming no withholding exemptions.

(b) If the number of withholding exemptions to which the employe is entitled is less than the number of withholding exemptions claimed by him or her on the withholding exemption certificate then in effect, the employe shall within 10 days after the change occurs ~~furnish~~ provide the employer with a new withholding exemption certificate, which shall not exceed the number to which he or she is entitled.

(c) If the number of withholding exemptions to which the employe is entitled is more than the number of withholding exemptions claimed by him or her on the withholding exemption certificate then in effect, the employe may ~~furnish~~ provide the employer with a new withholding exemption certificate on which the employe must not claim more than the number of withholding exemptions to which he or she is entitled on such day.

(d) A withholding exemption certificate ~~furnished~~ provided to the employer shall take effect as of the beginning of the first payroll period ending after the date on which such certificate is ~~furnished~~ provided.

SECTION 2302. 71.66 (1) (f) of the statutes is amended to read:

71.66 **(1)** (f) Whenever the internal revenue code or regulations or rulings of the internal revenue service require an employer to submit copies of, or information taken from, an employe's withholding allowance certificate to the internal revenue service, the employer shall also ~~furnish~~ provide copies of, or information taken from, the certificate to the department within 15 days after the

employer is required to file the certificate or information with the internal revenue service.

SECTION 2302m. 71.67 (4) (a) of the statutes is amended to read:

71.67 **(4)** (a) The administrator of the lottery division in the department under ch. 565 shall withhold from any lottery prize of $2,000 or more an amount determined by multiplying the amount of the prize by the highest rate applicable to individuals under s. 71.06 (1) or (1m). The administrator shall deposit the amounts withheld, on a monthly basis, as would an employer depositing under s. 71.65 (3) (a).

SECTION 2302no. 71.67 (5) (a) of the statutes is amended to read:

71.67 **(5)** (a) *Wager winnings.* A person holding a license to sponsor and manage races under s. 562.05 (1) (b) or (c) shall withhold from the amount of any payment of pari–mutuel winnings under s. 562.065 (3) (a) or (3m) (a) an amount determined by multiplying the amount of the payment by the highest rate applicable to individuals under s. 71.06 (1) (a) to (c) or (1m) if the amount of the payment is more than $1,000.

SECTION 2303. 71.68 of the statutes is created to read:

71.68 Definitions. In this subchapter:

(1) "Department" means the department of revenue.

(2) "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2304. 71.69 of the statutes is amended to read:

71.69 Capital stock transfers. All corporations doing business in this state shall file ~~with the department~~, on or before March 15 ~~of each year on forms prescribed by the department~~, a statement of such transfers of its capital stock as have been made by or to residents of this state during the preceding calendar year. Such statement shall contain the name and address of the seller, date of transfer, and the number of shares of stock transferred.

SECTION 2305. 71.70 of the statutes is amended to read:

71.70 Rents or royalties. (1) PERSONS OTHER THAN CORPORATIONS. Persons other than corporations deducting rent or royalties in determining taxable income shall ~~inform the department of~~ file a report that shows the amounts and ~~of~~ the name and address of all natural persons who are residents of this state and to whom royalties of $600 or more were paid during the taxable year; and ~~of~~ the amounts and ~~of~~ the name and address of all natural persons to whom rent of $600 or more is paid during the taxable year for property having a situs in this state. Such information shall be filed at the time of filing the income tax return on which such payments are deducted or at such other time as the department prescribes.

(2) CORPORATIONS. All corporations doing business in this state shall file ~~with the department~~, on or before March 15 ~~of each year~~, any information relative to payments made within the preceding calendar year of rents and royalties to all natural persons taxable thereon under this chapter ~~in amounts and in the manner and form prescribed by the department~~.

SECTION 2306. 71.71 (2) of the statutes is amended to read:

71.71 **(2)** (title) STATEMENT EMPLOYER MUST ~~FURNISH TO DEPARTMENT~~ FILE. Every person required to deduct and withhold from an employe under subch. X shall ~~furnish to the department of revenue at its offices in Madison~~ file, in respect to remuneration paid by such person to such employe during the calendar year, on or before January 31 of the succeeding year, one copy of the statement referred to in sub. (1).

SECTION 2307. 71.72 of the statutes is amended to read:

71.72 Statement of nonwage payments. Every resident of this state and every nonresident carrying on activities within this state, whether taxable or not under this chapter, who pays in any calendar year for services performed within this state by an individual remuneration which is excluded from the definition of wages in s. 71.63 (6), in the amount of $600 or more, shall, on or before January 31 of the succeeding year ~~furnish the department of revenue at its offices in Madison~~, file a statement ~~in such form as required by the department,~~ disclosing the name of the payor, the name and address of the recipient and the total amount paid in such year to such recipient. In any case in which an individual receives wages, as defined in s. 71.63 (6), and also remuneration for services which remuneration is excluded from such definition, both from the same payor, the wages and the excluded remuneration shall both be reported in the statement required by s. 71.71 (2) in a manner satisfactory to the department, regardless of the amount of the excluded remuneration.

SECTION 2308. 71.738 of the statutes is repealed and recreated to read:

71.738 Definitions. In this subchapter:

(1) "Department" means the department of revenue.

(2) "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

(3) "Last day prescribed by law" means the unextended due date of the return or of the claim made under subch. VIII.

(4) "Sign" means write one's signature or, if the department prescribes another method of authenticating, use that other method.

SECTION 2309. 71.74 (1) of the statutes is amended to read:

71.74 **(1)** OFFICE AUDIT. The department ~~of revenue~~ shall, as soon as practicable, office audit such returns as it deems advisable and if it is found from such office audit that a person has been over or under assessed, or found that no assessment has been made when one should have been made, the department ~~of revenue~~ shall correct or assess the income of such person. Any assessment, correction or adjustment made as a result of such office audit shall be presumed to be the result of an audit of the return only, and such office audit shall not be deemed a verification of any item in said return unless the amount of such item and the propriety thereof shall have been determined after hearing and review as provided in s. 71.88 (1) (a) and (2) (a). Such office audit shall not preclude the department ~~of revenue~~ from making field audits of the books and records of the taxpayer and from making further adjustment, correction and assessment of income.

SECTION 2310. 71.74 (3) of the statutes is amended to read:

71.74 **(3)** DEFAULT ASSESSMENT. Any person required to ~~make~~ file an income or franchise tax return, who fails, neglects or refuses to do so ~~in the manner and form and~~ within the time prescribed by this chapter~~,~~ or ~~makes~~ files a return that does not disclose the person's entire net income, shall be assessed by the department according to its best judgment.

SECTION 2311. 71.74 (6) of the statutes is amended to read:

71.74 **(6)** CONSOLIDATED STATEMENTS. For the purpose of this chapter, whenever a corporation which is required to file an income or franchise tax return is affiliated with or related to any other corporation through stock ownership by the same interests or as parent or subsidiary corporations, or whose income is regulated through contract or other arrangement, the department ~~of revenue~~ may require such consolidated statements as in its opinion are necessary in order to determine the taxable income received by any one of the affiliated or related corporations.

SECTION 2312. 71.74 (8) (a) of the statutes is amended to read:

71.74 **(8)** (a) If an audit of a claim for a credit under s. 71.07, 71.28 or 71.47 or subch. VIII or IX indicates that an incorrect claim was filed, the department ~~of revenue~~ shall make a determination of the correct amount and notify the claimant of the determination and the reasons therefor under sub. (11) within 4 years of the last day prescribed by law for filing the claim. If the claim has been paid, or credited against income or franchise taxes otherwise payable, the credit shall be reduced or canceled, and the proper portion of any amount paid shall be similarly recovered by assessment as income or franchise taxes are assessed.

SECTION 2313. 71.74 (8) (d) of the statutes is amended to read:

71.74 **(8)** (d) If a claim for a state historic rehabilitation credit under s. 71.07 (9r) is false or excessive, the department ~~of revenue~~ shall disallow the claim in full. If a credit has been allowed against income taxes otherwise payable, the credit shall be canceled and the amount may be recovered by assessment as income taxes are assessed. Notwithstanding par. (a) and s. 71.77, the department shall notify the claimant of the determination and shall give reasons for the disallowance under sub. (11) within 4 years after the date that the state historical society notifies the department that the preservation or rehabilitation is not in compliance with s. 71.07 (9r) (b) 3. b. or 4., but that notification must be made within 6 years after the date that the physical work of construction, or destruction in preparation for construction, begins.

SECTION 2314. 71.74 (9) of the statutes is amended to read:

71.74 **(9)** LIABILITY MAY BE ASSESSED TO MORE THAN ONE PERSON. If the department ~~of revenue~~ determines that a liability exists under this chapter and that the liability may be owed by more than one person, the department may assess the entire amount to each person, specifying that it is assessing in the alternative.

SECTION 2315. 71.74 (14) of the statutes is amended to read:

71.74 **(14)** ADDITIONAL REMEDY TO COLLECT TAX. The department ~~of revenue~~ may also proceed under s. 71.91 (5) for the collection of any additional assessment of income or franchise taxes or surtaxes, after notice thereof has been given under sub. (11) and before the same shall have become delinquent, when it has reasonable grounds to believe that the collection of such additional assessment will be jeopardized by delay. In such cases notice of the intention to so proceed shall be given by registered mail to the taxpayer, and the warrant of the department ~~of revenue~~ shall not issue if the taxpayer within 10 days after such notice furnishes a bond in such amount, not exceeding double the amount of the tax, and with such sureties as the department ~~of revenue~~ shall approve, conditioned upon the payment of so much of the additional taxes as shall finally be determined to be due, together with interest thereon as provided by s. 71.82 (1) (a). Nothing in this subsection shall affect the review of additional assessments provided by ss. 71.88 (1) (a) and (2) (a), 71.89 (2), 73.01 and 73.015, and any amounts collected under this subsection shall be deposited with the state treasurer and disbursed after final determination of the taxes as are amounts deposited under s. 71.90 (2).

SECTION 2315m. 71.75 (5) of the statutes is amended to read:

71.75 **(5)** A claim for refund may be made within ~~2~~ 4 years after the assessment of a tax or an assessment to recover all or part of any tax credit, including penalties

and interest, under this chapter, assessed by office audit or field audit and paid if the assessment was not protested by the filing of a petition for redetermination. No claim may be allowed under this subsection for any tax, interest or penalty paid with respect to any item of income, credit or deduction self–assessed or determined by the taxpayer or assessed as the result of any assessment made by the department with respect to which all the conditions specified in this subsection are not met. If a claim is filed under this subsection, the department of revenue may make an additional assessment in respect to any item of income or deduction that was a subject of the prior assessment. No claim for refund may be made in respect to items that were not adjusted in the notice of assessment or of refund. A person whose returns for more than one year have been adjusted may make a claim under this subsection whether or not the net result of the adjustments for those years is an assessment. This subsection does not extend the time to file under s. 71.53 (2) or 71.59 (2), and it does not extend the time period during which the department of revenue may assess, or the taxpayer may claim a refund, in respect to any item of income or deduction that was not a subject of the prior assessment.

SECTION 2316. 71.75 (6) and (7) of the statutes are amended to read:

71.75 **(6)** Every claim for refund or credit of income taxes, franchise taxes or surtaxes, if any, shall be filed with the department ~~of revenue in the manner, and on a form, prescribed or approved by the department~~ and signed by the person or, in the case of joint returns, by both persons who filed the return on which the claim is based and shall set forth specifically and explain in detail the reasons for and the basis of the claim. After the claim has been filed it shall be considered and acted upon in the same manner as are additional assessments made under s. 71.74 (1) and (2). No marital property agreement or unilateral statement under ch. 766 affects claims for refund or credit under this section.

(7) The department ~~of revenue is directed to~~ shall act on any claim for refund or credit within one year after receipt and failure to act shall have the effect of allowing the claim and the department shall certify the refund or credit unless the taxpayer has consented in writing to an extension of the one–year time period prior to its expiration.

SECTION 2317. 71.76 of the statutes is amended to read:

71.76 Internal revenue service and other state adjustments. If for any year the amount of federal net income tax payable, of a credit claimed or carried forward, of a net operating loss carried forward or of a capital loss carried forward of any taxpayer as reported to the internal revenue service is changed or corrected by the internal revenue service or other officer of the United States, such taxpayer shall report such changes or corrections to the department within 90 days after its final determination and shall concede the accuracy of such determination or state how the determination is erroneous. Such changes or corrections need not be reported unless they affect the amount of net tax payable under this chapter, of a credit calculated under this chapter, of a Wisconsin net operating loss carried forward, of a Wisconsin net business loss carried forward or of a capital loss carried forward under this chapter. Any taxpayer ~~filing~~ submitting an amended return ~~with~~ to the internal revenue service, or ~~with~~ to another state if there has been allowed a credit against Wisconsin taxes for taxes paid to that state, shall also file, within 90 days of such filing date, an amended return ~~with the department~~ if any information contained on the amended return affects the amount of net tax payable under this chapter of a credit calculated under this chapter, of a Wisconsin net operating loss carried forward, of a Wisconsin net business loss carried forward or of a capital loss carried forward under this chapter.

SECTION 2317m. 71.77 (2m) of the statutes is created to read:

71.77 **(2m)** Notwithstanding sub. (2), the department of revenue may assess a deficiency related to a contribution to the capital of the taxpayer, as defined in section 118 (c) of the Internal Revenue Code, within 4 years after the department receives notice by the taxpayer, in the manner that the department prescribes, of any of the following:

(a) The amount of the expenditure under section 118 (c) (2) (A) of the Internal Revenue Code.

(b) The intent of the person against whom the deficiency is to be assessed not to make the expenditure under section 118 (c) (2) (A) of the Internal Revenue Code.

(c) Expiration of the time period under section 118 (c) (2) (B) of the Internal Revenue Code and failure of the person against whom the deficiency is to be assessed to make the expenditure under section 118 (c) (2) (B) of the Internal Revenue Code.

SECTION 2318. 71.77 (3) of the statutes is amended to read:

71.77 **(3)** Irrespective of sub. (2), if any person has ~~made~~ filed an incorrect income tax or franchise tax return for any ~~of the years since January 1, 1911,~~ year with intent to defeat or evade the income tax or franchise tax assessment provided by law, or has failed to file any income tax or franchise tax return for any of such years, income of any such year may be assessed when discovered ~~by the proper assessing authority~~. The department of revenue shall assess the taxes owed for taxable years beginning before January 1, 1990, by using the definition of "Internal Revenue Code" that applied to the year for which the assessment was made, as modified by P.L. 104–188 if P.L. 104–188 applied for federal purposes for that year.

SECTION 2319. 71.77 (5) of the statutes is amended to read:

71.77 **(5)** The limitation periods provided in this section may be extended by written agreement between the

taxpayer and the department ~~of revenue entered into~~ prior to the expiration of such limitation periods or any extension of such limitation periods. During any such extension period, the department may issue an assessment or a refund, and the taxpayer may file a claim for a refund, relating to the year which the extension covers. Subsection (4) shall not apply to any assessment made in any such extended period. The department of revenue shall assess the taxes owed or compute the refund due for taxable years beginning before January 1, 1990, by using the definition of "Internal Revenue Code" that applied to the year for which the assessment was made, as modified by P.L. 104–188 if P.L. 104–188 applied for federal purposes for that year.

SECTION 2320. 71.78 (1) of the statutes is amended to read:

71.78 **(1)** DIVULGING INFORMATION. Except as provided in subs. (4), (4m) and (10), no person may divulge or circulate or offer to obtain, divulge or circulate any information derived from an income, franchise, withholding, fiduciary, partnership, limited liability company or gift tax return or tax credit claim, including information which may be furnished by the department ~~of revenue~~ as provided in this section. This subsection does not prohibit publication by any newspaper of information lawfully derived from such returns or claims for purposes of argument or prohibit any public speaker from referring to such information in any address. This subsection does not prohibit the department ~~of revenue~~ from publishing statistics classified so as not to disclose the identity of particular returns, or claims or reports and the items thereof. This subsection does not prohibit employes or agents of the department of revenue from offering or submitting any return, including joint returns of a spouse or former spouse, separate returns of a spouse, individual returns of a spouse or former spouse and combined individual income tax returns, or from offering or submitting any claim, schedule, exhibit, writing or audit report or a copy of, and any information derived from, any of those documents as evidence into the record of any contested matter involving the department in proceedings or litigation on state tax matters if, in the department's judgment, that evidence has reasonable probative value.

SECTION 2321m. 71.78 (4) (p) of the statutes is created to read:

71.78 **(4)** (p) The secretary of revenue and employes of that department for the purpose of calculating the penalty under s. 71.83 (1) (d).

SECTION 2324. 71.78 (8) (d) (intro.) of the statutes is amended to read:

71.78 **(8)** (d) (intro.) The department ~~of revenue~~ may allow an examination of information under par. (c) only if a district attorney petitions a court of record in this state for an order allowing the examination and the court issues an order after finding:

SECTION 2325. 71.78 (9) and (10) of the statutes are amended to read:

71.78 **(9)** DISCLOSURE OF DEBTOR ADDRESS. The department ~~of revenue~~ may supply the address of a debtor to an agency certifying a debt of that debtor under s. 71.93 or to a municipality or county certifying a debt of a debtor under s. 71.935.

(10) DIVULGING INFORMATION TO REQUESTER. The department ~~of revenue~~ shall inform each requester of the total amount of taxes withheld under subch. X during any reporting period and reported on a return filed by any city, village, town, county, school district, special purpose district or technical college district; whether that amount was paid by the statutory due date; the amount of any tax, fees, penalties or interest assessed by the department; and the total amount due or assessed under subch. X but unpaid by the filer, except that the department may not divulge tax return information that in the department's opinion violates the confidentiality of that information with respect to any person other than the units of government and districts specified in this subsection. The department shall provide to the requester a written explanation if it fails to divulge information on grounds of confidentiality. The department shall collect from the person requesting the information a fee of $4 for each return.

SECTION 2326. 71.80 (1) (a) of the statutes is amended to read:

71.80 **(1)** (a) The department ~~of revenue~~ shall assess incomes as provided in this chapter and in performance of such duty the department shall possess all powers now or hereafter granted by law to the department in the assessment of personal property and also the power to estimate incomes.

SECTION 2327. 71.80 (1) (c) to (e), (2) and (3) of the statutes are amended to read:

71.80 **(1)** (c) The department ~~of revenue~~ may make such regulations as it shall deem necessary in order to carry out this chapter.

(d) The department ~~of revenue~~ may employ such clerks and specialists as are necessary to carry into effective operation this chapter. Salaries and compensations of such clerks and specialists shall be charged to the proper appropriation for the department ~~of revenue~~.

(e) Representatives of the department ~~of revenue~~ directed by it to accept payment of income or franchise taxes shall file bonds with the state treasurer in such amount and with such sureties as the state treasurer shall direct and approve. ~~In collecting income or franchise taxes as provided in this chapter, the department of revenue shall be deemed to act as agents of the state, counties and towns, cities or villages entitled to receive the taxes collected.~~

(2) NOTICE TO TAXPAYER BY DEPARTMENT. The department ~~of revenue~~ shall notify each taxpayer by mail of the

amount of income or franchise taxes assessed against the taxpayer and of the date when the taxes become delinquent.

(3) CREDITING OF OVERPAYMENTS ON INDIVIDUAL OR SEPARATE RETURNS. In the case of any overpayment, refundable credit or refund on an individual or separate return, the department ~~of revenue~~, within the applicable period of limitations, may credit the amount of overpayment, refundable credit or refund including any interest allowed, against any liability in respect to any tax collected by the department, a debt under s. 71.93 or 71.935 or a certification under s. 49.855 on the part of the person who made the overpayment or received the refundable credit or the refund and shall refund any balance to the person. The department shall presume that the overpayment, refundable credit or refund is nonmarital property of the filer. Within 2 years after the crediting, the spouse or former spouse of the person filing the return may file a claim for a refund of amounts credited by the department if the spouse or former spouse shows by clear and convincing evidence that all or part of the state tax overpayment, refundable credit or refund was nonmarital property of the nonobligated spouse.

SECTION 2328. 71.80 (3m) (intro.) of the statutes is amended to read:

71.80 **(3m)** CREDITING OF OVERPAYMENTS ON JOINT RETURNS. (intro.) For married persons, unless within 20 days after the date of the notice under par. (c) the nonobligated spouse shows by clear and convincing evidence that the overpayment, refundable credit or refund is the nonmarital property of the nonobligated spouse, notwithstanding s. 766.55 (2) (d), the department ~~of revenue~~ may credit overpayments, refundable credits and refunds, including any interest allowed, resulting from joint returns under this chapter as follows:

SECTION 2329. 71.80 (3m) (c) and (d) of the statutes are amended to read:

71.80 **(3m)** (c) If the department ~~of revenue~~ determines that a spouse is otherwise entitled to a state tax refund or homestead or farmland credit, it shall notify the spouses under s. 71.74 (11) that the state intends to reduce any state tax refund or a refundable credit due the spouses by the amount credited against any liability under par. (a) or (b) or both.

(d) If a spouse does not receive notice under par. (c) and if the department ~~of revenue~~ incorrectly credits the state tax overpayment, refund or a refundable credit of a spouse or spouses against a liability under par. (a) or (b) or both, a claim for refund of the incorrectly credited amount may be filed under s. 71.75 (5) within 2 years after the date of the offset that was the subject of the notice under par. (c)

SECTION 2330. 71.80 (7) and (8) of the statutes are amended to read:

71.80 **(7)** PUBLICATION OF NOTICES IN ADMINISTRATIVE REGISTER. The department ~~of revenue~~ shall annually publish notice of the standard deduction amounts and the brackets for the individual income tax in the administrative register.

(8) RECEIPT FOR PAYMENT OF TAXES. The department ~~of revenue~~ shall accept payments of income or franchise taxes in accordance with this chapter, and upon request shall give a printed or written receipt therefor.

SECTION 2331. 71.80 (16) (a) of the statutes is amended to read:

71.80 **(16)** (a) All nonresident persons, whether incorporated or not, engaging in construction contracting in this state as contractor or subcontractor and not otherwise regularly engaged in business in this state, shall file a surety bond with the department, payable to the department ~~of revenue~~, to guarantee the payment of income or franchise taxes, required unemployment compensation contributions, sales and use taxes and income taxes withheld from wages of employes, together with any penalties and interest thereon. The department shall approve the form and contents of such bond. The amount of the bond shall be 3% of the contract or subcontract price on all contracts of $50,000 or more or 3% of contractor's or subcontractor's estimated cost–and–profit under a cost–plus contract of $50,000 or more. When the aggregate of 2 or more contracts in one calendar year is $50,000 or more the amount of the bond or bonds shall be 3% of the aggregate amount of such contracts. Such surety bond must be filed within 60 days after construction is begun in this state by any such contractor or subcontractor on any contract the price of which is $50,000 or more (or the estimated cost–and–profit of which is $50,000 or more), or within 60 days after construction is begun in this state on any contract for less than $50,000, when the amount of such contract, when aggregated with any other contracts, construction on which was begun in this state in the same calendar year, equals or exceeds $50,000. If the department concludes that no bond is necessary to protect the tax revenues of the state, including contributions under ch. 108, the requirements under this subsection may be waived by the secretary of revenue or the secretary's designated departmental representative. The bond shall remain in force until the liability thereunder is released by the secretary or the secretary's designated departmental representative.

SECTION 2332. 71.80 (17) and (18) of the statutes are amended to read:

71.80 **(17)** TAX RECEIPTS TRANSMITTED TO STATE TREASURER. Within 15 days after receipt of any income or franchise tax payments the department ~~of revenue~~ shall transmit the same to the state treasurer.

(18) TIMELY FILING DEFINED. Documents and payments required or permitted by this chapter <u>that are mailed</u> shall be considered furnished, reported, filed or made on time, if mailed in a properly addressed envelope, with postage duly prepaid, which envelope is postmarked before midnight of the date prescribed for such furnish-

ing, reporting, filing or making, provided such document or payment is actually received by the department or at the destination that the department or the department of administration prescribes within 5 days of such prescribed date. Documents and payments that are not mailed are timely if they are received on or before the due date by the department or at the destination that the department or the department of administration prescribes.

SECTION 2332t. 71.83 (1) (c) of the statutes is repealed and recreated to read:

71.83 **(1)** (c) *Medical savings account withdrawals.* Any person who is liable for a penalty for federal income tax purposes under section 220 (f) (4) of the Internal Revenue Code is liable for a penalty equal to 33% of that penalty. The department of revenue shall assess, levy and collect the penalty under this paragraph as it assesses, levies and collects taxes under this chapter.

SECTION 2332v. 71.83 (1) (d) of the statutes is created to read:

71.83 **(1)** (d) *Sale of certain business assets or assets used in farming.* 1. If a person who purchases or otherwise receives business assets or assets used in farming, of which the gains realized by the transferor on the sale or disposition of such assets are exempt from taxation under s. 71.05 (6) (b) 25., sells or otherwise disposes of the assets within 2 years after the person purchases or receives the assets, the person shall pay a penalty that is calculated under subd. 2.

Vetoed In Part 2. The penalty described under subd. 1. shall be equal to the sum of all of the following:

a. The amount of the capital gains exclusion received by the transferor under s. 71.05 (6) (b) 25. in the transaction described in subd. 1.

Vetoed In Part b. The amount calculated under subd. 2. a. 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.

3. The department of revenue shall assess, levy and collect the penalty under this paragraph as it assesses, levies and collects taxes under this chapter.

SECTION 2335. 71.90 (1) of the statutes is amended to read:

71.90 **(1)** (title) DEPOSIT ~~WITH THE DEPARTMENT.~~ The department shall notify any person who files a petition for redetermination that the person may deposit the amount of an additional assessment, including any interest or penalty, with the department, or with a person that the department prescribes, at any time before the department makes its redetermination. The department shall notify spouses jointly except that, if the spouses have different addresses and if either spouse notifies the department in writing of those addresses, the department shall serve a duplicate of the original notice on the spouse who has the address other than the address to which the original notice was sent. Amounts deposited under this subsection shall be subject to the interest provided by s. 71.82 only to the extent of the interest accrued prior to the first day of the month succeeding the date of deposit. Any deposited amount which is refunded shall bear interest at the rate of 9% per year during the time the funds were on deposit. A person may also pay any portion of an assessment which is admitted to be correct and the payment shall be considered an admission of the validity of that portion of the assessment and may not be recovered in an appeal or in any other action or proceeding.

SECTION 2336. 71.91 (1) (b) of the statutes is amended to read:

71.91 **(1)** (b) *Withholding.* Any amount not deposited or paid over to the department, or to the person that the department prescribes, within the time required shall be deemed delinquent and deposit reports or withholding reports filed after the due date shall be deemed late. In the case of a timely filed deposit or withholding report, withheld taxes shall become delinquent if not deposited or paid over on or before the due date of the report. In the case of no report filed or a report filed late, withheld taxes shall become delinquent if not deposited or paid over by the due date of the report. In the case of an assessment under s. 71.83 (1) (b) 2., the amount assessed shall become delinquent if not paid on or before the due date specified in the notice of deficiency, but if the assessment is contested before the tax appeals commission or in the courts, it shall become delinquent on the 30th day following the date on which the order or judgment representing final determination becomes final.

SECTION 2337. 71.91 (6) (c) 3. of the statutes is amended to read:

71.91 **(6)** (c) 3. The levy under subd. 2. is satisfied if the person who issued the contract pays to the department, or to the person that the department prescribes, the amount that the person against whom the tax is assessed could have had advanced by the person who issued the contract on the date under subd. 2. for the satisfaction of the levy, increased by the amount of any advance, including contractual interest, made to the person against whom the tax is assessed on or after the date the person who issued the contract had actual notice or knowledge of the existence of the lien with respect to which that levy is made, other than an advance, including contractual interest on it, made automatically to maintain the contract in force under an agreement entered into before the person who issued the contract had notice or knowledge of that lien. Any person who issued a contract and who satisfies a levy under this paragraph is discharged from all liability to any beneficiary because of that satisfaction.

SECTION 2338. 71.91 (6) (g) 1. of the statutes is amended to read:

71.91 **(6)** (g) 1. Any person whose property has been levied upon may pay the amount due and the expenses of

the proceeding to the department, or to the person that the department prescribes, at any time before the sale. Upon that payment, the department shall restore the property to ~~that~~ the person whose property has been levied upon and stop all proceedings related to the levy.

SECTION 2339. 71.91 (7) (d) of the statutes is amended to read:

71.91 **(7)** (d) The employer shall, on or before the last day of the month after the month during which an amount was withheld, remit to the department or to the person that the department prescribes that amount. Any amount withheld from an employe by an employer shall immediately be a trust fund for this state. Should any employer, after notice, wilfully fail to withhold in accordance with the notice and this subsection, or wilfully fail to remit any amount withheld, as required by this subsection, such employer shall be liable for the total amount set forth in the notice together with delinquent interest as though the amount shown by the notice was due by such employer as a direct obligation to the state for delinquent taxes, and may be collected by any means provided by law including the means provided for the collection of delinquent income or franchise taxes. However, no amount required to be paid by an employer by reason of his or her failure to remit under this paragraph may be deducted from the gross income of such employer. Any amount collected from the employer for failure to withhold or for failure to remit under this subsection shall be credited as tax, costs, penalties and interest paid by the employe.

SECTION 2342. 71.93 (1) (a) 5. of the statutes is created to read:

71.93 **(1)** (a) 5. An amount owed to the department of corrections under s. 304.073 (2) or 304.074 (2).

SECTION 2342g. 71.935 (1) (a) of the statutes is amended to read:

71.935 **(1)** (a) "Debt" means a parking citation of at least $20 that is unpaid and for which there has been no court appearance by the date specified in the citation or, if no date is specified, that is unpaid for at least 28 days and an unpaid fine, fee, restitution or forfeiture of at least $20.

SECTION 2342m. 71.935 (2) of the statutes is amended to read:

71.935 **(2)** A municipality or county may certify to the department any debt owed to it. Not later than 5 days after certification, the municipality or county shall notify the debtor in writing of its certification of the debt to the department, of the basis of the certification and of the debtor's right to appeal and, in the case of parking citations, of the debtor's right to contest the citation. At the time of certification, the municipality or county shall furnish to the department the name and social security number of each individual debtor and the name and federal employer identification number of each other debtor.

SECTION 2342r. 71.935 (3) of the statutes is amended to read:

71.935 **(3)** If the debt remains uncollected and, in the case of a parking citation, if the debtor has not contested the citation within 20 days after the notice under sub. (2), the department shall set off the debt against any refund that is owed to the debtor after the setoff under s. 71.93. Any legal action contesting a setoff shall be brought against the municipality or county.

SECTION 2344. 72.01 (12m) of the statutes is created to read:

72.01 **(12m)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2345. 72.01 (14m) of the statutes is created to read:

72.01 **(14m)** "Pay" means mail or deliver funds to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2346. 72.045 of the statutes is amended to read:

72.045 Timely filing. Documents and payments required or permitted by this chapter ~~are furnished, reported,~~ that are filed ~~or made~~ by mail are on time if they are mailed in a properly addressed envelope, if the postage is paid, if the envelope is postmarked before midnight of the due date and if the department or the person that the department designates receives them no later than 5 days after the due date. Documents and payments that are not mailed are timely if they are received on or before the due date by the department or at the destination that the department prescribes.

SECTION 2347. 72.22 (1) of the statutes is amended to read:

72.22 **(1)** WHEN PAYABLE. Except as provided in s. 72.225, the tax imposed by this chapter ~~is due and payable~~ shall be paid on the date 9 months after the decedent's death.

SECTION 2348. 72.22 (3) of the statutes is amended to read:

72.22 **(3)** PAYMENT. ~~Payments must be made to the department.~~ Except as provided in s. 72.225, ~~full payment shall accompany the estate tax return~~ at the time that the return is filed, the full tax shall be paid. If a prepayment was made, any additional tax shown owing on the return, as filed, shall accompany the return.

SECTION 2349. 72.30 (1) of the statutes is amended to read:

72.30 **(1)** FILING REQUIREMENTS. If a federal estate tax return is required, the personal representative, special administrator, trustee, distributee or other person interested shall prepare the return for the tax under this chapter, compute the tax due under this chapter and on or before the due date, as extended, of the federal estate tax return file ~~with the department~~ the return for tax under this chap-

ter, a copy of the federal estate tax return and a copy of all documents submitted with the federal estate tax return.

SECTION 2350. 72.30 (4) of the statutes is amended to read:

72.30 **(4)** HEARING IN CIRCUIT COURT. The attorney general, department, district attorney or any person dissatisfied with the appraisal, assessment or determination of the tax due under this chapter may apply for a hearing before the circuit court within 6 months from the date the certificate in sub. (3) is issued. The applicant must ~~file~~ give a written notice ~~with~~ to the court stating the grounds of the application. No statute of limitations shall run against the department in cases of fraud or collusion or where property is not disclosed in the return.

SECTION 2351. 72.33 (2) (intro.) of the statutes is repealed and recreated to read:

72.33 **(2)** (intro.) A person who is entitled to a refund of the federal estate tax or liable for additional payments of that tax shall, within 30 days after receiving notice of that fact, do the following:

SECTION 2352. 72.34 of the statutes is amended to read:

72.34 Notice of obligations. Every person liable for ~~paying benefits~~ transmitting to the estate or a beneficiary of a deceased employe or former employe ~~in the form of~~ an annuity, bonus, pension or other benefit under a retirement, deferred compensation or profit−sharing plan taxable under this chapter, directly or through a trust or fund created by the employer for such purpose, shall give notice of such obligation to the department within 30 days following the date of payment, or the date of the initial payment if more than one payment is forthcoming, to the estate or any beneficiary of such employe or former employe.

SECTION 2354. 73.01 (5) (a) of the statutes is amended to read:

73.01 **(5)** (a) Any person who is aggrieved by a determination of the state board of assessors under s. 70.995 (8) or by the department of revenue under s. 70.11 (21) or who has filed a petition for redetermination with the department of revenue and who is aggrieved by the redetermination of the department may, within 60 days of the determination of the state board of assessors or of the department or, in all other cases, within 60 days after the redetermination but not thereafter, file with the clerk of the commission a petition for review of the action of the department and the number of copies of the petition required by rule adopted by the commission. If a municipality appeals, its appeal shall set forth that the appeal has been authorized by an order or resolution of its governing body and the appeal shall be verified by a member of that governing body as pleadings in courts of record are verified. The clerk of the commission shall transmit one copy to the department of revenue and to each party. In the case of appeals from manufacturing property assessments, the person assessed shall be a party to a proceeding initiated by a municipality. At the time of filing the petition, the petitioner shall pay to the commission a ~~$5~~ $25 filing fee~~, which the~~. The commission shall deposit the fee in the general fund. Within 30 days after such transmission the department, except for petitions objecting to manufacturing property assessments, shall file with the clerk of the commission an original and the number of copies of an answer to the petition required by rule adopted by the commission and shall serve one copy on the petitioner or the petitioner's attorney or agent. Within 30 days after service of the answer, the petitioner may file and serve a reply in the same manner as the petition is filed. Any person entitled to be heard by the commission under s. 76.38 (12) (a), 76.39 (4) (c), 76.48 or 76.91 may file a petition with the commission within the time and in the manner provided for the filing of petitions in income or franchise tax cases. Such papers may be served as a circuit court summons is served or by certified mail. For the purposes of this subsection, a petition for review is considered timely filed if mailed by certified mail in a properly addressed envelope, with postage duly prepaid, which envelope is postmarked before midnight of the last day for filing.

SECTION 2355. 73.01 (5) (a) of the statutes, as affected by 1995 Wisconsin Act 351, section 12, and 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

73.01 **(5)** (a) Any person who is aggrieved by a determination of the state board of assessors under s. 70.995 (8) or by the department of revenue under s. 70.11 (21) or who has filed a petition for redetermination with the department of revenue and who is aggrieved by the redetermination of the department may, within 60 days of the determination of the state board of assessors or of the department or, in all other cases, within 60 days after the redetermination but not thereafter, file with the clerk of the commission a petition for review of the action of the department and the number of copies of the petition required by rule adopted by the commission. If a municipality appeals, its appeal shall set forth that the appeal has been authorized by an order or resolution of its governing body and the appeal shall be verified by a member of that governing body as pleadings in courts of record are verified. The clerk of the commission shall transmit one copy to the department of revenue and to each party. In the case of appeals from manufacturing property assessments, the person assessed shall be a party to a proceeding initiated by a municipality. At the time of filing the petition, the petitioner shall pay to the commission a $25 filing fee. The commission shall deposit the fee in the general fund. Within 30 days after such transmission the department, except for petitions objecting to manufacturing property assessments, shall file with the clerk of the commission an original and the number of copies of an answer to the petition required by rule adopted by the

commission and shall serve one copy on the petitioner or the petitioner's attorney or agent. Within 30 days after service of the answer, the petitioner may file and serve a reply in the same manner as the petition is filed. Any person entitled to be heard by the commission under s. 76.38 (12) (a), 1993 stats., or s. 76.39 (4) (c), 76.48 or 76.91 may file a petition with the commission within the time and in the manner provided for the filing of petitions in income or franchise tax cases. Such papers may be served as a circuit court summons is served or by certified mail. For the purposes of this subsection, a petition for review is considered timely filed if mailed by certified mail in a properly addressed envelope, with postage duly prepaid, which envelope is postmarked before midnight of the last day for filing.

SECTION 2355g. 73.029 of the statutes is created to read:

73.029 Rules required. The department of revenue may require electronic funds transfer only by promulgating rules.

SECTION 2355m. 73.03 (2a) of the statutes is amended to read:

73.03 **(2a)** To prepare, have published and distribute to each ~~county having a county~~ property tax assessor ~~system under s. 70.99 and to each town, city and village in the state for the use of assessors, assessment personnel and the public detailed~~ and to others who so request assessment ~~manuals, except that if an assessor is hired by more than one county, town, city or village the department shall provide that assessor with only one cost component of the manual rather than providing the cost component of the manual to each county, town, city or village that hires that assessor~~ manuals. The manual shall be produced on CD−ROM if the department of revenue determines that there is sufficient demand for that format. The manual shall discuss and illustrate accepted assessment methods, techniques and practices with a view to more nearly uniform and more consistent assessments of property at the local level. The manual shall be amended by the department from time to time to reflect advances in the science of assessment, court decisions concerning assessment practices, costs, and statistical and other information deemed valuable to local assessors by the department. The manual shall incorporate standards for the assessment of all types of renewable energy resource systems used in this state as soon as such systems are used in sufficient numbers and sufficient data exists to allow the formulation of valid guidelines. The manual shall incorporate standards, which the department of revenue and the state historical society of Wisconsin shall develop, for the assessment of nonhistoric property in historic districts and for the assessment of historic property, including but not limited to property that is being preserved or restored; property that is subject to a protective easement, covenant or other restriction for historic preservation purposes; property that is listed in the national register of historic places in Wisconsin or in this state's register of historic places and property that is designated as a historic landmark and is subject to restrictions imposed by a municipality or by a landmarks commission. The manual shall incorporate general guidelines about ways to determine whether property is taxable in part under s. 70.11 (8) and examples of the ways that s. 70.11 (8) applies in specific situations. The manual shall state that assessors are required to comply with s. 70.32 (1g) and shall suggest procedures for doing so. The manual or a supplement to it shall specify per acre value guidelines for each municipality for various categories of agricultural land based on the income that could be generated from its estimated rental for agricultural use, as defined by rule, and capitalization rates established by rule. The manual shall include guidelines for classifying land as agricultural land, as defined in s. 70.32 (2) (c) 1. and guidelines for distinguishing between land and improvements to land. The cost of the development, preparation, publication and distribution of the manual and of revisions and amendments to it shall be borne by the ~~assessment districts~~ assessors and requesters at an individual volume cost or a subscription cost as determined by the department. All receipts shall be credited to the appropriation under s. 20.566 (2) (hi). ~~The department shall, on the 4th Monday in August, certify past−due accounts and include them in the next apportionment of state special charges to counties and municipalities under s. 70.60. If the department provides an assessment manual to an assessor who is hired by more than one unit of government, those units of government shall each pay an equal share of the cost of that manual.~~ The department may provide free assessment manuals to other state agencies or exchange them at no cost with agencies of other states or of the federal government for similar information or publications.

Vetoed In Part

SECTION 2357. 73.03 (30) of the statutes is amended to read:

73.03 **(30)** To analyze the data provided under sub. (29), after consultation with the department of ~~education~~ public instruction and the legislative fiscal bureau, and to notify the presiding officers of the houses of the legislature and the cochairpersons of the joint committee on finance of the results of the analysis.

SECTION 2358. 73.03 (35) of the statutes is amended to read:

73.03 **(35)** To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dr) ~~or~~, (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or (4) (am) if granting the full amount claimed would violate the requirement under s. ~~560.75 (9) or~~ 560.797 (4) (e) or would bring the total of the credits granted to that claimant under s. ~~560.75 (9) or~~ 560.797 (4) (e), or the total of the credits granted to that claimant under all of those subsections, over the limit for that

claimant under s. 560.768, 560.795 (2) (b) or 560.797 (5) (b).

SECTION 2359. 73.03 (46) of the statutes is amended to read:

73.03 **(46)** In each school year, to determine and certify to the ~~secretary of education~~ state superintendent of public instruction the rate for determining the secondary ceiling cost per member under s. 121.07 (6) (d). The rate for any school year is the average percentage change in the consumer price index for all urban consumers, U.S. city average, for the calendar year ending on the 2nd preceding December 31, as computed by the federal department of labor.

SECTION 2360. 73.03 (50) of the statutes 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 is valid for 2 years, and for renewing that certificate and 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 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 2360m. 73.03 (51) of the statutes is created to read:

73.03 **(51)** To revoke all permits, licenses and certificates that the department has issued to a person who fails timely to renew a certificate under sub. (50), and to reissue those permits, licenses and certificates if the person renews the certificate under sub. (50).

SECTION 2363. 73.03 (53) of the statutes is created to read:

73.03 **(53)** To enter into agreements with direct marketers about the collection of state and local sales taxes and use taxes. The department of revenue may not implement any agreement under this subsection if the agreement does not conform to the law of this state.

Vetoed In Part

SECTION 2365. 73.0305 of the statutes is repealed and recreated to read:

73.0305 Revenue limits calculations. The department of revenue shall annually determine and certify to the state superintendent of public instruction, no later than the 4th Monday in June, the allowable rate of increase for the limit imposed under subch. VII of ch. 121. For that limit, the allowable rate of increase is the percentage change in the consumer price index for all urban consumers, U.S. city average, between the preceding March 31 and the 2nd preceding March 31, as computed by the federal department of labor.

SECTION 2369. 74.09 (2m) of the statutes is repealed.

SECTION 2371m. 74.53 (1) (intro.) of the statutes is amended to read:

74.53 **(1)** RECOVERY OF TAXES AND COSTS AGAINST PERSONS. (intro.) Except as provided in subs. (3) and (5), a county or a ~~city authorized to act under s. 74.87~~ municipality may bring a civil action against a person to recover any of the following amounts that are included in the tax roll for collection and any of the amounts under pars. (b) and (c) that are not included in the tax roll for collection:

SECTION 2371p. 74.53 (4) of the statutes is amended to read:

74.53 **(4)** RECOVERY LIMITED. A county or a ~~city authorized to act under s. 74.87~~ ~~which~~ municipality that proceeds against a property owner under this section may not recover more than the amount owed plus interest and penalties.

SECTION 2371s. 74.53 (5) of the statutes is amended to read:

74.53 **(5)** PRIOR APPROVAL; NOTICE. No action may be commenced under sub. (1) for the amounts under sub. (1) (a) unless it is approved by the county board or the ~~common council of a city authorized to act under s. 74.87~~ governing body of the municipality. The clerk shall mail, to the last−known address of the person against whom an action is proposed to be commenced, advance written notice of the time and place the county board will meet to consider approval of legal action. A county board or the ~~common council of a city authorized to act under s. 74.87~~ governing body of the municipality may abrogate its duty to approve and notice each action to be commenced under sub. (1) by adopting an ordinance waiving the duty and specifying procedures by which an action under sub. (1) may be commenced.

SECTION 2371t. 74.53 (6) of the statutes is amended to read:

74.53 **(6)** ACTION BY TAXING JURISDICTION. A taxing jurisdiction may bring a civil action under this section against a person to recover special assessments as defined in s. 75.36 (1) and special charges levied by it for which the county or ~~city authorized to act under s. 74.87~~ municipality did not settle in full ~~under s. 74.29~~ or which were not fully paid by proceeds distributed under s. 75.05 or 75.36. Any amount recovered in an action under this subsection shall be reported to the county or city treasurer, who shall subtract it from the amount owed for purposes of sub. (4).

SECTION 2373. 75.105 of the statutes is created to read:

75.105 Cancellation of delinquent real property taxes on property contaminated by hazardous substances. (1) DEFINITIONS. In this section:

(a) "Department" means the department of natural resources.

(b) "Discharge" has the meaning given in s. 292.01 (3).

(c) "Hazardous substance" has the meaning given in s. 292.01 (5).

(2) CANCELLATION AUTHORIZED. At any time before the recording of a tax deed based on a tax certificate issued on property for nonpayment of taxes, the governing body of a county may cancel all or a portion of the unpaid real property taxes for which a tax certificate has been issued plus interest and penalties on those taxes on the property if all of the following apply:

(a) The property is contaminated by a hazardous substance.

(b) An environmental assessment has been conducted and concludes that the property is contaminated by the discharge of a hazardous substance.

(c) The owner of the property or another person agrees to clean up the property by restoring the environment to the extent practicable and minimizing the harmful effects from a discharge of a hazardous substance in accordance with rules that the department promulgates.

(d) The owner of the property or another person presents to the county or city an agreement entered into with the department to investigate and clean up the property.

(e) The owner of the property agrees to maintain and monitor the property as required under rules that the department promulgates and under any contract entered into under those rules.

(3) ADMINISTRATION. Upon the cancellation of all or a portion of real property taxes under sub. (2), the county treasurer shall execute and provide to the owner of the property a statement identifying the property for which taxes have been cancelled and shall enter on the tax certificate the date upon which the taxes were cancelled and the amount of taxes cancelled.

(4) CERTAIN CITIES AUTHORIZED. A city authorized to proceed under s. 74.87 may act under this section with respect to unpaid real property taxes for which it has settled with other taxing jurisdictions.

SECTION 2374. 76.13 (2) of the statutes is amended to read:

76.13 **(2)** Every tax roll upon completion shall be delivered to the state treasurer and a copy of the tax roll filed with the secretary of administration. The department shall notify, by certified mail, all companies listed on the tax roll of the amount of tax due, which shall be paid to the department. The payment dates provided for in sub. (2a) shall apply. The payment of one−fourth of the tax of any company may, if the company has brought an action in the Dane county circuit court under s. 76.08, be made without delinquent interest as provided in s. 76.14 any time prior to the date upon which the appeal becomes final, but any part of the tax ultimately required to be paid shall bear interest from the original due date to the date the appeal became final at the rate of 12% per year and at 1.5% per month thereafter until paid. The taxes extended against any company after the same become due, with interest, shall be a lien upon all the property of the company prior to all other liens, claims and demands whatsoever, except as provided in ss. 292.31 (8) (i)~~, 292.41 (6) (d)~~ and 292.81, which lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of the company within the state as an entirety.

SECTION 2375. 76.22 (1) of the statutes is amended to read:

76.22 **(1)** The taxes levied upon and extended against the property of any company defined in s. 76.02, after the same become due, with interest thereon, shall become a lien upon the property of such company within the state prior to all other liens, debts, claims or demands whatsoever, except as provided in ss. 292.31 (8) (i)~~, 292.41 (6) (d)~~ and 292.81, which lien may be enforced in an action in the name of the state in any state court of competent jurisdiction against such company and against the property of such company within the state. The place of the trial shall not be changed from the county in which any such action is commenced, except upon consent of parties.

SECTION 2376. 76.39 (5) of the statutes is amended to read:

76.39 **(5)** Delinquent taxes, penalties, interest and late filing fees shall be a lien upon the property of any railroad company or car line company prior to all other liens, claims and demands, except as provided in ss. 292.31 (8) (i)~~, 292.41 (6) (d)~~ and 292.81, which lien may be enforced in any action in the name of the state in any court of competent jurisdiction. All provisions of law for enforcing payment of delinquent income or franchise taxes under ch. 71 or enforcing payment of delinquent taxes based on the value of property under this chapter shall be available to collection of taxes on gross receipts in this state levied under this section.

SECTION 2377m. 76.84 (3) of the statutes is repealed.

SECTION 2378. 76.90 (2) of the statutes is repealed and recreated to read:

76.90 **(2)** "Commercial mobile service" has the meaning given in 47 USC 332 (d).

SECTION 2379b. 76.91 (intro.) of the statutes is renumbered 76.91 (1) (intro.) and amended to read:

76.91 **(1)** (intro.) For 1999 and 2000, there is imposed on each ~~cellular mobile radio telecommunications utility~~ <u>person that is licensed by the federal communications commission to provide commercial mobile service</u> and on each person that, on June 6, 1996, provides basic local exchange service a transitional adjustment fee. Taxpayers shall pay the tax during May 1998, November 1998, May 1999, November 1999 and May 2000. For each month that a fee is due under this subchapter, the taxpayer shall pay to the department an amount calculated as follows:

SECTION 2379c. 76.91 (1) of the statutes is renumbered 76.91 (1) (a).

SECTION 2379d. 76.91 (2) of the statutes is renumbered 76.91 (1) (b) and amended to read:

76.91 **(1)** (b) Subtract from the amount under ~~sub. (1)~~ par. (a) the taxpayer's payment during that month of the tax under subch. IV.

SECTION 2379e. 76.91 (2) of the statutes is created to read:

76.91 **(2)** If a person that is licensed by the federal communications commission to provide commercial mobile service in this state is a telephone company under s. 76.02 (9u), 1993 stats., on June 6, 1996, the calculation of the fee under this subchapter is limited to that person's activities as a provider of commercial mobile service in this state.

SECTION 2379m. Chapter 77 (title) of the statutes 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; MANAGED 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 2380. 77.51 (2) of the statutes is amended to read:

77.51 **(2)** "Contractors" and "subcontractors" are the consumers of tangible personal property used by them in real property construction activities and the sales and use tax applies to the sale of tangible personal property to them. ~~In this subsection, "real property construction activities" include the fabrication of modular units designed and fabricated for a specific prefabricated building to be affixed to land at a particular location designated by the purchaser before the fabrication of the modules if the modular units will have a realty function and will become a permanent accession to the realty.~~ A contractor engaged primarily in real property construction activities may use resale certificates only with respect to purchases of property which the contractor has sound reason to believe the contractor will sell to customers for whom the contractor will not perform real property construction activities involving the use of such property. In this subsection, "real property construction activities" means activities that occur at a site where tangible personal property that is applied or adapted to the use or purpose to which real property is devoted is affixed to that real property, if the intent of the person who affixes that property is to make a permanent accession to the real property. In this subsection, "real property construction activities" do not include affixing to real property tangible personal property that remains tangible personal property after it is affixed.

SECTION 2381. 77.51 (3r) of the statutes is created to read:

77.51 **(3r)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2381m. 77.51 (4) (a) 4. of the statutes is amended to read:

77.51 **(4)** (a) 4. Any tax included in or added to the purchase price, including the taxes imposed by ~~ss.~~ s. 78.01~~,~~ unless the tax is refunded, ss.78.40, 139.02, 139.03 and 139.31, the federal motor fuel tax unless the tax is refunded and any manufacturers' or importers' excise tax; but not including any tax imposed by the United States, any other tax imposed by this state or any tax imposed by any municipality of this state upon or with respect to retail sales whether imposed upon the retailer or the consumer if that federal, state or municipal tax is measured by a stated percentage of sales price or gross receipts or the federal communications tax imposed upon the services set forth in s. 77.52 (2) (a) 5. For purposes of the sales tax, if a retailer establishes to the satisfaction of the department that the sales tax imposed by this subchapter has been added to the total amount of the sales price and has not been absorbed by the retailer, the total amount of the sales price shall be the amount received exclusive of the sales tax imposed. For the purpose of this subdivision, a tax shall be deemed "imposed upon or with respect to retail sales" only if the retailer is the person who is required to make the payment of the tax to the governmental unit levying the tax.

SECTION 2382. 77.51 (4) (b) 3. of the statutes is amended to read:

77.51 **(4)** (b) 3. In all transactions, except those to which subd. 7. applies, in which an article of tangible personal property is traded toward the purchase of an article of greater value, the gross receipts shall be only that portion of the purchase price represented by the difference between the full purchase price of the article of greater value and the amount allowed for the article traded.

SECTION 2383. 77.51 (4) (b) 7. of the statutes is created to read:

77.51 **(4)** (b) 7. For the sale of a manufactured building, as defined in s. 101.71 (6); at the retailer's option, except that after a retailer chooses an option, the retailer may not use the other option for other sales without the department's written approval; either 35% of the gross receipts or an amount equal to the gross receipts minus the cost of the materials that become an ingredient or component part of the building.

SECTION 2383g. 77.51 (4) (c) 6. of the statutes is amended to read: **Vetoed In Part**

77.51 **(4)** (c) 6. Charges associated with time−share property that is taxable under s. 77.52 (2) (a) ~~1. or~~ 2.

SECTION 2383m. 77.51 (10) of the statutes is amended to read:

77.51 **(10)** "Person" includes any natural person, firm, partnership, limited liability company, joint venture, joint stock company, association, public or private corporation, the United States, the state of Wisconsin, including any unit or division thereof, any county, city, village, town, municipal utility, municipal power district or other governmental unit, cooperative, estate, trust, receiver, executor, administrator, any other fiduciary, and any representative appointed by order of any court or otherwise acting on behalf of others. "Person" also includes the owner of a single–owner entity that is disregarded as a separate entity under ch. 71.

SECTION 2383r. 77.51 (15) (a) 4. of the statutes is amended to read:

77.51 **(15)** (a) 4. Any tax included in or added to the purchase price including the taxes imposed by ~~ss.~~ s. 78.01~~,~~ unless the tax is refunded, ss. 78.40, 139.02, 139.03 and 139.31 and the federal motor fuel tax unless the tax is refunded and including also any manufacturers' or importers' excise tax; but not including any tax imposed by the United States, any other tax imposed by this state, or any tax imposed by any municipality of this state upon or with respect to retail sales whether imposed on the retailer or consumer, if that federal, state or municipal tax is measured by a stated percentage of sales price or gross receipts, and not including the federal communications tax imposed upon the services set forth in s. 77.52 (2) (a) 5. For the purpose of this subdivision, a tax shall be deemed "imposed upon or with respect to retail sales" only if the retailer is the person who is required to make the payment of the tax to the governmental unit levying the tax.

SECTION 2384. 77.51 (15) (b) 4. of the statutes is amended to read:

77.51 **(15)** (b) 4. In all transactions, except those to which subd. 6. applies, in which an article of tangible personal property is traded toward the purchase of an article of greater value, the sales price shall be only that portion of the purchase price represented by the difference between the full purchase price of the article of greater value and the amount allowed for the article traded.

SECTION 2385. 77.51 (15) (b) 6. of the statutes is created to read:

77.51 **(15)** (b) 6. For the sale of a manufactured building, as defined in s. 101.71 (6); at the retailer's option, except that after a retailer chooses an option, the retailer may not use the other option for other sales without the department's written approval; either 35% of the sales price or an amount equal to the sales price minus the cost of the materials that become an ingredient or component part of the building.

SECTION 2386. 77.51 (17r) of the statutes is created to read:

77.51 **(17r)** "Sign" means write one's signature or, if the department prescribes another method of authenticating, use that other method.

SECTION 2386g. 77.51 (18) (intro.) of the statutes is renumbered 77.51 (18) and amended to read:

77.51 **(18)** "Storage" includes any keeping or retention in this state of tangible personal property purchased from a retailer for any purpose except ~~the following:~~ sale in the regular course of business.

SECTION 2386h. 77.51 (18) (a) and (b) of the statutes are repealed.

SECTION 2386j. 77.51 (21m) of the statutes is amended to read: **Vetoed In Part**

77.51 **(21m)** "Telecommunications services" means sending messages and information transmitted through the use of local, toll and wide–area telephone service; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two–way radio; paging service; or any other form of mobile and portable one–way or two–way communications; or any other transmission of messages or information by electronic or similar means between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities. "Telecommunications services" does not include sending collect telecommunications that are received outside of the state. In this subsection, "computer exchange services" does not include providing access to or use of the internet. In this subsection, "internet" means interconnecting networks that are connected to network access points by telecommunications services.

SECTION 2386p. 77.51 (22) (a) of the statutes is amended to read:

77.51 **(22)** (a) "Use" includes the exercise of any right or power over tangible personal property or taxable services incident to the ownership, possession or enjoyment of the property or services, or the results produced by the services, including installation or affixation to real property and including the possession of, or the exercise of any right or power over tangible personal property by a lessee under a lease, except that "use" does not include the activities under sub. (18) ~~(a) and (b)~~.

SECTION 2386q. 77.52 (2) (a) 1. of the statutes is amended to read: **Vetoed In Part**

77.52 **(2)** (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations, not including the furnishing of rooms or lodging through the sale of a time–share property, as defined in s. 707.02 (32)~~, if the use of the rooms or lodging is not fixed at the time of sale as to the starting day or the lodging unit~~. In this subdivision, "transient" means any person residing for a continuous

period of less than one month in a hotel, motel or other furnished accommodations available to the public. In this subdivision, "hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations, including mobile homes as defined in s. 66.058 (1) (d), rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

Vetoed In Part

SECTION 2387. 77.52 (2) (a) 5. of the statutes 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 telecommunications services that are paid for before the services are rendered.

Vetoed In Part

SECTION 2388. 77.52 (2) (a) 5m. of the statutes is created to read:

77.52 **(2)** (a) 5m. The sale of services that consist of recording telecommunications messages and transmitting them to the purchaser of the service or at that purchaser's direction, but not including those services if they are merely an incidental, as defined in s. 77.51 (5), element of another service that is sold to that purchaser and is not taxable under this subchapter.

SECTION 2388m. 77.52 (7) of the statutes is created to read:

77.52 **(7)** Every person desiring to operate as a seller within this state who holds a valid certificate under s. 73.03 (50) shall file with the department an application for a permit for each place of operations. Every application for a permit shall be made upon a form prescribed by the department and shall set forth the name under which the applicant intends to operate, the location of the applicant's place of operations, and the other information that the department requires. The application shall be signed by the owner if a sole proprietor; in the case of sellers other than sole proprietors, the application shall be signed by the person authorized to act on behalf of such sellers. A nonprofit organization that has gross receipts taxable under s. 77.54 (7m) shall obtain a seller's permit and pay taxes under this subchapter on all taxable gross receipts received after it is required to obtain that permit. If that organization becomes eligible later for the exemption under s. 77.54 (7m) except for its possession of a seller's permit, it may surrender that permit.

SECTION 2388no. 77.52 (9) of the statutes is repealed and recreated to read:

77.52 **(9)** After compliance with sub. (7) and s. 77.61 (2) by the applicant, the department shall grant and issue to each applicant a separate permit for each place of operations within the state. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of operations at the place designated in it. It shall at all times be conspicuously displayed at the place for which it was issued.

SECTION 2388p. 77.52 (12) of the statutes is amended to read:

77.52 **(12)** A person who operates as a seller in this state without a permit or after a permit has been suspended~~,~~ or revoked or has expired, unless the person has a temporary permit under sub. (11), and each officer of any corporation, partnership member, limited liability company member or other person authorized to act on behalf of a seller who so operates, is guilty of a misdemeanor. Permits shall be held only by persons actively operating as sellers of tangible personal property or taxable services. Any person not so operating shall forthwith surrender that person's permit to the department for cancellation. The department may revoke the permit of a person found not to be actively operating as a seller of tangible personal property or taxable services.

SECTION 2391. 77.52 (17m) (a) of the statutes is amended to read:

77.52 **(17m)** (a) A person who holds a valid certificate issued under s. 73.03 (50) may apply for a direct pay permit by ~~submitting to the department~~ filing a completed form that the department prescribes.

SECTION 2391m. 77.52 (17m) (b) 7. of the statutes is amended to read:

77.52 **(17m)** (b) 7. The applicant holds a ~~valid certificate under s. 73.03 (50)~~ permit under sub. (9) or is registered under s. 77.53 (9).

SECTION 2391mn. 77.525 of the statutes is created to read:

77.525 Reduction to prevent double taxation. Any person who is subject to the tax under s. 77.52 (2) (a) 5. on telecommunications services that terminate in this state and who has paid a similar tax on the same services to another state may reduce the amount of the tax remitted to this state by an amount equal to the similar tax properly paid to another state on those services or by the amount due this state on those services, whichever is less. That person shall refund proportionally to the persons to whom the tax under s. 77.52 (2) (a) 5. was passed on an amount equal to the amounts not remitted.

SECTION 2392. 77.53 (1m) (a) of the statutes is amended to read:

77.53 **(1m)** (a) If the motor vehicle is assigned to and used by an employe of the dealer for whom the dealer is required to withhold amounts for federal income tax purposes or by a person who both has an ownership interest in the dealership and actively participates in the day–to–day operation of the dealership, $96 per month for each motor vehicle registration plate held by the dealer, except that beginning in 1997 the department shall annually, as of January 1, adjust the dollar amount under this paragraph, rounded to the nearest whole dollar, to reflect the annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on June 30 of the year before the change. In this paragraph, "actively participates" means performs services for the motor vehicle dealership; including selling, accounting, managing and consulting; for more than 500 hours in a taxable year for which the person receives compensation, and "actively participates" does not include services performed only in the capacity of an investor; including studying and reviewing financial statements or reports on the operation of the business, preparing or compiling summaries or analyses of the finances of the business for the investor's own use or monitoring the finances or operations of the activity in a nonmanagerial capacity.

SECTION 2392m. 77.53 (9) of the statutes is amended to read:

77.53 **(9)** Every retailer selling tangible personal property or taxable services for storage, use or other consumption in this state shall obtain a certificate under s. 73.03 (50) and give the name and address of all agents operating in this state, the location of all distribution or sales houses or offices or other places of business in this state, the standard industrial code classification of each place of business in this state and such other information as the department requires.

SECTION 2392mm. 77.53 (9) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

77.53 **(9)** Every retailer selling tangible personal property or taxable services for storage, use or other consumption in this state shall register with the department and obtain a certificate under s. 73.03 (50) and give the name and address of all agents operating in this state, the location of all distribution or sales houses or offices or other places of business in this state, the standard industrial code classification of each place of business in this state and ~~such~~ the other information ~~as~~ that the department requires.

Vetoed In Part **SECTION 2392no.** 77.53 (9m) of the statutes is amended to read:

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

SECTION 2392p. 77.53 (10) of the statutes 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 in a warehouse in or from which the commodity is deliverable on a contract for future delivery subject to 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 2393. 77.54 (3m) of the statutes is repealed and recreated to read:

77.54 **(3m)** The gross receipts from the sale of and the storage, use or other consumption of the following items if they are used exclusively by the purchaser or user in the business of farming; including dairy farming, agriculture, horticulture, floriculture and custom farming services:

(a) Seeds for planting.
(b) Plants.
(c) Feed.
(d) Fertilizer.
(e) Soil conditioners.
(f) Animal bedding.
(g) Sprays, pesticides and fungicides.
(h) Breeding and other livestock.
(i) Poultry.
(j) Farm work stock.
(k) Baling twine and baling wire.
(L) Containers for fruits, vegetables, grain, hay, silage and animal wastes.
(m) Plastic bags, plastic sleeves and plastic sheeting used to store or cover hay or silage.

SECTION 2393no. 77.54 (14) (f) of the statutes is created to read:

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

SECTION 2393noo. 77.54 (15) of the statutes is amended to read:

77.54 **(15)** The gross receipts from the sale of and the storage, use or other consumption of all newspapers, of periodicals sold by subscription and regularly issued at average intervals not exceeding 3 months, or issued at average intervals not exceeding 6 months by an educational association or corporation sales to which are exempt under sub. (9a) (f), of controlled circulation publications sold to commercial publishers for distribution without charge or mainly without charge or regularly distributed by or on behalf of publishers without charge or mainly without charge to the recipient and of shoppers guides which distribute no less than 48 issues in a 12−month period. In this subsection, "shoppers guide" means a community publication delivered, or attempted to be delivered, to most of the households in its coverage area without a required subscription fee, which advertises a broad range of products and services offered by several types of businesses and individuals. In this subsection, "controlled circulation publication" means a publication that has at least 24 pages, is issued at regular intervals not exceeding 3 months, that devotes not more than 75% of its pages to advertising and that is not conducted as an auxiliary to, and essentially for the advancement of, the main business or calling of the person that owns and controls it.

SECTION 2393nq. 77.54 (20) (c) 5. of the statutes is amended to read:

77.54 **(20)** (c) 5. Taxable sales shall not include meals, food, food products or beverages furnished in accordance with any contract or agreement by a public or private institution of higher education to an undergraduate student, a graduate student or a student enrolled in a professional school if the student is enrolled for credit at that institution and if the goods are consumed by that student and meals, food, food products or beverages furnished to a national football league team under a contract or agreement entered into on or before January 1, 1998.

Vetoed In Part

Vetoed In Part

SECTION 2393nv. 77.54 (30) (d) of the statutes is amended to read:

77.54 **(30)** (d) In this subsection "residential use" means use in a structure or portion of a structure which is a person's permanent residence, but does not include use in transient accommodations, as specified in s. 77.52 (2) (a) 1.~~,~~; time−share property, as defined in s. 707.02 (32); motor homes~~,~~; or travel trailers or other recreational vehicles.

SECTION 2393q. 77.54 (43) of the statutes is created to read:

77.54 **(43)** The gross receipts from the sale of and the storage, use or other consumption of raw materials used for the processing, fabricating or manufacturing of, or the attaching to or incorporating into, printed materials that are transported and used solely outside this state.

SECTION 2394. 77.58 (1m) of the statutes is created to read:

77.58 **(1m)** Persons who owe amounts under this subchapter shall pay them by mailing or delivering them to the department or, if the department prescribes another method of submitting or another destination, those persons shall pay those amounts in that other method or to that other destination.

SECTION 2394g. 77.58 (3) (a) of the statutes is amended to read:

77.58 **(3)** (a) For purposes of the sales tax a return shall be filed by every seller. For purposes of the use tax a return shall be filed by every retailer engaged in business in this state and by every person purchasing tangible personal property or services, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due to a retailer required to collect the tax. If a qualified subchapter S subsidiary is not regarded as a separate entity under ch. 71, the owner of that subsidiary shall include the information for that subsidiary on the owner's return. Returns shall be signed by the person required to file the return or by a duly authorized agent but need not be verified by oath. If a single−owner entity is disregarded as a separate entity under ch. 71, the owner shall include the information from the entity on the owner's return.

SECTION 2397. 77.61 (14) of the statutes is amended to read:

77.61 **(14)** Documents and payments required or permitted under this subchapter that are mailed are timely furnished, filed or made if they are mailed in a properly addressed envelope with the postage duly prepaid, if the envelope is postmarked before midnight of the due date and if the document or payment is received by the department, or at the destination that the department prescribes, within 5 days after the prescribed date. Documents and payments that are not mailed are timely if they are received on or before the due date by the department or at the destination that the department designates.

SECTION 2399. 77.75 of the statutes is amended to read:

77.75 Reports. Every person subject to county or special district sales and use taxes shall, for each reporting period, record that person's sales made in the county or special district that has imposed those taxes separately from sales made elsewhere in this state and file a report of the measure of the county or special district sales and use taxes and the tax due thereon separately ~~to the department of revenue on forms to be provided by the department~~.

SECTION 2399f. 77.76 (3) of the statutes is amended to read: **Vetoed In Part**

77.76 **(3)** From the appropriation under s. 20.835 (4) (g) the department shall distribute ~~98.5%~~ 98.7% of the county taxes reported for each enacting county, minus the

county portion of the retailers' discounts, to the county and shall indicate the taxes reported by each taxpayer, no later than the end of the 3rd month following the end of the calendar quarter in which such amounts were reported. In this subsection, the "county portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction the numerator of which is the gross county sales and use taxes payable and the denominator of which is the sum of the gross state and county sales and use taxes payable. The county taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments of the county taxes previously distributed. Interest paid on refunds of county sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1) (a). The county may retain the amount it receives or it may distribute all or a portion of the amount it receives to the towns, villages, cities and school districts in the county. Any county receiving a report under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

Vetoed In Part

SECTION 2399fm. 77.76 (4) of the statutes is amended to read:

77.76 **(4)** There shall be retained by the state 1.5% of the taxes collected under this subchapter for special districts and 1.3% of the taxes collected under this subchapter for counties to cover costs incurred by the state in administering, enforcing and collecting the tax. All interest and penalties collected shall be deposited and retained by this state in the general fund.

SECTION 2399g. 77.82 (1) (b) 2. of the statutes is amended to read:

77.82 **(1)** (b) 2. A parcel that is developed for commercial recreation, for industry~~, human residence~~ or for any other use determined by the department to be incompatible with the practice of forestry.

SECTION 2399i. 77.82 (1) (b) 3. of the statutes is created to read:

77.82 **(1)** (b) 3. A parcel that is developed for a human residence.

SECTION 2399k. 77.82 (1) (bn) of the statutes is created to read:

77.82 **(1)** (bn) For purposes of par. (b) 3., the department by rule shall define "human residence" to include a residence of the petitioner regardless of whether it is the petitioner's primary residence. The definition may also include up to one acre surrounding the residence for a residence that is not the petitioner's primary residence.

SECTION 2400. 77.92 (1m) of the statutes is created to read:

77.92 **(1m)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2401. 77.92 (4) of the statutes is amended to read:

77.92 **(4)** "Net business income", with respect to a partnership ~~or limited liability company~~, means taxable income as calculated under section 703 of the internal revenue code; plus the items of income and gain under section 702 of the internal revenue code; minus the items of loss and deduction under section 702 of the internal revenue code; plus payments treated as not made to partners under section 707 (a) of the internal revenue code; plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dr) ~~and~~, (2ds), (2dx) and (3s); but excluding income, gain, loss and deductions from farming. "Net business income", with respect to a natural person, estate or trust, means profit from a trade or business for federal income tax purposes and includes net income derived as an employe as defined in section 3121 (d) (3) of the internal revenue code.

SECTION 2401m. 77.92 (4m) of the statutes is amended to read:

77.92 **(4m)** "Partnership" has the meaning given in section 761 (a) of the internal revenue code, except that "partnership" does not include entities that are excluded under the regulations interpreting section 761 (a) of the internal revenue code from the operation of all or part of subchapter K of chapter one of the internal revenue code. "Partnership" also includes an entity treated as a partnership under section 7701 of the Internal Revenue Code.

SECTION 2401r. 77.93 (3m) of the statutes is repealed.

SECTION 2401t. 77.93 (5) of the statutes is amended to read:

77.93 **(5)** All natural persons, estates, trusts~~,~~ and partnerships ~~and limited liability companies~~ that are engaged in farming. The surcharge is imposed on the partnership ~~or limited liability company~~, not on its partners ~~or members~~, except that if a partnership's or company's surcharge is delinquent the partners ~~or members~~ are jointly and severally liable for it.

SECTION 2401v. 77.935 of the statutes is created to read:

77.935 Single−owner entities. A single−owner entity that is disregarded as a separate entity under ch. 71 is disregarded as a separate entity under this subchapter. The owner of that entity shall include the information from the entity on the owner's return under this subchapter.

SECTION 2402. 77.96 (5) of the statutes is amended to read:

77.96 **(5)** Each person subject to a surcharge under s. 77.93 shall, on or before the due date, including extensions, for filing under ch. 71, file ~~with the department of revenue, on a form prescribed by the department,~~ an accurate statement of its gross tax liability or net business income. Payments made after the due date under sub. (2) and on or before the due date under this subsection are not

delinquent but are subject to interest at the rate of 12% per year.

SECTION 2403. 77.96 (5m) of the statutes is created to read:

77.96 **(5m)** Persons who owe amounts under this subchapter shall mail or deliver those amounts to the department of revenue or, if that department prescribes another method of submitting or another destination, those persons shall use that other method or submit those amounts to that other destination.

SECTION 2407. 77.9815 of the statutes is created to read:

77.9815 Exemption. Any retailer whose liability for the tax under this subchapter would be less than $5 for a year is exempt from that tax for that year.

SECTION 2410m. Subchapter X of chapter 77 [precedes 77.994] of the statutes is created to read:

CHAPTER 77

SUBCHAPTER X

PREMIER RESORT AREA TAXES

77.994 Premier resort area tax. (1) Except as provided in sub. (2), a municipality or a county all of which is included in a premier resort area under s. 66.307 may, by ordinance, impose a tax at a rate of 0.5% of the gross receipts from the sale, lease or rental in the municipality or county of goods or services that are taxable under subch. III made by businesses that are classified in the standard industrial classification manual, 1987 edition, published by the U.S. office of management and budget, under the following industry numbers:

(a) 5331 — Variety stores.

(b) 5399 — Miscellaneous general merchandise stores.

(c) 5441 — Candy, nut and confectionary stores.

(d) 5451 — Dairy product stores.

(e) 5461 — Retail bakeries.

(f) 5541 — Gasoline service stations.

(g) 5812 — Eating places.

(h) 5813 — Drinking places.

(i) 5912 — Drug stores and proprietary stores.

(j) 5921 — Liquor stores.

(k) 5941 — Sporting goods stores and bicycle shops.

(L) 5946 — Camera and photographic supply stores.

(m) 5947 — Gift, novelty and souvenir shops.

(n) 7011 — Hotels and motels.

(o) 7032 — Sporting and recreational camps.

(p) 7033 — Recreational vehicle parks and campsites.

(q) 7948 — Racing, including track operation.

(r) 7992 — Public golf courses.

(s) 7993 — Coin−operated amusement devices.

(t) 7996 — Amusement parks

(u) 7999 — Amusement and recreational services, not elsewhere classified.

(2) Either a county or a municipality within that county, but not both, may impose a tax under sub. (1).

77.9941 Administration. (1) The ordinance under s. 77.994 is effective on January 1, April 1, July 1 or October 1. The municipality or county shall deliver a certified copy of that ordinance to the secretary of revenue at least 120 days before its effective date.

(3) A municipality or county that imposes a tax under s. 77.994 may repeal that ordinance. A repeal is effective on December 31. The municipality or county shall deliver a certified copy of the repeal ordinance to the secretary of revenue at least 60 days before its effective date.

(3m) The department of revenue may promulgate rules interpreting the classifications under s. 77.994 (1) and specifying means of determining the classifications of business. If there is a dispute whether a business is in one of the classifications under s. 77.994 (1), the department of revenue's decision is final.

(4) Sections 77.72 (1), (2) (a) and (3) (a), 77.73, 77.74, 77.75, 77.76 (1), (2) and (4), 77.77 (1) and (2), 77.785 (1) and 77.79 as they apply to the taxes under subch. V apply to the tax under this subchapter.

(5) From the appropriation under s. 20.835 (4) (gd) the department shall distribute 97% of the taxes under this subchapter reported, for periods beginning before January 1, 2000, for each municipality or county that has imposed the tax; and 98.7% of the taxes reported, for periods beginning on or after January 1, 2000, for each municipality or county that has imposed the tax, minus the municipality's or county's portion of the retailers' discounts, to the municipality or county and shall indicate the taxes reported by each taxpayer, no later than the end of the 3rd month following the end of the calendar quarter in which such amounts were reported. In this subsection, the "municipality's or county's portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction the numerator of which is the gross sales and use taxes payable under this subchapter and the denominator of which is the sum of the gross state sales and use taxes and the sales taxes and use taxes payable under this subchapter. The taxes under this subchapter distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments of the taxes under this subchapter previously distributed. Interest paid on refunds of sales and use taxes under this subchapter shall be paid from the appropriation under s. 20.835 (4) (gd) at the rate paid by this state under s. 77.60 (1) (a). Any municipality or county receiving a report under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

Vetoed In Part

SECTION 2410t. Subchapter XI of chapter 77 [precedes 77.995] of the statutes is created to read:

CHAPTER 77

SUBCHAPTER XI

STATE RENTAL VEHICLE FEE

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.

77.9951 Administration. (1) The department of revenue shall administer the fee under this subchapter and may take any action, conduct any proceeding and impose interest and penalties.

(2) Sections 77.51 (4) (a), (b) 1., 2. and 4., (c) 1. to 3. and (d) and (14) (a) to (f), (j) and (k), 77.52 (4), (6), (13), (14) and (18), 77.58 (1) to (5) and (7), 77.59, 77.60, 77.61 (2), (5), (8), (9) and (12) to (14) and 77.62, as they apply to the taxes under subch. III, apply to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the vehicle is rented.

(3) Persons who are subject to the fee under this subchapter shall register with the department of revenue. Any person who is required to register; including any person authorized to act on behalf of a corporation, partnership or other person who is required to register; who fails to do so is guilty of a misdemeanor.

SECTION 2410ts. Subchapter XII of chapter 77 [precedes 77.996] of the statutes is created to read:

CHAPTER 77

SUBCHAPTER XII

DRY CLEANING FEES

77.996 Definitions. In this subchapter:

(1) "Department" means the department of revenue.

(2) "Dry cleaning facility" means a facility that dry cleans apparel or household fabrics for the general public other than the following facilities:

(a) Coin−operated facilities.

(b) Facilities that are located on U.S. military installations.

(c) Industrial laundries.

(d) Commercial laundries.

(e) Linen supply facilities.

(f) Facilities that are located at a prison or other penal institution.

(g) Facilities that are located at a nonprofit hospital or at a nonprofit health care institution.

(h) Facilities that are located on property that is owned by the U.S. government or by this state.

(3) "Dry cleaning solvent" means a chlorine−based or hydrocarbon−based formulation or product that is used as a primary cleaning agent in dry cleaning facilities.

77.9961 License fee. (1) No person may operate a dry cleaning facility in this state unless the person completes and submits to the department a form that the department prescribes and pays to the department a fee for each dry cleaning facility that the person operates. The fee is equal to 1.8% of the previous year's gross receipts from dry cleaning.

(2) Persons who owe a fee under this section shall pay it on or before January 15. The department shall issue a license to each person who pays the fee and submits the form under this section. The license is valid through December 31 of the year during which the fee is due. If a dry cleaning facility is sold, the seller may transfer the license to the buyer. Each holder of a license under this section shall display it prominently in the facility to which it applies.

(3) On or before December 15, the department shall mail to each dry cleaning facility of which it is aware a form on which to apply for a license under this section.

(4) Any person who operates a dry cleaning facility and who does not hold a license under this section shall pay to the department a penalty of $5 for each day that the person operates without a license.

77.9962 Dry cleaning solvents fee. There is imposed on each person who sells a dry cleaning solvent to a dry cleaning facility a fee equal to $5 per gallon of perchloroethylene sold and 75 cents per gallon of a hydrocarbon−based solvent sold. The fees for the previous 3 months are due on January 25, April 25, July 25 and October 25.

77.9963 Inventory fee. There is imposed on each dry cleaning facility that possesses dry cleaning solvents on the effective date of this section .... [revisor inserts date], a fee equal to $5 for each gallon of perchloroethylene possessed and 75 cents for each gallon of a hydrocar-

bon−based solvent possessed. On or before the date 30 days after the effective date of this section .... [revisor inserts date], any person who owes a fee under this section shall send that fee to the department.

77.9964 Administration. (1) The department shall administer the fees under this subchapter.

(2) Except as provided in s. 77.9961 (4), sections 71.74 (1) to (3), (7) and (9), 71.75 (1), (2), (6), (7), (9) and (10), 71.77 (1) and (4) to (8), 71.78 (1) to (4) and (5) to (8), 71.80 (1) (a) and (b), (4) to (6), (8) to (12), (14), (17) and (18), 71.82 (1) and (2) (a) and (b), 71.83 (1) (a) 1. and 2. and (b) 1., 2. and 6., (2) (a) 1. to 3. and (b) 1. to 3. and (3), 71.87, 71.88, 71.89, 71.90, 71.91 (1) (a), (2) and (4) to (6) and 71.93 as they apply to the taxes under ch. 71 apply to the fees under this subchapter.

Vetoed In Part **(3)** (a) The department shall deposit all of the revenue that it collects under this subchapter in the fund under s. 25.48, except for revenue that is required under par. (b) to be deposited in the fund under s. 25.46.

Vetoed In Part (b) Whenever the department of revenue receives a notice from the department of natural resources under s. 292.65 (3) (cm) 2., the department of revenue shall deposit 50% of the revenue that it collects under this subchapter in the fund under s. 25.46 until the total amount deposited in the fund under s. 25.46 equals the total amount stated in all notices under s. 292.65 (3) (cm) 2.

77.9965 Sunset. This subchapter does not apply after June 30, 2032.

SECTION 2410tw. Subchapter XIII of chapter 77 [precedes 77.997] of the statutes is created to read:

CHAPTER 77

SUBCHAPTER XIII

TAX ON ADULT ENTERTAINMENT

77.997 Definition. In this subchapter, "adult entertainment products and services" means products and services, not including magazines and motion pictures but including admission to a strip club, that are harmful to children, as defined in s. 948.11 (1) (b).

77.9971 Imposition. There is imposed a tax, at the rate of 5% of the gross receipts, as defined in s. 77.51 (4), on the sale at retail of adult entertainment products and services.

77.9972 Administration. (1) The department of revenue shall administer the tax under this subchapter.

(2) Sections 77.52 (4), (12) to (14) and (19), 77.58 (1) to (5) and (7), 77.59, 77.60, 77.61 (3), (5), (8), (9) and (12) to (14) and 77.62, as they apply to the taxes under subch. III, apply to the tax under this subchapter.

SECTION 2411. 78.005 (6m) of the statutes is created to read:

78.005 **(6m)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2411m. 78.005 (13b) of the statutes is created to read:

78.005 **(13b)** "Pay" means mail or deliver funds to the department or, if the department prescribes another method of payment or another destination, use that other method or submit to that other destination.

SECTION 2412. 78.005 (13r) of the statutes is created to read:

78.005 **(13r)** "Sign" means write one's signature or, if the department prescribes another method of authenticating, use that other method.

SECTION 2412m. 78.01 (1) of the statutes is amended to read:

78.01 **(1)** IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate determined under ~~s.~~ ss. 78.015 and 78.017 is imposed on all motor vehicle fuel received by a supplier for sale in this state, for sale for export to this state or for export to this state except as otherwise provided in this chapter. The motor vehicle fuel tax is to be computed and paid as provided in this chapter. Except as otherwise provided in this chapter, a person who receives motor vehicle fuel under s. 78.07 shall collect from the purchaser of the motor vehicle fuel that is received, and the purchaser shall pay to the person who receives the motor vehicle fuel under s. 78.07, the tax imposed by this section on each sale of motor vehicle fuel at the time of the sale, irrespective of whether the sale is for cash or on credit. In each subsequent sale or distribution of motor vehicle fuel on which the tax has been collected as provided in this subsection, the tax collected shall be added to the selling price so that the tax is paid ultimately by the user of the motor vehicle fuel.

SECTION 2413m. 78.01 (2) (e) of the statutes is repealed.

SECTION 2414. 78.01 (2m) (f) of the statutes is amended to read:

78.01 **(2m)** (f) It is sold for off−highway use other than use in a snowmobile, in an all−terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or (2g) or in a recreational motorboat or if no claim for a refund for the tax on the diesel fuel may be made under s. 78.75 (1m) (a) 3.

SECTION 2414n. 78.01 (2m) (f) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

78.01 **(2m)** (f) It is dyed diesel fuel and is sold for off−highway use other than use in a snowmobile, an all−terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or (2g) or in a recreational motorboat or if no claim for a refund for the tax on the diesel fuel may be made under s. 78.75 (1m) (a) 3.

SECTION 2414rm. 78.015 (1) of the statutes is amended to read:

78.015 **(1)** Before April 1 the department shall recompute and publish the rate for the tax imposed under

s. 78.01 (1). The new rate per gallon shall be calculated by multiplying the rate in effect at the time of the calculation by ~~an~~ the amount obtained ~~by multiplying the amount~~ under sub. (2) ~~by the amount under sub. (3)~~.

SECTION 2414rn. 78.015 (3) of the statutes is repealed.

SECTION 2414s. 78.017 of the statutes is created to read:

78.017 Adjustment in 1997. On November 1, 1997, the rate of the tax imposed under s. 78.01 (1) is increased by one cent.

SECTION 2415. 78.09 (2) of the statutes is amended to read:

78.09 **(2)** To procure a license, a supplier who holds a valid certificate issued under s. 73.03 (50) shall file with the department an application ~~prescribed and furnished by the department and verified~~ signed by the owner of the business if the owner is an individual, partnership or unincorporated association or by the president and secretary if the owner is a corporation.

SECTION 2416. 78.09 (5) of the statutes is amended to read:

78.09 **(5)** To procure an export license, an exporter who holds a valid certificate issued under s. 73.03 (50) shall file with the department an application ~~prescribed and furnished by the department and verified~~ signed by the owner of the business if the owner is an individual, partnership or unincorporated association or by the president and secretary if the owner is a corporation.

SECTION 2416m. 78.10 (1) of the statutes is repealed and recreated to read:

78.10 **(1)** APPLICATION. Application for a license to receive motor vehicle fuel under s. 78.07 shall be made upon a form prepared and furnished by the department and, in the case of a supplier, the form shall be accompanied by a copy of the applicant's license under 26 USC 4101. The application shall be subscribed by the applicant and shall contain the information that the department reasonably requires for the administration of this subchapter. Only a person who holds a valid certificate under s. 73.03 (50) may apply for a license under this subsection.

SECTION 2416n. 78.10 (2) of the statutes is created to read:

78.10 **(2)** INVESTIGATION. The department shall investigate each applicant under sub. (1). No license shall be issued if the department deems that the applicant does not hold a valid certificate under s. 73.03 (50), the application is not filed in good faith, the applicant is not the real party in interest and the license of the real party in interest has been revoked for cause, or other reasonable cause for nonissuance exists.

SECTION 2416p. 78.10 (3) of the statutes is created to read:

78.10 **(3)** HEARING. Before refusing to issue a license, the department shall grant the applicant a hearing, of which the applicant shall be given at least 5 days' written notice.

SECTION 2416q. 78.10 (4) of the statutes is created to read:

78.10 **(4)** ISSUE. If the application and the bond under s. 78.11, if that bond is required, are approved, the department shall issue a license.

SECTION 2417. 78.12 (2) (intro.) of the statutes is renumbered 78.12 (2) and amended to read:

78.12 **(2)** REPORTS OF LICENSEES. Each licensee shall, not later than the last day of each month, file ~~with the department, or, if the department so requires, file electronically with any state agency that the department specifies, on forms prescribed and furnished by the department,~~ a report ~~that indicates~~ for the month before the month during which the report is due ~~the following:~~.

SECTION 2418. 78.12 (2) (a) to (c) of the statutes are repealed.

SECTION 2418g. 78.12 (4) (a) 4. of the statutes is amended to read:

78.12 **(4)** (a) 4. Multiply the number of gallons under subd. 3. by the rate under s. 78.015 as increased under s. 78.017.

SECTION 2418r. 78.12 (4) (b) 2. of the statutes is amended to read:

78.12 **(4)** (b) 2. Multiply the number of gallons under subd. 1. by the rate under s. 78.015 as increased under s. 78.017.

SECTION 2419. 78.12 (5) (a) of the statutes is renumbered 78.12 (5) and amended to read:

78.12 **(5)** PAYMENT OF TAX. Licensed suppliers shall pay taxes on motor vehicle fuel no later than the 15th day of the month for motor vehicle fuel sold during the previous month. At the option of a wholesaler distributor, a licensed supplier shall allow the wholesaler distributor to delay paying the tax to the licensed supplier until the date that the tax is due to this state. A wholesaler distributor who makes delayed payments shall make the payments by electronic funds transfer. If a wholesaler distributor fails to make timely payments, the licensed supplier may terminate the right of the wholesaler distributor to make delayed payments. Each licensed supplier shall notify the department of each wholesaler distributor who makes delayed payments of the tax. The department may require any wholesaler distributor who makes delayed payments of the tax to ~~file with~~ furnish the department a surety bond payable to this state in an amount not to exceed 3 times the highest estimated monthly tax owed by the wholesaler distributor. Whenever the wholesaler distributor pays the licensed supplier, the licensed supplier shall credit the wholesaler distributor's account for the amount of tax reduction that results from the calculation under s. 78.12 (4) (a) 2.

SECTION 2420r. 78.12 (5) (b) of the statutes is repealed.

SECTION 2421. 78.20 (1m) of the statutes is amended to read:

78.20 **(1m)** Any person who operates a service station, store, garage or other place of business within this state for the retail sale of gasoline therefrom who has paid the tax required by this subchapter on the gasoline received into that person's storage at such place of business shall be reimbursed and repaid 0.5% of such tax to cover shrinkage and evaporation losses upon making and filing a claim ~~with the department on forms prescribed and furnished by it~~.

SECTION 2422. 78.20 (4) of the statutes is amended to read:

78.20 **(4)** On the filing of a claim under sub. (3), accompanied by the invoice or a list of purchases, the department shall determine the amount of refund due. The department may make such investigation of the correctness of the facts stated in such claim as it deems necessary. When the department has approved such claim it shall ~~pay~~ reimburse the claimant ~~the reimbursement herein provided~~ under this section out of the moneys collected under this chapter to be used for carrying out this section. No claim for refund shall be denied or the payment thereof withheld for failure of the invoice or list of purchases to show the amount of the Wisconsin motor vehicle fuel tax on the gasoline as a separate item if the amount of such tax is determinable from the information stated on the invoice or list of purchases.

SECTION 2423. 78.22 (1) of the statutes is amended to read:

78.22 **(1)** FLOOR TAX IMPOSED. On the date any motor vehicle fuel tax rate change becomes effective under s. 78.01, a floor tax is hereby imposed upon every person who is in possession of any motor vehicle fuel held for sale or resale and on which the motor vehicle fuel tax already has been imposed. The person shall determine the volume of motor vehicle fuel and shall file ~~with the department~~ by the 15th day of the month in which the new tax rate becomes effective a return, together with any tax due on it, determined in accordance with sub. (2).

SECTION 2424. 78.22 (3) (a) of the statutes is renumbered 78.22 (3).

SECTION 2425. 78.22 (3) (b) of the statutes is repealed.

SECTION 2426. 78.22 (4) of the statutes is amended to read:

78.22 **(4)** LATE FILING FEE. Any person who fails to file a motor vehicle fuel floor tax return when due shall pay a late filing fee of $10. A return ~~shall be considered~~ that is mailed is filed in time if it is mailed in a properly addressed envelope with 1st class postage duly prepaid and the envelope is officially postmarked on the date due and the return is actually received by the department or at the destination that the department prescribes within 5 days of the due date. A return that is not mailed is timely if it is received on or before the due date by the department or at the destination that the department prescribes.

SECTION 2427. 78.39 (4m) of the statutes is created to read:

78.39 **(4m)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2428. 78.40 (1) of the statutes is amended to read:

78.40 **(1)** IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate determined under ~~s.~~ ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply tanks of motor vehicles in this state, attaches at the time of delivery and shall be collected by the dealer from the alternate fuels user and shall be paid to the department. The tax, with respect to alternate fuels acquired by any alternate fuels user other than by delivery by an alternate fuel dealer into a fuel supply tank of a motor vehicle, or of a snowmobile, an all−terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or (2g) or a recreational motorboat, attaches at the time of the use of the fuel and shall be paid to the department by the user. The department may permit any supplier of alternate fuels to report and pay to the department the tax on alternate fuels delivered into the storage facility of an alternate fuels user or retailer which will be consumed for alternate fuels tax purposes or sold at retail.

SECTION 2428g. 78.405 of the statutes is repealed and recreated to read:

78.405 Annual adjustment of the tax rate. (1) Before April 1, the department annually shall calculate the rate for the tax under s. 78.40 as follows:

(a) Determine the standard number of British thermal units per gallon generated by gasoline.

(b) Determine the standard number of British thermal units per gallon generated by each kind of alternate fuel that is sold in this state.

(c) For each kind of alternate fuel sold in this state, divide the result under par. (b) by the result under par. (a).

(d) For each kind of alternate fuel sold in this state, multiply the result under par. (c), expressed as a decimal, by the rate for the tax under s. 78.01 as adjusted for the current year under s. 78.015.

(2) The rates determined under sub. (1) are effective on the April 1 after they are calculated.

SECTION 2428m. 78.407 of the statutes is created to read:

78.407 Adjustment in 1997. On November 1, 1997, the rate of the tax imposed under s. 78.40 (1) is increased by one cent.

SECTION 2428p. 78.47 of the statutes is amended to read:

78.47 Alternate fuels license. No person may act as an alternate fuels dealer in this state unless the person holds a valid alternate fuels license issued by the department and a valid certificate under s. 73.03 (50). Except for alternate fuel which is delivered by an alternate fuels dealer into a fuel supply tank of any motor vehicle in this state, no person may use an alternate fuel in this state unless the person holds a valid alternate fuel license issued by the department or unless the alternate fuel has been delivered by a supplier who is authorized under s. 78.40 (1) to report and pay the tax on behalf of the user or retailer.

SECTION 2428r. 78.48 (1) of the statutes is repealed and recreated to read:

78.48 **(1)** APPLICATION. Application for an alternate fuels license shall be made upon a form prepared and furnished by the department. It shall be subscribed by the applicant and shall contain the information that the department reasonably requires for the administration of this subchapter. Only a person who holds a valid certificate under s. 73.03 (50) may apply for a license under this subsection.

SECTION 2428t. 78.48 (2) of the statutes is created to read:

78.48 **(2)** INVESTIGATION. The department shall investigate each applicant under sub. (1). No license may be issued if the department deems that the applicant does not hold a valid certificate under s. 73.03 (50), the application is not filed in good faith, the applicant is not the real party in interest and the license of the real party in interest has been revoked for cause, or other reasonable cause for nonissuance exists.

SECTION 2428u. 78.48 (3) of the statutes is created to read:

78.48 **(3)** HEARING. Before refusing to issue a license, the department shall grant the applicant a hearing, of which the applicant shall be given at least 5 days' written notice.

SECTION 2428v. 78.48 (4) of the statutes is created to read:

78.48 **(4)** ISSUE. If the application and the bond under sub. (9), if that bond is required, are approved, the department shall issue a license in as many copies as the licensee has places of business for which an alternate fuels license is required.

SECTION 2429. 78.49 (1) (a) of the statutes is amended to read:

78.49 **(1)** (a) For the purpose of determining the amount of liability to the state for the tax under this subchapter, except as provided in par. (b), each alternate fuels licensee shall, not later than the last day of each month, file a monthly report for the next preceding month ~~with the department on forms furnished and prescribed by it~~. Such report shall contain a declaration by the licensee that the statements contained therein are accurate and are a true return of the amount of the alternate fuels tax due and shall be ~~subscribed~~ signed by the licensee or the licensee's duly authorized agent. ~~The report shall show, with reference to each location at which an alternate fuel is delivered or placed by such licensee into a fuel supply tank of any motor vehicle, the information that the department reasonably requires for the proper administration and enforcement of the tax under this subchapter. The department shall give due consideration to the varying types of operations and transactions in specifying the information required.~~

SECTION 2429g. 78.49 (1) (b) of the statutes is amended to read:

78.49 **(1)** (b) The department may allow alternate fuels licensees whose tax liability is less than $500 per quarter to file on a quarterly basis. Quarterly reports shall be ~~mailed~~ filed on or before the last day of the next month following the end of each calendar quarter. The report shall contain the declaration, subscription and information specified in par. (a).

SECTION 2430. 78.55 (2g) of the statutes is created to read:

78.55 **(2g)** "Department" means the department of revenue.

SECTION 2431. 78.55 (2r) of the statutes is created to read:

78.55 **(2r)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2431m. 78.55 (5m) of the statutes is created to read:

78.55 **(5m)** "Pay" means mail or deliver funds to the department or, if the department prescribes another method of payment or another destination, use that other method or submit to that other destination.

SECTION 2432. 78.55 (6) of the statutes is created to read:

78.55 **(6)** "Sign" means write one's signature or, if the department prescribes another method of authenticating, use that other method.

SECTION 2432p. 78.56 of the statutes is amended to read:

78.56 General aviation fuel license. No person may act as a general aviation fuel dealer in this state unless the person is the holder of a valid general aviation fuel license issued to the person by the department and is the holder of a valid certificate under s. 73.03 (50).

SECTION 2432q. 78.57 (1) of the statutes is repealed and recreated to read:

78.57 **(1)** APPLICATION. Application for a general aviation fuel license shall be made on a form prepared and furnished by the department. It shall be subscribed by the applicant and shall contain the information that the department reasonably requires for the administration of this chapter. Only a person who holds a valid certificate

under s. 73.03 (50) may apply for a license under this subsection.

SECTION 2432r. 78.57 (2) of the statutes is created to read:

78.57 **(2)** INVESTIGATION. The department shall investigate each applicant under sub. (1). No license may be issued if the department determines any of the following:

(a) That the application was not filed in good faith.

(b) That the applicant is not the real party in interest and the license of the real party in interest has been revoked for cause.

(c) That the applicant does not hold a valid certificate under s. 73.03 (50).

(d) That other reasonable cause for nonissuance exists.

SECTION 2432s. 78.57 (3) of the statutes is created to read:

78.57 **(3)** HEARING. Before refusing to issue a license, the department shall grant the applicant a hearing, of which he or she shall be given at least 5 days' advance written notice.

SECTION 2432t. 78.57 (4) of the statutes is created to read:

78.57 **(4)** ISSUE. If the application and the bond under sub. (9), if that bond is required, are approved, the department shall issue a license in as many copies as the licensee has places of business for which a general aviation fuel license is required.

SECTION 2433. 78.58 (1) (a) of the statutes is amended to read:

78.58 **(1)** (a) For the purpose of determining the amount of the licensee's liability to the state for the tax imposed by this subchapter, except as provided in par. (b), each general aviation fuel licensee shall, not later than the 20th day of each month, file a monthly report for the next preceding month ~~with the department on forms furnished and prescribed by it. The report shall contain a declaration by the licensee that the statements contained therein are accurate and are a true return of the amount of general aviation fuel tax due and shall be subscribed by the~~. The licensee or the licensee's duly authorized agent~~. The report shall show, with reference to each location at which general aviation fuel is delivered or placed by the licensee into a fuel supply tank of any aircraft, such information as the department may reasonably require for the proper administration and enforcement of the general aviation fuel tax. The department shall give due consideration to the varying types of operations and transactions in specifying the information required~~ shall sign the report.

SECTION 2433c. 78.58 (1) (b) of the statutes is amended to read:

78.58 **(1)** (b) The department may allow a licensee whose tax liability is less than or equal to $500 per quarter to file on a quarterly basis. The licensee shall ~~mail~~ file the quarterly report for the next preceding quarter ~~to the department~~ on or before the 20th day of each quarter.

SECTION 2434b. 78.58 (3) of the statutes is repealed and recreated to read:

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

SECTION 2435. 78.585 of the statutes is repealed.

SECTION 2436. 78.59 (2) of the statutes is amended to read:

78.59 **(2)** FINAL REPORT. Every general aviation fuel licensee shall, upon such cessation, sale or transfer of the business or upon the cancellation or revocation of a license, make a report as required in s. 78.58 and pay all general aviation fuel taxes and penalties due the state. ~~Such payment shall be to the public depository if one has been designated under s. 78.585, but otherwise to the department.~~

SECTION 2437. 78.66 (4) of the statutes is created to read:

78.66 **(4)** The department may require any person who keeps records in machine−readable form for federal fuel tax purposes to keep those records in the same form for purposes of the taxes under this chapter.

SECTION 2438m. 78.73 (1) (dm) of the statutes is amended to read:

78.73 **(1)** (dm) ~~Presents an exemption certificate under s. 78.01 (2) (e) or 78.40 (2) (d), or obtains~~ 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~~ fuel was purchased;

SECTION 2439. 78.75 (1m) (a) 1. of the statutes is amended to read:

78.75 **(1m)** (a) 1. Except as provided under subds. 2. and 2m., a person who uses motor vehicle fuel or an alternate fuel upon which has been paid the tax required under this chapter, for the purpose of operating a taxicab for the transportation of passengers, for the purpose of operating a motorboat exempt from registration as a motor vehicle under s. 341.05 (20) on privately owned land or for any purpose other than operating a motor vehicle upon the public highways, shall be reimbursed and repaid the amount of the tax paid upon making and filing a claim ~~with the department~~ if the claim is for the tax on 100 gallons or more.

SECTION 2440. 78.75 (1m) (a) 2m. of the statutes is amended to read:

78.75 **(1m)** (a) 2m. A person who uses motor vehicle fuel or an alternate fuel upon which has been paid the tax

required under this chapter for the purpose of operating an all−terrain vehicle, as defined under s. 340.01 (2g), may not be reimbursed or repaid the amount of tax paid unless the all−terrain vehicle is registered for private use under s. 23.33 (2) (d) or (2g).

SECTION 2441. 78.75 (1m) (a) 3. of the statutes is amended to read:

78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed upon forms prescribed and furnished by the department. The forms shall indicate that refunds are not available for motor vehicle fuel or alternate fuels used for motorboats, except motorboats exempt from registration as motor vehicles under s. 341.05 (20) and recreational motorboats, or motor vehicle fuel or alternate fuels used for snowmobiles and that the estimated snowmobile motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and areas. The forms shall indicate that refunds are not available for motor vehicle fuel or alternate fuels used for all−terrain vehicles unless the all−terrain vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall indicate that estimated all−terrain vehicle motor vehicle fuel or alternate fuels tax payments are used for all−terrain vehicle trails and areas. The forms shall also indicate that refunds are not available for the tax on less than 100 gallons. The department shall distribute forms in sufficient quantities to each county clerk.

SECTION 2442. 78.75 (1m) (a) 3. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed. The forms shall indicate that refunds are not available for motor vehicle fuel or alternate fuels used for motorboats, except motorboats exempt from registration as motor vehicles under s. 341.05 (20) and recreational motorboats, or motor vehicle fuel or alternate fuels used for snowmobiles and that the estimated snowmobile motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and areas. The forms shall indicate that refunds are not available for motor vehicle fuel or alternate fuels used for all−terrain vehicles unless the all−terrain vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall indicate that estimated all−terrain vehicle motor vehicle fuel or alternate fuels tax payments are used for all−terrain vehicle trails and areas. The forms shall also indicate that refunds are not available for the tax on less than 100 gallons. The department shall distribute forms in sufficient quantities to each county clerk.

SECTION 2443. 78.75 (1m) (c) of the statutes is amended to read:

78.75 **(1m)** (c) The seller, upon request, shall furnish each purchaser with an invoice prepared at the time of delivery, and the purchaser shall send that invoice or a list of purchases to the department when making a claim for refund. The invoice shall contain the following information: date of sale; name and address of seller; name of purchaser, which name must be the name of the claimant; number of gallons purchased; the type of fuel; the purchase price; and the amount of Wisconsin motor vehicle fuel or alternate fuels tax ~~paid~~ as a separate item. If the purchaser sends invoices to the department, the purchaser shall send a separate invoice for each sale and delivery, and the invoice shall be legibly written and shall comply with the foregoing requirements. If the purchaser sends a list of purchases to the department, the purchaser shall retain for 4 years the invoices that are evidence of those purchases and allow the department to inspect them. The claim shall state whether or not the applicant owns an automobile or truck or any other motor−driven machinery or appliance which consumes motor vehicle fuel or an alternate fuel; the total number of gallons of motor vehicle fuel or alternate fuel purchased; the number of gallons of such motor vehicle fuel or alternate fuel purchased on which refund is claimed; a detailed statement of the consumption of such motor vehicle fuel or alternate fuel on which a refund is claimed, describing the machinery, equipment or appliance in which consumed, giving the serial or manufacturer's number of the motor and the approximate number of gallons consumed in each; or if such fuel were not consumed in any such machinery, equipment or appliance, then a description of the purposes for which the fuel was consumed with the approximate number of gallons consumed for each purpose; a statement whether or not deduction has been made for motor vehicle fuel or alternate fuels consumed in applicant's automobile or truck; and such other information as the department deems necessary.

SECTION 2444. 78.75 (1m) (e) of the statutes is amended to read:

78.75 **(1m)** (e) On the filing of a claim under par. (a), accompanied by the invoice or list of purchases, the department shall determine the amount of refund due. The department may make such investigation of the correctness of the facts stated in such claim as it deems necessary and may require a claimant to submit records to substantiate the claim. When the department has approved such claim, it shall ~~pay~~ reimburse the claimant ~~the reimbursement herein provided~~ out of the moneys collected under this chapter to be used for carrying out this section. No refund shall be claimed by or allowed to any person on account of any motor vehicle fuel or alternate fuel carried from this state in the ordinary fuel tank of a motor vehicle.

SECTION 2444m. 78.77 (1) of the statutes is amended to read:

78.77 **(1)** No person may transport motor vehicle fuel, general aviation fuel or alternate fuels by truck, trailer, semitrailer or other vehicle on any highway in this state from a point without this state to a point within this state, from a point within this state to a point without this state or for hire, as defined in s. 194.01 (4), unless ~~each~~

that person has a valid certificate under s. 73.03 (50) and is registered with the department and unless the registration number furnished by the department for the vehicle preceded by the letters W.D.R. is prominently displayed on the vehicle by painting the registration number on each side and on the rear of the vehicle in characters not less than 5 inches in height with a stroke not less than three−fourths inch in width. The registration is valid until it is suspended, revoked for cause or canceled. A registration is not transferable to another person or place of business. Application for registration shall be upon forms prescribed by the department and shall furnish such information concerning the applicant as the department requires. The application shall show the name and address of the applicant, a description of the truck, trailer, semitrailer or other vehicle, the license number and the state in which issued, the name and address of the licensee, the capacity in gallons of the fuel tank or tanks, the serial number of the trailer, semitrailer or other vehicle, and the serial and motor number of any truck.

SECTION 2445. 78.78 (3) of the statutes is amended to read:

78.78 **(3)** Any transporter who fails to file timely a report required under this section shall pay to the department a late filing fee of $10. A report that is mailed is timely if it is mailed in a properly addressed envelope with 1st class postage, if the envelope is postmarked on or before the due date and if the report is received by the department or at the destination that the department prescribes within 5 days after the due date. A report that is not mailed is timely if it is received on or before the due date by the department or at the destination that the department prescribes.

SECTION 2446. 79.03 (3) (b) 3. of the statutes is amended to read:

79.03 **(3)** (b) 3. "Full valuation" means 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 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 2447. 79.03 (3) (b) 4. a. of the statutes is amended to read:

79.03 **(3)** (b) 4. a. "Local general purpose taxes" means the portion of tax increments collected for payment to a municipality under s. 66.46 which is attributable to that municipality's own levy, the portion of environmental remediation tax increments collected for payment to a municipality or county under s. 66.462 that is attributable to that municipality's or county's own levy, general property taxes, excluding taxes for a county handicapped children's education board, collected to finance the general purpose government unit, property taxes collected for sewage and sanitary districts, mobile home fees, the proceeds of county sales and use taxes and municipal and county vehicle registration fees under s. 341.35 (1).

SECTION 2449. 79.10 (1) (f) of the statutes is repealed.

SECTION 2452b. 79.10 (1m) of the statutes is renumbered 79.10 (1m) (a) and amended to read:

79.10 **(1m)** (a) Each municipality shall ~~furnish~~ notify the department of revenue ~~with~~ of the total amount of credits ~~claimed by taxpayers under sub. (9) (bm)~~ to be paid under sub. (9) (bm) and the total number of parcels of taxable real property and personal property accounts in the municipality that are eligible for the credit under sub. (5).

SECTION 2454c. 79.10 (5) (a) of the statutes is renumbered 79.10 (5) and amended to read:

79.10 **(5)** LOTTERY CREDIT. Each municipality shall receive, from the appropriation under s. 20.835 (3) (q), an amount determined by multiplying the school tax rate by the estimated fair market value, not exceeding the value determined under sub. (11), of every parcel of taxable real property ~~on which a principal dwelling is located~~ and every personal property account in the municipality ~~and for which a claim for the credit under sub. (9) (bm) is made by the owner of the principal dwelling~~.

SECTION 2455c. 79.10 (7m) (b) 1. a. of the statutes is amended to read:

79.10 **(7m)** (b) 1. a. The amount determined under sub. (5) with respect to ~~claims filed~~ the number of parcels of taxable real property and personal property accounts for which the town, village or city has furnished notice under sub. (1m) by March 1 shall be distributed from the appropriation under s. 20.835 (3) (q) by the department of administration on the 4th Monday in March.

SECTION 2456. 79.10 (7r) of the statutes is repealed.

SECTION 2457m. 79.10 (9) (bm) 1. of the statutes is renumbered 79.10 (9) (bm) and amended to read:

79.10 **(9)** (bm) *Lottery credit.* Except as provided in ss. 79.175 and 79.18, every owner of ~~a principal dwelling on~~ taxable personal property or a parcel of taxable real property is entitled to receive a lottery credit in an amount determined by multiplying the estimated fair market value of the personal property or of the parcel of property,

not exceeding the value determined under sub. (11), by the school tax rate. ~~The owner shall receive the credit if he or she claims the credit in the manner provided under sub. (10) (a).~~

SECTION 2458. 79.10 (9) (c) of the statutes is amended to read:

79.10 **(9)** (c) *Credits shown on tax bill.* The lottery credit under par. (bm) shall reduce the property taxes otherwise payable ~~for those taxpayers who are eligible to receive that credit and who furnish the information required under sub. (10) (a)~~, and the credit under par. (b) shall reduce the property taxes otherwise payable.

SECTION 2459g. 79.10 (10) (title) and (a) to (d) of the statutes are repealed.

SECTION 2459r. 79.10 (10) (e) of the statutes is renumbered 79.10 (1m) (b) and amended to read:

79.10 **(1m)** (b) Counties and ~~any city authorized to act under s. 74.87~~ municipalities shall submit to the department of revenue all data related to the lottery credit and requested by the department of revenue.

SECTION 2459w. 79.10 (11) (a) of the statutes is amended to read:

79.10 **(11)** (a) ~~For property taxes levied in 1991, the lottery credit estimated fair market value is $8,200. For property taxes levied in 1992, the lottery credit estimated fair market value is $9,150.~~ For property taxes levied in ~~1993~~ 1997 and thereafter, the estimated fair market value shall be determined under par. (b).

SECTION 2462. 79.10 (11) (b) of the statutes is amended to read:

79.10 **(11)** (b) Before October 16, the department of administration shall determine the total funds available for distribution under the lottery credit in the following year and shall inform the joint committee on finance of that total. Total funds available for distribution shall be all existing and projected lottery proceeds and interest for the fiscal year of the distribution, less the amount estimated to be expended under ss. 20.455 (2) (r), 20.566 (2) (r) and 20.835 (2) (q) ~~and (3) (r)~~ and less the required reserve under s. 20.003 (5). The joint committee on finance may revise the total amount to be distributed if it does so at a meeting that takes place before November 1. If the joint committee on finance does not schedule a meeting to take place before November 1, the total determined by the department of administration shall be the total amount estimated to be distributed under the lottery credit in the following year.

SECTION 2464. 79.11 (2) of the statutes is amended to read:

79.11 **(2)** ~~Except as provided in s. 79.10 (10) (d), the~~ The payment of the difference between the total tax which is due on any property less the amount of the tax credits applicable to such property authorized by this subchapter shall be considered payment in full of the property taxes due thereon in that year.

SECTION 2465hm. 83.013 (2) of the statutes is amended to read:

83.013 **(2)** The department shall furnish each commission with traffic accident data and uniform traffic citation data for the rural, federal, state, and county highways in the jurisdictions represented in each commission, which shall identify the accident rates and arrest rates on their highways, ~~in the form prescribed by the council on traffic law enforcement,~~ and shall also furnish a suitable map for use in spotting accidents.

SECTION 2465j. 83.015 (2) (b) of the statutes is amended to read:

83.015 **(2)** (b) In any county with a highway commissioner appointed under s. 83.01 (1) (b) or (c), the county highway committee shall be only a policy−making body determining the broad outlines and principles governing administration and the county highway commissioner shall have the administrative powers and duties prescribed for the county highway committee under par. (a), sub. (3) (a) and ss. 27.065 (4) (b) and (13), 32.05 (1) (a), 81.38 (1), (3) and (4), 83.01 (6), 83.013, 83.018, 83.025 (1) and (3), 83.026, 83.035, 83.04, 83.05 (1), 83.07 to 83.09, 83.12, 83.14 (6), 83.17, 83.18, 83.42 (3) and (4), 84.01 (5), 84.06 (3), 84.07 (1) and (2), 84.09 (1), (3) (a) to (c) and (4), 84.10 (1), 86.04 (1) and (2), 86.07 (2), 86.19 (3), 86.34 (1), 114.33 (5), 349.07 (2), 349.11 (4) and (10) and 349.15 (2). No statutory power, duty or function specified elsewhere for the county highway commissioner may be deemed impliedly repealed for the sole reason that reference to it has been omitted in this paragraph.

SECTION 2465L. 84.01 (28) of the statutes is amended to read:

84.01 **(28)** TRANSPORTATION ADMINISTRATIVE FACILITIES. The department may acquire, construct, develop, enlarge or improve administrative or operating facilities for its use under s. 13.48 (10) or 84.01 (30).

SECTION 2465m. 84.01 (30) of the statutes is created to read:

84.01 **(30)** BUILD−OPERATE−LEASE OR TRANSFER AGREEMENTS. The department may enter into build−operate−lease or transfer agreements with private entities for the construction of transportation projects, including any projects to be financed under s. 84.59 for transportation administrative facilities under s. 84.01 (28) and, for projects that are not purchased by the state upon their completion, for the maintenance and operation of such projects. A project under this subsection may be constructed on state−owned land. An agreement under this subsection may not be entered into unless the department determines that the agreement advances the public interest, and the private entity has prior experience in design, construction, site development and environmental impact analysis and, for a project that is not expected to be purchased by the state upon its completion, has the capability of

maintaining and operating the facility upon completion of the project. The following provisions shall be contained in any build−operate−lease or transfer agreement under this subsection:

(a) A provision specifying that title is held by the private entity until title is transferred to the department pursuant to a lease with option to purchase at fair market value or purchase at fair market value of the constructed project upon its completion.

(b) If the agreement contains a lease that provides for payments to be made by the state from moneys that have not been appropriated at the time that the agreement is entered into, a provision containing the statement required under s. 16.75 (3).

(c) A provision specifying that the project shall be constructed in accordance with requirements and specifications approved by the department of administration or, if the project is not a transportation administrative facility, approved by the department of transportation.

(d) A provision permitting inspection by agents of the department of transportation until title transfers as provided under par. (a) or by agents of the department of administration during construction.

(e) If applicable, a provision specifying that any operation and maintenance under the agreement by the private entity shall be conducted in accordance with requirements and specifications approved by the department.

(f) A provision establishing a mechanism for the resolution of disputes.

SECTION 2465t. 84.013 (2) (d) of the statutes is renumbered 84.013 (3m) (a).

SECTION 2466. 84.013 (3) (ab) of the statutes is created to read:

84.013 **(3)** (ab) STH 11 extending approximately 7.6 miles from west of Burlington to STH 36/83 east of Burlington, designated as the Burlington bypass, in Walworth and Racine counties.

SECTION 2467. 84.013 (3) (ac) of the statutes is created to read:

84.013 **(3)** (ac) USH 12 extending approximately 11.6 miles from the junction of USH 12 and I 90/94 to approximately 0.75 miles south of Ski Hi Road in Sauk County.

SECTION 2468. 84.013 (3) (ae) of the statutes is created to read:

84.013 **(3)** (ae) USH 53 extending approximately 6.2 miles between I 90 and USH 14/61 near 7th Street in La Crosse, La Crosse County.

SECTION 2469. 84.013 (3) (ag) of the statutes is created to read:

84.013 **(3)** (ag) STH 57 extending approximately 17.3 miles from the junction of STH 57 with CTH "A" to STH 42 in Kewaunee and Door counties.

SECTION 2470. 84.013 (3) (ai) of the statutes is created to read:

84.013 **(3)** (ai) USH 141 extending approximately 15.4 miles between Lemere Road and 6th Road in Oconto and Marinette counties.

SECTION 2471. 84.013 (3) (ak) of the statutes is created to read:

84.013 **(3)** (ak) USH 151 extending approximately 18 miles between the junction of USH 151 and CTH "HH" south of Dickeyville to west of Belmont in Grant and Lafayette counties.

SECTION 2471b. 84.013 (3m) (b) of the statutes is created to read:

84.013 **(3m)** (b) The department shall complete all of the following highway rehabilitation projects:

1. STH 20 beginning at Roosevelt Avenue and extending to West Boulevard in the city of Racine by December 31, 1998.

2. STH 20 beginning at Oakes Road and extending to Roosevelt Avenue in the town of Mount Pleasant by December 31, 1999.

3. STH 20 beginning at West Boulevard and extending to Marquette Street in the city of Racine by December 31, 2002.

SECTION 2471c. 84.013 (3m) (c) of the statutes is created to read:

84.013 **(3m)** (c) The department shall complete the design work for any major highway project involving STH 57 between CTH "A" near Dyckesville and STH 42 in Kewaunee and Door counties by December 31, 2003.

SECTION 2471d. 84.03 (2) of the statutes is created to read: **Vetoed In Part**

84.03 **(2)** APPROPRIATION ADJUSTMENTS. (a) In the 1997−98 fiscal year and in each fiscal year thereafter, the department shall submit to the joint committee on finance for review and approval a plan identifying how the department proposes to adjust its appropriations for the applicable fiscal year to reflect the actual levels of federal aid for this state for that fiscal year under the federal Intermodal Surface Transportation Efficiency Act of 1991, as amended, or a substantially similar subsequent federal legislative act establishing levels of federal aid for this state. The plan shall be submitted not later than December 1, or 30 days after the applicable federal legislation for that fiscal year has been enacted, whichever is later.

(b) The appropriation adjustments in a plan submitted under par. (a) may not be implemented as proposed without the approval of the joint committee on finance.

SECTION 2471dm. 84.04 (4) of the statutes is created to read: **Vetoed In Part**

84.04 **(4)** Notwithstanding sub. (2), the department may not commence construction after the effective date of this subsection .... [revisor inserts date], of any wayside along I 94. This section does not prohibit the reconstruction or maintenance of any wayside in its present location.

SECTION 2471g. 84.076 (5) of the statutes is renumbered 84.076 (5) (intro.) and amended to read:

84.076 **(5)** SUNSET. (intro.) This section does not apply after the later of the following:

(a) September 30, 1997.

SECTION 2471m. 84.076 (5) (b) of the statutes is created to read:

84.076 **(5)** (b) The date on which federal law does not require, as a condition of using federal funds, that this state establish goals for the participation of disadvantaged businesses or the employment of disadvantaged individuals in projects using federal funds.

SECTION 2472. 84.09 (5) of the statutes is amended to read:

84.09 **(5)** Subject to the approval of the governor, the department may sell at public or private sale property of whatever nature owned by the state and under the jurisdiction of the department when the department determines that the property is no longer necessary for the state's use for highway purposes and, if real property, the real property is not the subject of a petition under s. 16.375 (2). The department shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the same should be sold, together with an application for the governor's approval of the sale. The governor shall thereupon make such investigation as he or she may deem necessary and approve or disapprove the application. Upon such approval and receipt of the full purchase price, the department shall by appropriate deed or other instrument transfer the property to the purchaser. The approval of the governor is not required for public or private sale of property having a fair market value at the time of sale of not more than $3,000 ~~or~~, for the transfer of surplus state real property to the department of administration under s. 16.375 or for the transfer of surplus state personal property to the department of tourism under sub. (5s). The funds derived from sales under this subsection shall be deposited in the transportation fund, and the expense incurred by the department in connection with the sale shall be paid from such fund.

SECTION 2473. 84.09 (5s) of the statutes is created to read:

84.09 **(5s)** In lieu of the sale or conveyance of personal property under sub. (5), the department of transportation may, upon the request of the department of tourism, transfer to the department of tourism, at no cost, personal property that is owned by the state and under the jurisdiction of the department of transportation and that the department of transportation has determined is no longer necessary for the state's use for highway purposes.

SECTION 2473e. 84.10 of the statutes is renumbered 84.10 (1) and amended to read:

84.10 **(1)** The amounts allocated under s. 20.395 (3) (cq) and (eq) for the purposes described in this ~~section~~ subsection shall be expended by the department for the maintenance and operation of bridges not on the state trunk highway system which were constructed, reconstructed, or purchased under s. 84.11 before August 9, 1989, and under s. 84.12 and free bridges located in connecting highways in 4th class cities, and towns, which have a length, not including approaches, of 300 feet or more, or a swing or lift span. Except as provided in a jurisdictional transfer agreement under s. 84.16, all matters relating to the maintenance and operation of such bridges shall be under the control of the department. Maintenance and operation shall not include the roadway lighting system and shall not include snow and ice removal and control for bridges located on connecting highways. The department may arrange with any county highway committee or with any city, village or town for the operation or maintenance or both of any such bridge; and any county highway committee, city, village or town may enter into such arrangement. This subsection does not apply to sub. (2).

SECTION 2473g. 84.10 (2) of the statutes is created to read:

84.10 **(2)** The joint committee on finance may transfer moneys to s. 20.395 (3) (cq) from any other segregated revenue appropriations of the department for state operations from the transportation fund, upon request of the department, for the purpose of supplementing moneys allocated under s. 20.395 (3) (cq) for the rehabilitation of a local bridge for which improvement is a state responsibility and which has been posted with a weight limitation as provided in s. 349.16 (2).

SECTION 2473m. 84.1048 of the statutes is created to read:

84.1048 Polish Heritage Highway. (1) In recognition of the outstanding contributions that Polish Americans have made to the vitality and quality of life in central Wisconsin, the department shall designate STH 66, commencing at Stevens Point and proceeding easterly to Rosholt, as the "Polish Heritage Highway" to commemorate and honor the achievements of central Wisconsin residents of Polish ancestry.

(2) Upon receipt of contributions totaling not less than $800 from interested parties, including any city, village, town or county, the department shall erect markers along STH 66 in the following locations:

(a) One marker at the east end of Stevens Point to clearly identify the designation of the route to motorists proceeding easterly.

(b) One marker at the east end of Rosholt to clearly identify the designation of the route to motorists proceeding westerly.

(3) No state funds may be used for the erection of any marker under this section.

SECTION 2473r. 84.1049 of the statutes is created to read:

84.1049 Polish Veterans Memorial Highway. In recognition of their courageous, dutiful and selfless ser-

vice to this state and the U.S. armed forces, the department shall designate and mark STH 160, commencing at STH 29 at Angelica and proceeding easterly to STH 32 at Pulaski, as the "Polish Veterans Memorial Highway" to commemorate and honor the military service and patriotism shown by this state's Polish veterans throughout its history.

SECTION 2474m. 84.28 (1) of the statutes is amended to read:

84.28 **(1)** Moneys from the appropriation under s. 20.370 ~~(1) (mr)~~ (7) (mc) may be expended for the renovation, marking and maintenance of a town or county highway located within the boundaries of any state park, state forest or other property under the jurisdiction of the department of natural resources. Moneys from the appropriation under s. 20.370 ~~(1) (mr)~~ (7) (mc) may be expended for the renovation, marking and maintenance of a town or county highway located in the lower Wisconsin state riverway as defined in s. 30.40 (15). Outside the lower Wisconsin state riverway as defined in s. 30.40 (15), or outside the boundaries of these parks, forests or property, moneys from the appropriation under s. 20.370 ~~(1) (mr)~~ (7) (mc) may be expended for the renovation, marking and maintenance of roads which the department of natural resources certifies are utilized by a substantial number of visitors to state parks, state forests or other property under the jurisdiction of the department of natural resources. The department of natural resources shall authorize expenditures under this subsection. The department of natural resources shall rank projects eligible for assistance under a priority system and funding may be restricted to those projects with highest priority.

SECTION 2474p. 84.30 (3) (j) of the statutes is created to read:

84.30 **(3)** (j) 1. Signs erected by the Crime Stoppers, the nationwide organization affiliated with local police departments, on or before the effective date of this subdivision .... [revisor inserts date], without regard to whether the department has issued a license for the sign. The department may not remove a sign authorized under this paragraph unless the sign does not conform to federal requirements. The requirements under s. 86.19 do not apply to signs described in this subdivision.

2. Notwithstanding subd. 1., whenever a sign authorized under this paragraph requires replacement due to damage or deterioration, the department shall require the sign to be licensed under sub. (10) and to meet all of the requirements of this section and s. 86.19.

SECTION 2475. 84.59 (6) of the statutes is amended to read:

84.59 **(6)** Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this section can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Revenue obligations issued under this section shall not exceed ~~$1,123,638,100~~ $1,348,058,900 in principal amount, excluding obligations issued to refund outstanding revenue obligations. Not more than ~~$1,041,341,000~~ $1,255,499,900 of the ~~$1,083,638,100~~ $1,348,058,900 may be used for transportation facilities under s. 84.01 (28) and major highway projects under ss. 84.06 and 84.09.

SECTION 2475g. 84.61 (1) of the statutes is renumbered 84.61 and amended to read:

84.61 Milwaukee Brewers stadium project; East−West Freeway. There is established in the transportation fund a reserve account consisting of $15,000,000 for the purpose of funding state highway rehabilitation associated with the construction of a new stadium to be used by the Milwaukee Brewers, a professional baseball team located in Milwaukee County, or construction activities relating to highway resurfacing or bridge repair on the East−West Freeway from downtown Milwaukee to Waukesha. The department may supplement, from the reserve account, the appropriation under s. 20.395 (3) (cq), for either of the projects. The reserve account shall be reduced by the amount of any supplemental appropriation made under this ~~subsection~~ section.

SECTION 2475m. 84.61 (2), (3) and (4) of the statutes are repealed.

SECTION 2475r. 85.024 (2) of the statutes is amended to read:

85.024 **(2)** The department shall administer a bicycle and pedestrian facilities program to award grants of assistance to political subdivisions for the planning, development or construction of bicycle and pedestrian facilities. Annually, the department shall award from the appropriation under s. 20.395 (2) ~~(fx)~~ (nx) grants to political subdivisions under this section. A political subdivision that is awarded a grant under this section shall contribute matching funds equal to at least 25% of the amount awarded under this section. The department shall select grant recipients annually beginning in 1994 from applications submitted to the department on or before April 1 of each year.

SECTION 2476. 85.026 of the statutes is created to read:

85.026 Transportation enhancement activities program. (1) DEFINITIONS. In this section:

(a) "Political subdivision" means any city, village, town or county.

(b) "Transportation enhancement activities" has the meaning given in 23 USC 101 (a).

(2) PROGRAM. The department may administer a program to award grants of assistance to any political subdivision or state agency, as defined in s. 20.001 (1), for transportation enhancement activities consistent with federal regulations promulgated under 23 USC 133 (b) (8). The grants shall be awarded from the appropriations under s. 20.395 (2) (nv) and (nx).

SECTION 2476g. 85.037 of the statutes is created to read:

85.037 Certification of fees collected. Annually, no later than October 1, the secretary of transportation shall certify to the secretary of administration the amount of fees collected under s. 342.14 (3m) during the previous fiscal year, for the purpose of determining the amounts to be transferred under s. 20.855 (4) (f) during the current fiscal year.

Vetoed In Part **SECTION 2476m.** 85.05 of the statutes is created to read:

85.05 Evaluation of proposed major highway projects. The department by rule shall establish a procedure for numerically evaluating projects considered for enumeration under s. 84.013 (3) as a major highway project. The evaluation procedure may include any criteria that the department considers relevant. The rules shall establish a minimum score that a project shall meet or exceed when evaluated under the procedure established under this section before the department may recommend the project to the transportation projects commission for consideration under s. 13.489.

SECTION 2477. 85.06 (2) (b) of the statutes is amended to read:

85.06 **(2)** (b) Contract with Amtrak ~~or an applicable railroad~~, railroads or other persons to provide rail passenger service or support services, equipment, station improvements, passenger platforms, equipment maintenance shops, parking areas or other support facilities for rail passenger service. The contract may provide for the sale or lease of any equipment or facilities acquired by the department under par. (g). Notwithstanding s. 16.75 (1) and (2m), the department may contract under this paragraph without competitive bidding or competitive sealed proposals.

SECTION 2478. 85.06 (2) (e) of the statutes is amended to read:

85.06 **(2)** (e) ~~Subject to sub. (3),~~ Conduct or contract for marketing studies and promotional activities to increase rail passenger service ridership in this state, to identify potential riders and to educate the public about the availability and advantages of rail passenger service.

SECTION 2479. 85.06 (2) (g) of the statutes is created to read:

85.06 **(2)** (g) Acquire equipment or facilities for the purpose of providing rail passenger service or support services for rail passenger service.

SECTION 2480. 85.06 (2) (h) of the statutes is created to read:

85.06 **(2)** (h) Enter into agreements with other states to assist or promote rail passenger service.

SECTION 2481. 85.06 (3) of the statutes is repealed.

SECTION 2481g. 85.061 (3) of the statutes is renumbered 85.061 (3) (a) (intro.) and amended to read:

85.061 **(3)** PROGRAM. (a) (intro.) The department shall administer a rail passenger route development program. From the appropriation under s. 20.866 (2) (up), the department may fund ~~capital~~ any of the following:

1. Capital costs related to Amtrak service extension routes or other rail service routes between the cities of Milwaukee and Madison and between the cities of Milwaukee and Green Bay. Any route between the cities of Milwaukee and Green Bay funded under the program shall provide service to population centers along the route in a manner that makes the route most economically feasible.

(b) The department may not use any proceeds from the bond issue authorized under s. 20.866 (2) (up) ~~for a route under this subsection~~ unless the joint committee on finance approves the use of the proceeds and, with respect to a route under par. (a) 1. or 2., the department submits evidence to the joint committee on finance that Amtrak or the applicable railroad has agreed to provide rail passenger service on that route ~~and the joint committee on finance approves the use of the proceeds~~. The department may contract with Amtrak, railroads or other persons to perform the activities under ~~this subsection~~ the program.

SECTION 2481h. 85.061 (3) (a) 2. and 3. of the statutes are created to read:

85.061 **(3)** (a) 2. Railroad track or rail passenger station improvements related to an Amtrak service extension route between the city of Milwaukee and Waukesha County, or the establishment of commuter rail service between these jurisdictions.

3. Rail passenger station improvements related to an existing rail passenger service.

SECTION 2481hi. 85.07 (8) of the statutes is created to read: **Vetoed In Part**

85.07 **(8)** INNOVATIVE SAFETY MEASURES PILOT PROGRAM. The department shall develop and administer an innovative safety measures pilot program to improve the safety of highways in this state, including USH 10. The department shall identify those highways eligible for funding for safety improvements under s. 20.395 (3) (cq) that have high motor vehicle accident rates. From the appropriation under s. 20.395 (3) (cq), the department shall expend $250,000 in each fiscal year for any innovative measures that improve safety on such highways, including safety lighting for underpasses, and entrance and exit ramps; warning lights on dangerous curves; speed detection signs; increasing the number of speed limit signs; rumble strips at intersections; measures to alert approaching motorists to an intersection; and increasing the patrolling of such highways by police. The department shall promulgate rules to implement this subsection.

SECTION 2481L. 85.15 of the statutes is renumbered 85.15 (1) and amended to read: **Vetoed In Part**

85.15 **(1)** The department may improve, use, maintain or lease any property acquired for highway, airport or any other transportation purpose until the property is actually needed for any such purpose and may permit use

of the property for purposes and upon such terms and conditions as the department deems in the public interest. The department shall establish request−for−proposal procedures for the lease of any property under this subsection that has an annual lease obligation in excess of $50,000.

SECTION 2481m. 85.15 (2) of the statutes is created to read:

85.15 **(2)** The department shall credit to the appropriation account under s. 20.395 (4) (ew) the amount, if any, by which moneys received in any year from the sale or lease of property acquired by the department exceeds $2,750,000. The department shall use 50% of any proceeds credited to this appropriation account from the sale or lease of any property to supplement the costs of management and operations of the district office of the department that initiated the sale or lease of that property.

SECTION 2481mm. 85.195 of the statutes is created to read:

85.195 Coordination with land conservation committees. (1) In this section, "land conservation committee" means a committee established under s. 92.06 or its designated representative.

(2) Before commencing construction on a highway construction project, the department shall consult with the local land conservation committee to determine all of the following:

Vetoed In Part

(a) The presence and extent of local practices to conserve soil and water resources within the county, including surface and subsurface drainage systems.

Vetoed In Part

(b) The downstream impacts of the increased rate and volume, if any, of storm water runoff resulting from a highway project. This determination shall include an analysis of storm water runoff before and after construction of the highway.

(3) Before commencing construction on a highway construction project, the department shall submit water drainage plans associated with the project to the local land conservation committee for review. The department shall reimburse the land conservation committee from the appropriation under s. 20.395 (3) (cq) for its review under this section.

(4) Decisions concerning the management of storm water runoff related to the construction of a highway shall be made jointly between the department and the local land conservation committee.

SECTION 2481pb. 85.20 (4m) (a) 1. b. of the statutes is amended to read:

85.20 **(4m)** (a) 1. b. For the purpose of making allocations under subd. 1. a., the amounts for aids are $43,131,700 in calendar year 1996 and $44,425,700 in calendar year 1997 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 2481pc. 85.20 (4m) (a) 2. b. of the statutes is amended to read:

85.20 **(4m)** (a) 2. b. For the purpose of making allocations under subd. 2. a., the amounts for aids are $10,891,700 in calendar year 1996 and $11,218,500 in calendar year 1997 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

Vetoed In Part

SECTION 2481pd. 85.20 (4m) (a) 3. b. of the statutes is amended to read:

85.20 **(4m)** (a) 3. b. For the purpose of making allocations under subd. 3. a., the amounts for aids are $2,185,400 in calendar year 1996 and $2,251,000 in calendar year 1997 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 2481pe. 85.20 (4m) (a) 4. b. of the statutes is amended to read:

85.20 **(4m)** (a) 4. b. For the purpose of making allocations under subd. 4. a., the amounts for aids are $13,582,400 in calendar year 1996 and $13,989,900 in calendar year 1997 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 2481pf. 85.20 (4m) (a) 5. b. of the statutes is amended to read:

85.20 **(4m)** (a) 5. b. For the purpose of making allocations under subd. 5. a., the amounts for aids are $4,258,800 in calendar year 1996 and $4,386,600 in calendar year 1997 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 2481pg. 85.20 (4m) (a) 6. of the statutes is created to read:

85.20 **(4m)** (a) 6. a. From the appropriation under s. 20.395 (1) (hq), the uniform percentage for each eligible applicant in an urban area served by an urban mass transit system with annual operating expenses in excess of $20,000,000.

b. For the purpose of making allocations under subd. 6. a., the amounts for aids are $60,984,900 in calendar year 1998 and $63,119,300 in calendar year 1999 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 2481pgb. 85.20 (4m) (a) 7. of the statutes is created to read:

85.20 **(4m)** (a) 7. a. From the appropriation under s. 20.395 (1) (hr), the uniform percentage for each eligible applicant served by an urban mass transit system operating within an urbanized area having a population as shown in the 1990 federal decennial census of at least 50,000 or receiving federal mass transit aid for such area, and not specified in subd. 6.

b. For the purpose of making allocations under subd. 7. a., the amounts for aids are $17,799,600 in calendar year 1998 and $18,422,500 in calendar year 1999 and thereafter. These amounts, to the extent practicable, shall

be used to determine the uniform percentage in the particular calendar year.

SECTION 2481pgd. 85.20 (4m) (a) 8. of the statutes is created to read:

85.20 **(4m)** (a) 8. a. From the appropriation under s. 20.395 (1) (hs), the uniform percentage for each eligible applicant served by an urban mass transit system operating within an area having a population as shown in the 1990 federal decennial census of less than 50,000 or receiving federal mass transit aid for such area.

b. For the purpose of making allocations under subd. 8. a., the amounts for aids are $4,807,600 in calendar year 1998 and $4,975,900 in calendar year 1999 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 2481pm. 85.20 (4m) (em) 1. of the statutes is amended to read:

85.20 **(4m)** (em) 1. An amount equal to the same percentage of the audited operating expenses for the project year of the applicant's urban mass transit system that is specified for allocations to the applicant under par. (a) 1. to ~~5~~ 8.

SECTION 2481png. 85.20 (4m) (em) 1. of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

85.20 **(4m)** (em) 1. An amount equal to the same percentage of the audited operating expenses for the project year of the applicant's urban mass transit system that is specified for allocations to the applicant under par. (a) ~~1.~~ 6. to 8.

SECTION 2481ps. 85.20 (4s) of the statutes is amended to read:

85.20 **(4s)** PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed between the department and eligible applicants under this section shall provide that the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the state's fiscal year shall be provided from the following fiscal year's appropriation under s. 20.395 (1) (dq), (dr), (ds), (dt) ~~or~~, (du), (hq), (hr) or (hs).

SECTION 2481pt. 85.20 (4s) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

85.20 **(4s)** PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed between the department and eligible applicants under this section shall provide that the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the state's fiscal year shall be provided from the following fiscal year's appropriation under s. 20.395 (1) ~~(dq), (dr), (ds), (dt), (du),~~ (hq), (hr) or (hs).

SECTION 2481pv. 85.20 (7) (a) (intro.) of the statutes is amended to read:

85.20 **(7)** (a) (intro.) The department shall establish cost–efficiency standards for the urban mass transit system specified in sub. (4m) (a) 1. to ~~5~~ 8. The contracts executed between the department and eligible applicants under this section for any period beginning on or after January 1, 1997, shall provide that the department may do any of the following if costs are incurred by the eligible applicant's urban mass transit system which are inconsistent with the standards established under this subsection:

SECTION 2481pw. 85.20 (7) (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

85.20 **(7)** (a) (intro.) The department shall establish cost–efficiency standards for the urban mass transit system specified in sub. (4m) (a) ~~1.~~ 6. to 8. The contracts executed between the department and eligible applicants under this section for any period beginning on or after January 1, 1997, shall provide that the department may do any of the following if costs are incurred by the eligible applicant's urban mass transit system which are inconsistent with the standards established under this subsection:

SECTION 2484. 85.51 of the statutes is created to read:

85.51 State traffic patrol services; special events fee. (1) Except as provided in sub. (2), the department may charge the event sponsor, as defined by rule, a fee, in an amount calculated under a uniform method established by rule, for security and traffic enforcement services provided by the state traffic patrol at any public event for which an admission fee is charged for spectators if the event is organized by a private organization. The department may not impose a fee for such services except as provided in this section. All moneys received under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg). **Vetoed In Part**

(2) Subsection (1) does not apply to farm progress days subject to s. 85.515. **Vetoed In Part**

SECTION 2484m. 85.515 of the statutes is created to read: **Vetoed In Part**

85.515 Farm progress days. (1) Except for the costs associated with the installation and maintenance of any highway signs specifically identifying farm progress days, the department is prohibited from charging any sponsor of farm progress days for any costs incurred by the department associated with farm progress days.

(2) The department shall promulgate rules specifying eligibility as a sponsor under sub. (1) and determining the conditions that shall be satisfied to qualify as farm progress days under sub. (1).

SECTION 2485. 85.52 of the statutes is created to read:

85.52 Transportation infrastructure loan program. (1) DEFINITIONS. In this section:

(ac) "Capital project" has the meaning given in 49 USC 5302.

(ag) "Eligible applicant" means a county, city, village, town or combination thereof, Amtrak, as defined in s. 85.061 (1), a railroad, as defined in s. 85.01 (5), a private nonprofit organization that is an eligible applicant

under s. 85.22 (2) (am), or a transit commission created under s. 59.58 (2) or 66.943.

(am) "Fund" means the transportation infrastructure loan fund established under s. 25.405.

(bm) "Other assistance" has the meaning given in P.L. 104–59, section 350 (L) (3).

(c) "Revenue obligation" has the meaning given in s. 18.52 (5).

(2) ACCEPTANCE OF FEDERAL CAPITALIZATION GRANTS. The department may enter into an agreement with the U.S. department of transportation to receive a capitalization grant under P.L. 104–59, section 350. The agreement may contain any provision required by P.L. 104–59, section 350, and any regulation, guideline or policy adopted under that section.

(3) ADMINISTRATION. (a) The department shall administer a transportation infrastructure loan program to make loans, and to provide other assistance, to eligible applicants for highway projects or transit capital projects. The department of transportation may not make a loan or provide other assistance under the program unless the secretary of administration approves of the loan or other assistance and determines that the amounts in the fund, together with anticipated receipts, will be sufficient to fully pay principal and interest costs incurred on the revenue obligations issued under sub. (5). Loans or other assistance under the program for highway projects shall be credited to the highway account. Loans or other assistance under the program for transit capital projects shall be credited to the transit account.

(bm) Any loan made under the program shall comply with P.L. 104–59, section 350, and any regulation, guideline or policy adopted under that section. The department may not provide other assistance under the program to an eligible applicant unless such assistance complies with P.L. 104–59, section 350, and any regulation, guideline or policy adopted under that section.

(cm) The joint committee on finance may transfer moneys, at the request of the department, in amounts not to exceed the amounts necessary to meet the requirements under P.L. 104–59, section 350, from the transportation fund to the transportation infrastructure loan fund. The department shall submit to the joint committee on finance for its review and approval proposed reductions among the transportation fund appropriations to the department equal to the amount transferred under this paragraph. The joint committee on finance may approve, disapprove or modify the proposed reductions. Upon approval of the proposed reductions, as may be modified by the committee, an amount equivalent to each approved reduction is lapsed from the appropriation account for each reduced appropriation to the transportation fund.

(dm) Except as provided in this section, the department may not encumber or expend any funds on highway projects or transit capital projects for which a loan or other assistance is provided under this section.

(4) RULES. (a) The department of transportation and the department of administration shall promulgate rules necessary to implement the transportation infrastructure loan program. The rules shall specify the terms and conditions of loans or other assistance provided under the program and shall establish criteria for determining which eligible applicants and which projects are eligible to receive loans or other assistance under the program. The criteria shall include all of the following:

1. The impact of funding a project under the program on accelerating the completion of a major highway project under s. 84.013.

2. The statewide and local economic impact of the projects.

3. The level of commitment by the eligible applicant to the project.

4. The type and quality of intermodal transportation facilities affected by the project.

(b) The department of transportation and the department of administration may charge and collect fees, established jointly by rules, from eligible applicants to recover the costs of administering the program.

(4m) INVESTMENT MANAGEMENT. The department of administration may:

1. Subject to par. (b), direct the investment board under s. 25.17 (2) (e) to make any investment of the fund, or in the collection of the principal and interest of all moneys loaned or invested from such fund.

2. Subject to par. (b), purchase or acquire, commit on a standby basis to purchase or acquire, sell, discount, assign, negotiate, or otherwise dispose of, or pledge, hypothecate or otherwise create a security interest in, loans as the department of administration may determine, or portions or portfolios of participations in loans, made or purchased under this section. The disposition may be at the price and under the terms that the department of administration determines to be reasonable and may be at public or private sale.

(b) The department of administration shall take an action under par. (a) only if all of the following conditions occur:

1. The action provides a financial benefit to the transportation infrastructure fund.

2. The action does not contradict or weaken the purposes of the transportation infrastructure loan fund.

3. The building commission approves the action before the department of administration acts.

(5) REVENUE OBLIGATIONS. (a) The transportation infrastructure loan program is a revenue–producing enterprise or program as defined in s. 18.52 (6).

(b) Deposits, appropriations or transfers to the fund for the purposes specified in s. 20.395 (2) (pq) may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18. Revenue obligations issued under this section shall not

exceed $100 in principal amount, excluding obligations issued to refund outstanding revenue obligations.

(c) The department of administration may, under s. 18.56 (5) and (9) (j), deposit in a separate and distinct fund in the state treasury or in an account maintained by a trustee outside the state treasury, any portion of the revenues derived under s. 25.405 (2). The revenues deposited with a trustee outside the state treasury are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the revenues to the repayment of revenue obligations issued under this subsection.

(d) The building commission may pledge any portion of revenues received or to be received in the fund established in par. (c) or the transportation infrastructure loan fund to secure revenue obligations issued under this subsection.

(e) The department of administration has all other powers necessary and convenient to distribute the pledged revenues and to distribute the proceeds of the revenue obligations in accordance with subch. II of ch. 18.

(f) The department of administration may enter into agreements with the federal government, political subdivisions of this state, individuals or private entities to insure or in any other manner provide additional security for the revenue obligations issued under this subsection.

(g) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection can be fully paid on a timely basis from moneys received or anticipated to be received by the fund.

(h) Unless otherwise expressly provided in resolutions authorizing the issuance of revenue obligations or in other agreements with the holders of revenue obligations, each issue of revenue obligations under this subsection shall be on a parity with every other revenue obligation issued under this subsection and in accordance with subch. II of ch. 18.

SECTION 2485g. 85.53 of the statutes is created to read:

85.53 Pretrial intoxicated driver intervention grant program. (1) In this section:

(a) "Defendant" means a person accused of or charged with a 2nd or subsequent violation of operating while intoxicated.

(b) "Eligible applicant" means a city, village, town, county or private nonprofit organization.

(c) "Intoxicant" means any alcohol beverage, controlled substance, controlled substance analog or other drug or any combination thereof.

(d) "Operating while intoxicated" means a violation of s. 346.63 (1) or (2m) or a local ordinance in conformity therewith or of s. 346.63 (2) or (6), 940.09 (1) or 940.25.

(2) The department shall administer the pretrial intoxicated driver intervention grant program. The program shall award grants to eligible applicants to administer a local pretrial intoxicated driver intervention program that, prior to the sentencing of a defendant for operating while intoxicated, does all of the following:

(a) Identifies the defendant and notifies him or her of the availability and cost of the program and that, if the defendant is convicted, a court will consider the defendant's participation in the program when imposing a sentence.

(b) Monitors the defendant's use of intoxicants to reduce the incidence of abuse.

(c) Treats the defendant's abuse of intoxicants to reduce the incidence of abuse.

(d) Reports to the court on the defendant's participation in the program.

(e) Requires program participants to pay a reasonable fee to participate in the program. Such a fee may not exceed 20% of the actual per capita cost of the program.

(3) Grants under this section shall be paid from the appropriation under s. 20.395 (5) (jr). The amount of a grant may not exceed 80% of the amount expended by an eligible applicant for services related to the program. The total amount of grants awarded under this section may not exceed $500,000.

(4) (a) Not later than December 31 of each even−numbered year, the department shall submit a report to the legislature under s. 13.172 (2) that states the number of individuals arrested for a 2nd or subsequent offense of operating while intoxicated; the number of individuals who completed a local pretrial intoxicated driver intervention program; the percentage of successful completion of all individuals who commence such a program; the number of individuals who, after completing such a program, are arrested for a 3rd or subsequent offense of operating while intoxicated; and the number of individuals eligible to participate in a program who did not complete a program and who, after becoming eligible to participate in the program, are arrested for a 3rd or subsequent offense of operating while intoxicated.

(b) An eligible applicant who receives a grant under sub. (2) shall, not later than December 31 of the year for which the grant was made, submit a report to the speaker of the assembly and to the president of the senate in the manner described in s. 13.172 (3) summarizing the results of the pretrial intoxicated driver intervention program administered by the eligible applicant and providing any additional information required by the department.

(5) Consent to participate in a local pretrial intoxicated driver intervention program funded under this section is not an admission of guilt and the consent may not be admitted in evidence in a trial for operating while intoxicated. No statement relating to operating while intoxicated, made by the defendant in connection with any

discussions concerning the program or to any person involved in the program, is admissible in a trial for operating while intoxicated.

SECTION 2485m. 85.54 of the statutes is created to read:

85.54 Major highway development finance plan. Biennially, beginning on October 1, 1998, the secretary of transportation and the secretary of administration jointly shall submit a biennial major highway development finance plan to the state building commission and the joint committee on finance and to the chief clerk of each house of the legislature for distribution to the appropriate legislative standing committees under s. 13.172 (3). The plan shall contain estimates over the next 5 biennia of transportation fund revenues, funding for the major highway development program summarized by funding source, proceeds from the sale of transportation revenue obligation bonds, vehicle registration fees pledged against the repayment of revenue obligation bonds, debt service payments paid from transportation fund revenues for transportation revenue obligation bonds and general obligation bonds, total transportation fund revenues, and the assumptions used to arrive at those estimates. The plan shall include information on the impact of the level of bonding authorization included in the plan relative to a guideline that total transportation debt service expenditures should not exceed 10% of total transportation fund revenues, and to a guideline that transportation revenue obligation bond proceeds should be used to fund not more than 55% of the major highway development program. **Vetoed In Part**

SECTION 2486. 85.60 of the statutes is created to read:

85.60 Aid to professional baseball park districts. The department may make aid payments from the appropriation under s. 20.395 (1) (gr) to a local professional baseball park district created under subch. III of ch. 229 for this state's share of costs for the development, construction, reconstruction or improvement of bridges, highways, parking lots, garages, transportation facilities or other functionally related or auxiliary facilities or structures associated with the construction of a new stadium to be used as a home field by a major league professional baseball team in the district.

SECTION 2486ag. 85.60 of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 2486am. 86.19 (7) of the statutes is created to read: **Vetoed In Part**

86.19 **(7)** The department shall accept from interested persons a petition for the replacement of any sign that is lawfully erected within the right−of−way of a state trunk highway and that, because of damage or deterioration, is in need of replacement. The department by rule shall establish the contents required of a petition submitted under this subsection, the criteria the department will use to consider such a petition and specifications for the construction and erection of signs replaced under this subsection. Whenever the department approves a petition under this subsection, the petitioners may choose to have the sign replaced by the department or by any person authorized by the department to construct or erect such signs, and shall pay the department or the private company for the sign and its erection. The department shall erect a replacement for the sign that is the subject of a petition approved under this subsection upon receipt of payment for the sign and its erection. **Vetoed In Part**

SECTION 2486ar. 86.195 (2) (ag) 16m. of the statutes is created to read:

86.195 **(2)** (ag) 16m. STH 172 from I 43 southeast of Green Bay to STH 54 west of Ashwaubenon.

SECTION 2486b. 86.30 (2) (a) 3. d. and e. of the statutes are repealed.

SECTION 2486bg. 86.30 (2) (a) 3. f. of the statutes is amended to read:

86.30 **(2)** (a) 3. f. In calendar year 1997 ~~and thereafter~~, $1,432.

SECTION 2486bj. 86.30 (2) (a) 3. g. of the statutes is created to read:

86.30 **(2)** (a) 3. g. In calendar year 1998 and thereafter, $1,596.

SECTION 2486gm. 86.30 (9) of the statutes is amended to read:

86.30 **(9)** AIDS CALCULATIONS. (b) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to counties are ~~$66,588,900 in calendar year 1995, $68,586,600 in calendar year 1996 and~~ $70,644,200 in calendar year 1997 and $78,744,300 in calendar year 1998 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide county average cost−sharing percentage in the particular calendar year.

(c) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to municipalities are ~~$209,496,900 in calendar year 1995, $215,781,800 in calendar year 1996 and~~ $222,255,300 in calendar year 1997 and $247,739,100 in calendar year 1998 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide municipal average cost−sharing percentage in the particular calendar year.

SECTION 2486gy. 86.303 (6) (e) of the statutes is amended to read: **Vetoed In Part**

86.303 **(6)** (e) Cost data shall not include state or federal contributions to the work, all other public agency fund contributions, and all private contributions ~~other than local assessments or special assessments paid by governmental agencies~~.

SECTION 2486hc. 86.31 (2) (a) of the statutes is amended to read:

86.31 **(2)** (a) The department shall administer a local roads improvement program to accelerate the improvement of seriously deteriorating local roads by reimbursing political subdivisions for improvements. The selection of improvements that may be funded under the

program shall be performed by officials of each political subdivision, consistent with the requirements of subs. (3), (3g) and (3m). The department shall notify each county highway commissioner of any deadline that affects eligibility for reimbursement under the program no later than 15 days before such deadline.

SECTION 2486he. 86.31 (3) (b) (intro.) of the statutes is amended to read:

86.31 **(3)** (b) (intro.) From the appropriation under s. 20.395 (2) (fr), after first deducting the funds allocated under ~~sub.~~ subs. (3g) and (3m), the department shall allocate funds for entitlement as follows:

SECTION 2486hg. 86.31 (3g) of the statutes is created to read:

86.31 **(3g)** COUNTY TRUNK HIGHWAY IMPROVEMENTS. From the appropriation under s. 20.395 (2) (fr), the department shall allocate $5,000,000 in each fiscal year to fund county trunk highway improvements with eligible costs totaling more than $250,000. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

SECTION 2486hj. 86.31 (6) (d) of the statutes is amended to read:

86.31 **(6)** (d) Procedures for reimbursements for county trunk highway improvements under sub. (3g) and for town road improvements under sub. (3m).

SECTION 2486j. 86.315 (1) of the statutes is amended to read:

86.315 **(1)** From the appropriation under s. 20.395 (1) (fu), the department shall annually, on March 10, pay to counties having county forests established under ch. 28, for the improvement of public roads within the county forests which are open and used for travel and which are not state or county trunk highways or town roads and for which no aids are paid under s. 86.30, the amount of ~~$300~~ $336 per mile of road designated in the comprehensive county forest land use plan as approved by the county board and the department of natural resources. If the amount appropriated under s. 20.395 (1) (fu) is insufficient to make the ~~$300 per mile~~ payments required under this subsection, the department shall prorate the amount appropriated in the manner it ~~deems~~ considers desirable.

SECTION 2486k. 86.32 (2) (am) 5. and 6. of the statutes are repealed.

SECTION 2486L. 86.32 (2) (am) 7. of the statutes is amended to read:

86.32 **(2)** (am) 7. For 1995 ~~and thereafter,~~1996 and 1997, $10,468 per lane mile for municipalities having a population over 500,000; $9,696 per lane mile for municipalities having a population of 150,001 to 500,000; $8,641 per lane mile for municipalities having a population of 35,001 to 150,000; $7,612 per lane mile for municipalities having a population of 10,000 to 35,000; and $6,558 per lane mile for municipalities having a population under 10,000.

SECTION 2486Lm. 86.32 (2) (am) 8. of the statutes is created to read:

86.32 **(2)** (am) 8. For 1998 and thereafter, $11,724 per lane mile for municipalities having a population over 500,000; $10,860 per lane mile for municipalities having a population of 150,001 to 500,000; $9,678 per lane mile for municipalities having a population of 35,001 to 150,000; $8,525 per lane mile for municipalities having a population of 10,000 to 35,000; and $7,345 per lane mile for municipalities having a population under 10,000.

SECTION 2487. 88.145 of the statutes is amended to read:

88.145 Limitation of damages and suits. In any action against a drainage district, drainage board, drainage board member, drainage board employe or an owner of land within the district who undertakes work approved by the drainage board, s. 893.80 is applicable and the limit on the amount recoverable by any person under s. 893.80 (3) applies to the drainage board, the members and employes of the drainage board, the drainage district and any owner of land within the district who undertakes work approved by the drainage board. This section does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 2488. 88.40 (2) of the statutes is amended to read:

88.40 **(2)** From the time of ~~recordation of~~ recording the order confirming such assessments for costs until they are paid, such assessments and the interest thereon are a first lien upon the lands assessed and take priority over all other liens or mortgages except liens for general taxes and liens under ss. 292.31 (8) (i~~), 292.41 (6) (d)~~ and 292.81, regardless of the priority in time of such other liens or mortgages.

SECTION 2488c. 88.41 (1) of the statutes is amended to read:

88.41 **(1)** All assessments for costs are due and payable ~~at once~~ 4 months after the date on which the order making the assessments is issued unless the drainage board by order directs that the assessments may be paid in instalments. Assessments shall be paid to the county treasurer as treasurer of the drainage district.

SECTION 2488g. 92.04 (2) (b) of the statutes is amended to read:

92.04 **(2)** (b) (title) *Review ~~erosion control~~ land and water resource management plans.* The board shall review ~~soil erosion control~~ land and water resource management plans prepared under s. 92.10 and make recommendations to the department on approval or disapproval of those plans.

SECTION 2488h. 92.05 (3) (k) of the statutes is created to read:

92.05 **(3)** (k) *Nutrient management rules.* The department shall promulgate rules to improve agricultural

nutrient management in this state. The rules shall be consistent with rules promulgated under s. 281.16 (3) and shall include incentives, educational and outreach provisions and compliance requirements.

SECTION 2488i. 92.07 (2) of the statutes is amended to read:

92.07 **(2)** STANDARDS. Each land conservation committee may develop and adopt standards and specifications for management practices to control erosion, sedimentation and nonpoint source water pollution. The standards and specifications for agricultural facilities and practices that are constructed or begun on or after the effective date of this subsection .... [revisor inserts date], and, if cost−sharing is available to the owner or operator under s. 92.14, 281.16 (5) or 281.65 or from any other source, for agricultural facilities and practices that are constructed or begun before that date shall be consistent with the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3). The land conservation committee shall use the rules promulgated under s. 281.16 (3) (e) to determine whether cost−sharing is available.

SECTION 2488im. 92.07 (7m) of the statutes is created to read:

92.07 **(7m)** ASSISTANCE TO THE DEPARTMENT OF TRANSPORTATION. Each land conservation committee shall cooperate with the department of transportation as requested under s. 85.195.

SECTION 2488s. 92.10 (title), (1) and (2) of the statutes are amended to read:

92.10 (title) ~~**Erosion control**~~ **Land and water resource management planning program. (1)** CREATION. There is created ~~an erosion control~~ a land and water resource management planning program. The department, board and land conservation committees ~~in identified priority counties~~ jointly shall develop and administer this program.

(2) PURPOSES. The purposes of the ~~erosion control~~ land and water resource management planning program are to conserve long−term soil productivity, protect the quality of related natural resources, enhance water quality and focus on severe soil erosion problems ~~in identified priority counties~~.

SECTION 2488t. 92.10 (3) (a) of the statutes is amended to read:

92.10 **(3)** (a) *Identification.* The department shall identify priority soil erosion control counties. ~~Identified priority counties are required to prepare soil erosion control plans.~~

SECTION 2488u. 92.10 (3) (c) of the statutes is repealed.

SECTION 2489ad. 92.10 (4) (a) of the statutes is amended to read:

92.10 **(4)** (a) *Data.* The department shall develop a systematic method of collecting and organizing data related to soil erosion. ~~The department shall cooperate with the land information board under s. 16.967 in developing this methodology or any related activities related to land information collection.~~

SECTION 2489c. 92.10 (4) (c) of the statutes is amended to read:

92.10 **(4)** (c) *Plan assistance.* The department shall assist land conservation committees ~~in identified priority counties~~ in preparing ~~soil erosion control~~ land and water resource management plans. The department may allocate funds appropriated under s. 20.115 (7) (c) to land conservation committees in identified priority counties to cover up to 50% of the cost of preparing ~~soil erosion control~~ land and water resource management plans.

SECTION 2489d. 92.10 (4) (d) of the statutes is amended to read:

92.10 **(4)** (d) *Plan review.* The department shall review and approve or disapprove ~~soil erosion control~~ land and water resource management plans submitted by the land conservation committees ~~in identified priority counties~~. The department may require land conservation committees to indicate specific projects to be funded under each plan and the related cost−sharing rates.

SECTION 2489e. 92.10 (5) (a) of the statutes is amended to read:

92.10 **(5)** (a) *Plan review.* The board shall review ~~soil erosion control~~ land and water resource management plans submitted by the land conservation committees and make recommendations to the department.

SECTION 2489f. 92.10 (6) (a) (intro.) of the statutes is amended to read:

92.10 **(6)** (a) *Plan preparation.* (intro.) A land conservation committee ~~in an identified priority county~~ shall prepare a ~~soil erosion control~~ land and water resource management plan which does all of the following:

SECTION 2489g. 92.10 (6) (a) 6. and 7. of the statutes are created to read:

92.10 **(6)** (a) 6. Identifies causes, other than soil erosion, of nonpoint source water pollution.

7. Describes all proposed county activities related to nonpoint source water pollution.

SECTION 2489h. 92.10 (6) (b) of the statutes is amended to read:

92.10 **(6)** (b) *Notification.* A land conservation committee ~~in an identified priority county~~ shall notify landowners and land users of the results of any determinations ~~of~~ concerning soil erosion rates and nonpoint source water pollution, and provide an opportunity for landowners and land users to present information relating to the accuracy of the determinations during preparation of the ~~soil erosion control~~ land and water resource management plan.

SECTION 2489j. 92.10 (6) (c) of the statutes is amended to read:

92.10 **(6)** (c) *Hearings.* A land conservation committee ~~in an identified priority county~~ shall hold one or more

public hearings on the ~~soil erosion control~~ land and water resource management plan.

SECTION 2489k. 92.10 (6) (d) of the statutes is amended to read:

92.10 **(6)** (d) *Plan submission.* A land conservation committee ~~in an identified priority county~~ shall submit the ~~soil erosion control~~ land and water resource management plan to the board and department.

SECTION 2489L. 92.10 (6) (e) of the statutes is repealed.

SECTION 2490. 92.103 of the statutes is repealed.

SECTION 2490g. 92.105 (1) of the statutes is amended to read:

92.105 **(1)** ESTABLISHMENT. A land conservation committee shall establish soil and water conservation standards. The standards and specifications for agricultural facilities and practices that are constructed or begun on or after the effective date of this subsection .... [revisor inserts date], and, if cost−sharing is available to the farmer under s. 92.14, 281.16 (5) or 281.65 or from any other source, for agricultural facilities and practices that are constructed or begun before that date shall be consistent with the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3). It shall submit these standards to the board for review.

SECTION 2490L. 92.14 (2) (c) of the statutes is amended to read:

92.14 **(2)** (c) Providing financial and technical assistance for ~~soil~~ land and water conservation activities.

SECTION 2490m. 92.14 (2) (d) of the statutes is amended to read:

92.14 **(2)** (d) Promoting cost−effective ~~soil~~ land and water conservation activities.

SECTION 2490n. 92.14 (3) (intro.) of the statutes is amended to read:

92.14 **(3)** BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties meet administrative and technical operating costs in their ~~soil~~ land and water conservation activities, the department shall award grants from the appropriation under s. 20.115 (7) (c) or (qd) to any county land conservation committee which has a workload allocation plan approved by the department under s. 92.08 (2), and which, by county board action, has resolved to match any moneys granted under this subsection with an equal amount of county moneys. The county shall use the grant for county land conservation personnel to administer and implement activities directly related to any of the following:

SECTION 2490p. 92.14 (3m) (intro.) of the statutes is amended to read:

92.14 **(3m)** SHORELAND MANAGEMENT GRANTS. (intro.) From the appropriation under s. 20.115 (7) (c) or (qd) or 20.866 (2) (we), the department shall award grants to counties or farmers for implementing best management practices required under a shoreland management ordinance enacted under s. 92.17, including reimbursement for all of the following:

SECTION 2490qb. 92.14 (4) (intro.) of the statutes is amended to read:

92.14 **(4)** (title) OTHER ~~SOIL~~ LAND AND WATER RESOURCE GRANTS. (intro.) From the moneys remaining in s. 20.115 (7) (c) and (qd) after the department has awarded all grants for a year under sub. (3) or from the appropriation under s. ~~20.115 (7) (qd)~~ 20.866 (2) (we), the department may award grants to any eligible county, including any county which has received a grant under sub. (3) or (3m), for one or more of the following:

SECTION 2490r. 92.14 (4) (a) of the statutes is amended to read:

92.14 **(4)** (a) Implementing ~~soil~~ land and water resource management projects ~~to manage animal waste and conserve soil~~ approved in plans under s. 92.10 ~~and under s. 92.15, 1985 stats~~.

SECTION 2490s. 92.14 (4) (b) of the statutes is amended to read:

92.14 **(4)** (b) Implementing ~~soil~~ land and water resource management projects undertaken to comply with the requirements under ss. 92.104 and 92.105 by persons claiming a farmland preservation credit under subch. IX of ch. 71.

SECTION 2490tm. 92.14 (4m) of the statutes is repealed and recreated to read:

92.14 **(4m)** GRANT PRIORITY. The department shall give grants under sub. (4) (c) priority over other grants under sub. (4) and grants under sub. (3m).

SECTION 2491. 92.14 (5) (title) and (a) of the statutes are amended to read:

92.14 **(5)** (title) ANIMAL WASTE MANAGEMENT GRANTS ~~IN A PRIORITY WATERSHED OR PRIORITY LAKE AREA~~. (a) From the appropriation under s. 20.115 (7) (km), the department may make a grant for the purpose specified in sub. (4) (c) if ~~the facility or system will be located in a priority watershed, as defined in s. 281.65 (2) (c), or a priority lake area, as defined in s. 281.65 (2) (bs), and~~ the conditions specified in sub. (4) (c) are satisfied.

SECTION 2491cm. 92.14 (6) (a) of the statutes is amended to read:

92.14 **(6)** (a) The department shall ~~establish a priority list of funding needs~~ propose spending levels for ~~soil~~ land and water resource management activities under this section. The department shall submit the proposed spending levels to the board. The board shall review the proposed spending levels and shall approve, approve with modifications or disapprove the spending levels. The board may modify the spending levels if demand for grants under sub. (4) (c) is greater than was anticipated when the spending levels were established.

SECTION 2491d. 92.14 (6) (b) of the statutes is amended to read:

92.14 **(6)** (b) The department, in cooperation with the department of natural resources, shall prepare an annual grant allocation plan, that is consistent with the spending levels approved under par. (a), identifying the amounts to be spent annually for ~~the categories of soil~~ land and water resource management projects to be funded under this section and the general purposes of those projects, which it shall specify. The department shall submit that plan to the board.

SECTION 2491dg. 92.14 (6) (i) 2. of the statutes is amended to read:

92.14 **(6)** (i) 2. Conduct all land management and pollutant management activities in substantial accordance with the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 and with plans approved under this section, under s. 92.15, 1985 stats., and under ss. 92.08, 92.10~~, 92.14~~ and 281.65, or to repay the cost−sharing funds ~~to the grant recipient~~.

SECTION 2491dr. 92.14 (6) (j) of the statutes is amended to read:

92.14 **(6)** (j) A grant awarded under this section may be used for technical assistance, educational and training assistance, ordinance development and administration, cost−sharing for management practices and capital improvements, plan preparation under s. 92.10 ~~(4) (c)~~, easements or other activities determined by the department to satisfy the requirements of this chapter.

SECTION 2491e. 92.14 (7) of the statutes is amended to read:

92.14 **(7)** MAINTENANCE OF EFFORT. The department may not make a grant to a county under this section in any fiscal year unless that county enters into an agreement with the department to maintain or increase its aggregate expenditures from other sources for ~~soil~~ land and water conservation activities at or above the average level of such expenditures in its 2 fiscal years preceding August 1, 1987.

SECTION 2491h. 92.14 (10) of the statutes is amended to read:

92.14 **(10)** TRAINING. The county may use a grant under this section for training required under s. 92.18 or for any other training necessary to prepare personnel to perform job duties related to this section. The department may contract with any person ~~from the appropriation under s. 20.115 (7) (c)~~ for services to administer or implement this chapter, including information and education and training.

SECTION 2491L. 92.15 of the statutes is created to read:

92.15 Local regulation of livestock operations. (1) In this section:

(a) "Livestock operation" means a feedlot or other facility or a pasture where animals are fed, confined, maintained or stabled.

(b) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(2) Notwithstanding ss. 92.11 and 92.17, a local governmental unit may enact regulations of livestock operations that are consistent with and do not exceed the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3).

(3) (a) Notwithstanding ss. 92.11 and 92.17, a local governmental unit may enact regulations of livestock operations that exceed the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3) only if the local governmental unit demonstrates to the satisfaction of the department of agriculture, trade and consumer protection or the department of natural resources that the regulations are necessary to achieve water quality standards under s. 281.15.

(b) The department of agriculture, trade and consumer protection and the department of natural resources shall, by rule, specify procedures for review and approval of proposed local governmental unit regulations under par. (a).

(4) A local governmental unit may not apply a regulation under sub. (2) or (3) to a livestock operation that exists on the effective date of this subsection .... [revisor inserts date], unless the local governmental unit determines, using the rules promulgated under s. 281.16 (3) (e), that cost−sharing is available to the owner or operator of the livestock operation under s. 92.14, 281.16 (5) or 281.65 or from any other source.

(5) Any livestock operation that exists on the effective date of this subsection .... [revisor inserts date], and that is required to obtain a permit under s. 283.31 or that receives a notice of discharge under ch. 283 may continue to operate as a livestock operation at the same location notwithstanding s. 59.69 (10) (a) or 62.23 (7) (h) or any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7), if the livestock operation is a lawful use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7) on the effective date of this subsection .... [revisor inserts date].

SECTION 2493. 93.06 (12) of the statutes is created to read:

93.06 **(12)** FEDERAL DAIRY POLICY REFORM. Provide assistance to organizations to seek the reform of federal milk marketing orders and other federally authorized dairy pricing policies for the benefit of milk producers in this state.

SECTION 2493b. 93.06 (12) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 2494. 93.07 (5) of the statutes is amended to read:

93.07 **(5)** ADVICE TO UNIVERSITY OF WISCONSIN SYSTEM. To give advice to the ~~secretary of education~~ state su-

perintendent of public instruction as to the courses in agricultural economics to be given in the university of Wisconsin system.

SECTION 2498v. 93.41 (2m) of the statutes is created to read:

93.41 **(2m)** The department shall conduct research on the incidence, levels and effects of stray voltage on agriculture in this state, including the prevalence and economic effects of stray voltage on milk production in this state.

SECTION 2499. 93.41 (3) of the statutes is created to read:

93.41 **(3)** The department shall impose annual fees upon rural electric cooperatives organized under ch. 185. The amount of the fees shall total the amount appropriated under s. 20.115 (3) (jm). The fees received under this subsection shall be credited to the appropriation account under s. 20.115 (3) (jm).

SECTION 2500. 93.47 (2) of the statutes is amended to read:

93.47 **(2)** The department may award grants from the appropriation accounts under s. 20.115 (4) (c) and (i) to individuals or organizations to fund demonstration projects designed to encourage the use of sustainable agriculture. The department shall promulgate rules to govern the sustainable agriculture grant program under this section.

SECTION 2501. 93.47 (3) of the statutes is repealed.

SECTION 2501e. 93.50 (1) (b) of the statutes is repealed.

SECTION 2501f. 93.50 (2) (title) and (a) to (b) of the statutes are amended to read:

93.50 **(2)** (title) ~~BOARD, MEDIATORS~~ MEDIATORS AND ARBITRATORS. (a) *Selection of mediators.* The ~~board~~ department shall select mediators who are residents of this state, who have the character and ability to serve as mediators and who have knowledge of financial or agricultural matters or of mediation processes. The ~~board~~ department shall ensure that each mediator receives sufficient training in mediation processes, resolving conflicts, farm finance and management and the farm credit system and practices to enable the mediator to perform his or her functions under this section.

(am) *Selection of arbitrators.* The ~~board~~ department shall select arbitrators who are residents of this state, who have the character and ability to serve as arbitrators and who have knowledge of financial or agricultural matters or of arbitration processes. The ~~board~~ department shall ensure that each arbitrator receives sufficient training in arbitration processes, resolving conflicts, farm finance and management and the farm credit system and practices to enable the arbitrator to perform his or her functions under this section.

(b) *Compensation of mediators and arbitrators.* Mediators and arbitrators shall be compensated for travel and other necessary expenses in amounts approved by the ~~board~~ department.

SECTION 2501g. 93.50 (2) (d) to (f) of the statutes are amended to read:

Vetoed In Part

93.50 **(2)** (d) *Forms and publicity.* The ~~board~~ department shall prepare all forms necessary for the administration of this section and shall ensure that forms are disseminated and that the availability of mediation and arbitration under this section is publicized.

(e) *Exclusion from open records law.* All mediators and arbitrators shall keep confidential all information and records obtained in conducting mediation and arbitration. The ~~board~~ department shall keep confidential all information and records that may serve to identify any party to mediation and arbitration under this section. Any information required to be kept confidential under this paragraph may be disclosed if the ~~board~~ department and the parties agree to disclosure.

(f) *Rule making.* The ~~board~~ department may promulgate rules necessary to implement this section. The ~~board~~ department may promulgate rules defining owners and creditors of agriculturally related businesses and permitting owners and creditors of such businesses to participate in mediation and arbitration subject to the same terms and conditions applicable to farmers and creditors under this section. ~~The board may promulgate a rule under sub. (3) (am) 6. specifying a kind of dispute as eligible for mediation only with the approval of the department.~~

SECTION 2501h. 93.50 (3) (am) 6. of the statutes is amended to read:

93.50 **(3)** (am) 6. A kind of dispute specified as eligible for mediation by the ~~board~~ department by rule.

SECTION 2501i. 93.50 (3) (b) of the statutes is amended to read:

93.50 **(3)** (b) *Request for mediation; agreement to mediate.* To participate in mediation, the farmer or other party to a dispute described in par. (am) shall submit a request for mediation to the ~~board~~ department on forms prepared by the ~~board~~ department. The ~~board~~ department may not proceed under this section until the farmer and the other party have submitted an agreement to mediate.

SECTION 2501j. 93.50 (3) (e) of the statutes is amended to read:

93.50 **(3)** (e) *Selection of mediator.* If the ~~board~~ department has obtained the agreement under par. (b), the farmer and the other party may request the ~~board~~ department to provide the names, mailing addresses and qualifications of up to 3 mediators located in the geographical area in which the agricultural property or farmer is located. The parties shall select a mediator or, upon request of the parties, the ~~board~~ department shall designate a mediator for the parties.

SECTION 2501k. 93.50 (4) (b) of the statutes is amended to read:

93.50 **(4)** (b) *Request for arbitration; agreement to arbitrate.* To participate in arbitration, the farmer and other party under par. (a) shall submit a request for arbitration to the ~~board~~ department on a form prepared by the ~~board~~ department. After receipt of the request, if the parties wish to proceed to arbitration under this subsection, the ~~board~~ department shall require the parties to enter into an agreement to binding arbitration on a form prepared by the ~~board~~ department.

SECTION 2501L. 93.50 (4) (e) of the statutes is amended to read:

93.50 **(4)** (e) *Selection of arbitrator.* After the ~~board~~ department has obtained the agreement under par. (b), the farmer and the other party may request the ~~board~~ department to provide the names, mailing addresses and qualifications of up to 3 arbitrators located in the geographical area in which the agricultural property or farmer is located. The parties shall select an arbitrator or, upon request of the parties, the ~~board~~ department shall designate an arbitrator for the parties.

SECTION 2502. 93.60 of the statutes is amended to read:

93.60 Computer system equipment, staff and services transfers. The department may transfer to the appropriation account under s. 20.115 (8) (k) in each fiscal year an amount from the appropriation accounts under s. 20.115 (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i), (j), (ja), (L) and (m), (7) (g), (ga), (gm), (k) and (m) and (8) (ga), (gm), (h), (ha), (i), ~~(j),~~ (kp), (ks), (m) and (pz) ~~and (9) (m)~~. The total amount that the department transfers in each fiscal year from these appropriation accounts to the appropriation account under s. 20.115 (8) (k) may not exceed the amount specified in the schedule under s. 20.115 (8) (k) for each fiscal year. The amounts transferred from each appropriation account shall be based on the actual costs incurred by the department for computer system equipment, staff and services provided for the purpose of that appropriation account.

SECTION 2503. 94.64 (3) (b) of the statutes is amended to read:

94.64 **(3)** (b) An applicant for a license under par. (a) shall submit an application on a form provided by the department. The application shall include information reasonably required by the department for licensing purposes. As part of the application, the applicant shall identify ~~the~~ each business location or mobile unit that the applicant uses to manufacture fertilizer in this state. The application shall be accompanied by all applicable fees under ~~par. (c)~~ sub. (3r).

SECTION 2504. 94.64 (3) (c) of the statutes is repealed.

SECTION 2505. 94.64 (3r) of the statutes is created to read:

94.64 **(3r)** LICENSE FEES AND SURCHARGES. (a) A person applying for a license under sub. (3) shall pay the following annual license fees:

1. For each business location and each mobile unit that the applicant uses to manufacture fertilizer in this state, $30.

2. If the applicant distributes, but does not manufacture, fertilizer in this state, $30.

(b) Beginning with the license year that begins on August 15, 2000, a person applying for a license under sub. (3) shall pay the following agricultural chemical cleanup surcharges, unless the department establishes lower surcharges under s. 94.73 (15):

1. For each business location and each mobile unit that the applicant uses to manufacture fertilizer in this state, other than a business location or mobile unit that is also licensed under s. 94.685 or 94.703, $20.

2. If the applicant distributes, but does not manufacture, fertilizer in this state, $20.

(c) The department shall deposit the license fees collected under par. (a) in the agrichemical management fund. The department shall deposit the surcharges collected under par. (b) in the agricultural chemical cleanup fund.

SECTION 2506. 94.64 (4) to (6) of the statutes are repealed and recreated to read:

94.64 **(4)** TONNAGE FEES AND SURCHARGES. (a) *Requirement.* Except as provided in par. (b), a person who is required to be licensed under sub. (3) and who sells or distributes fertilizer in this state shall pay to the department the following fees and surcharges on all fertilizer that the person sells or distributes in this state:

1. A basic fee of 25 cents per ton for fertilizer sold or distributed from July 1, 1997, to June 30, 1999, and 32 cents per ton for fertilizer sold or distributed after June 30, 1999, with a minimum fee of $25.

2. A research fee of 10 cents per ton, with a minimum fee of $1.

3. An additional research fee of 10 cents per ton, with a minimum fee of $1.

4. A groundwater fee of 10 cents per ton, with a minimum fee of $1.

5. An agricultural chemical cleanup surcharge of 38 cents per ton on all fertilizer that the person sells or distributes in this state after June 30, 1999, unless the department establishes a lower surcharge under s. 94.73 (15).

(b) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. Fertilizer sold or distributed to a manufacturer for use in the further manufacture or processing of fertilizer.

2. Fertilizer sold or distributed to a person licensed under sub. (3) (a), for resale by that person.

(c) *Use of fees and surcharges.* 1. The department shall deposit the fee under par. (a) 1. in the agrichemical management fund.

2. The department shall credit the fee under par. (a) 2. to the appropriation account under s. 20.115 (7) (h).

3. The department shall credit the fee under par. (a) 3. to the appropriation account under s. 20.285 (1) (hm).

4. The department shall deposit the fee under par. (a) 4. in the environmental fund for environmental management.

5. The department shall deposit the surcharge under par. (a) 5. in the agricultural chemical cleanup fund.

(5) TONNAGE REPORT AND FEE PAYMENT. (a) *Requirement.* A person who is required to pay fees or surcharges under sub. (4) shall do all of the following by August 14 annually:

1. File with the department a report that states the number of tons of each grade of fertilizer sold or distributed in this state during the 12 months ending on June 30 of that year on which the person is required to pay those fees or surcharges.

2. Pay the fees and surcharges under sub. (4) on the tonnage reported under subd. 1.

(b) *Extended deadline.* The department may extend the filing deadline under par. (a) for up to 30 days for cause, in response to a request filed before August 14.

(c) *Late payment.* If a person fails to pay a fee or surcharge when due under this section, the amount of the fee or surcharge is increased by $10 or 10% of the amount that the fee or surcharge would have been if paid when due, whichever is greater.

(d) *Tonnage equivalents.* A tonnage report under par. (a) 1. shall report liquid fertilizer tonnage in terms of dry fertilizer tonnage equivalents, as prescribed by the department.

(e) *Audit.* The department may audit a tonnage report under par. (a) 1., including the records on which the tonnage report is based.

(6) RECORDS. A person who manufactures, sells or distributes fertilizer in this state shall keep records showing the grades and quantities of fertilizer manufactured, sold or distributed in this state. The person shall keep the records relating to the 12 months covered by a report under par. (a) 1. for at least 24 months following the date of filing the report. The person shall make the records available to the department for inspection and copying upon request.

SECTION 2507. 94.64 (6m) and (6p) of the statutes are created to read:

94.64 **(6m)** RECORDS CONFIDENTIAL. The department may not disclose information obtained under sub. (5) or (6) that reveals the grades or amounts of fertilizer sold or distributed by any person. This subsection does not prohibit the department from preparing and distributing aggregate information that does not reveal the grades or amounts of fertilizer sold or distributed by individual sellers or distributors.

(6p) SUMMARY LICENSE SUSPENSION. (a) The department may by written notice, without prior hearing, summarily suspend the license of any person who fails to file a report or pay a fee or surcharge as required under sub. (5).

(b) A summary license suspension under par. (a) takes effect on the date specified in the notice, which may be no sooner than 10 days after the date on which the notice is received by the recipient.

(c) A person whose license is suspended under par. (a) may request a meeting concerning the suspension. The department shall hold an informal meeting with the requester as soon as reasonably possible and not more than 10 days after the requester makes the request in writing, unless the requester agrees to a later date. If the matter is not resolved at the informal meeting, the requester may request a formal contested case hearing under ch. 227. A request for a hearing does not stay a summary suspension under par. (a).

(d) A person who is required to pay a fee or surcharge under sub. (5) remains obligated to pay the fee or surcharge regardless of whether the person continues to be licensed under this section.

SECTION 2508. 94.64 (8m) (a) of the statutes is amended to read:

94.64 **(8m)** (a) *Use of funds.* At the end of each fiscal year, the moneys collected under sub. (4) ~~(am)~~ (a) 2. and s. 94.65 (6) (a) 3. shall be forwarded to the university of Wisconsin system to be used for research on soil management, soil fertility, plant nutrition problems and for research on surface water and groundwater problems which may be related to fertilizer usage; for dissemination of the results of the research; and for other designated activities tending to promote the correct usage of fertilizer materials.

SECTION 2510. 94.65 (6) (a) 1. of the statutes is amended to read:

94.65 **(6)** (a) 1. Annually by March 31, file with the department a tonnage report setting forth the number of tons of each soil or plant additive distributed during the preceding year by that person or by any other person authorized under sub. (3) (a) 2. to distribute under the name of that person and pay to the department ~~an inspection~~ a fee of ~~70~~ 25 cents per ton so distributed. The minimum total fee is $25.

SECTION 2511. 94.65 (6) (a) 3. of the statutes is amended to read:

94.65 **(6)** (a) 3. Annually by March 31, pay to the department a research fee of 10 cents for each ton of soil or plant additive distributed as described in the tonnage report filed under subd. 1. The minimum research fee is $1 for 10 tons or less. The department shall credit this fee to the appropriation account under s. 20.115 (7) (h).

SECTION 2512. 94.65 (6) (a) 4. of the statutes is amended to read:

94.65 **(6)** (a) 4. Annually by March 31, pay to the department a groundwater fee of 10 cents for each ton of soil or plant additive distributed, as described in the tonnage report filed under subd. 1. The minimum groundwater fee is $1 for 10 tons or less. All groundwater fees shall be credited to the environmental fund for ~~groundwater~~ environmental management.

SECTION 2513. 94.65 (6) (c) of the statutes is created to read:

94.65 **(6)** (c) The department shall deposit fees collected under pars. (a) 1. and (b) and subs. (2) (a) and (3) (b) in the agrichemical management fund.

SECTION 2515. 94.68 (1) (intro.) of the statutes is amended to read:

94.68 **(1)** (intro.) No person may manufacture, formulate, package, label or otherwise produce pesticides for sale or distribution in this state, or sell or offer to sell pesticides to purchasers in this state, whether or not the sales are made wholly or partially in this state or another state, without a license from the department. A license expires on December 31 annually and is not transferable. No license ~~may be~~ is required of persons engaged only in the following:

SECTION 2516. 94.68 (2) of the statutes is repealed and recreated to read:

94.68 **(2)** (a) An application for a license under sub. (1) shall be made on a form prescribed by the department. An applicant shall submit all of the following with the application:

1. All fees and surcharges required under s. 94.681.

2. A report identifying each pesticide that the applicant sells or distributes for use in this state and the gross revenue that the applicant derived from the sale or distribution of each pesticide during the preceding year, as defined in s. 94.681 (1) (d).

(b) The department may not disclose sales revenue information obtained under par. (a) 2.

SECTION 2517. 94.68 (3) of the statutes is repealed and recreated to read:

94.68 **(3)** At least 15 days before a person holding a license under this section begins to sell or distribute for use in this state a pesticide product that was not identified in the person's most recent annual license application, the person shall file a supplementary report with the information required under sub. (2) (a) 2. and any fees and surcharges required under s. 94.681. The department may not disclose sales revenue information obtained under this subsection.

SECTION 2518. 94.68 (4) of the statutes is repealed.

SECTION 2519. 94.681 of the statutes is repealed and recreated to read:

94.681 Pesticide manufacturers and labelers: fees and surcharges. (1) DEFINITIONS. In this section:

(a) "Household pesticide" means a pesticide that is any of the following:

1. A sanitizer.

2. A disinfectant.

3. A germicide.

4. An insect repellant that is applied to the human body or to clothing.

5. A pesticide that is used exclusively for the treatment of household pets.

6. A pesticide product that is labeled exclusively for household, lawn or garden use if the product either is sold in ready−to−use form or is sold exclusively in container sizes of less than one gallon.

7. A solid or liquid pesticide product that is used exclusively for the treatment of swimming pools, spas or hot tubs.

(b) "Industrial pesticide" means a pesticide that is not a household pesticide and that is one of the following:

1. Solely labeled for use on wood and contains pentachlorophenol, coal tar creosote or inorganic arsenical wood preservatives.

2. Labeled for use in controlling algae, fungi, bacteria, other microscopic organisms or mollusks in or on one or more of the following and for no other use except for a use described in par. (a) 6. or 7.:

a. Textiles, paper, leather, plastic, vinyl or other synthetic materials, metal or rubber.

b. Paints, varnishes, other coating products, lubricants or fuels.

c. Commercial, construction, manufacturing or industrial fluids, including adhesives, additives and pigments.

d. Commercial, construction, manufacturing or industrial processes, equipment, devices or containers, other than those used in the production or storage of human food or animal feed.

e. Air washing, cooling or heat transfer systems.

f. Medical equipment.

g. Drinking water or wastewater systems.

(c) "Nonhousehold pesticide" means a pesticide that is not a household pesticide or an industrial pesticide.

(d) "Preceding year" means the 12 months ending on September 30 of the year immediately preceding the year for which a license is sought under s. 94.68.

(e) "Primary producer" means a person who manufactures an active ingredient that is used to manufacture or produce a pesticide.

(2) ANNUAL LICENSE FEE. An applicant for a license under s. 94.68 shall pay an annual license fee for each pesticide product that the applicant sells or distributes for use in this state. Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

(a) For each household pesticide product:

1. If the applicant sold less than $25,000 of the product during the preceding year for use in this state, $265,

except that the fee is $215 for the license years that begin on January 1, 1999, and on January 1, 2000.

2. If the applicant sold at least $25,000 but less than $75,000 of the product during the preceding year for use in this state, $750, except that the fee is $650 for the license years that begin on January 1, 1999, and on January 1, 2000.

3. If the applicant sold at least $75,000 of the product during the preceding year for use in this state, $1,500, except that the fee is $1,200 for the license years that begin on January 1, 1999, and on January 1, 2000.

(b) For each industrial pesticide product:

1. If the applicant sold less than $25,000 of the product during the preceding year for use in this state, $315, except that the fee is $265 for the license years that begin on January 1, 1999, and on January 1, 2000.

2. If the applicant sold at least $25,000 but less than $75,000 of the product during the preceding year for use in this state, $860, except that the fee is $760 for the license years that begin on January 1, 1999, and on January 1, 2000.

3. If the applicant sold at least $75,000 of that product during the preceding year for use in this state, $3,060, except that the fee is $2,760 for the license years that begin on January 1, 1999, and on January 1, 2000.

(c) For each nonhousehold pesticide product:

1. If the applicant sold less than $25,000 of that product during the preceding year for use in this state, $320, except that the fee is $270 for the license years that begin on January 1, 1999, and on January 1, 2000.

2. If the applicant sold at least $25,000 but less than $75,000 of the product during the preceding year for use in this state, $890, except that the fee is $790 for the license years that begin on January 1, 1999, and on January 1, 2000.

3. If the applicant sold at least $75,000 of the product during the preceding year for use in this state, $3,060 plus 0.2% of the gross revenues from sales of the product during the preceding year for use in this state, except that for the license years that begin on January 1, 1999, and on January 1, 2000, the fee shall be $2,760 plus 0.2% of the gross revenues from sales of the product during the preceding year for use in this state.

(3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. Except for the license years that begin on January 1, 1999, and January 1, 2000, an applicant for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for each nonhousehold pesticide product that the applicant sells or distributes for use in this state. Except as provided in sub. (6) or under s. 94.73 (15), the amount of the surcharge is as follows:

(a) If the applicant sold less than $25,000 of the product during the preceding year for use in this state, $5.

(b) If the applicant sold at least $25,000 but less than $75,000 of that product during the preceding year for use in this state, $170.

(c) If the applicant sold at least $75,000 of that product during the preceding year for use in this state, an amount equal to 1.1% of gross revenues from sales of the product during the preceding year for use in this state.

(3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE. An applicant for a license under s. 94.68 shall pay an environmental cleanup surcharge for each pesticide product that is not a household pesticide and is solely labeled for use on wood and contains pentachlorophenol or coal tar creosote that the applicant sells or distributes in this state. Except as provided in sub. (6), the amount of the surcharge is as follows:

(a) If the applicant sold less than $25,000 of the product during the preceding year for use in this state, $5.

(b) If the applicant sold at least $25,000 but less than $75,000 of that product during the preceding year for use in this state, $170.

(c) If the applicant sold at least $75,000 of that product during the preceding year for use in this state, an amount equal to 1.1% of gross revenues from sales of the product during the preceding year for use in this state.

(4) PRIMARY PRODUCERS; WELL COMPENSATION FEE. A primary producer applying for a license under s. 94.68 shall pay a well compensation fee of $150.

(5) UNREPORTED PESTICIDE; INCREASED LICENSE FEE. If a person applying for or holding a license under s. 94.68 sells or distributes a pesticide product for use in this state without having filed a report for the product under s. 94.68 (2) (a) 2. or (3), the license fee for that product is twice the amount determined under sub. (2).

(6) DISCONTINUED PESTICIDE; FINAL LICENSE FEE AND CLEANUP SURCHARGE. (a) A person holding a license under s. 94.68 who stops selling or distributing a pesticide product for use in this state shall do all of the following:

1. Notify the department by December 31 of the year in which the person stops selling or distributing the pesticide product for use in this state.

2. By March 31 of the year following the year in which the person stopped selling or distributing the pesticide product for use in this state, file a report with the department showing the gross revenue that the person derived from the sale of the pesticide product for use in this state from October 1 of the year before the year in which the person stopped selling or distributing the pesticide product to December 31 of the year in which the person stopped selling or distributing the pesticide product.

3. By March 31 of the year following the year in which the person stopped selling or distributing the pesticide product for use in this state, pay a final license fee for the pesticide product, calculated under sub. (2) based on the sales of the pesticide product during the period specified in subd. 2.

4. If the product is a nonhousehold pesticide, pay a final agricultural chemical cleanup surcharge calculated

under sub. (3) based on sales of the product during the period specified in subd. 2.

5. If the product is a wood preservative to which sub. (3m) applies, pay a final environmental cleanup surcharge calculated under sub. (3m) based on sales of the product during the period specified in subd. 2.

(b) The department may not disclose information obtained under par. (a) 2.

(7) USE OF FEES AND SURCHARGES. (a) *License fees.* The department shall deposit all license fees collected under subs. (2), (5) and (6) (a) 3. in the agrichemical management fund except as follows:

1. The department shall deposit an amount equal to $94 for each pesticide product for which an applicant pays a license fee in the environmental fund for environmental management.

2. The department shall deposit a hazardous household waste collection and disposal fee of $30 for each household pesticide product for which an applicant pays a license fee in the environmental fund for environmental management.

(b) *Nonhousehold pesticides; cleanup surcharge.* The department shall deposit the surcharges collected under subs. (3) and (6) (a) 4. in the agricultural chemical cleanup fund.

(bm) *Wood preservatives; cleanups surcharge.* The department shall deposit the surcharges collected under subs. (3m) and (6) (a) 5. in the environmental fund for environmental management.

(c) *Well compensation fee.* The department shall deposit the well compensation fees collected under sub. (4) in the environmental fund for environmental management.

(8) FEES AND SURCHARGES NONREFUNDABLE. The department may not refund a fee or surcharge under this section after the department issues a license under s. 94.68 to the person who paid the fee or surcharge, unless the fee or surcharge was not properly charged or collected.

SECTION 2520. 94.685 (2) of the statutes is repealed and recreated to read:

94.685 **(2)** (a) A dealer or distributor applying for an annual license under sub. (1) shall apply on a form provided by the department. The application shall include the applicant's full name and the mailing address and street address of each business location from which the applicant sells, or intends to sell, restricted−use pesticides. The applicant shall submit the license fee and surcharge required under sub. (3) with the application.

(b) No dealer or distributor may sell any restricted−use pesticide from a sales location opened during a license year until that dealer or distributor pays the license fee and surcharge required under sub. (3) for the new location.

SECTION 2521. 94.685 (3) of the statutes is repealed and recreated to read:

94.685 **(3)** (a) A dealer or distributor shall pay the following annual license fee and surcharge for each location from which the dealer or distributor sells restricted−use pesticides:

1. A license fee of $60.

2. An agricultural chemical cleanup surcharge of $40, unless the department establishes a lower surcharge under s. 94.73 (15), except that the dealer or distributor need not pay the surcharge for the license years that begin on January 1, 1999, and on January 1, 2000.

(b) 1. The department shall deposit the fee under par. (a) 1. in the agrichemical management fund.

2. The department shall deposit the surcharge collected under par. (a) 2. in the agricultural chemical cleanup fund.

SECTION 2521m. 94.69 (10) of the statutes is amended to read:

94.69 **(10)** The department shall promulgate rules when it determines that it is necessary for the protection of persons or property from serious pesticide hazards and that its enforcement is feasible and will substantially eliminate or reduce such hazards. In making this determination the department shall consider the toxicity, hazard, effectiveness and public need for the pesticides, and the availability of less toxic or less hazardous pesticides or other means of pest control. ~~It shall obtain the recommendations of the pesticide review board and such rules, other than rules to protect groundwater adopted to comply with ch. 160, are not effective until approved by the pesticide review board. Such~~ These rules ~~shall~~ do not affect the application of any other statutes or ~~rule adopted thereunder~~ rules promulgated under those statutes.

SECTION 2522. 94.702 (3m) of the statutes is created to read:

94.702 **(3m)** The department shall deposit the fees collected under sub. (3) in the agrichemical management fund.

SECTION 2523. 94.703 (3) (a) of the statutes is repealed and recreated to read:

94.703 **(3)** (a) A person applying for an annual license under this section shall pay the following annual license fee and surcharge for each business location that the person operates in this state, including each business location added during the license year:

1. A license fee of $70.

2. An agricultural chemical cleanup surcharge of $55, unless the department establishes a lower surcharge under s. 94.73 (15), except that the person need not pay the surcharge for the license years that begin on January 1, 1999, and on January 1, 2000.

SECTION 2524. 94.703 (3) (c) of the statutes is renumbered 94.703 (3) (c) 1. and amended to read:

94.703 **(3)** (c) 1. The department shall deposit the fees collected under ~~this subsection~~ par. (a) 1. in the agrichemical management fund.

SECTION 2525. 94.703 (3) (c) 2. of the statutes is created to read:

94.703 **(3)** (c) 2. The department shall deposit surcharges collected under par. (a) 2. in the agricultural chemical cleanup fund.

SECTION 2526. 94.704 (2) (intro.) of the statutes is amended to read:

94.704 **(2)** (intro.) An application for a license under this section shall be submitted on a form provided by the department and shall be accompanied by the license fee and surcharge required under sub. (3). A license application shall include all of the following information, which shall be promptly updated by the licensee in the event of any change during the license period:

SECTION 2527. 94.704 (3) (a) of the statutes is repealed and recreated to read:

94.704 **(3)** (a) Except as provided in par. (b), a person applying for an annual license under this section shall pay the following license fee and surcharge:

1. A license fee of $40, except that the license fee is $30 for the license years that begin on January 1, 1999, and on January 1, 2000.

2. An agricultural chemical cleanup surcharge of $20, unless the department establishes a lower surcharge under s. 94.73 (15), except that the person need not pay the surcharge for the license years that begin on January 1, 1999, and on January 1, 2000.

SECTION 2528. 94.704 (3) (c) of the statutes is created to read:

94.704 **(3)** (c) 1. The department shall deposit license fees collected under par. (a) 1. in the agrichemical management fund.

2. The department shall deposit the surcharges collected under par. (a) 2. in the agricultural chemical cleanup fund.

SECTION 2528g. 94.705 (2) of the statutes is amended to read:

94.705 **(2)** CERTIFICATION STANDARDS. ~~Notwithstanding s. 250.09, the~~ The department shall, by rule, adopt standards for the training and certification of private and commercial applicators, at least equal to but not to exceed federal standards adopted under the federal act. In the adoption of the standards, separate categories of pesticide use and application may be established for certification purposes depending on the specific types of pesticides used, the purposes for which they are used, types of equipment required in their application, the degree of knowledge and skill required and other factors which may warrant the creation of different categories. The standards shall provide that individuals to be certified must be competent with respect to the use and application of pesticides in the various categories of pesticide use and application for which certification is desired. For commercial applicators, competence in the use and handling of pesticides shall be determined on the basis of written examinations.

SECTION 2528r. 94.708 (4) of the statutes is amended to read:

94.708 **(4)** EXCEPTION. The department shall promulgate rules establishing standards for the sale, advertisement and use of pesticides for emergency bat control. The ~~pesticide review board~~ department may issue a permit authorizing the use of a pesticide in accordance with the rules ~~promulgated by the department~~ that it promulgates only in the case of an individual bat colony after a determination that there exists an outbreak of rabies that threatens public health or another situation where the existence of a colony of bats threatens the health or welfare of any person. The ~~pesticide review board~~ department may not base its determination on an isolated individual instance of a rabid bat.

SECTION 2529. 94.72 (6) (a) of the statutes is repealed and recreated to read:

94.72 **(6)** (a) *Fee amounts.* Except as otherwise provided in this subsection, a person required to be licensed under sub. (5) shall pay the following annual inspection fees on all commercial feeds distributed in this state:

1. For commercial feeds distributed in this state during the years that begin on January 1, 1998, and on January 1, 1999, 15 cents per ton.

2. For commercial feeds distributed in this state on or after January 1, 2000, 25 cents per ton.

SECTION 2530. 94.72 (6) (am) of the statutes is created to read:

94.72 **(6)** (am) *Tonnage reports and fee payments.* 1. By the last day of February annually, a person who is required to be licensed under sub. (5) shall file a tonnage report with the department showing the number of net tons of commercial feed that the person sold or distributed in this state during the preceding calendar year. By the last day of February annually, the person shall also pay the fees under par. (a) for commercial feed that the person sold or distributed in this state during the preceding calendar year, based on the tonnage report.

2. At the request of the department, a person filing a tonnage report under subd. 1. shall make the records upon which the tonnage report is based available to the department for inspection, copying and audit.

3. The department may not disclose information obtained from a tonnage report under subd. 1.

SECTION 2530r. 94.73 (1) (d) of the statutes is repealed.

SECTION 2531. 94.73 (1) (g) of the statutes is amended to read:

94.73 **(1)** (g) "Nonhousehold pesticide" has the meaning given in s. ~~94.68 (3) (a) 2., except that it does not include pentachlorophenol, inorganic arsenical wood preservatives and coal tar creosote~~ 94.681 (1) (c).

SECTION 2532. 94.73 (2) (c) of the statutes is amended to read:

94.73 **(2)** (c) The department may issue an order under par. (a) on a summary basis without prior notice or a

prior hearing if the department determines that a summary order is necessary to prevent imminent harm to public health or safety or to the environment. If the recipient of a summary order requests a hearing on that order, the department shall hold a hearing within 10 days after it receives the request unless the recipient agrees to a later hearing date. The department is not required to stay enforcement of a summary order issued under this paragraph pending the outcome of the hearing. If the responsible person prevails after a hearing, the department shall reimburse the responsible person from the appropriation under s. 20.115 (7) (e) or ~~(w)~~ (wm) for the corrective action costs incurred as the result of the department's order.

SECTION 2532m. 94.73 (3) (a) of the statutes is amended to read:

94.73 **(3)** (a) The applicant submits an application that complies with sub. (5) within 3 years after incurring the corrective action costs or after the effective date of this paragraph .... [revisor inserts date], whichever is later.

SECTION 2534. 94.73 (3m) (r) of the statutes is amended to read:

94.73 **(3m)** (r) The cost of providing alternative sources of drinking water, except that, subject to sub. (6) (b) to ~~(e)~~ (f), the department may reimburse a responsible person who applies for reimbursement a total of not more than $20,000 for the replacement of private wells if the department or the department of natural resources orders the well replacement in response to a discharge.

SECTION 2535. 94.73 (4) (a) of the statutes is amended to read:

94.73 **(4)** (a) Except as provided in par. (d), no responsible person may receive reimbursement for corrective action costs exceeding ~~$20,000~~ $7,500 unless the responsible person submits to the department in writing, and the department approves, a work plan for the corrective action before the corrective action is taken.

SECTION 2536. 94.73 (5) (e) of the statutes is amended to read:

94.73 **(5)** (e) No person may make a false statement or misrepresentation on an application submitted under this section. A person who makes a false statement or misrepresentation on an application related to a corrective action is ineligible for reimbursement related to that corrective action and is ineligible for any reimbursement related to any other corrective action taken or ordered within 5 years after the date of the false statement or misrepresentation. If the responsible person has received any reimbursement for which the responsible person is ineligible under this paragraph, the responsible person shall refund the full amount of that reimbursement to the department. The amounts refunded to the department under this paragraph shall be deposited in the ~~agrichemical management~~ agricultural chemical cleanup fund.

SECTION 2537b. 94.73 (6) (b) of the statutes is repealed and recreated to read:

94.73 **(6)** (b) Except as provided in pars. (c) and (e), the department shall reimburse a responsible person an amount equal to 80% of the corrective action costs incurred for each discharge site that are greater than $3,000 and less than $400,000.

SECTION 2537d. 94.73 (6) (c) of the statutes is repealed and recreated to read:

94.73 **(6)** (c) Except as provided in par. (e), the department shall reimburse a responsible person an amount equal to 80% of the corrective action costs incurred for each discharge site that are greater than $7,500 and less than $400,000 if any of the following applies:

1. The responsible person is required to be licensed under ss. 94.67 to 94.71.

2. The responsible person employs more than 25 persons.

3. The responsible person has gross annual sales of more than $2,500,000.

SECTION 2538c. 94.73 (6) (d) of the statutes is repealed and recreated to read:

94.73 **(6)** (d) For the purposes for pars. (b) and (c), a discharge that occurs in the course of transporting an agricultural chemical is considered to have occurred at the site from which the agricultural chemical was being transported if the site from which the agricultural chemical was being transported is under the ownership or control of the person transporting the agricultural chemical.

SECTION 2539c. 94.73 (6) (e) of the statutes is repealed and recreated to read:

94.73 **(6)** (e) The department may not reimburse corrective action costs that exceed $100,000 for any one discharge for which groundwater remediation is not ordered unless the criteria in rules promulgated under par. (f) are satisfied.

SECTION 2539h. 94.73 (6) (f) of the statutes is created to read:

94.73 **(6)** (f) The department may promulgate rules under which it may provide reimbursement under pars. (b) and (c) for corrective action costs that exceed $100,000 at a site at which groundwater remediation is not ordered if the applicant obtains the approval of the department before incurring the costs and if the contamination is extensive or complex cleanup strategies are required. The rules shall establish criteria for exceeding the $100,000 limit, such as the size of the area contaminated or the type of agricultural chemical that is involved.

SECTION 2540. 94.73 (7) of the statutes is repealed and recreated to read:

94.73 **(7)** PAYMENT. (a) The department may make payments to a responsible person who is eligible for reimbursement under sub. (3) if the department has authorized reimbursement to that person under sub. (6). The department shall make payment from the appropriation accounts under s. 20.115 (7) (e) and (wm), subject to the availability of funds in those appropriation accounts. If there are insufficient funds to pay the full amounts autho-

rized under sub. (6) to all eligible responsible persons, the department shall distribute payments in the order in which applications were received, unless the department specifies, by rule, a different order of payment.

(b) The department may promulgate rules specifying the procedure by which, and the order in which, it will distribute payments under par. (a). The department may establish distribution priorities or formulas based on the severity of contamination, the time elapsed since corrective action costs were incurred or other factors that the department considers appropriate.

SECTION 2541. 94.73 (8) of the statutes is amended to read:

94.73 **(8)** SUBROGATION. The department is entitled to the right of subrogation for the reimbursement of corrective action costs to the extent that a responsible person who receives reimbursement of corrective action costs may recover the costs from a 3rd party. The amounts collected by the department under this subsection shall be deposited in the ~~agrichemical management~~ agricultural chemical cleanup fund.

SECTION 2541m. 94.73 (10) of the statutes is repealed.

SECTION 2542. 94.73 (13) of the statutes is amended to read:

94.73 **(13)** PENALTY. Any person who violates ~~an order issued by the department under~~ this section or an order issued or rule promulgated under this section shall forfeit not less than $10 nor more than $5,000 for each violation. Each day of continued violation is a separate offense.

SECTION 2543. 94.73 (15) of the statutes is created to read:

Vetoed In Part

94.73 **(15)** SURCHARGE ADJUSTMENTS. (a) The department may, by rule, reduce any of the surcharges in ss. 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2. and 94.704 (3) (a) 2. below the amounts specified in those provisions. The department shall adjust surcharge amounts as necessary to maintain a balance in the agricultural chemical cleanup fund at the end of each fiscal year of at least $2,000,000 but not more than $5,000,000, but may not increase a surcharge amount over the amount specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2. or 94.704 (3) (a) 2.

Vetoed In Part

(b) If the department proposes to promulgate a rule under par. (a) using the procedures under s. 227.24, the department shall notify the cochairpersons of the joint committee on finance before beginning those procedures. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed rule, the department may begin the procedures under s. 227.24. If, within 14 working days after the date of the department's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed rule, the department may not begin the procedures under s. 227.24 until the committee approves the proposed rule.

SECTION 2543j. 95.175 of the statutes is repealed.

SECTION 2543sm. 95.60 of the statutes is created to read:

95.60 Importing fish; fish farms. (1) In this section:

(a) "Fish farm" means a facility at which a person hatches fish eggs or rears fish for the purpose of introduction into the waters of the state, human or animal consumption, permitting fishing, use as bait or fertilizer or any other purpose specified by the department by rule or for sale to another person to rear for one of those purposes.

(b) "Waters of the state" has the meaning given in s. 281.01 (18).

(2) (a) No person may bring any fish or fish eggs into this state for the purpose of introduction into the waters of the state, of use as bait or of rearing in a fish farm without an annual permit issued by the department.

(b) No person may bring any fish or fish eggs of the family salmonidae into this state for the purpose of introduction into the waters of the state unless the fish are certified, as provided in the rules promulgated under sub. (4s) (d), to be free of the diseases specified under sub. (4s) (d).

(c) The department may require a person who is subject to par. (a) or (b) to notify the department before bringing fish or fish eggs into this state.

(d) The department of natural resources is exempt from par. (a).

(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.

(3m) A person who operates a fish farm shall annually register the fish farm with the department. The person registering the fish farm shall provide evidence of the health certificate required under sub. (3) and shall identify the activities that will be engaged in, the species of fish that will be used and the facilities that will be used on the fish farm.

(4) (a) The department shall inspect a fish farm upon initial registration under sub. (3m). The department may inspect a fish farm at any other time.

(b) The department may inspect fish and fish eggs subject to subs. (2) and (3) and the rules under sub. (4s) (b) to ensure the health of the fish and fish eggs. The inspection may include removal of reasonable samples of the fish and fish eggs for biological examination.

(c) A person who operates a fish farm shall keep records on purchases, sales and production of fish and fish eggs and any other records required by the department by

rule. The department may inspect these records upon request.

(4m) The department shall maintain a registry of fish farms.

(4s) The department shall do all of the following:

(a) In consultation with the department of natural resources, promulgate rules specifying requirements for the labeling and identification, in commerce, of fish reared in fish farms.

(b) In consultation with the department of natural resources, promulgate rules specifying fish health standards and requirements for certifying that fish meet those standards for the purpose of s. 29.53.

(c) In consultation with the department of natural resources, promulgate rules specifying the qualifications that a person who is not a veterinarian must satisfy in order to issue fish health certificates.

(d) In consultation with the department of natural resources, promulgate rules specifying diseases and requirements for certifying that fish are free of those diseases for the purposes of sub. (2) (b).

(e) Promulgate rules establishing the period for which a record required under sub. (4) (c) must be retained.

(5) The department shall, by rule, specify the fees for permits, certificates, registration and inspections under this section.

(6) (a) No person, except the department of natural resources, may rear lake sturgeon in a fish farm.

(c) The department, in consultation with the department of natural resources, shall study regulatory options that would enable commercial rearing of lake sturgeon while protecting the wild lake sturgeon population. The department shall submit the results of the study to the legislature under s. 13.172 (2) no later than December 31, 2000.

SECTION 2545. 97.29 (3) (cm) 1. of the statutes is amended to read:

97.29 **(3)** (cm) 1. For a food processing plant that has an annual production of $25,000 or more but less than $250,000 and that is engaged in processing potentially hazardous food or in canning, the reinspection fee is $80.

SECTION 2546. 97.29 (3) (cm) 3. of the statutes is amended to read:

97.29 **(3)** (cm) 3. For a food processing plant that has an annual production of $25,000 or more but less than $250,000 and that is not engaged in processing potentially hazardous food or in canning, the reinspection fee is $50.

SECTION 2547. 97.29 (3) (cm) 5. of the statutes is created to read:

97.29 **(3)** (cm) 5. For a food processing plant that has an annual production of less than $25,000, the reinspection fee is $40.

SECTION 2548. 97.30 (3m) (a) 3. of the statutes is amended to read:

97.30 **(3m)** (a) 3. ~~Beginning with the license year that ends on June 30, 1995, an~~ An annual weights and measures inspection fee of $45, except that this fee does not apply to a retail food establishment that is located in a municipality that has established a municipal department of weights and measures under s. 98.04 (1) or that recovers fees from the retail food establishment under s. 98.04 (2) for the purpose of enforcement of the provisions of ch. 98.

SECTION 2549. 97.30 (3m) (b) 3. of the statutes is amended to read:

97.30 **(3m)** (b) 3. ~~Beginning with the license year that ends on June 30, 1995, an~~ An annual weights and measures inspection fee of $100, except that this fee does not apply to a retail food establishment that is located in a municipality that has established a municipal department of weights and measures under s. 98.04 (1) or that recovers fees from the retail food establishment under s. 98.04 (2) for the purpose of enforcement of the provisions of ch. 98.

SECTION 2550. 97.30 (3m) (c) 3. of the statutes is amended to read:

97.30 **(3m)** (c) 3. ~~Beginning with the license year that ends on June 30, 1995, an~~ An annual weights and measures inspection fee of $25, except that this fee does not apply to a retail food establishment that is located in a municipality that has established a municipal department of weights and measures under s. 98.04 (1) or that recovers fees from the retail food establishment under s. 98.04 (2) for the purpose of enforcement of the provisions of ch. 98.

SECTION 2550m. 98.04 (2) of the statutes is amended to read:

98.04 **(2)** Nothing in this section shall prevent the department, at its discretion, from entering into contracts with municipalities in which it agrees to furnish the services and perform the duties of weights and measures departments in such municipalities. The authority and duties of the department in such municipalities shall be the same as the department of weights and measures, and such municipalities shall not be required to create such weights and measures departments. Under such contracts the department shall charge municipalities fees sufficient to cover the cost of services rendered. Municipalities may recover an amount not to exceed the cost of these fees by assessing fees on the persons who receive the services rendered.

SECTION 2551. 98.16 (2) (a) 1. of the statutes is amended to read:

98.16 **(2)** (a) 1. Except as provided in subd. 2., a person may not operate a vehicle scale without a license from the department. A separate license is required for each scale. A license is not transferable between persons or scales. A license expires on ~~December~~ March 31 annually. The department shall provide a license application form for persons applying for a license. The form may

require information reasonably required by the department for licensing purposes. A license application shall be accompanied by applicable fees under pars. (b) and (c).

SECTION 2552d. 98.16 (2) (b) of the statutes is amended to read:

98.16 **(2)** (b) ~~The~~ Beginning on the effective date of this paragraph .... [revisor inserts date], and ending on June 30, 1999, the fee for a license under par. (a) is ~~$30, except that the department may establish a different fee by rule~~ $60.

SECTION 2552f. 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

98.16 **(2)** (b) The fee for a license under par. (a) is $30, except that the department may establish a different fee by rule.

SECTION 2553. 98.16 (2) (c) of the statutes is amended to read:

98.16 **(2)** (c) An applicant for a license under par. (a) shall pay a license fee surcharge of ~~$30~~ $200 in addition to the license fee if the department determines that within one year prior to submitting the license application the applicant operated a vehicle scale without a license as required by par. (a). Payment of the license fee surcharge does not relieve the applicant of any other civil or criminal liability for the operation of a vehicle scale without a license but shall not constitute evidence of violation of a law.

SECTION 2554. 98.18 (1) (title) of the statutes is amended to read:

98.18 **(1)** (title) LICENSE REQUIRED.

SECTION 2555. 98.18 (1) (a) 1. of the statutes is renumbered 98.18 (1) (a) and amended to read:

98.18 **(1)** (a) Except as provided in ~~subd. 2., a person may not~~ par. (bm), no person may engage in the business of installing, servicing, testing or calibrating weights and measures without a license from the department. A license expires on December 31 annually. ~~The department shall provide a license application for persons applying for a license.~~

(1d) (title) LICENSE APPLICATION. ~~The form may require information~~ An applicant for a license issued under sub. (1) (a) shall apply on a form provided by the department. The applicant shall provide on the form information that is reasonably required by the department for ~~licensing purposes. A~~ issuing licenses under this section. The license application shall be accompanied by the applicable fees under ~~pars. (b) and (c)~~ subs. (1h) and (1p).

SECTION 2556. 98.18 (1) (a) 2. (intro.) of the statutes is renumbered 98.18 (1) (bm) (intro.) and amended to read:

98.18 **(1)** (bm) (intro.) ~~Subdivision 1.~~ Paragraph (a) does not apply to any of the following:

SECTION 2557. 98.18 (1) (a) 2. a. of the statutes is renumbered 98.18 (1) (bm) 1. and amended to read:

98.18 **(1)** (bm) 1. A person who installs, services, tests or calibrates weights and measures only as an employe of a person who is required under ~~this paragraph~~ par. (a) to hold a license to perform those services.

SECTION 2558. 98.18 (1) (a) 2. b. of the statutes is renumbered 98.18 (1) (bm) 2.

SECTION 2559. 98.18 (1) (b) of the statutes is repealed.

SECTION 2560. 98.18 (1) (c) of the statutes is renumbered 98.18 (1p) and amended to read:

98.18 **(1p)** (title) SURCHARGE FOR OPERATING WITHOUT A LICENSE. An applicant for a license under ~~par.~~ sub. (1) (a) shall pay a license fee surcharge of ~~$100~~ $200 in addition to the license fee if the department determines that within one year ~~prior to submitting the license~~ before making the application the applicant ~~engaged in the business of installing, servicing, testing or calibrating weights and measures without a license as required by par.~~ violated sub. (1) (a). Payment of ~~the license fee~~ this surcharge does not relieve the applicant of any other civil or criminal liability that ~~may result from the unlicensed activity but shall~~ the applicant may incur because of the violation of sub. (1) (a), but does not constitute evidence of violation of a law.

SECTION 2561. 98.18 (1) (d) of the statutes is renumbered 98.18 (1t) and amended to read:

98.18 **(1t)** (title) LICENSE CONTINGENT ON FEE PAYMENT. The department ~~shall~~ may not issue or renew a license under ~~par.~~ sub. (1) (a) unless the applicant pays all fees required under ~~pars. (b) and (c)~~ subs. (1h) and (1p) as set forth in a statement issued by the department. The department shall refund a fee paid under protest if the department determines that the fee was not required to be paid under this section.

SECTION 2562. 98.18 (1h) of the statutes is created to read:

98.18 **(1h)** LICENSE FEES. Unless the department establishes different fees by rule, the following annual license fees shall apply:

(a) If the applicant solely engages in installing, servicing, testing or calibrating weights and measures that the applicant owns, the applicant for a license under sub. (1) (a) shall pay a license fee in the amount of $100.

(b) If the applicant installs, services, tests or calibrates weights or measures for others, the applicant for a license under sub. (1) (a) shall pay all of the following:

1. A basic license fee of $200.

2. A supplementary license fee of $50 for each additional business location if the applicant operates from more than one business location.

SECTION 2563. 98.18 (2) of the statutes is amended to read:

98.18 **(2)** RULES. The department may promulgate rules to establish license fees under sub. ~~(1) (b)~~ (1h) and to regulate the installation, servicing, testing and certifi-

cation of weights and measures. The rules may include record−keeping and reporting requirements.

SECTION 2564. 98.245 (4) (a) of the statutes is amended to read:

98.245 **(4)** (a) When liquefied petroleum gas is sold or delivered to a consumer as a liquid and by liquid measurement the volume of liquid so sold and delivered shall be corrected to a temperature of 60 degrees Fahrenheit through use of an approved volume correction factor table, or through use of ~~an approved~~ a meter ~~with~~ that is equipped with a sealed automatic compensating mechanism and that is in compliance with sub. (7). All sale tickets shall show the delivered gallons, the temperature at the time of delivery and the corrected gallonage, or shall state that temperature correction was automatically made.

SECTION 2565. 98.245 (4) (b) of the statutes is amended to read:

98.245 **(4)** (b) When liquefied petroleum gas is sold or delivered to a consumer in vapor form by vapor measurement, the volume of vapor so sold and delivered shall be corrected to a temperature of 60 degrees Fahrenheit through the use of ~~an approved~~ a meter that is equipped with a sealed automatic temperature compensating mechanism. This paragraph shall apply to all meters installed for use in the vapor measurement of liquefied petroleum gas in vapor form after May 24, 1978. This paragraph does not prohibit the continued use of meters previously installed without a self−sealing automatic temperature compensating mechanism, but no such meter may be continued in use after January 1, 1986, unless brought into compliance with this paragraph. Subsection (7) does not apply to meters used to sell or deliver liquefied petroleum gas that are subject to this paragraph.

SECTION 2566. 98.245 (6) (title) of the statutes is repealed and recreated to read:

98.245 **(6)** (title) PUMPS AND METERS.

SECTION 2567. 98.245 (6) (a) (intro.) of the statutes is amended to read:

98.245 **(6)** (a) (intro.) No person may sell liquefied petroleum gas and deliver it by a vehicle equipped with a pump and ~~metering device~~ meter unless the ~~pump and metering device~~ meter is equipped with a delivery ticket printer and is in compliance with sub. (7). Except as provided in par. (b), the seller shall, at the time of delivery, either provide a copy of the delivery ticket printed by the delivery ticket printer to the purchaser or leave a copy at the place of delivery. The delivery ticket shall contain all of the following information:

SECTION 2568b. 98.245 (7) of the statutes is created to read:

98.245 **(7)** METERS; REGISTRATION; TESTING; FEES. (a) *Registration of meters.* 1. The department shall promulgate rules to require owners to register meters that are used to measure amounts of liquefied petroleum gas the sale or delivery of which is subject to sub. (4) (a).

2. The owner of a meter shall pay to the department a one−time fee of $25 to register a meter under subd. 1. The owner shall pay the fee within 60 days after the effective date of the rules promulgated under subd. 1., or within 60 days after the owner acquires a meter for which a registration fee has not been paid, whichever is later.

3. If an owner of a meter fails to comply with subd. 2., the department may assess the owner a fee of not more than $250 for that meter. If the owner does not pay the fee under this subdivision within 30 days after it is assessed, the department shall increase the fee by $10 for each day thereafter until the owner of the meter complies with subd. 2.

(b) *Testing of meters.* 1. The owner of a meter required to be registered under par. (a) shall have the meter tested annually by a meter servicing company that is licensed by the department.

2. A meter servicing company shall file with the department a report, for each meter, containing the results of the testing under subd. 1. within 30 days after completing the testing.

3. If the department determines that a meter has not been tested within the last year, the department shall notify the owner. The owner shall have 30 days after being notified to have the meter tested.

4. If the owner fails to have the owner's meter tested as required under subd. 3., the department may assess the owner a fee of not more than $100 for that meter.

5. If the meter servicing company fails to file a report in compliance with subd. 2. for a meter, the department may assess the meter servicing company a fee of up to $100 for each report.

SECTION 2573. 100.45 (1) (dm) of the statutes is created to read:

100.45 **(1)** (dm) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority and the Wisconsin Health and Educational Facilities Authority.

SECTION 2574. 100.45 (4) (intro.) of the statutes is amended to read:

100.45 **(4)** SERVICING. (intro.) No person, including a state agency, ~~as defined in s. 234.75 (10),~~ may perform motor vehicle repair that releases or may release ozone−depleting refrigerant from a mobile air conditioner or trailer refrigeration equipment or may install or service a mobile air conditioner or trailer refrigeration equipment that contains ozone−depleting refrigerant unless all of the following apply:

SECTION 2580. 101.14 (1) (c) of the statutes is amended to read:

101.14 **(1)** (c) The department is hereby empowered and directed to provide the form of a course of study in fire prevention for use in the public schools, dealing with the protection of lives and property against loss or damage as a result of preventable fires, and transmit the same by the first day of August in each year to the ~~department of education~~ state superintendent of public instruction.

SECTION 2580m. 101.14 (2) (cm) of the statutes is amended to read:

101.14 **(2)** (cm) In addition to the requirements of pars. (b) and (c), a fire department shall provide public fire education services~~, in consultation with the department and the fire prevention council~~.

SECTION 2581. 101.14 (5) (a) of the statutes is amended to read:

101.14 **(5)** (a) Subject to par. (b), in addition to any fee charged by the department by rule for plan review and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of flammable or combustible liquids, the department shall collect a groundwater fee of $100 for each plan review submittal. The moneys collected under this subsection shall be credited to the environmental fund for ~~groundwater~~ environmental management.

SECTION 2582. 101.143 (1) (gm) of the statutes is amended to read:

101.143 **(1)** (gm) "Property damage" does not include those liabilities ~~which~~ that are excluded from coverage in liability insurance policies for property damage, other than liability for remedial action associated with petroleum product discharges from petroleum product storage systems. "Property damage" does not include the loss of fair market value resulting from contamination.

SECTION 2583. 101.143 (2) (e) of the statutes is amended to read:

101.143 **(2)** (e) The department shall promulgate rules, with an effective date of no later than January 1, 1996, specifying the methods the department will use under sub. (3) (ae), (ah), (am) and ~~(as)~~ (ap) to identify the petroleum product storage system or home oil tank system which discharged the petroleum product that caused an area of contamination and to determine when a petroleum product discharge that caused an area of contamination occurred. The department shall write the rule in a way that permits a clear determination of what petroleum product contamination is eligible for an award under sub. (4) after December 31, 1995.

SECTION 2586. 101.143 (3) (a) (intro.) of the statutes is amended to read:

101.143 **(3)** (a) *Who may submit a claim.* (intro.) Subject to pars. (ae), (ah), (am) and ~~(as)~~ (ap), an owner or operator or a person owning a home oil tank system may submit a claim to the department for an award under sub. (4) to reimburse the owner or operator or the person for the eligible costs under sub. (4) (b) that the owner or operator or the person incurs because of a petroleum products discharge from a petroleum product storage system or home oil tank system if all of the following apply:

SECTION 2588b. 101.143 (3) (ae) 1. of the statutes is renumbered 101.143 (3) (ae) and amended to read:

101.143 **(3)** (ae) An owner or operator or a person owning a home oil tank system is not eligible for an award under this section for costs incurred because of a petroleum product discharge from ~~a~~ an underground petroleum product storage tank system or a home oil tank system that meets the performance standards in 40 CFR 280.20 or in rules promulgated by the department relating to underground petroleum product storage tank systems installed after December 22, 1988, ~~except as provided in subd. 2~~ if the discharge is confirmed after December 31, 1995.

SECTION 2588d. 101.143 (3) (ae) 2. of the statutes is repealed.

SECTION 2589. 101.143 (3) (ah) of the statutes is created to read:

101.143 **(3)** (ah) *New aboveground systems.* An owner or operator is not eligible for an award under this section for costs incurred because of a petroleum product discharge from a petroleum product storage system that is not an underground petroleum product storage tank system and that meets the performance standards in rules promulgated by the department relating to petroleum product storage systems that are not underground petroleum product storage tank systems and that are installed after April 30, 1991, if the discharge is confirmed after December 22, 2001.

SECTION 2590. 101.143 (3) (am) (title), 1. and 2. of the statutes are amended to read:

101.143 **(3)** (am) (title) *Upgraded underground systems.* 1. An owner or operator or a person owning a home oil tank system is not eligible for an award under this section for costs incurred because of a petroleum product discharge from an underground petroleum product storage tank system or a home oil tank system if the discharge is confirmed after December 31, 1995, and the discharge is confirmed, or activities under par. (c) or (g) are begun with respect to that discharge, after the day on which the underground petroleum product storage tank system or home oil tank system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules promulgated by the department relating to the upgrading of existing underground petroleum product storage tank systems, except as provided in ~~subds.~~ subd. 2. ~~to 4.~~

2. If ~~a~~ an underground petroleum product storage tank system or home oil tank system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules promulgated by the department relating to the upgrading of existing underground petroleum product storage tank systems, after December 31, 1993, and the own-

er or operator or person owning the home oil tank system applies for private pollution liability insurance covering the underground petroleum product storage tank system or home oil tank system within 30 days after the day on which the underground petroleum product storage tank system or home oil tank system first meets those upgrading requirements, then the owner or operator or person remains eligible for an award for costs incurred because of a petroleum product discharge, from that underground petroleum product storage tank system or home oil tank system, which is confirmed, and with respect to which activities under par. (c) or (g) are begun, before the 91st day after the day on which the underground petroleum product storage tank system or home oil tank system first meets those upgrading requirements.

SECTION 2590e. 101.143 (3) (am) 3. of the statutes is repealed.

SECTION 2590g. 101.143 (3) (am) 4. of the statutes is repealed.

SECTION 2591. 101.143 (3) (ap) of the statutes is created to read:

101.143 **(3)** (ap) *Upgraded aboveground systems.* An owner or operator is not eligible for an award under this section for costs incurred because of a petroleum product discharge from a petroleum product storage system that is not an underground petroleum product storage tank system if the discharge is confirmed after December 22, 2001, and the discharge is confirmed, or activities under par. (c) or (g) are begun with respect to that discharge, after the day on which the petroleum product storage system first meets the upgrading requirements in rules promulgated by the department relating to the upgrading of existing petroleum product storage systems that are not underground petroleum product storage tank systems.

SECTION 2592. 101.143 (3) (as) of the statutes is repealed.

SECTION 2595b. 101.143 (4) (a) 5. of the statutes is repealed and recreated to read:

101.143 **(4)** (a) 5. The department shall review claims related to home oil tank discharges as soon as the claims are received. The department shall issue an award for an eligible home oil tank discharge as soon as it completes the review of the claim.

SECTION 2597. 101.143 (4) (a) 8. of the statutes is created to read:

101.143 **(4)** (a) 8. If an owner or operator or person owning a home oil tank system is conducting approved remedial action activities that were necessitated by a petroleum product discharge from a petroleum product storage system or home oil tank system and those remedial action activities have not remedied the discharge, then the department may approve financial assistance under this section for enhancements to the approved remedial action activities or different remedial action activities that the department determines will remedy the discharge without increasing the overall costs of remedying the discharge. The total amount of an original award under this section plus additional financial assistance provided under this subdivision is subject to the limits in pars. (d) to (e), (ei) and (em) on amounts of awards.

SECTION 2598. 101.143 (4) (c) 8. of the statutes is created to read:

101.143 **(4)** (c) 8. Interest costs incurred by an applicant that exceed interest at 1% over the prime rate, as determined under rules promulgated by the department.

SECTION 2598e. 101.143 (4) (c) 9. of the statutes is created to read:

101.143 **(4)** (c) 9. Loan origination fees incurred by an applicant that exceed 2% of the principal amount of the loan.

SECTION 2598f. 101.143 (4) (c) 10. of the statutes is created to read: **Vetoed In Part**

101.143 **(4)** (c) 10. Loan renewal fees incurred by an applicant that exceed 1% of the principal amount of the loan.

SECTION 2599. 101.143 (4) (ce) of the statutes is created to read:

101.143 **(4)** (ce) *Eligible cost; service providers.* The department may promulgate rules under which the department selects service providers to provide investigation or remedial action services in specified areas. The rules may provide that the costs of a service for which the department has selected a service provider in an area are not eligible costs under par. (b), or that eligible costs are limited to the amount that the selected service provider would have charged, if an owner or operator of a petroleum product storage system located in that area, or a person owning a home oil tank system located in that area, uses a service provider other than the service provider selected by the department to perform the services. If the department selects service providers under this paragraph, it shall regularly update the list of service providers that it selects.

SECTION 2599g. 101.143 (4) (d) 1. of the statutes is amended to read:

101.143 **(4)** (d) 1. The department shall issue an award under this paragraph for a claim filed after July 31, 1987, for eligible costs, under par. (b), incurred on or after August 1, 1987, and before ~~July 1, 1998~~ December 22, 2001, by the owner or operator of an underground petroleum product storage tank system and for eligible costs, under par. (b), incurred on or after ~~July 1, 1998~~ December 22, 2001, by the owner or operator of an underground petroleum product storage tank system if the petroleum product discharge on which the claim is based is confirmed and activities under sub. (3) (c) or (g) are begun before ~~July 1, 1998~~ December 22, 2001.

SECTION 2599r. 101.143 (4) (dm) 1. of the statutes is amended to read:

101.143 **(4)** (dm) 1. The department shall issue an award under this paragraph for a claim for eligible costs, under par. (b), incurred on or after August 1, 1987, and

before ~~July 1, 1998~~ December 22, 2001, by the owner or operator of a petroleum product storage system that is not an underground petroleum product storage tank system and for eligible costs, under par. (b), incurred on or after ~~July 1, 1998~~ December 22, 2001, by the owner or operator of a petroleum product storage system that is not an underground petroleum product storage tank system if the petroleum product discharge on which the claim is based is confirmed and activities under sub. (3) (c) or (g) are begun before ~~July 1, 1998~~ December 22, 2001.

SECTION 2600. 101.143 (4) (dr) of the statutes is created to read:

101.143 **(4)** (dr) *Deductible in certain cases.* If a person is the owner or operator of an underground petroleum product storage tank system and a petroleum product storage system that is not an underground petroleum product storage tank system, both of which have discharged resulting in one occurrence, and if the person is eligible for an award under pars. (d) and (dm), the department shall calculate the award using the deductible determined under par. (d) 2. if the predominant method of petroleum product storage at the site, measured in gallons, is underground petroleum product storage tank systems or using the deductible determined under par. (dm) 2. if the predominant method of petroleum product storage at the site is not underground petroleum product storage tank systems.

SECTION 2600e. 101.143 (4) (e) 1. b. and c. of the statutes are amended to read:

101.143 **(4)** (e) 1. b. Eligible costs, under par. (b), incurred on or after ~~July 1, 1998~~ December 22, 2001, by the owner or operator of a petroleum product storage system that is not an underground petroleum product storage system if those costs are not reimbursable under par. (dm) 1.

c. Eligible costs, under par. (b), incurred on or after ~~July 1, 1998~~ December 22, 2001, by the owner or operator of an underground petroleum product storage tank system if those costs are not reimbursable under par. (d) 1.

SECTION 2601. 101.143 (4) (g) 7. of the statutes is created to read:

101.143 **(4)** (g) 7. The petroleum product discharge was caused by a person who provided services or products to the claimant or to a prior owner or operator of the petroleum product storage system or home oil tank system.

SECTION 2602. 101.143 (4) (h) of the statutes is created to read:

101.143 **(4)** (h) *Reductions of awards.* 1. Notwithstanding pars. (d) 2. (intro.), (dm) 2. (intro.), (e) 2. and (em) 2., if an owner or operator or person owning a home oil tank system prepares and submits a claim that includes ineligible costs that are identified under subd. 2., the department shall calculate the award by determining the amount that the award would otherwise be under par. (d), (dm), (e) or (em) based only on the eligible costs and then by reducing that amount by 50% of the amount of the ineligible costs identified under subd. 2. that are included in the claim.

1m. If a consultant prepares a claim that is submitted by a claimant and that includes ineligible costs that are identified under subd. 2., the consultant shall pay to the department an amount equal to 50% of the ineligible costs identified under subd. 2. that are included in the claim. A consultant may not charge the owner or operator for any amount that the consultant is required to pay under this subdivision. Payments made under this subdivision shall be deposited in the petroleum inspection fund.

2. The department shall promulgate a rule identifying the ineligible costs to which subds. 1. and 1m. apply.

SECTION 2603. 101.143 (5) (a) of the statutes is renumbered 101.143 (5) (am) (intro.) and amended to read:

101.143 **(5)** (am) *Right of action.* (intro.) A right of action under this section shall accrue to the state against an owner, operator or other person only if ~~the~~ one of the following applies:

1. The owner, operator or other person submits a fraudulent claim or does not meet the requirements under this section and ~~if~~ an award is issued under this section to the owner, operator or other person for eligible costs under this section or ~~if~~ payment is made to a lender under sub. (4e).

SECTION 2604. 101.143 (5) (a) of the statutes is created to read:

101.143 **(5)** (a) *Sale of remedial equipment or supplies.* If a person who received an award under this section sells equipment or supplies that were eligible costs for which the award was issued, the person shall pay the proceeds of the sale to the department. The proceeds shall be paid into the petroleum inspection fund.

SECTION 2605. 101.143 (5) (am) 2. of the statutes is created to read:

101.143 **(5)** (am) 2. A person fails to make a payment required under par. (a).

SECTION 2606. 101.143 (5) (b) of the statutes is amended to read:

101.143 **(5)** (b) *Action to recover awards.* The attorney general shall take action as is appropriate to recover ~~awards~~ moneys to which the state is entitled under par. ~~(a)~~ (am). The department shall request that the attorney general take action if the department discovers a fraudulent claim after an award is issued.

SECTION 2607. 101.143 (5) (c) of the statutes is amended to read:

101.143 **(5)** (c) *Disposition of funds.* ~~If an award is made from the petroleum inspection fund, the~~ The net proceeds of ~~the~~ a recovery under par. (b) shall be paid into the petroleum inspection fund.

SECTION 2609. 101.177 (1) (d) of the statutes is created to read:

101.177 **(1)** (d) "State agency" means any office, department, agency, institution of higher education, associ-

ation, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority and the Wisconsin Health and Educational Facilities Authority.

SECTION 2610. 101.177 (2) (intro.) of the statutes is amended to read:

101.177 **(2)** SERVICING. (intro.) No person, including a state agency, ~~as defined in s. 234.75 (10),~~ may install or service a piece of refrigeration equipment that contains ozone−depleting refrigerant unless the person certifies all of the following to the department:

SECTION 2611. 101.177 (3) (a) (intro.) of the statutes is amended to read:

101.177 **(3)** (a) (intro.) After December 31, 1991, no person, including a state agency ~~as defined in s. 234.75 (10)~~, may sell used ozone−depleting refrigerant removed from refrigeration equipment for reuse unless the person certifies all of the following to the department:

SECTION 2611m. 101.575 (3) (a) 3. of the statutes is amended to read:

101.575 **(3)** (a) 3. Provides a training program prescribed by the department by rule~~, in consultation with the fire prevention council~~.

SECTION 2620. 102.87 (2) (e) of the statutes is amended to read:

102.87 **(2)** (e) The maximum forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and any applicable uninsured employer assessment for which the defendant is liable.

SECTION 2621. 102.87 (2) (g) of the statutes is amended to read:

102.87 **(2)** (g) Notice that if the defendant makes a deposit and fails to appear in court at the time specified in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and any applicable uninsured employer assessment plus costs not to exceed the amount of the deposit. The notice shall also state that the court, instead of accepting the deposit and plea, may decide to summon the defendant or may issue an arrest warrant for the defendant upon failure to respond to a summons.

SECTION 2622. 102.87 (2) (h) of the statutes is amended to read:

102.87 **(2)** (h) Notice that if the defendant makes a deposit and signs the stipulation, the stipulation will be treated as a plea of no contest and submission to a forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and any applicable uninsured employer assessment plus costs not to exceed the amount of the deposit. The notice shall also state that the court, instead of accepting the deposit and stipulation, may decide to summon the defendant or issue an arrest warrant for the defendant upon failure to respond to a summons, and that the defendant may, at any time before or at the time of the court appearance date, move the court for relief from the effect of the stipulation.

SECTION 2623. 102.87 (3) of the statutes is amended to read:

102.87 **(3)** A defendant issued a citation under this section may deposit the amount of money that the issuing department deputy or officer directs by mailing or delivering the deposit and a copy of the citation before the court appearance date to the clerk of the circuit court in the county where the violation occurred, to the department or to the sheriff's office or police headquarters of the officer who issued the citation. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include the penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable uninsured employer assessment and costs.

SECTION 2624. 102.87 (4) of the statutes is amended to read:

102.87 **(4)** A defendant may make a stipulation of no contest by submitting a deposit and a stipulation in the manner provided by sub. (3) before the court appearance date. The signed stipulation is a plea of no contest and submission to a forfeiture plus the penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable uninsured employers assessment and costs not to exceed the amount of the deposit.

SECTION 2625. 102.87 (5) of the statutes is amended to read:

102.87 **(5)** Except as provided by sub. (6), a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of the circuit court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time specified in the citation he or she shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and any applicable uninsured employer assessment plus costs not to exceed the amount of the deposit and that the court may accept the plea. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the canceled check is the receipt.

SECTION 2626. 102.87 (6) of the statutes is amended to read:

102.87 **(6)** The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of the circuit court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be considered to have submitted to a forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and applicable uninsured employer assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as provided in sub. (5).

SECTION 2627. 102.87 (7) (b) of the statutes is amended to read:

102.87 **(7)** (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and any applicable uninsured employer assessment plus costs not to exceed 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. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may, within 90 days after the date set for appearance, move to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a defendant is relieved from the plea of no contest, the court may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

SECTION 2628. 102.87 (7) (c) of the statutes is amended to read:

102.87 **(7)** (c) If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and any applicable uninsured employer assessment plus costs not to exceed 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 or an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time before or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.

SECTION 2629. 102.87 (9) of the statutes is amended to read:

102.87 **(9)** A department deputy or an officer who collects a forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, applicable insured employer assessment and costs under this section shall pay the money to the county treasurer within 20 days after its receipt. If the department deputy or officer fails to make timely payment, the county treasurer may collect the payment from the department deputy or officer by an action in the treasurer's name of office and upon the official bond of the department deputy or officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 2631. 103.05 of the statutes is created to read:

103.05 Hiring reporting system; state directory of new hires. (1) The department shall establish and operate a hiring reporting system that includes a state directory of new hires. All requirements under the reporting system shall be consistent with federal laws and regulations that relate to the reporting of newly hired employes for support collection purposes, as part of the state location service under s. 49.22 (2), or any other purposes specified in 42 USC 653a (h).

(2) (a) Except as provided in par. (b), every employer that employs individuals in the state shall provide to the department information about each newly hired employe.

(b) Paragraph (a) does not apply to an employer that employs individuals in this state and in at least one other state, if the employer has designated, to the secretary of the federal department of health and human services, a state other than this state for the purpose of providing the information required under par. (a). An employer under this paragraph shall notify the department of its designation of another state to the secretary of the federal department of health and human services.

(3) The department shall specify all of the following:

(a) The information that employers must provide under sub. (2) (a).

(b) A number of different ways in which employers may report the information required under sub. (2) (a), including paper and electronic means.

(c) A timetable for the actions and procedures required under the reporting system, including the reporting required under sub. (2) (a).

(4) 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).

(5) (a) Except as provided in par. (b), and subject to par. (c), an employer that violates any provision of this section, or any rule promulgated under this section, may

be required to forfeit up to $25 for each employe concerning whom a violation has occurred.

(b) Subject to par. (c), an employer may be required to forfeit up to $500 for a failure to supply the information under sub. (2) (a) about an employe, or for supplying false or incomplete information under sub. (2) (a) about an employe, as a result of a conspiracy between the employer and the employe to not supply the information or to supply false or incomplete information.

(c) The department shall provide an employer with notice of any violation for which a penalty may be imposed under par. (a) or (b), and with an opportunity to correct the violation, before imposing any penalty under par. (a) or (b).

(d) The department shall deposit all moneys received under this subsection in the appropriation account under s. 20.445 (1) (gd).

(6) If the department determines that the hiring reporting system established under this section will be operational on or before January 1, 1998, the department shall publish a notice in the Wisconsin Administrative Register before that date that states that the system shall begin operating on January 1, 1998.

SECTION 2639t. 103.69 of the statutes is repealed.

SECTION 2649. 104.01 (7) of the statutes is amended to read:

104.01 **(7)** "Student learner" means a student who is receiving instruction in an accredited school and who is employed on a part−time basis, pursuant to a bona fide school training program. A "bona fide school training program" means a program authorized and approved by the department of ~~education~~ public instruction or the technical college system board, or other recognized educational body, and provided for part−time employment training which may be scheduled for a part of the workday or workweek, supplemented by and integrated with, a definitely organized plan of instruction and where proper scholastic credit is given by the accredited school.

SECTION 2664k. 106.05 of the statutes is repealed.

SECTION 2664p. 106.06 (3) of the statutes is amended to read:

106.06 **(3)** All gifts, grants, bequests and devises to the division for its use ~~for any of the purposes mentioned in s. 106.05~~ are valid and shall be used to carry out the purposes for which made and received.

SECTION 2665. 106.11 (2) (b) of the statutes is amended to read:

106.11 **(2)** (b) In carrying out its responsibilities under this section, the department shall coordinate services authorized under 29 USC 1533 and provided by the department of ~~education~~ public instruction and the technical college system board to provide programs to help eligible youth participants, at least 75% of whom shall be economically disadvantaged individuals. At least 50% of the federal moneys received under 29 USC 1602 (b) (1) shall be used for programs under this subsection.

SECTION 2668m. 106.115 (2) (em) of the statutes is created to read:

106.115 **(2)** (em) Review and recommend for approval by the state superintendent of public instruction a school−to−work program for children at risk, as defined in s. 118.153 (1) (a), provided by a nonprofit organization under s. 118.153 (3m).

SECTION 2671d. 106.12 of the statutes is amended to read:

106.12 (title) **Division of ~~workforce excellence~~ connecting education and work.** Based on the recommendations of the governor's council on workforce excellence, the division of ~~workforce excellence~~ connecting education and work shall plan, coordinate, administer and implement the department's workforce excellence initiatives, programs, policies and funding, the youth apprenticeship and school−to−work programs under s. 106.13 and such other employment and education programs as the governor may by executive order assign to the division. Notwithstanding any limitations placed on the use of state employment and education funds under this section or s. 106.13, 106.14, 106.15, 106.20 or 106.21 or under an executive order assigning an employment and education program to the division, the secretary may issue a general or special order waiving any of those limitations on finding that the waiver will promote the coordination of employment and education services.

SECTION 2675. 106.13 (2m) of the statutes is amended to read:

106.13 **(2m)** After reviewing the recommendations of the governor's council on workforce excellence under s. 106.115 (2) (e), the department shall approve occupations and maintain a list of approved occupations for the youth apprenticeship program and shall approve statewide skill standards for the school−to−work program. From the appropriation under s. 20.445 (1) (ev), the department shall ~~contract for the development of~~ develop curricula for youth apprenticeship programs for occupations approved under this subsection.

SECTION 2676. 106.13 (4) (b) of the statutes is amended to read:

106.13 **(4)** (b) From the appropriation under s. 20.445 (1) (em), the department may award ~~grants~~ a grant to a public ~~agencies and~~ agency or a nonprofit ~~organizations that are~~ organization, or to an employer that is responsible for the on−the−job training and supervision of a youth apprentice. A public agency or non−profit organization that receives a grant under this subsection shall use the funds awarded under the grant to award training grants to employers ~~who~~ that provide on−the−job training and supervision for youth apprentices. ~~A~~ Subject to par. (c), a training grant provided under this subsection may ~~not exceed 50% of the youth apprentice's hourly wage or $4 per hour, whichever is less. An employer may receive training grant funds for not more than 500 hours of work per youth apprentice in any school year, as defined in s.~~

~~115.001 (13)~~ be awarded to an employer for each youth apprentice who receives at least 180 hours of paid on–the–job training from the employer during a school year, as defined in s. 115.001 (13). The amount of a training grant may not exceed $500 per youth apprentice per school year. A training grant may not be awarded for any specific youth apprentice for more than 2 school years.

SECTION 2676d. 106.13 (4) (c) of the statutes is created to read:

106.13 **(4)** (c) Notwithstanding par. (b), the department may award a training grant under this subsection to an employer that provides less than 180 hours of paid on–the–job training for a youth apprentice during a school year, as defined in s. 115.001 (13), if the department determines that it would be beneficial for the youth apprentice to receive on–the–job training from more than one employer.

SECTION 2678. 106.14 (1) of the statutes, as affected by 1995 Wisconsin Act 27, section 3770m, is amended to read:

106.14 **(1)** The department may award grants to nonprofit corporations and public agencies for the provision of career counseling centers throughout the state. From the appropriation under s. 20.445 (1) (gd), the department shall allocate $600,000 in fiscal year 1997–98 and $300,000 in fiscal year 1998–99 for the payment of those grants.

SECTION 2679. 106.14 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

106.14 **(1)** The department may award grants to nonprofit corporations and public agencies for the provision of career counseling centers throughout the state.

SECTION 2680m. 106.215 (7) (c) of the statutes is created to read:

106.215 **(7)** (c) *Conservation fund appropriation.* Notwithstanding par. (a), moneys appropriated under s. 20.445 (6) (u) that are not derived from the forestation state tax under s. 70.58 may be utilized for any project approved by the board regardless of whether the project consists in whole or in part of conservation activities.

SECTION 2681m. 106.215 (10) (c) of the statutes is amended to read:

106.215 **(10)** (c) *Wages.* Corps members shall be paid at the prevailing federal minimum wage or the applicable state minimum wage established under ch. 104, whichever is greater. Assistant crew leaders, crew leaders and regional crew leaders may be paid more than the prevailing federal minimum wage or applicable state minimum wage ~~but may not be paid more than twice the hourly wage of a corps member. The board may waive the wage limitation of a regional crew leader~~. Corps enrollees shall receive their pay for the previous pay period on the last working day of the current pay period.

SECTION 2681r. 106.215 (10) (cm) of the statutes is repealed.

SECTION 2682. 106.215 (10) (d) of the statutes is amended to read:

106.215 **(10)** (d) *Unemployment compensation.* A corps ~~enrollee~~ member or assistant crew leader is not eligible for unemployment compensation benefits by virtue of his or her employment in the Wisconsin conservation corps program. To the extent permitted by federal law, the Wisconsin conservation corps program shall be considered a work–relief and working–training program for the purpose of determining eligibility for benefits under s. 108.02 (15) (g) 1.

SECTION 2683. 106.215 (10) (g) 1. of the statutes is amended to read:

106.215 **(10)** (g) 1. A person who is employed as a corps enrollee for a 6–month to one–year period of continuous employment, as determined by standards adopted by the board, and who receives a satisfactory employment evaluation upon termination of employment is entitled to an incentive payment of $500 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours or an education voucher that is worth at least double the monetary value of the prorated incentive payment, but not more than ~~$2,400~~ $2,600 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours. No corps enrollee may receive more than 2 incentive payments or 4 education vouchers.

SECTION 2684m. 106.26 (2) (d) of the statutes is amended to read:

106.26 **(2)** (d) "Project" means a project designed to improve access to jobs, including part–time jobs and Wisconsin works employment positions, as defined in s. 49.141 (1) (r), located in outlying suburban and sparsely populated and developed areas that are not adequately served by a mass transit system and to develop innovative transit service methods.

SECTION 2684n. 106.26 (3) (c) 2. of the statutes is amended to read:

106.26 **(3)** (c) 2. A grant may only be made to an eligible applicant that provides access to nontemporary employment or to Wisconsin works employment positions, as defined in s. 49.141 (1) (r).

SECTION 2685. 107.31 (5) (a) 1. of the statutes is amended to read:

107.31 **(5)** (a) 1. Four percent of all moneys distributed under s. 70.395 (1), 1995 stats., and under s. 70.395 (1e) beginning on May 22, 1980; and

SECTION 2686. 108.02 (15) (gm) of the statutes is created to read:

108.02 **(15)** (gm) "Employment" as applied to work for the Wisconsin conservation corps board, does not include service as a corps member or assistant crew leader.

SECTION 2688. 108.20 (2m) of the statutes is amended to read:

108.20 **(2m)** From the moneys not appropriated under s. 20.445 (1) (ge) and (gf) which are received by the administrative account as interest and penalties under this chapter, the department shall pay the benefits chargeable to the administrative account under s. 108.07 (5) and the interest payable to employers under s. 108.17 (3m) and may pay interest due on advances to the unemployment reserve fund from the federal unemployment account under title XII of the social security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit exception concerning a payment from the fund or any federal aid disallowance involving the unemployment compensation program, ~~or~~ may make payments to the fund if such action is necessary to obtain a lower interest rate or deferral of interest payments on advances from the federal unemployment account under title XII of the social security act or may provide career counseling center grants under s. 106.14, except that any interest earned pending disbursement of federal employment security grants under s. 20.445 (1) (n) shall be credited to the general fund. Any moneys reverting to the administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided in this subsection.

SECTION 2689. 108.20 (2m) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

108.20 **(2m)** From the moneys not appropriated under s. 20.445 (1) (ge) and (gf) which are received by the administrative account as interest and penalties under this chapter, the department shall pay the benefits chargeable to the administrative account under s. 108.07 (5) and the interest payable to employers under s. 108.17 (3m) and may pay interest due on advances to the unemployment reserve fund from the federal unemployment account under title XII of the social security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit exception concerning a payment from the fund or any federal aid disallowance involving the unemployment compensation program, or may make payments to the fund if such action is necessary to obtain a lower interest rate or deferral of interest payments on advances from the federal unemployment account under title XII of the social security act, except that any interest earned pending disbursement of federal employment security grants under s. 20.445 (1) (n) shall be credited to the general fund. Any moneys reverting to the administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided in this subsection.

SECTION 2690. 109.09 (2) of the statutes is amended to read:

109.09 **(2)** The department, 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. A lien under this subsection takes effect when the department or employe files a verified petition claiming 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 department or employe must file the petition within 2 years after the date that the wages were due. The petition 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 claims a lien on that property. The lien shall take precedence over all other debts, judgments, decrees, liens or mortgages against the employer, except a lien under s. 292.31 (8) (i)~~, 292.41 (6) (d)~~ 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 provisions are applicable. The lien ceases to exist if the department 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 2691. 110.065 of the statutes is amended to read:

110.065 Traffic academy. The secretary may establish and operate an academy for the training of state, county and local traffic patrol officers and other related personnel and make rules and regulations for the conduct thereof. The secretary shall establish and periodically revise a reasonable scale of tuition charges. The tuition for personnel other than employes of the department shall be paid by their respective departments or governing bodies and shall be deposited in the ~~transportation fund~~ appropriation account under s. 20.395 (5) (dh). The secretary shall consult appropriate state, county and local authorities concerning the establishment and operation of the academy and the determination of tuition charges. State agencies shall cooperate with the secretary in providing information and instructional services for the academy.

Vetoed In Part

SECTION 2691g. 110.20 (1) (ar) of the statutes is created to read:

110.20 **(1)** (ar) "Fleet vehicle" means a common motor carrier, as defined in s. 194.01 (1), contract motor carrier, as defined in s. 194.01 (2), or private motor carrier, as defined in s. 194.01 (11), registered in the name of a person whose name 3 or more such vehicles are registered.

SECTION 2691m. 110.20 (9) (k) of the statutes is created to read:

110.20 **(9)** (k) Prescribe a procedure for the testing of stationary fleet vehicles, using equipment brought to the fleet vehicles for testing purposes, to determine the vehicles' compliance with the emissions limitations promulgated under s. 285.30.

SECTION 2691mm. 110.99 of the statutes is repealed.

SECTION 2692tc. 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 289, is amended to read:

111.70 **(1)** (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employes in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employe to perform law enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m) ~~and (n)~~ and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employes under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the municipal employes in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employes by the constitutions of this state and of the United States and by this subchapter.

Vetoed In Part

SECTION 2692tce. 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 2692tcm. 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.

Vetoed In Part

SECTION 2692tcr. 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 com-

pensation 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

Vetoed In Part 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 2692tm. 111.70 (4) (n) of the statutes, as created by 1995 Wisconsin Act 289, is repealed.

SECTION 2692tp. 111.91 (2) (k) of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

111.91 **(2)** (k) Compliance with the health benefit plan requirements under ss. ~~632.745 (1) to (3) and (5) and~~ 632.746 (1) to (8) and (10), 632.747 and 632.748.

Vetoed In Part **SECTION 2693mm.** 111.91 (2) (Lm) of the statutes is created to read:

111.91 **(2)** (Lm) Any reduction in fringe benefits provided by a county having a population of 500,000 or more to assistant district attorneys, who are granted creditable service under s. 40.02 (17) (gm), to compensate for the reduction in the state's reimbursement of the employer's cost for fringe benefits under s. 978.12 (6) (b).

SECTION 2693p. 111.91 (2) (n) of the statutes is created to read:

111.91 **(2)** (n) The provision to employes of the health insurance coverage required under s. 632.895 (11) to (13).

SECTION 2694. Chapter 115 (title) of the statutes is amended to read:

CHAPTER 115
~~DEPARTMENT OF EDUCATION~~ STATE SUPERINTENDENT; GENERAL CLASSIFICATIONS AND DEFINITIONS; HANDICAPPED CHILDREN

SECTION 2695. 115.001 (1) of the statutes is amended to read:

115.001 **(1)** CHARTER SCHOOL. "Charter school" means a school under contract with a school board under s. 118.40 or with one of the entities under s. 118.40 (2r) (b), or a school established and operated by one of the entities under s. 118.40 (2r) (b).

SECTION 2695g. 115.001 (2) of the statutes is amended to read:

115.001 **(2)** DEPARTMENT. "Department" means the department of ~~education~~ public instruction.

SECTION 2695r. 115.001 (3r) of the statutes is amended to read:

115.001 **(3r)** PRIVATE SCHOOL. "Private school" means an institution with a private educational program that meets all of the criteria under s. 118.165 (1) or is determined to be a private school by the ~~department~~ state superintendent under s. 118.167.

SECTION 2696. 115.001 (13m) of the statutes is repealed.

SECTION 2697. Subchapter II (title) of chapter 115 [precedes 115.28] of the statutes is repealed and recreated to read:

CHAPTER 115
SUBCHAPTER II
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

SECTION 2697m. 115.28 (intro.) of the statutes is amended to read:

115.28 General duties. (intro.) The ~~department~~ state superintendent shall:

SECTION 2698. 115.28 (3m) of the statutes is repealed and recreated to read:

115.28 **(3m)** SUPERVISION OF COOPERATIVE EDUCATIONAL SERVICE AGENCIES; RULES. (a) Supervise and audit the receipts and expenditures of the cooperative educational service agencies, conduct program review of the agencies, approve agency evaluations, supervise boundary reorganization where necessary, advise the administrators of the agencies and provide assistance in organizing the agencies throughout the state.

(b) Promulgate rules establishing procedures for the reorganization of cooperative educational service agencies and boundary appeals.

(c) Every 3rd year as scheduled by the department, report to the appropriate standing committees of the legislature under s. 13.172 (3) on all cooperative educational service agency programs and services. The report shall include information on the efficiency and effectiveness of the programs and services.

SECTION 2698m. 115.28 (5) of the statutes is amended to read:

115.28 **(5)** APPEALS. Examine and determine all appeals which by law are made to the ~~department~~ state superintendent and prescribe rules of practice in respect thereto, not inconsistent with law.

SECTION 2699. 115.28 (7) (a) of the statutes is amended to read:

115.28 **(7)** (a) License all teachers for the public schools of the state, make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192 and 118.195, prescribe by rule standards and procedures for the approval of teacher preparatory programs leading to licensure, file in the ~~secretary's~~ state superintendent's office all papers relating to state teachers' licenses and register each such license.

SECTION 2699g. 115.28 (7) (b) of the statutes is amended to read:

115.28 **(7)** (b) Subject to the same rules and laws concerning qualifications of applicants and granting and revocation of licenses or certificates under par. (a), the ~~department~~ state superintendent shall grant certificates and licenses to teachers in private schools, except that teaching experience requirements for such certificates and licenses may be fulfilled by teaching experience in either public or private schools. An applicant is not eligible for a license or certificate unless the ~~department~~ state superintendent finds that the private school in which the applicant taught offered an adequate educational program during the period of the applicant's teaching therein. Private schools are not obligated to employ only licensed or certified teachers.

SECTION 2699r. 115.28 (7) (e) 2. of the statutes is amended to read:

115.28 **(7)** (e) 2. Promulgate rules establishing requirements for licensure as an alternative education program teacher and for the approval of teacher education programs leading to licensure as an alternative education program teacher. The rules shall encompass the teaching of multiple subjects or grade levels or both, as determined by the ~~department~~ state superintendent. The rules may require teacher education programs to grant credit towards licensure as an alternative education program teacher for relevant experience or demonstrated proficiency in relevant skills and knowledge.

SECTION 2700. 115.28 (7m) of the statutes is amended to read:

115.28 **(7m)** CERTIFICATION OF SCHOOL NURSES. Certify school nurses, make rules for the examination and certification of school nurses and file in the ~~secretary's~~ state superintendent's office all papers relating to school nurses certification and register each such certification.

SECTION 2701m. 115.28 (9) of the statutes is amended to read:

115.28 **(9)** FEDERAL AIDS. Accept federal funds for any function over which the ~~department~~ state superintendent has jurisdiction and act as the agent for the receipt and disbursement of such funds.

SECTION 2701p. 115.28 (17) of the statutes is amended to read:

115.28 **(17)** AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION. (a) Establish by rule~~, in coordination with the American Indian language and culture education board,~~ standards for certifying the abilities of teachers participating in American Indian language and culture education programs under subch. IV to read and write or speak an American Indian language and to possess knowledge of American Indian history and culture.

(b) Establish by rule~~, in coordination with the American Indian language and culture education board,~~ standards for certifying the abilities of home school coordinators, counselors and aides participating in American Indian language and culture education programs under subch. IV to possess knowledge of American Indian history and culture.

(c) Promulgate rules~~, in coordination with the American Indian language and culture education board,~~ which further define "American Indian" under s. 115.71 (2) (d).

(d) ~~In coordination with the American Indian language and culture education board, develop~~ Develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty−based, off−reservation rights to hunt, fish and gather.

SECTION 2703. 115.28 (20) (a) of the statutes is amended to read:

115.28 **(20)** (a) Advise the ~~secretary~~ state superintendent on funding criteria and evaluation plans for grant programs for the school district operating under ch. 119.

SECTION 2704. 115.28 (20) (b) of the statutes is amended to read:

115.28 **(20)** (b) Advise the ~~secretary~~ state superintendent on the programs that meet or do not meet the funding criteria.

SECTION 2705. 115.28 (20) (c) of the statutes is amended to read:

115.28 **(20)** (c) Assist the ~~secretary~~ state superintendent in monitoring the progress of funded programs.

SECTION 2706. 115.28 (20) (d) of the statutes is amended to read:

115.28 **(20)** (d) Recommend to the ~~secretary~~ state superintendent needed changes in statutes or rules relating to grant programs.

SECTION 2707. 115.28 (20) (e) of the statutes is amended to read:

115.28 **(20)** (e) Submit to the ~~secretary~~ state superintendent an annual report detailing the council's activities, accomplishments and projected needs.

SECTION 2707m. 115.28 (21) of the statutes is amended to read:

115.28 **(21)** YOUTH INITIATIVES PROGRAM. Administer grants to local community organizations for standardized assessment and programs for instruction in basic skills and work experience under the youth initiatives program. The ~~department~~ state superintendent may require a school board to provide matching funds at any

percentage. The match may be in the form of money or in−kind services or both. The ~~department~~ state superintendent shall establish, by rule, performance standards for the youth initiatives program and shall monitor performances by grantees. This subsection does not apply after June 30, 1996.

SECTION 2708e. 115.28 (27) of the statutes is amended to read:

115.28 **(27)** WISCONSIN GEOGRAPHY ALLIANCE. Annually allocate the amount in the appropriation under s. 20.255 (3) (ec) to the Wisconsin geography alliance to train teachers and develop curricula for primary and secondary education in geography. ~~This subsection does not apply after June 30, 1996.~~

SECTION 2708m. 115.28 (30) (c) of the statutes is repealed.

SECTION 2708p. 115.28 (35) of the statutes is amended to read:

115.28 **(35)** GRANTS FOR COLLABORATIVE PROJECTS. From the appropriation under s. 20.255 (2) (ef), award a $300,000 grant to a rural school district, a suburban school district and an urban school district, other than the school district operating under ch. 119, for projects, conducted in collaboration with the county social services department or the county human services department, that integrate social services and school responsibilities as they relate to pupils and their parents. One−third of the total grant amount shall be paid in each of 3 consecutive school years. The ~~department~~ state superintendent shall give preference in awarding grants to projects that provide for the delivery of services in a single location. No grant may be awarded under this subsection after June 30, 1996.

SECTION 2709. 115.28 (38) of the statutes is repealed.

SECTION 2709m. 115.28 (39) of the statutes is created to read:

115.28 **(39)** ALCOHOL AND OTHER DRUG ABUSE REPORT. By July 1, 1998, and biennially by July 1 thereafter, evaluate the effectiveness of the programs under ss. 115.36, 115.361 and 115.362 and submit a report to the legislature under s. 13.172 (2). To satisfy this reporting requirement as it pertains to s. 115.361, the department may incorporate into the report under this subsection the report required under s. 115.361 (7) (c).

SECTION 2709r. 115.28 (40) of the statutes is created to read:

115.28 **(40)** MILWAUKEE PUBLIC MUSEUM. Annually distribute the amount appropriated under s. 20.255 (3) (eg) to the Milwaukee Public Museum to develop curricula and exhibits relating to African American history if the Milwaukee Public Museum provides an equal amount of money for that purpose.

SECTION 2709t. 115.28 (41) of the statutes is created to read:

115.28 **(41)** ELKS AND EASTER SEALS CENTER FOR RESPITE AND RECREATION. Annually distribute the amount appropriated under s. 20.255 (3) (d) to the Elks and Easter Seals Center for Respite and Recreation.

SECTION 2710. 115.29 (intro.) of the statutes is amended to read:

115.29 General powers. (intro.) The ~~secretary~~ state superintendent may:

SECTION 2711. 115.29 (1) of the statutes is amended to read:

115.29 **(1)** DESIGNATE REPRESENTATIVE. Designate the deputy ~~secretary~~ state superintendent or another employe of the department as the ~~secretary's~~ state superintendent's representative on any body on which the ~~secretary~~ state superintendent is required to serve, except the board of regents of the university of Wisconsin system.

SECTION 2712. 115.29 (2) of the statutes is amended to read:

115.29 **(2)** EDUCATIONAL MEETINGS. Attend such educational meetings and make such investigations as the ~~secretary~~ state superintendent deems important and as will acquaint the ~~secretary~~ state superintendent with the different systems of public schools in the United States.

SECTION 2713. 115.29 (4) of the statutes is amended to read:

115.29 **(4)** HIGH SCHOOL GRADUATION EQUIVALENCY. Grant declarations of equivalency of high school graduation to persons, if in the ~~secretary's~~ state superintendent's judgment they have presented satisfactory evidence of having completed a recognized high school course of study or its equivalent. The ~~secretary~~ state superintendent may establish the standards by which high school graduation equivalency is determined. Such standards may consist of evidence of high school courses completed in high schools recognized by the proper authorities as accredited, results of examinations given by or at the request of the ~~secretary~~ state superintendent, successful completion of correspondence study courses given by acceptable correspondence study schools, a general educational development certificate of high school equivalency issued by an agency of the U.S. government, course credits received in schools meeting the approval of the ~~secretary~~ state superintendent or other standards established by the ~~secretary~~ state superintendent.

SECTION 2713m. 115.30 (4) (intro.) of the statutes is amended to read:

115.30 **(4)** (intro.) In the biennial report under s. 15.04 (1) (d), the ~~department~~ state superintendent also shall report:

SECTION 2714. 115.30 (4) (a) of the statutes is amended to read:

115.30 **(4)** (a) The condition of all schools under the ~~department's~~ state superintendent's supervision.

SECTION 2714m. 115.30 (4) (b) of the statutes is amended to read:

115.30 **(4)** (b) An abstract of the public school reports made to the ~~department~~ state superintendent.

SECTION 2715. 115.30 (4) (c) of the statutes is amended to read:

115.30 **(4)** (c) The ~~secretary's~~ state superintendent's visits to educational institutions.

SECTION 2716. 115.30 (4) (f) of the statutes is amended to read:

115.30 **(4)** (f) A summary of the receipts and disbursements of all schools under the ~~department's~~ state superintendent's jurisdiction.

SECTION 2716m. 115.30 (4) (g) of the statutes is amended to read:

115.30 **(4)** (g) Such other matters as the ~~department~~ state superintendent deems appropriate.

SECTION 2717b. 115.31 (2) of the statutes is amended to read:

115.31 **(2)** Except as provided under sub. (2g), after written notice of the charges and of an opportunity for defense, any license granted by the ~~department~~ state superintendent may be revoked by the ~~department~~ state superintendent for incompetency or immoral conduct on the part of the licensee.

SECTION 2717d. 115.31 (2g) of the statutes is amended to read:

115.31 **(2g)** Notwithstanding subch. II of ch. 111, the ~~department~~ state superintendent shall revoke a license granted by the ~~department~~ state superintendent, without a hearing, if the licensee is convicted of any Class A, B, C or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a violation that occurs on or after September 12, 1991.

SECTION 2717e. 115.31 (2r) of the statutes is amended to read:

115.31 **(2r)** (a) Except as provided under par. (b), the ~~department~~ state superintendent may not reinstate a license revoked under sub. (2g) for 6 years following the date of the conviction, and may reinstate a license revoked under sub. (2g) only if the licensee establishes by clear and convincing evidence that he or she is entitled to reinstatement.

(b) The ~~department~~ state superintendent shall reinstate a license revoked under sub. (2g), prior to the expiration of the 6–year period following the conviction, if he or she receives from the court in which the conviction occurred a certificate stating that the conviction has been reversed, set aside or vacated.

SECTION 2717h. 115.31 (3) (a) (intro.) of the statutes is amended to read:

115.31 **(3)** (a) (intro.) Report to the ~~department~~ state superintendent the name of any person employed by the educational agency and licensed by the ~~department~~ state superintendent if any of the following occurs:

SECTION 2717L. 115.31 (3) (b) of the statutes is amended to read:

115.31 **(3)** (b) Report to the ~~department~~ state superintendent the name of any person employed by the educational agency who is not licensed by the ~~department~~ state superintendent if the person is convicted of a crime described under par. (a) 1. or of 4th degree sexual assault under s. 940.225 (3m).

SECTION 2717p. 115.31 (3) (c) of the statutes is amended to read:

115.31 **(3)** (c) Send a copy of any report that is made to the ~~department~~ state superintendent under par. (a) or (b) to the person who is the subject of the report.

SECTION 2717r. 115.31 (4) of the statutes is amended to read:

115.31 **(4)** If an administrator requests a person who is employed by an educational agency and licensed by the ~~department~~ state superintendent to resign, and the administrator has a reasonable suspicion that the person engaged in immoral conduct, the administrator shall inform the person of the duty to report to the ~~department~~ state superintendent under sub. (3) (a) 4.

SECTION 2717u. 115.31 (5) (b) of the statutes is amended to read:

115.31 **(5)** (b) Any administrator who in good faith reports or fails to report information under sub. (3), and any other person who reports information under sub. (3) to the ~~department~~ state superintendent, is immune from civil liability for such acts or omissions.

SECTION 2717y. 115.31 (6) (a) of the statutes is amended to read:

115.31 **(6)** (a) Upon receiving a report under sub. (3) (a) 2. or (b) indicating that a person was convicted of a crime, the ~~department~~ state superintendent shall verify the conviction.

SECTION 2717ym. 115.31 (6) (b) of the statutes is amended to read:

115.31 **(6)** (b) Upon receiving a report under sub. (3) relating to a person licensed by the ~~department~~ state superintendent, the ~~department~~ state superintendent shall investigate to determine whether to initiate revocation proceedings. During the investigation, the ~~department~~ state superintendent shall keep confidential all information pertaining to the investigation except the fact that an investigation is being conducted and the date of the revocation hearing.

SECTION 2720m. 115.31 (8) of the statutes is amended to read:

115.31 **(8)** The ~~department~~ state superintendent shall promulgate rules to implement and administer this section.

SECTION 2721c. 115.33 (2) of the statutes is amended to read:

115.33 **(2)** (a) The ~~department~~ state superintendent may request the department of commerce to inspect a public school if any of the following occurs:

1. Any elector in the school district complains in writing to the ~~department~~ state superintendent that the school is inadequate or is otherwise unfit for school purposes.

2. The school board of the school district in which the school is located requests the ~~department~~ state superintendent to do so. The school board may also request an opinion as to whether the school is adequate for a proposed use.

3. The ~~department~~ state superintendent determines there is significant evidence that the school is not in compliance.

(b) The department of commerce shall inspect the school within 30 days after receiving a request from the ~~department~~ state superintendent under par. (a).

SECTION 2721g. 115.33 (3) (a) of the statutes is amended to read:

115.33 **(3)** (a) If the ~~department~~ state superintendent determines that a school is not in compliance, and the department of commerce, based on its inspection of the school, concurs in the determination, the ~~department~~ state superintendent may order the school board to repair, improve, remodel or close the school by a stated date. An order issued under this paragraph constitutes a preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

SECTION 2721L. 115.33 (3) (b) 1. of the statutes is amended to read:

115.33 **(3)** (b) 1. If the ~~department~~ state superintendent determines that a school is not in compliance and is not worth repairing, and the department of commerce, based on its inspection of the school, concurs in the determination, the ~~department~~ state superintendent may order the school board to develop a plan that describes how the school board will achieve compliance with the standard under s. 121.02 (1) (i). The plan shall specify the time within which compliance with the standard under s. 121.02 (1) (i) shall be achieved. The ~~department~~ state superintendent shall hold a public hearing on the plan in the school district and may, as a result of the hearing, recommend changes to the plan. The ~~department~~ state superintendent may withhold up to 25% of the school district's state aid if the school district fails to achieve compliance with the standard under s. 121.02 (1) (i) within the period specified in the plan.

SECTION 2721p. 115.34 (2) of the statutes is amended to read:

115.34 **(2)** The ~~department~~ state superintendent shall make payments to school districts and to private schools for school lunches served to children in the prior year as determined by the ~~department~~ state superintendent from the appropriation under s. 20.255 (2) (cn). Payments to school districts and to private schools shall equal the state's matching obligation under 42 USC 1751 et seq. Payments in the current year shall be determined by prorating the state's matching obligation based on the number of school lunches served to children in the prior year. In this subsection, "private school" means any school defined in s. 115.001 (3r) which complies with the requirements of 42 USC 2000d.

SECTION 2721t. 115.341 (1) (intro.) of the statutes is amended to read:

115.341 **(1)** (intro.) A school board or governing body of a private school may apply to the ~~department~~ state superintendent for a grant to assist in establishing a school breakfast program. Beginning in the 1994−95 school year, the ~~department~~ state superintendent shall award grants from the appropriation under s. 20.255 (2) (cm). The ~~department~~ state superintendent may award a grant of up to $10,000 to a school board or governing body of a private school under this section only if all of the following apply:

SECTION 2721x. 115.341 (4) of the statutes is amended to read:

115.341 **(4)** The ~~department~~ state superintendent shall promulgate rules to implement and administer this section.

SECTION 2722. 115.345 (1) of the statutes is amended to read:

115.345 **(1)** Any school district approved by the ~~department~~ state superintendent may establish a system to provide the opportunity for authorized elderly persons to participate in its school lunch program. If a school board 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 ~~department~~ state superintendent. Upon petition of 5% of the voters in the school district who voted in the last school board election, the school board shall formulate a food services plan, provided that hot food service facilities are available to school children in the district.

SECTION 2723. 115.345 (2) of the statutes is amended to read:

115.345 **(2)** Each plan shall provide at least one meal per day for each day that school is in regular session. The school board may provide additional service at other times in its discretion, if the number of eligible persons in the district or adjacent districts is of sufficient size, in the opinion of the ~~department~~ state superintendent, so that unwarranted production expense is not incurred.

SECTION 2724. 115.345 (3) of the statutes is amended to read:

115.345 **(3)** Any school board which operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every high school and junior high school in the district which provides hot food service to its students. Upon application, the ~~department~~ state superintendent may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood. The school board may, in addition, provide service at elementary schools if desired.

SECTION 2725. 115.345 (4) of the statutes is amended to read:

115.345 **(4)** 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 ~~department~~ state superintendent may require consolidation of programs between districts and between schools if such a procedure will be convenient and economical.

SECTION 2726. 115.345 (6) of the statutes is amended to read:

115.345 **(6)** All meals served must meet the approval of the ~~department which~~ state superintendent who shall establish minimum nutritional standards not inconsistent with federal standards and reasonable expenditure limits such that the average cost per meal is not excessive. The ~~department~~ state superintendent shall give special consideration to dietary problems of elderly persons in formulating a nutritional plan. However, no school board shall be required to provide special foods for individual persons with allergies or medical disorders.

SECTION 2727. 115.345 (7) of the statutes is amended to read:

115.345 **(7)** Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the department. The ~~department~~ state superintendent may issue identification cards to such persons if necessary.

SECTION 2728. 115.345 (7m) of the statutes is amended to read:

115.345 **(7m)** A private school may establish a food services plan for elderly persons. If the plan meets all of the requirements of this section and is approved by the ~~department~~ state superintendent, the private school is eligible for reimbursement in the same manner as school districts under sub. (5).

SECTION 2729. 115.345 (8) of the statutes is amended to read:

115.345 **(8)** The ~~department~~ state superintendent shall adopt reasonable rules necessary to implement this section.

SECTION 2729e. 115.347 (3) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

115.347 **(3)** The ~~department~~ state superintendent shall assist school boards in developing a method for submitting enrollment data to the department of workforce development under sub. (1).

SECTION 2729m. 115.35 (2) (intro.) of the statutes is amended to read:

115.35 **(2)** (intro.) In carrying out this section, the ~~department~~ state superintendent may, without limitation because of enumeration:

SECTION 2729s. 115.35 (5) (intro.) of the statutes is amended to read:

115.35 **(5)** (intro.) In each report under s. 15.04 (1) (d), the ~~department~~ state superintendent shall include information:

SECTION 2730. 115.35 (5) (c) of the statutes is amended to read:

115.35 **(5)** (c) As to the ~~department's~~ state superintendent's recommendations to improve such programs and cooperation.

SECTION 2733m. 115.361 (2) (b) and (c) of the statutes are amended to read:

115.361 **(2)** (b) A school board contracting under par. (am) may apply to the ~~department~~ state superintendent for a grant to help fund the costs of the program. The ~~department~~ state superintendent shall review the applications and determine which of the applicants will receive grants. A grant shall fund 100% of the cost of the classroom materials for the program and 80% of the costs of the contract, except that no grant may exceed $50,000. Grants shall be awarded from the appropriation under s. 20.255 (2) (dm).

(c) The ~~department~~ state superintendent shall promulgate rules to implement and administer this subsection, including rules establishing criteria for selecting grant recipients under par. (b).

SECTION 2734m. 115.361 (3) (a) and (b) of the statutes are amended to read:

115.361 **(3)** (a) A school board may apply to the ~~department~~ state superintendent for a grant to fund a families and schools together program designed to identify pupils who are 6 to 11 years of age who have a high risk of dropping out of school, experiencing alcohol and other drug abuse problems or being adjudged delinquent. The program shall provide prevention and early intervention activities involving joint school, family and community participation, including mental health and alcohol and other drug abuse program specialists.

(b) Beginning in the 1990–91 school year and annually thereafter, the ~~department~~ state superintendent may award grants of up to $50,000 to school districts with small and medium memberships and grants of up to $70,000 to school districts with large memberships. Grants shall be awarded from the appropriation under s. 20.255 (2) (dm). In this paragraph, "membership" has the meaning given in s. 121.004 (5).

SECTION 2735m. 115.361 (4) of the statutes is amended to read:

115.361 **(4)** GRANTS FOR PUPIL ALCOHOL AND OTHER DRUG ABUSE PROGRAM PROJECTS. (a) The ~~department~~ state superintendent may award grants of up to $1,000 to a participating school district for alcohol and other drug abuse education, prevention or intervention programs designed by the pupils enrolled in the school district. The school district shall use the funds for the costs of the projects.

(b) Grants under this subsection shall be awarded from the appropriation under s. 20.255 (2) (dm). To the extent possible, the ~~department~~ state superintendent shall ensure that grants are equally distributed on a statewide basis.

SECTION 2736m. 115.361 (5) (a), (b) (intro.) and 3. (intro.) and (c) (intro.) and 3. of the statutes are amended to read:

115.361 **(5)** (a) A school board, with the cooperation and support of a community−based organization, may apply to the ~~department~~ state superintendent for a grant of up to $30,000 to fund an after−school or summer school program for pupils in grades 1 to 9.

(b) (intro.) The ~~department~~ state superintendent shall award grants under this subsection from the appropriation under s. 20.255 (2) (dm). The amount of a grant may not exceed 80% of the cost of the program, including in−kind contributions. The ~~department~~ state superintendent may award a grant to a school board under this subsection only if all of the following apply:

3. (intro.) The program includes a school tutoring program operated by the school board or the community−based organization for pupils in grades 1 to 9 who are one or more years behind their age group in reading, writing or mathematics or who exhibit other significant academic deficiencies, including poor school attendance or school work completion problems. The ~~department~~ state superintendent may consider whether any of the following applies to the program in determining whether to award a grant:

(c) (intro.) The ~~department~~ state superintendent shall:

3. Annually by July 1, evaluate the programs funded under this subsection and submit a report describing ~~its~~ his or her conclusions and recommendations to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 2738m. 115.361 (7) (a) (intro.), (b) and (c) of the statutes are amended to read:

115.361 **(7)** (a) (intro.) Of the amount in the appropriation under s. 20.255 (2) (dm), annually the ~~department~~ state superintendent shall allocate the following amounts for the following programs:

(b) Annually, the ~~department~~ state superintendent shall determine whether the amount allocated for each program under par. (a) will be fully utilized based upon the applications received that meet the specified criteria for each program. If an amount will not be fully utilized, the ~~department~~ state superintendent may transfer the unutilized funds to programs for which qualified applications exceed the amounts allocated. The transfer shall be made by November 1 of each school year, except that in any school year in which a biennial budget act takes effect, the transfer shall be made by November 1 or within 120 days after the effective date of the biennial budget act, whichever is later. Annually, the ~~department~~ state superintendent shall submit a report to the joint committee on finance describing all transfers under this paragraph.

(c) The ~~department~~ state superintendent shall collect and analyze information about the programs funded under this section, evaluate their effectiveness and submit a report of the evaluation to the appropriate standing committees of the legislature under s. 13.172 (3) and to the governor by July 1, 1994, and biennially by July 1 thereafter.

SECTION 2741m. 115.3615 of the statutes is amended to read:

115.3615 Head start supplement. From the appropriation under s. 20.255 (2) (eh), the ~~department~~ state superintendent shall distribute funds to agencies determined by the ~~department~~ state superintendent to be eligible for designation as head start agencies under 42 USC 9836 to provide comprehensive health, educational, nutritional, social and other services to economically disadvantaged children and their families. The ~~department~~ state superintendent shall distribute the funds in a manner consistent with 42 USC 9831 to 9852 except that there is no matching fund requirement. The ~~department~~ state superintendent shall give preference in funding under this section to an agency that is receiving federal funds under 42 USC 9831 to 9852. Funds distributed under this section may be used to match available federal funds under 42 USC 9831 to 9852 only if the funds are used to secure additional federal funds for the purposes under this section.

SECTION 2745ag. 115.362 (4) (a) of the statutes is amended to read:

115.362 **(4)** (a) Each school board receiving a grant under sub. (2) (a) 2. shall ensure that its program meets standards established by the ~~department~~ state superintendent by rule. The school board may establish the program individually or on a cooperative basis with one or more school districts, cooperative educational service agencies or county handicapped children's education boards.

SECTION 2745ar. 115.362 (5) of the statutes is amended to read:

115.362 **(5)** The ~~department~~ state superintendent shall promulgate rules establishing criteria for the awarding of grants under sub. (2) (a). The rules shall require that the ~~department~~ state superintendent give priority in awarding grants to school districts in which no pupil assistance program is available.

SECTION 2745b. 115.37 of the statutes is amended to read:

115.37 Council on the education of the blind. The council on the education of the blind shall make recommendations as to procedures and policies affecting any problem of the visually handicapped before the department. The council shall advise on such services, activities, programs, investigations and researches as in its judgment will contribute to the welfare of visually handicapped persons. The ~~department~~ state superintendent

shall seek the advice of and consult with the council on problems and policy changes affecting the visually handicapped in the department's jurisdiction, and the council may initiate consultations with the department. Notwithstanding any provision to the contrary, the council shall have access to files, records and statistics kept in the department which relate to matters concerning the visually handicapped.

SECTION 2745g. 115.375 of the statutes is renumbered 36.54, and 36.54 (1) and (2) (b), (c) and (d), as renumbered, are amended to read:

36.54 **(1)** (a) The environmental education board shall consult with the ~~department~~ state superintendent of public instruction in identifying needs and establishing priorities for environmental education in public schools, including needs for teacher training, curriculum development and the development and dissemination of curriculum materials. The ~~department~~ state superintendent of public instruction shall seek the advice of the environmental education board in carrying out these activities.

(b) The environmental education board shall consult with other state agencies, including the university of Wisconsin−extension, conservation and environmental groups, youth organizations and nature and environmental centers in identifying needs and establishing priorities for environmental education.

(2) (b) From the appropriations under s. ~~20.255 (1) (jr) and (2) (ee) and (ra)~~ 20.285 (1) (ee), (j), (r) and (rc), the environmental education board shall award grants to corporations and public agencies for the development, dissemination and presentation of environmental education programs. Programs shall be funded on an 18−month basis. The environmental education board may not award a grant unless the grant recipient matches at least 25% of the amount of the grant. Private funds and in−kind contributions may be applied to meet the matching requirement. Grants under this paragraph may not be used to replace funding available from other sources.

(c) The environmental education board shall promulgate rules establishing the criteria and procedures for the awarding of grants for programs and projects under par. (b). The environmental education board shall use the priorities established under sub. (1) for awarding grants if the amount in the appropriations under s. ~~20.255 (1) (jr) and (2) (ee) and (ra)~~ 20.285 (1) (ee), (j), (r) and (rc) in any fiscal year is insufficient to fund all applications under this subsection. ~~The department shall assist the board in administering this section.~~

(d) The environmental education board shall seek private funds for the purpose of the grants under this subsection.

SECTION 2745k. 115.38 (1) (intro.) of the statutes is amended to read:

115.38 **(1)** (intro.) The ~~department~~ state superintendent shall develop a school and school district performance report for use by school districts under sub. (2). The report shall include all of the following by school and by school district:

SECTION 2745n. 115.38 (1) (c) of the statutes is amended to read:

115.38 **(1)** (c) Staffing and financial data information, as determined by the ~~department~~ state superintendent, not to exceed 10 items. The ~~department~~ state superintendent may not request a school board to provide information solely for the purpose of including the information in the report under this paragraph.

SECTION 2745p. 115.38 (1) (d) of the statutes is created to read:

115.38 **(1)** (d) The number and percentage of resident pupils attending a course in a nonresident school district under s. 118.52, the number of nonresident pupils attending a course in the school district under s. 118.52, and the courses taken by those pupils.

SECTION 2745pm. 115.38 (1) (e) of the statutes is created to read:

115.38 **(1)** (e) The method of reading instruction used in the school district and the textbook series used to teach reading in the school district.

SECTION 2745s. 115.38 (2) of the statutes is amended to read:

115.38 **(2)** By January 1, 1993, and annually thereafter by January 1, each school board shall distribute to the parent or guardian of each pupil enrolled in the school district, including pupils enrolled in charter schools located in the school district, or give to each pupil to bring home to his or her parent or guardian, a school and school district performance report that includes the information specified by the ~~department~~ state superintendent under sub. (1).

SECTION 2745w. 115.38 (3) of the statutes is amended to read:

115.38 **(3)** Annually, the ~~department~~ state superintendent shall publish and distribute to the legislature under s. 13.172 (2) a summary of the reports under sub. (2).

SECTION 2745y. 115.38 (4) of the statutes is amended to read:

115.38 **(4)** Beginning in the 1993−94 school year and annually thereafter, the ~~department~~ state superintendent shall identify those school districts that are low in performance and those schools in which there are pupils enrolled who do not meet the state minimum performance standards on the examinations administered under s. 118.30. The ~~department~~ state superintendent shall make recommendations regarding how the programs and operations of the identified school districts and schools may be improved and periodically assess school district implementation of the recommendations.

SECTION 2746m. 115.40 (2) of the statutes is amended to read:

115.40 **(2)** (a) A school board, in conjunction with one or more public agencies or private, nonprofit, community−based organizations, may submit an application

to the ~~department~~ state superintendent for a 3−year grant to develop and implement a collaborative service program for preschool or elementary−grade pupils, or both, and their families.

(b) A public agency or a private, nonprofit, community−based organization, in conjunction with a school board, may submit an application to the ~~department~~ state superintendent for a 3−year grant to develop and implement a collaborative service program for preschool or elementary−grade pupils, or both, and their families.

SECTION 2747. 115.40 (4) (a) of the statutes is amended to read:

115.40 **(4)** (a) The ~~secretary~~ state superintendent and the secretary of health and social services shall provide technical assistance to and consult with applicants regarding the preparation of their applications.

SECTION 2748. 115.40 (4) (b) of the statutes is amended to read:

115.40 **(4)** (b) The ~~secretary~~ state superintendent and the secretary of health and social services shall review the applications and jointly determine the grant recipients and the amount of each grant. A grant may not be awarded to a school board, agency or organization unless the percentage of the participating school district's membership in the previous school year for whom aid to families with dependent children was being received under s. 49.19 was greater than 5%. In this paragraph, "membership" has the meaning given in s. 121.004 (5).

SECTION 2749. 115.40 (4) (c) (intro.) of the statutes is amended to read:

115.40 **(4)** (c) (intro.) The ~~secretary~~ state superintendent and the secretary of health and social services shall give preference in awarding grants under this section to all of the following:

SECTION 2749g. 115.40 (6) of the statutes is amended to read:

115.40 **(6)** The ~~department~~ state superintendent shall include in the department's biennial report under s. 15.04 (1) (d) information on the programs funded under this section.

SECTION 2749k. 115.41 of the statutes is amended to read:

115.41 Teacher improvement program. The ~~department~~ state superintendent shall operate a program to provide prospective teachers with one−semester internships under the supervision of licensed teachers. The program may also fund in−service activities and professional staff development research projects. The ~~department~~ state superintendent shall charge school districts fees for participation in the program. Program costs shall be paid from the appropriation under s. 20.255 (1) (hg).

SECTION 2749m. 115.43 (2) (intro.) of the statutes is amended to read:

115.43 **(2)** SCHOLARSHIPS. (intro.) The ~~department~~ state superintendent shall:

SECTION 2749p. 115.43 (2) (b) of the statutes is amended to read:

115.43 **(2)** (b) From the appropriation under s. 20.255 (3) (fz), award precollege scholarships, on a competitive basis, to minority group pupils who enroll in a technical college or in college or university classes or programs designed to improve academic skills that are essential for success in postsecondary school education. The ~~department~~ state superintendent shall give preference to minority group pupils who are inadequately represented in the technical college and university of Wisconsin systems.

SECTION 2749r. 115.44 of the statutes is amended to read:

115.44 Early identification program. (1) The ~~department~~ state superintendent shall establish an early identification program as part of the Wisconsin educational opportunity program under s. 115.28 (23). Early identification program costs shall be paid from the appropriation under s. 20.255 (1) (a). The early identification program shall assist minority and economically disadvantaged pupils in grades 8 to 12 in pursuing higher educational opportunities by providing direction toward attainment of career goals.

(2) Biennially, the ~~department~~ state superintendent shall provide the governor and any appropriate standing committee of the legislature information on the performance of the early identification program and the postsecondary educational progress of the pupils who were enrolled in the program. The information shall include the number and ethnic backgrounds of the pupils who were enrolled in the program and college acceptance, retention and graduation rates of the pupils.

SECTION 2750. 115.45 (2) and (3) of the statutes are amended to read:

115.45 **(2)** (a) Annually by September 15, the school board, on its own initiative or upon receipt of an application from the principal of an elementary school located in the school district, may apply to the ~~department~~ state superintendent for a grant under this section. The application shall include a plan specifying how the school board intends to meet the requirements under sub. (4), explaining the school board's selection process for individual schools and private service providers and identifying the schools in the school district, or the private service providers certified by the school board as providing the services under sub. (4) (b), to which the grant funds will be applied.

(b) The council for Milwaukee public schools grant programs under s. 115.28 (20) shall review the applications submitted under par. (a) and make recommendations to the ~~secretary~~ state superintendent regarding the schools to be selected and amounts of the grants to be awarded. The council's recommendations shall be based upon and include information regarding the degree to

which the proposed projects will effectively meet the requirements under sub. (4).

(3) The ~~department~~ state superintendent shall determine the amount of the grant, if any, to be awarded a school board submitting an application under sub. (2) (a). Amounts awarded shall be paid from the appropriation under s. 20.255 (2) (do). Amounts awarded shall be used by the school board to supplement existing elementary school programs and not to supplant or replace funds otherwise available for such programs.

SECTION 2750d. 115.45 (3m) (b) (intro.) of the statutes is amended to read:

115.45 **(3m)** (b) (intro.) The ~~department~~ state superintendent shall give priority in awarding grants under this section to all of the following programs:

SECTION 2750g. 115.45 (4) (h) (intro.) of the statutes is amended to read:

115.45 **(4)** (h) (intro.) Annually, each identified school or private service provider shall report to the ~~department~~ state superintendent all of the following:

SECTION 2750r. 115.45 (6) (intro.) of the statutes is amended to read:

115.45 **(6)** (intro.) The ~~department~~ state superintendent shall:

SECTION 2751. 115.45 (6) (b) of the statutes is amended to read:

115.45 **(6)** (b) By March 1, 1986, and annually thereafter, submit to the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a budget report detailing the grants ~~the department~~ he or she intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4) (b) and include a description of the guidelines used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

SECTION 2751g. 115.45 (9) (b) of the statutes is amended to read:

115.45 **(9)** (b) The ~~department~~ state superintendent may authorize a school district to use up to 8% of a grant to pay the costs of transporting pupils under par. (a).

SECTION 2751r. 115.45 (10) of the statutes is amended to read:

115.45 **(10)** Grants under this section shall be awarded for a 3–year period. The ~~department~~ state superintendent and the grant recipient shall jointly establish performance objectives for each proposed project and criteria for evaluating whether the project meets the objectives. At the end of the 3–year period, the ~~department~~ state superintendent shall determine whether the project met its objectives. A grant may not be renewed unless the ~~department~~ state superintendent determines that the project met its objectives.

SECTION 2752. 115.47 of the statutes is amended to read:

115.47 Designated state official under agreement. The "designated state official" for this state under s. 115.46 shall be the ~~secretary~~ state superintendent.

SECTION 2753. 115.48 of the statutes is repealed and recreated to read:

115.48 Contracts under agreement. True copies of all contracts made on behalf of this state pursuant to the agreement shall be kept on file in the department and in the office of the secretary of state. The department shall publish all such contracts in convenient form.

SECTION 2753b. 115.51 (1) of the statutes is amended to read:

115.51 **(1)** "Blind" includes persons visually handicapped, as determined by competent medical authority with the approval of the ~~department~~ state superintendent.

SECTION 2753c. 115.52 (2) of the statutes is amended to read:

115.52 **(2)** The ~~department~~ state superintendent shall maintain and govern the school for the visually handicapped and the school for the deaf. The ~~department~~ state superintendent may fix the period of the school year at the schools at not less than 38 weeks, prescribe the school terms and confer diplomas upon meritorious pupils who have completed the prescribed curricula.

SECTION 2753d. 115.52 (3) of the statutes is amended to read:

115.52 **(3)** All the blind and the deaf residents of this state 6 to 20 years old, and for the duration of a school term all the blind or deaf residents of this state who become 21 years old during that school term, who are capable of receiving instruction shall be received and taught in the schools free of charge. Like nonresident pupils also may be received upon payment in advance of the fees fixed by the ~~department~~ state superintendent at an amount not less than $75 per month, but no nonresident shall be received to the exclusion of a resident pupil. The ~~department~~ state superintendent also may admit pupils who are 21 years of age or older prior to the beginning of a school term upon the payment of fees fixed by the superintendent and upon the recommendation of the secretary of health and family services, the director of the technical college system or the superintendent of the school to which the pupil will be assigned. All pupils shall equally and freely enjoy the benefits and privileges of the schools and have the use of the library and books of instruction and receive board, lodging and laundry, without discrimination. The schools may provide transportation for resident pupils.

SECTION 2753f. 115.52 (5) of the statutes is amended to read:

115.52 **(5)** The ~~department~~ state superintendent may grant approval for the maintenance of a summer school at the school for the deaf whenever it will be to the advan-

tage of deaf persons and may grant approval for the maintenance of a summer school at the school for the visually handicapped whenever it will be to the advantage of visually handicapped minors. There shall be a summer school each year at the school for the visually handicapped for visually handicapped adults.

SECTION 2753h. 115.52 (6) of the statutes is amended to read:

115.52 **(6)** The ~~department~~ state superintendent may make charges for meals, living quarters, laundry and other services furnished to employes of the schools and their families. The ~~department~~ state superintendent also may make charges for services furnished to visitors at the schools and participants in training programs and institutes.

SECTION 2753j. 115.53 (intro.) of the statutes is amended to read:

115.53 (title) **~~Department~~ State superintendent; powers.** (intro.) The ~~department~~ state superintendent may:

SECTION 2753L. 115.53 (4) (b) of the statutes is amended to read:

115.53 **(4)** (b) The net cost of hospital treatment shall be at the rate established under s. 233.40 (1) and shall be chargeable to the appropriation for operating the patient's school. The ~~department~~ state superintendent likewise may authorize payment for the expense of transporting patients to and from the hospital. The ~~department~~ state superintendent shall make payments for the treatment to the University of Wisconsin Hospitals and Clinics Authority. Funds collected by the ~~department~~ state superintendent on account of the hospitalization shall be deposited in the appropriation under s. 20.255 (1) (b) for the school concerned.

SECTION 2753n. 115.53 (5) of the statutes is amended to read:

115.53 **(5)** Arrange for visits by members of the staff of either school to other public schools or to families of blind or deaf children, whenever it appears to the ~~department~~ state superintendent that such visits will be of advantage to blind or deaf children.

SECTION 2753p. 115.55 of the statutes is amended to read:

115.55 Library for the blind and visually handicapped. Embossed, clear type or large type text books acquired by the school for the visually handicapped shall constitute a circulating collection for the blind and visually handicapped. The collection shall be kept at the school and be under the supervision of its superintendent. All blind and visually handicapped school age children of the state may use such books upon compliance with rules made by the superintendent and approved by the ~~department~~ state superintendent.

SECTION 2753r. 115.58 of the statutes is amended to read:

115.58 Park grounds. The ~~department~~ state superintendent may permit the city of Janesville to use portions of the grounds of the state school for the visually handicapped at Janesville, which abut on the Rock river, for purposes of operating a city park. Any construction on such grounds is subject to prior approval by the ~~department~~ state superintendent. Any agreement pursuant hereto shall be cancelable at the option of either party without liability. Any such grounds so used by the city of Janesville shall be supervised by the city and shall be subject to the ordinances of the city of Janesville applicable to city parks.

SECTION 2753t. 115.71 (2) (d) of the statutes is amended to read:

115.71 **(2)** (d) Determined to be an Indian under rules promulgated by the ~~department in coordination with the board~~ state superintendent under s. 115.28 (17) (c).

SECTION 2753u. 115.71 (3) of the statutes is repealed.

SECTION 2753v. 115.74 (1) (intro.) of the statutes is amended to read:

115.74 **(1)** (intro.) On or before July 1 in every even−numbered year, the ~~department, in coordination with the board,~~ state superintendent shall:

SECTION 2753w. 115.74 (2) (intro.) of the statutes is amended to read:

115.74 **(2)** (intro.) Annually, on or before July 1, the ~~department, in coordination with the board,~~ state superintendent shall evaluate all available resources and programs which are or could be directed toward meeting the educational needs of American Indian pupils. The evaluation shall include information on:

SECTION 2753x. 115.74 (4) of the statutes is amended to read:

115.74 **(4)** The ~~department, in coordination with the board,~~ state superintendent shall prepare a biennial report which shall be included as an addendum to the department's biennial report under s. 15.04 (1) (d). The report shall include the results of the most recent assessment of needs and evaluation of programs under sub. (1), the evaluation of resources under sub. (2) and recommendations for legislation in the area of American Indian language and culture education.

SECTION 2754. 115.745 of the statutes is repealed.

SECTION 2754c. 115.75 (1) (b) (intro.) of the statutes is amended to read:

115.75 **(1)** (b) (intro.) No alternative school may receive state aid under this section unless the ~~department~~ state superintendent:

SECTION 2754g. 115.75 (1) (b) 2. of the statutes is amended to read:

115.75 **(1)** (b) 2. Certifies that the alternative school has met the requirements of ss. 115.73 and 115.735 and has submitted a report to the ~~department~~ state superintendent which includes a description of all expenditures

made in the prior year in connection with the program, a budget for the current year for the program and the number of pupils who have completed the fall semester in the program.

SECTION 2754n. 115.76 (3) (intro.) of the statutes is amended to read:

115.76 **(3)** (intro.) "Child with exceptional educational needs" means a child with any of the following conditions, or such other conditions as the ~~department~~ state superintendent determines, who may require educational services to supplement or replace regular education:

SECTION 2754r. 115.76 (3) (m) of the statutes is amended to read:

115.76 **(3)** (m) Any combination of conditions named by the ~~department~~ state superintendent or enumerated in pars. (a) to (L).

SECTION 2754w. 115.76 (8) of the statutes is amended to read:

115.76 **(8)** "Reduced program" means any program which has decreased its educational services, facilities or staff in the manner and degree specified in written standards issued by the ~~department~~ state superintendent.

SECTION 2755. 115.77 (1) of the statutes is amended to read:

115.77 **(1)** APPOINTMENT OF ADMINISTRATOR. The ~~secretary~~ state superintendent shall appoint the administrator.

SECTION 2756. 115.77 (2) (intro.) of the statutes is amended to read:

115.77 **(2)** DUTIES OF ADMINISTRATOR. (intro.) Subject to the direction of the ~~secretary~~ state superintendent, the administrator:

SECTION 2756d. 115.77 (3) (a) of the statutes is amended to read:

115.77 **(3)** (a) Services for children with exceptional educational needs who are under the jurisdiction of the ~~department~~ state superintendent and for the Wisconsin school for the deaf and the Wisconsin school for the visually handicapped.

SECTION 2756h. 115.77 (3) (d) 3. of the statutes is amended to read:

115.77 **(3)** (d) 3. Recommending to the ~~department~~ state superintendent standards for certification of personnel whom the ~~department~~ state superintendent determines to be involved in the education of children described in this paragraph.

SECTION 2756p. 115.78 (intro.) of the statutes is amended to read:

115.78 State exceptional educational needs plan. (intro.) The ~~department~~ state superintendent shall annually issue and make public a state plan for the education of children with exceptional educational needs. The state plan shall include:

SECTION 2756t. 115.781 of the statutes is amended to read:

115.781 Reports of service to handicapped children. The ~~department~~ state superintendent shall report to the governor, the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), the state's progress toward achieving full service to handicapped children under the education for all handicapped children act of 1975 (P.L. 94–142). The ~~department~~ state superintendent shall submit reports under this section within 45 days of the collection of data for the submission of the report of handicapped children receiving special education and related services, or its successor forms, as required under P.L. 94–142.

SECTION 2757. 115.79 (1) (intro.) of the statutes is amended to read:

115.79 **(1)** (intro.) The ~~secretary~~ state superintendent shall consult with the council on exceptional education concerning:

SECTION 2758. 115.79 (1) (d) of the statutes is amended to read:

115.79 **(1)** (d) Any other matters upon which the ~~secretary~~ state superintendent wishes the council's opinion.

SECTION 2758d. 115.80 (1) (a) of the statutes is amended to read:

115.80 **(1)** (a) A parent or a physician, nurse, teacher at a state or county residential facility, psychologist, social worker or administrator of a social agency who has reasonable cause to believe that a child brought to him or her for services has exceptional educational needs shall report the name of the child and any other information required to the school board for the school district or governing body of a state or county residential facility in which the child resides or to the division, except as provided in par. (b). If the child is attending a public school in a nonresident school district under s. 118.51, the school board shall provide the name of the child and related information to the school board of the school district that the child is attending.

SECTION 2758g. 115.80 (1) (b) of the statutes is amended to read:

115.80 **(1)** (b) A person who is required to be certified or licensed under s. 115.28 (7), who is employed by the school district in which a child attends public school and who has reasonable cause to believe a child has exceptional educational needs shall report such child and any other information required to the school board of that school district. If the child is a nonresident who is attending public school in the school district under s. 118.51, the school board shall provide the name of the child and related information to the school board of the child's school district of residence.

SECTION 2758k. 115.80 (2) of the statutes is amended to read:

115.80 **(2)** SCHOOL DISTRICT SCREENING. Each school board is responsible for screening each child who resides in the school district and has not graduated from high

school to determine if there is reasonable cause to believe that the child is a child with exceptional educational needs. If the child is attending a public school in a nonresident school district under s. 118.51 and the school board determines that there is reasonable cause to believe that the child is a child with exceptional educational needs, the school board shall provide the name of the child and related information to the school board of the school district that the child is attending.

SECTION 2758m. 115.80 (3) (a) of the statutes is amended to read:

115.80 **(3)** (a) ~~The~~ Except as provided in par. (am), the school board shall appoint a multidisciplinary team for each child reported to it under sub. (1) who resides in the school district and has not graduated from high school and for each child identified under sub. (2). A multidisciplinary team shall be composed of 2 or more persons who are skilled in assessing the exceptional educational needs that a child may have and who are skilled in programming for children with exceptional educational needs. The ~~department~~ state superintendent shall determine the method of appointing members to the team and may require that there be additional members. The number and specialties of additional members may depend on the exceptional educational needs that the particular child is believed to have. Before a child is sent from a state or county residential facility to a school district, the ~~department~~ state superintendent may require that the team for the school district to which the child may be sent include or consult with persons appointed by the governing body of the residential facility. For the evaluation of a child who resides and is receiving education only at a state or county residential facility, the multidisciplinary team shall be appointed by and make recommendations under pars. (c) and (d) to the governing body of the residential facility in which the child resides.

SECTION 2760b. 115.80 (3) (am) of the statutes is created to read:

115.80 **(3)** (am) If a child is attending a public school in a nonresident school district under s. 118.51, the school board of the school district that the child is attending shall appoint the multidisciplinary team under par. (a).

SECTION 2760e. 115.80 (3) (b) of the statutes is amended to read:

115.80 **(3)** (b) Except as provided under s. 115.81 ~~(1)~~ (1m) (b), the multidisciplinary team appointed under par. (a) or (am) shall, upon written parental consent, evaluate each child reported to the school board under sub. (1) who resides in the school district and has not graduated from high school and each child identified under sub. (2). If the multidisciplinary team is appointed under par. (am), as part of its evaluation of the child, the multidisciplinary team shall consult with appropriate personnel designated by the school board of the child's school district of residence.

SECTION 2760h. 115.80 (3) (d) of the statutes is amended to read:

115.80 **(3)** (d) The multidisciplinary team shall recommend a child ~~to the school board~~ for special education ~~if it~~ to the school board that appointed the multidisciplinary team under par. (a) or (am) if the multidisciplinary team determines that the child is a child with exceptional educational needs.

SECTION 2760k. 115.80 (4) (a) of the statutes is amended to read:

115.80 **(4)** (a) A school board shall appoint staff to develop an individualized education program for each child recommended to it for special education under sub. (3) (d) who is 3 years of age or older. An individualized education program establishes the education program to be provided a child with exceptional educational needs. School board staff shall review each child's individualized education program at least annually. If the child is attending a public school in a nonresident school district under s. 118.51, the school board of the school district that the child is attending shall notify the school board of the school district in which the child resides and the individualized education program for the child shall be developed, and reviewed at least annually, by staff appointed by the school board of the school district that the child is attending in collaboration with appropriate personnel designated by the school board of the school district in which the child resides.

SECTION 2760m. 115.80 (4m) of the statutes is amended to read:

115.80 **(4m)** EDUCATIONAL PLACEMENT. A school board shall provide an educational placement under s. 115.85 (2) for each child with exceptional educational needs to implement the child's individualized education program. Except as provided in s. 118.51 (12) (a) and (b) 2., if a child with exceptional educational needs is attending a public school in a nonresident school district under s. 118.51, the school board of the school district that the child is attending shall provide an educational placement under s. 115.85 (2) for the child. Except as provided in s. 115.81 ~~(1)~~ (1m) (b), a school board may not provide an educational placement for a child without the consent of the child's parent.

SECTION 2760p. 115.80 (5) (b) 3. of the statutes is amended to read:

115.80 **(5)** (b) 3. This paragraph does not impair a parent's right to a hearing under s. 115.81 ~~(1)~~ (1m) (a).

SECTION 2760r. 115.81 (1) of the statutes is renumbered 115.81 (1m).

SECTION 2760t. 115.81 (1) of the statutes is created to read:

115.81 **(1)** DEFINITION. In this section, except as otherwise provided, for a child attending a public school in a nonresident school district under s. 118.51, "school

board" means the school board of the school district in which the child resides.

SECTION 2760v. 115.81 (2) of the statutes is amended to read:

115.81 **(2)** NOTICES. A school board, including the school board of a school district that a child is attending under s. 118.51, shall fully inform the parent of any action it plans to take regarding the parent's child and of all procedural safeguards available to the parent.

SECTION 2760x. 115.81 (3) of the statutes is amended to read:

115.81 **(3)** STATUS DURING HEARING AND COURT PROCEEDING. ~~The~~ A school board, including the school board of a school district that a child is attending under s. 118.51, may not change the educational placement of a child with exceptional educational needs who is the subject of a hearing or court proceeding conducted under this subchapter during the pendency of the hearing or court proceeding unless the change is made with the written consent of the child's parent. If the health or safety of the child or of other persons would be endangered by delaying the change in assignment, the change may be made earlier, upon order of the school board, but without prejudice to any rights that the child or parent may have.

SECTION 2760z. 115.81 (6) of the statutes is amended to read:

115.81 **(6)** HEARING AND DECISION. Upon receipt of a written request for a hearing under sub. ~~(1)~~ (1m), the department shall appoint an impartial hearing officer who is not otherwise employed by the department from the list maintained under sub. (4m). The hearing officer shall conduct the hearing and shall issue a decision within 45 days of the receipt of the request for the hearing under sub. ~~(1)~~ (1m). The hearing officer may issue subpoenas, order an independent evaluation at school board expense and grant specific extensions of time for cause at the request of either party. If the hearing officer grants an extension of time, he or she shall include that extension and the reason for the extension in the record of the proceedings. The school board shall pay the cost of the hearing officer. Sections 227.44 to 227.50 do not apply to hearings conducted under this subsection.

SECTION 2761d. 115.815 (4) (c) of the statutes is amended to read:

115.815 **(4)** (c) Whenever a school board receives a referral under par. (a) 4., the school board shall assign staff to determine whether the child can appropriately be placed in a special education program operated by the school district. If the assigned staff determines that the child can appropriately be placed in a special education program operated by the school district, the school board shall provide an education program for the child and is eligible for state tuition payments under s. 121.79 (1) (a). If the assigned staff determines that the child cannot appropriately be placed in a special education program operated by the school district, the school board shall keep a written record of the reasons for that determination. If there is a dispute regarding the placement of a child under this paragraph between the school board of the originating school district and the school board receiving the referral, the ~~department~~ state superintendent shall resolve the dispute under s. 115.85 (2m).

SECTION 2761f. 115.815 (5) of the statutes is amended to read:

115.815 **(5)** RULES. The ~~department~~ state superintendent shall promulgate rules to implement and administer this section.

SECTION 2761h. 115.83 (2) of the statutes is amended to read:

115.83 **(2)** A special education program may consist of such special education programs for children as to allow them to attend regular education programs, one or more special schools or preschools, special sections within a school or preschool, special instruction centers, special instruction at the home or residence of the child or at any other location or any other special education program approved by the ~~department~~ state superintendent.

SECTION 2761p. 115.83 (5) of the statutes is amended to read:

115.83 **(5)** The courses, qualifications of teachers, coordinators, social workers and school psychologists and plan of organizing and maintaining special education programs and other services shall comply with requirements established by the ~~department~~ state superintendent.

SECTION 2761t. 115.85 (1) (b) of the statutes is amended to read:

115.85 **(1)** (b) A school district may provide special education for preschool children under the age of 3 years and instruction for their parents. Such special education shall be subject to the approval of and shall comply with requirements established by the ~~department~~ state superintendent.

SECTION 2762g. 115.85 (1) (e) of the statutes is created to read:

115.85 **(1)** (e) Notwithstanding par. (a) and except as provided in s. 118.51 (12) (a) and (b) 2., if a child with exceptional educational needs is attending a public school in a nonresident school district under s. 118.51, the school board of the school district that the child is attending shall ensure that appropriate special education programs and related services are available to the child.

SECTION 2762r. 115.85 (2) (a) of the statutes is amended to read:

115.85 **(2)** (a) If the school district that the child attends, the county program in which the ~~child resides~~ school district participates or the cooperative educational service agency for the school district ~~in which the child resides~~ operates an appropriate special education program, the child shall be placed in such program.

SECTION 2763m. 115.85 (2) (c) 1. of the statutes is amended to read:

115.85 **(2)** (c) 1. Upon the approval of the ~~department~~ state superintendent, the child may be placed in a public special education program located in another state.

SECTION 2764. 115.85 (2) (c) 2. (intro.) of the statutes is amended to read:

115.85 **(2)** (c) 2. (intro.) The ~~department~~ state superintendent shall approve a placement in a public special education program located in another state if ~~the department~~ he or she determines that the program is appropriate to meet the child's exceptional educational needs and that:

SECTION 2764m. 115.85 (2) (d) of the statutes is amended to read:

115.85 **(2)** (d) To provide a special education program which is appropriate to the child's needs, the school board may, upon approval of the ~~department~~ state superintendent and if no equivalent public program is available, contract with a private special education service if the placement is warranted on the basis of a less restrictive environment alternative. Private special education services provided under this subchapter may not include religious or sectarian teachings or instruction. If the local school board utilizes the placement option under this paragraph, the school district of residence and not the county of residence shall pay tuition charges for exceptional children.

SECTION 2765m. 115.85 (2) (f) of the statutes is created to read:

115.85 **(2)** (f) If a child with exceptional educational needs is attending a public school in a nonresident school district under s. 118.51, the school board of the school district that the child is attending shall provide an appropriate educational placement for the child under this subsection and shall pay tuition charges instead of the school district in which the child resides if any of the placement options under pars. (am) to (d) are utilized.

SECTION 2766. 115.85 (2m) of the statutes is amended to read:

115.85 **(2m)** PLACEMENT DISPUTES. If a dispute arises between the school board and the department of health and family services, the department of corrections or a county department under s. 46.215, 46.22 or 46.23, or between school boards under s. 115.815 (4) (c), over the placement of a child in an appropriate program under sub. (2), the ~~department~~ state superintendent shall resolve the dispute. This subsection applies only to placements in nonresidential educational programs made under s. 48.48 ~~(4)~~ (17) (a) 3., 48.57 (1) (c), 938.48 (4) or 938.57 (1) (c) and to placements in child caring institutions made under s. 115.815.

SECTION 2766am. 115.85 (3) (a), (c) and (d) of the statutes are amended to read:

115.85 **(3)** (a) The total number of children who reside in the school district and the total number of children who attend the school district under s. 118.51 who have been placed in special education programs under s. 115.85 (2), the exceptional educational needs of each such child and the school attended or special education received by each such child. The report shall also specify the number of children with exceptional educational needs who are known to the school district and who are under the age of 3 years and the exceptional educational needs of each such child.

(c) A description of the special education programs in which children who reside in the school district or who attend the school district under s. 118.51 have been placed under sub. (2), the number of persons attending each pursuant to sub. (2) and the qualifications of the staff of each such special education program.

(d) An evaluation, in terms of the goals identified under s. 115.78 (5), of the progress made by each special education program in which children who reside in the school district or who attend the school district under s. 118.51 are placed under sub. (2).

SECTION 2767b. 115.86 (5) (d) of the statutes is amended to read:

115.86 **(5)** (d) Annually by October 1, the board and the school boards of the school districts participating in the county program shall submit a report to the ~~department~~ state superintendent that specifies the portion of each school day that each pupil enrolled in the county program who is also enrolled in the school district ~~of the pupil's residence~~ spent in county program classes in the previous school year and the portion of the school day that the pupil spent in school district classes in the previous school year. The ~~department~~ state superintendent shall develop guidelines for a full−time equivalency methodology. The ~~department~~ state superintendent is not required to promulgate the guidelines as rules.

SECTION 2767e. 115.86 (7) (a) of the statutes is amended to read:

115.86 **(7)** (a) The school board of any district which is included under the administration of a board may withdraw from participation in any part of the program only with the approval of the ~~department~~ state superintendent after conference with the board and a determination by the ~~department~~ state superintendent that such withdrawal is in the interest of the program in the county and the school district affected. Such withdrawal shall be effective only if the school board has the approval of the division to establish an equivalent part of a program. Such withdrawal shall be effective either December 31 or June 30 provided that 12 months' notice has been given to the board. The withdrawing school district shall be liable for its proportionate share of all operating costs until its withdrawal becomes effective, shall continue to be liable for its share of debt incurred while it was a participant and shall receive no share in the assets.

SECTION 2767g. 115.86 (8) of the statutes is amended to read:

115.86 **(8)** TRANSPORTATION. The board may promulgate a plan for the transportation at county expense of children who are participating in special education programs under this section, special education programs operated at day care centers or special education programs operated by a private organization within whose attendance area the child resides and which is situated not more than 5 miles beyond the boundaries of the area the board serves, as measured along the usually traveled route. The plan, upon approval of the ~~department~~ state superintendent, shall govern the transportation of such children. Any such plan for transportation during the school term supersedes ss. 115.88 and 121.54 (3).

SECTION 2767j. 115.86 (11) of the statutes is amended to read:

115.86 **(11)** VIOLATIONS. The ~~department~~ state superintendent shall withhold aid from any board that is in violation of this section.

SECTION 2767kg. 115.87 (1) of the statutes is renumbered 115.87 (2).

SECTION 2767kr. 115.87 (1) of the statutes is created to read:

115.87 **(1)** In this section, if a child with exceptional educational needs is attending a public school in a nonresident school district under s. 118.51, "school district in which the child resides" and "school district of residence" mean the school district that the child attends under s. 118.51.

SECTION 2767L. 115.87 (8) of the statutes is amended to read:

115.87 **(8)** Upon the advance approval of the ~~department~~ state superintendent, the school board of any district may place a child in a special education program outside this state in accordance with s. 115.85 (2) (c) or a special education program operated by a private, nonsectarian special education service either within or outside the state in accordance with s. 115.85 (2) (d). The school district of residence shall pay the tuition and transportation in accordance with the procedure established for the payment of tuition by the school district under s. 121.78.

SECTION 2767p. 115.88 (1) of the statutes is amended to read:

115.88 **(1)** PROGRAM AID. (am) If, upon receipt of the report under s. 115.84, the ~~department~~ state superintendent is satisfied that the special education program has been maintained during the preceding school year in accordance with law, the ~~department~~ state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency and school district maintaining such special education program a sum equal to 63% of the amount expended by the county, agency and school district during the preceding year for salaries of personnel enumerated in s. 115.83 (1), including the salary portion of any authorized contract for physical or occupational therapy services, except as provided in par. (b), and other expenses approved by the ~~department~~ state superintendent. The department of administration shall pay such amounts to the county, agency and school district from the appropriation under s. 20.255 (2) (b).

(b) Salaries of licensed school psychologists and licensed school social workers shall be reimbursed at 51% without regard to whether they are employed in a program for handicapped children. The school district, county handicapped children's education board or cooperative educational service agency shall include in the report under s. 115.84 any information required by the ~~department~~ state superintendent relating to use of a school psychologist or school social worker.

SECTION 2767s. 115.88 (2) of the statutes is amended to read:

115.88 **(2)** TRANSPORTATION AID. If upon receipt of the report under s. 115.84 the ~~department~~ state superintendent is satisfied that the transportation of children with exceptional educational needs has been maintained during the preceding year in accordance with the law, the ~~department~~ state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency or school district transporting such pupils 63% of the amount expended for such transportation. Pupils for whom aid is paid under this subsection shall not be eligible for aid under s. 121.58 (2) or (4). The department of administration shall pay such amounts to the county, agency or school district from the appropriations under s. 20.255 (2) (b) and ~~(u)~~ (br). This subsection applies to any child with exceptional educational needs who requires special assistance in transportation, including any such child attending regular classes who requires special or additional transportation. This subsection does not apply to any child with exceptional educational needs attending regular or special classes who does not require any special or additional transportation.

SECTION 2767u. 115.88 (6) of the statutes is amended to read:

115.88 **(6)** AID FOR INSTRUCTION OUTSIDE OF DISTRICT. From the appropriation under s. 20.255 (2) (b) there shall be paid the full cost of salary and travel expenses, in amounts determined in advance by the ~~department~~ state superintendent, to school districts for providing special education outside the school district of employment.

SECTION 2767w. 115.88 (8) of the statutes is amended to read:

115.88 **(8)** ENROLLMENT OUT OF STATE. If a child with exceptional educational needs is enrolled in a public special education program under s. 115.85 (2) (c) 2. and the ~~department~~ state superintendent is satisfied that the program in which the child is enrolled complies with this subchapter, the ~~department~~ state superintendent shall certify to the department of administration in favor of the school district ~~of residence~~ in which the child resides or

the school district attended by the child under s. 118.51 a sum equal to the percentage of the approved costs under subs. (1) and (2) of the amount expended by the school district during the preceding year for the additional costs associated with the child's special education program. The department of administration shall pay the amount to the school district from the appropriation under s. 20.255 (2) (b).

SECTION 2767x. 115.882 of the statutes is amended to read:

115.882 Proration of state aid. If the sum of the appropriations under s. 20.255 (2) (b) and ~~(u)~~ (br) in any one year is insufficient to pay the full amount of aid under ss. 115.88 and 118.255, ~~state aid payments~~ funds in the appropriations shall be used first for the purpose of s. 115.88 (4) and any remaining funds shall be prorated among the counties, school districts and cooperative educational service agencies entitled thereto.

SECTION 2768. 115.89 of the statutes is amended to read:

115.89 Noncomplying school district; remedies. (1) If, after a public hearing in the school district or as the result of a monitoring procedure or a complaint investigation, the ~~department~~ state superintendent finds that a school board has violated this subchapter or the rules promulgated under this subchapter, the ~~department~~ state superintendent may make recommendations to the school board to remedy the violation and may require the school board to submit a remedial plan incorporating such recommendations.

(3) If, after consultation with the school board, the ~~department~~ state superintendent finds that the remedial plan has not incorporated ~~the department's~~ his or her recommendations, or that its implementation has been inadequate to ensure compliance with this subchapter and the rules promulgated under this subchapter, the ~~department~~ state superintendent shall request the attorney general to proceed against the school district for injunctive or other appropriate relief.

SECTION 2768k. 115.92 (1) of the statutes is amended to read:

115.92 **(1)** Any school board may establish a program for school age parents who are residents of the school district. The program shall be designed to provide services and instruction to meet the needs of school age parents, including education on the skills required of a parent; family planning, as defined in s. 253.07 (1) (a), including natural family planning; and information on adoption services. The program shall be coordinated with existing vocational and job training programs in the school district.

SECTION 2768m. 115.92 (3) of the statutes is amended to read:

115.92 **(3)** The ~~department~~ state superintendent shall by rule establish criteria for the approval of programs established under this subchapter for the purpose of determining those programs eligible for aid under s. 115.93.

SECTION 2769. 115.93 (1) of the statutes is amended to read:

115.93 **(1)** Except as provided under sub. (2), if upon receipt of the reports under s. 115.92 (2) the ~~department~~ state superintendent is satisfied that the school age parents program has been maintained during the preceding school year in accordance with the rules under s. 115.92 (3), the ~~department~~ state superintendent shall certify to the department of administration in favor of each school district maintaining the program a sum equal to 63% of the amount expended by the school district during the preceding school year for salaries of teachers and instructional aides, special transportation and other expenses approved by the ~~department~~ state superintendent. The department of administration shall pay such amounts to the school district from the appropriation under s. 20.255 (2) (b).

SECTION 2769b. 115.93 (2) of the statutes is amended to read:

115.93 **(2)** ~~If~~ Subject to s. 115.882, if the appropriation under s. 20.255 (2) (b) in any year is insufficient to pay the full amount of aid under sub. (1), state aid payments shall be prorated among the entitled school districts.

SECTION 2769c. 115.955 (3) to (7) of the statutes are amended to read:

115.955 **(3)** "Bilingual counselor" means a certified school counselor approved by the ~~department~~ state superintendent under s. 115.28 (15) (a).

(4) "Bilingual counselor's aide" means a person who is employed to assist a counselor and who is approved by the ~~department~~ state superintendent under s. 115.28 (15) (a).

(5) "Bilingual teacher" means a certified teacher approved by the ~~department~~ state superintendent under s. 115.28 (15) (a).

(6) "Bilingual teacher's aide" means a person who is employed to assist a teacher and who is approved by the ~~department~~ state superintendent under s. 115.28 (15) (a).

(7) "Limited−English speaking pupil" means a pupil whose ability to use the English language is limited because of the use of a non−English language in his or her family or in his or her daily, nonschool surroundings, and who has difficulty, as defined by rule by the ~~department~~ state superintendent, in performing ordinary classwork in English as a result of such limited English language ability.

SECTION 2769g. 115.96 (5) (b) of the statutes is amended to read:

115.96 **(5)** (b) A parent or legal custodian may appeal the school board's failure to place the pupil in the bilingual−bicultural education program established for the pupil in the pupil's language group by filing a notice of

appeal with the clerk of the school district within 10 days after the commencement of the school term. The school board shall provide for a hearing on the question of placement within 20 days after receipt of the notice of appeal and shall take a written record of the proceedings. The cost of taking the record shall be the responsibility of the school board. The parent or legal custodian may request a public or private hearing. Within 10 days after the hearing, the school board shall make a decision on the question of placement. If the parent or legal custodian is not satisfied with the decision of the school board, the parent or legal custodian may, within 10 days after the school board's decision, file a notice of appeal with the ~~department~~ state superintendent. If the parent or legal custodian appeals, the parent or legal custodian shall assume the cost of transcribing the record. Within 10 days after receipt of the notice of appeal from the determination of the school board, the ~~department~~ state superintendent shall issue a decision based on the hearing record. If the parent or legal custodian prevails, the school board shall reimburse the parent or legal custodian for the cost of transcribing the record.

SECTION 2769L. 115.97 (5) (a) (intro.) of the statutes is amended to read:

115.97 **(5)** (a) (intro.) Except as provided under par. (b), if a school board is required to establish a bilingual−bicultural education program under sub. (2), (3) or (4), but bilingual teachers for the language groups are unavailable, the program may be taught by certified teachers of English as a 2nd language upon receipt of approval of the ~~department~~ state superintendent. The ~~department~~ state superintendent may approve a program under this paragraph only if the school board demonstrates all of the following:

SECTION 2769p. 115.99 of the statutes is amended to read:

115.99 Preschool and summer school programs. A school board may establish a full−time or part−time preschool or summer bilingual−bicultural education program according to rules established by the ~~department~~ state superintendent.

SECTION 2769t. 115.993 of the statutes is amended to read:

115.993 Report on bilingual−bicultural education. Annually, on or before August 15, the school board of a district operating a bilingual−bicultural education program under this subchapter shall report to the ~~department~~ state superintendent the number of pupils, including both limited−English speaking pupils and other pupils, instructed the previous school year in bilingual−bicultural education programs, an itemized statement on oath of all disbursements on account of the bilingual−bicultural education program operated during the previous school year and a copy of the estimated budget for that program for the current school year.

SECTION 2769y. 115.995 of the statutes is amended to read:

115.995 State aids. Upon receipt of the report under s. 115.993, if the ~~department~~ state superintendent is satisfied that the bilingual−bicultural education program for the previous school year was maintained in accordance with this subchapter, the ~~department~~ state superintendent shall certify to the department of administration in favor of the school district a sum equal to a percentage of the amount expended on limited−English speaking pupils by the school district during the preceding year for salaries of personnel participating in and attributable to bilingual−bicultural education programs under this subchapter, special books and equipment used in the bilingual−bicultural programs and other expenses approved by the ~~department~~ state superintendent. The percentage shall be determined by dividing the amount in the appropriation under s. 20.255 (2) (cc) in the current school year by the total amount of aidable costs in the previous school year.

SECTION 2770. 115.996 of the statutes is amended to read:

115.996 Report to the legislature. Annually, on or before December 31, the ~~department~~ state superintendent shall submit a report to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), on the status of bilingual−bicultural education programs established under this subchapter. The report shall include the number of pupils served in bilingual−bicultural education programs for each language group in each school district in which such programs are offered and the cost of the program per pupil for each school district, language group and program type. The department shall also provide the number of pupils in each school district and language group who as a result of participation in a bilingual−bicultural education program improved their English language ability to such an extent that the program is no longer necessary for such pupils.

SECTION 2770m. 116.01 of the statutes 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 ~~department~~ 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 2771. 116.02 (1) (c) of the statutes is amended to read:

116.02 **(1)** (c) The ~~department~~ state superintendent shall cause to convene annually on the day that the board of control holds its annual organizational meeting under par. (a) a convention composed of the representative from each school board in the agency. There shall be no more than one representative from each union high school district. The convention may direct the board of control to determine a different date for the annual organizational meeting.

SECTION 2772. 116.03 (10) of the statutes is repealed and recreated to read:

116.03 **(10)** Authorize the expenditure of money for the purposes set forth in this chapter and for the actual and necessary expenses of the board of control and agency administrator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid by check, share draft or other draft signed by the chairperson and secretary to the board of control.

SECTION 2773. 116.03 (11) of the statutes is amended to read:

116.03 **(11)** Establish the salaries of the agency administrator and other professional and nonprofessional employes. State reimbursement for the cost of the salary of the agency administrator shall be equal to the actual salary paid or the maximum of the salary range for public instruction supervisors ~~in the department~~ under the state superintendent, whichever is less.

SECTION 2774m. 116.03 (12m) of the statutes is repealed and recreated to read:

116.03 **(12m)** Every 3rd year as scheduled by the state superintendent, provide to the school board of each school district in the agency an accountability plan that addresses both the efficiency and effectiveness of all agency programs and services.

SECTION 2775m. 116.03 (13) of the statutes is amended to read:

116.03 **(13)** Every 3rd year, as scheduled by the ~~department~~ state superintendent, submit to the ~~department~~ state superintendent for ~~its~~ his or her approval an evaluation of agency programs and services.

SECTION 2775n. 116.06 (1) of the statutes is amended to read:

116.06 **(1)** Upon the petition of a school board of a district operating high school grades, the ~~department~~ state superintendent, after investigation of the proposal, may transfer by order the entire school district from one agency to another, effective the next succeeding July 1. Any school district so transferred shall pay its agreed share of all expenses incurred by the agency in its behalf, but shall not be required to fulfill any commitments in the agency from which transferred extending beyond the effective date of transfer. A transfer of the territory of a union high school district shall include and effect a transfer of that territory of underlying elementary school districts which lie within the boundaries of the union high school district.

SECTION 2775p. 116.065 (1) of the statutes is amended to read:

116.065 **(1)** The school board of a school district in cooperative educational service agency no. 1, as designated on April 1, 1985, may adopt a resolution to withdraw from the agency. The school board shall immediately notify the board of control and the ~~department~~ state superintendent of its intention.

SECTION 2775s. 116.08 (1) of the statutes is amended to read:

116.08 **(1)** An amount not to exceed $25,000 annually shall be paid to each agency for the maintenance and operation of the office of the board of control and agency administrator and to match any federal funds received by the agency for vocational education administration. No state aid may be paid unless the agency submits by August 1 an annual report which includes a detailed certified statement of its expenses for the prior year to the ~~department~~ state superintendent, and such statement reveals that the state aid was expended as provided by this section. In no case may the state aid exceed the actual expenditures for the prior year as certified in such statement.

SECTION 2775t. 116.10 of the statutes is created to read:

116.10 Lease of equipment. The board of control may lease equipment for the purpose of assisting pupils with a visual handicap to read.

SECTION 2776. 117.03 (2) of the statutes is amended to read:

117.03 **(2)** "Appeal panel" means a panel appointed by the ~~secretary~~ state superintendent under s. 117.05 (1).

SECTION 2777. 117.05 (1) of the statutes is amended to read:

117.05 **(1)** APPEAL PANELS. The ~~secretary~~ state superintendent shall appoint 3 members of the board to hear appeals filed under ss. 117.12 (4) and 117.13 (3). No 2 members of the appeal panel may be board members from any of the following kinds of school districts: those with small enrollments, those with medium enrollments or those with large enrollments.

SECTION 2778. 117.05 (1m) of the statutes is amended to read:

117.05 **(1m)** BOARD AND APPEAL PANEL MEETINGS. The ~~secretary~~ state superintendent shall set the time and place for meetings of the board under ss. 117.10, 117.12 (5) and 117.132 and for meetings of appeal panels under ss. 117.12 (4) and 117.13.

SECTION 2779. 117.05 (2) (a) of the statutes is amended to read:

117.05 **(2)** (a) *Board.* The ~~secretary~~ state superintendent shall appoint 7 members of the board to perform any review under ss. 117.10, 117.12 (5) and 117.132. The 7 members shall include the ~~secretary~~ state superintendent or his or her designee on the board, 2 board members

from school districts with small enrollments, 2 board members from school districts with medium enrollments and 2 board members from school districts with large enrollments. Any action of the board under this chapter requires the affirmative vote of at least 4 of the 7 members appointed under this paragraph.

SECTION 2779m. 117.05 (9) (a) (intro.), (b) and (c) of the statutes are amended to read:

117.05 **(9)** (a) (intro.) The ~~department~~ state superintendent may charge the following persons a fee sufficient to reimburse the department for the costs of the board under ss. 117.10 and 117.132:

(b) The clerk of the school district ordering the dissolution or requesting review shall pay the fee under par. (a) 3. or 4. to the ~~department~~ state superintendent. The secretary of the board shall forward the fee collected under par. (a) 5. to the ~~department~~ state superintendent.

(c) The ~~department~~ state superintendent may charge a person filing a notice of appeal under s. 117.12 (4) or 117.13 (3) a fee sufficient to reimburse the department for the costs of the appeal panel under s. 117.12 (4) or 117.13 (3). The secretary of the board shall collect the fee and forward it to the ~~department~~ state superintendent. The ~~department~~ state superintendent may not charge any person who files a notice of appeal under s. 117.12 (4) and is charged the fee under this paragraph any additional fee for review by the board under s. 117.12 (5).

SECTION 2780. 117.05 (10) of the statutes is amended to read:

117.05 **(10)** (title) ~~SECRETARY~~ STATE SUPERINTENDENT TO ADVISE. The ~~secretary~~ state superintendent shall advise and consult with school boards regarding school district organization and reorganization. If, in the ~~secretary's~~ state superintendent's opinion, one or more school districts should be altered, consolidated or dissolved, he or she may make recommendations to the school boards.

SECTION 2780g. 117.25 (1m) (a) of the statutes is amended to read:

117.25 **(1m)** (a) A written agreement between the school boards of 2 or more school districts that are considering consolidating under s. 117.08 or 117.09 to continue operating a program or facility at a specific location for a specified period after consolidation, not to exceed 5 years, shall be binding upon the joint interim school board of the new school district under s. 117.22 and any subsequently elected school board of the new school district. The school district clerk of the school district with the largest equalized valuation shall file a copy of the agreement with the ~~department~~ state superintendent.

SECTION 2780r. 117.30 (1) of the statutes is amended to read:

117.30 **(1)** If a school district for 2 or more successive years has failed to operate a school as required by law, the board shall attach the territory of the school district to one or more school districts that do operate schools. Within 60 days of the date on which a school district becomes subject to this section, the ~~department~~ state superintendent shall so notify the school district clerk and the clerk of each municipality in which part of the school district lies. Prior to August 30 of the year in which the school district becomes subject to this section, the board shall issue an order of school district reorganization attaching the school district to one or more operating school districts. Orders issued under this section take effect upon being filed as provided in s. 117.17 (2). The school board of each district to which any territory is attached under this section shall levy and collect a special tax against the property in the territory so attached for such amount as is payable for tuition and transportation, at the time of the attachment, by the school district in which the attached territory was located prior thereto, in the proportion that the equalized valuation of the attached territory bears to the total equalized valuation of the school district in which such territory was located prior to such attachment.

SECTION 2782. 118.01 (1) of the statutes is amended to read:

118.01 **(1)** PURPOSE. Public education is a fundamental responsibility of the state. The constitution vests in the state superintendent the supervision of public instruction and directs the legislature to provide for the establishment of district schools. The effective operation of the public schools is dependent upon a common understanding of what public schools should be and do. Establishing such goals and expectations is a necessary and proper complement to the state's financial contribution to education. Each school board should provide curriculum, course requirements and instruction consistent with the goals and expectations established under sub. (2). Parents and guardians of pupils enrolled in the school district share with the state and school board the responsibility for pupils meeting the goals and expectations under sub. (2).

SECTION 2782g. 118.015 (2) of the statutes is amended to read:

118.015 **(2)** EMPLOYMENT OF READING SPECIALISTS. Each school district shall employ a reading specialist certified by the department to develop and coordinate a comprehensive reading curriculum in grades kindergarten to 12. At the discretion of the ~~department~~ state superintendent, a school district may contract with other school districts or cooperative educational service agencies to employ a certified reading specialist on a cooperative basis.

SECTION 2782j. 118.019 (2) (e) of the statutes is amended to read:

118.019 **(2)** (e) Human sexuality; reproduction; ~~contraception~~ family planning, as defined in s. 253.07 (1) (a), including natural family planning; human immunodeficiency virus and acquired immunodeficiency syndrome; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male responsibility.

SECTION 2782r. 118.125 (1) (cm) and (d) of the statutes are amended to read:

118.125 **(1)** (cm) "Pupil physical health records" means those pupil records that include basic health information about a pupil, including the pupil's immunization records, an emergency medical card, a log of first aid and medicine administered to the pupil, an athletic permit card, a record concerning the pupil's ability to participate in an education program, any lead screening records required under s. 254.162, the results of any routine screening test, such as for hearing, vision or scoliosis, and any follow−up to such test, and any other basic health information, as determined by the ~~department~~ state superintendent.

(d) "Pupil records" means all records relating to individual pupils maintained by a school but does not include notes or records maintained for personal use by a teacher or other person who is required by the ~~department~~ state superintendent under s. 115.28 (7) to hold a certificate, license or permit if such records and notes are not available to others, nor does it include records necessary for, and available only to persons involved in, the psychological treatment of a pupil.

SECTION 2783g. 118.125 (2) (d) of the statutes is amended to read:

118.125 **(2)** (d) Pupil records shall be made available to persons employed by the school district which the pupil attends who are required by the department under s. 115.28 (7) to hold a license and other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in the pupil records. Law enforcement officers' records obtained under s. 938.396 (1m) ~~(a)~~ shall be made available ~~under this paragraph for the purposes of~~ as provided in s. 118.127 (2) ~~to those employes of the school district who have been designated by the school board to receive that information for the purpose of providing alcohol and other drug abuse programs. Law enforcement officers' records obtained under s. 938.396 (1m) (am) and (b) shall be made available under this paragraph for the purposes of s. 118.127 (2m) and (3) to persons employed by the school district which the pupil attends who are required by the department under s. 115.28 (7) to hold a license, to other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in those records and to those employes of the school district who have been designated by the school board to receive that information for the purpose of providing treatment programs~~. A school board member or an employe of a school district may not be held personally liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the member or employe acted with actual malice in failing to disclose the information. A school district may not be held liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the school district or its agent acted with gross negligence or with reckless, wanton or intentional misconduct in failing to disclose the information.

SECTION 2785b. 118.127 (2) of the statutes is amended to read:

118.127 **(2)** A school district shall ~~use~~ disclose information from law enforcement officers' records obtained under s. 938.396 (1m) ~~(a)~~ to persons employed by the school district who are required by the department under s. 115.28 (7) to hold a license and to other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in that information. In addition, if that information relates to a pupil of the school district, the school district shall also disclose that information to those employes of the school district who have been designated by the school board to receive that information for the purpose of providing ~~alcohol and other drug abuse~~ treatment programs for pupils enrolled in the school district. A school district ~~shall~~ may not use law enforcement officers' records obtained under s. 938.396 (1m) ~~(a)~~ as the sole basis for expelling or suspending a pupil or as the sole basis for taking any other disciplinary action, including action under the school district's athletic code, against a pupil.

SECTION 2785bm. 118.127 (2m) of the statutes is repealed.

SECTION 2785c. 118.127 (3) of the statutes is repealed.

SECTION 2785d. 118.13 (2) of the statutes is amended to read:

118.13 **(2)** (a) Each school board shall develop written policies and procedures to implement this section and submit them to the ~~department~~ state superintendent as a part of its 1986 annual report under s. 120.18. The policies and procedures shall provide for receiving and investigating complaints by residents of the school district regarding possible violations of this section, for making determinations as to whether this section has been violated and for ensuring compliance with this section.

(b) Any person who receives a negative determination under par. (a) may appeal the determination to the ~~department~~ state superintendent.

SECTION 2785h. 118.13 (3) (a) (intro.) of the statutes is amended to read:

118.13 **(3)** (a) (intro.) The ~~department~~ state superintendent shall:

SECTION 2785p. 118.13 (3) (a) 1. of the statutes is amended to read:

118.13 **(3)** (a) 1. Decide appeals made to him or her under sub. (2) (b). Decisions of the ~~department~~ state superintendent under this subdivision are subject to judicial review under ch. 227.

SECTION 2785t. 118.13 (3) (b) (intro.) of the statutes is amended to read:

118.13 **(3)** (b) (intro.) The ~~department~~ state superintendent may:

SECTION 2787. 118.145 (1) of the statutes is amended to read:

118.145 **(1)** The school board of a district operating high school grades shall determine, with the advice and consent of the ~~department~~ state superintendent, the minimum standards for admission to high school.

SECTION 2787b. 118.145 (4) of the statutes is created to read:

118.145 **(4)** The school board of a school district operating high school grades shall allow a pupil enrolled in a private school or a pupil enrolled in a home−based educational program, who has met the standards for admission to high school under sub. (1), to take up to 2 courses during each school semester if the pupil resides in the school district in which the public school is located and if the school board determines that there is sufficient space in the classroom.

SECTION 2787e. 118.15 (1) (cm) 5. of the statutes is amended to read:

118.15 **(1)** (cm) 5. The ~~department~~ state superintendent shall grant a high school equivalency diploma to a child under this paragraph who completes the general educational development test with a passing score, as determined by the ~~department~~ state superintendent, and completes the additional requirements determined by the ~~department~~ state superintendent under s. 115.29 (4).

SECTION 2787m. 118.15 (2) (a) 3. of the statutes is amended to read:

118.15 **(2)** (a) 3. Multiply the quotient under subd. 1. by any additional costs associated with direct student support services, as determined jointly by the ~~department~~ state superintendent and the state director of the technical college system.

SECTION 2788. 118.15 (2) (c) of the statutes is amended to read:

118.15 **(2)** (c) Pupils attending a technical college under this subsection may receive general education subjects at the technical college ~~and shall be counted as pupils enrolled in the high school for all purposes including computing state aid for the school district~~. Payments by the school district under par. (a) shall be deemed costs of operation and maintenance.

SECTION 2788b. 118.153 (2) (b) of the statutes is amended to read:

118.153 **(2)** (b) 1. If in the previous school year a school district had 50 or more dropouts and a dropout rate exceeding 5% of its total high school enrollment, the school board shall apply to the ~~department~~ state superintendent for aid under this section.

2. If in the previous school year a school district had 40 or more dropouts, the school board may apply to the ~~department~~ state superintendent for aid under this section.

SECTION 2788c. 118.153 (3m) of the statutes is created to read:

118.153 **(3m)** (a) After reviewing the recommendations of the governor's council on workforce excellence under s. 106.115 (2) (em), the state superintendent may approve an innovative school−to−work program provided by a nonprofit organization for children at risk in a county having a population of 500,000 or more to assist those children at risk in acquiring employability skills and occupational−specific competencies before leaving high school. If the state superintendent approves a program under this paragraph, the state superintendent may award a grant, from the appropriation under s. 20.255 (3) (ef), to the nonprofit organization providing the program and the nonprofit organization shall use the funds received under the grant to provide the program.

(b) The state superintendent shall establish requirements for the operation of the grant program under this subsection. Those requirements need not be promulgated as rules.

SECTION 2788d. 118.153 (4) (a) and (b) of the statutes are amended to read:

118.153 **(4)** (a) Beginning in August 1994, and annually thereafter, a school board that applied for aid under this section in the previous school year shall submit a report to the ~~department~~ state superintendent. The report shall include only information about the pupils enrolled in a program for children at risk in the previous school year that is necessary for the ~~department~~ state superintendent to determine the number of pupils who achieved each of the objectives under par. (c).

(b) Upon receipt of a school board's annual report under par. (a) the ~~department~~ state superintendent shall pay to the school district from the appropriation under s. 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved at least 3 of the objectives under par. (c) in the previous school year, additional state aid in an amount equal to 10% of the school district's average per pupil aids provided under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) in the previous school year.

SECTION 2788h. 118.153 (7) of the statutes is amended to read:

118.153 **(7)** The ~~department~~ state superintendent shall promulgate rules to implement and administer this section. The rules shall not be overly restrictive in defining approved programs and shall not serve to exclude programs that have demonstrated success in meeting the needs of children at risk.

SECTION 2788p. 118.155 (1) of the statutes is amended to read:

118.155 **(1)** Any school board shall, without approval of the ~~department~~ state superintendent, permit pupils with written permission of a parent or guardian to be absent from school at least 60 minutes but not more than

180 minutes per week to obtain religious instruction outside the school during the required school period. The supervisor of such religious instruction shall report monthly, to the principal of the school regularly attended, the names of the pupils who attended such weekly religious instruction. The school board may deny the privilege of released time to pupils who absent themselves from such religious instruction after requesting the privilege. The time period, or periods, allotted for the pupil to be absent from school for the purpose of religious instruction shall be determined by the school board.

SECTION 2788t. 118.16 (2) (b) of the statutes is amended to read:

118.16 **(2)** (b) Annually, on or before August 1, shall determine how many pupils enrolled in the school district were absent in the previous year and whether the absences were excused under s. 118.15 and shall notify the ~~department~~ state superintendent of the determination.

SECTION 2789. 118.165 (2) of the statutes is amended to read:

118.165 **(2)** An institution may request the ~~department~~ state superintendent to approve the institution's educational program as a private school. The ~~department~~ state superintendent shall base ~~its~~ his or her approval solely on the criteria under sub. (1).

SECTION 2790. 118.167 of the statutes is amended to read:

118.167 (title) **Private school determination by ~~department~~ state superintendent.** If an association that regulates or accredits private educational institutions in this state submits an affidavit to the ~~department~~ state superintendent attesting that the institution meets or exceeds all of the criteria under s. 118.165 and the ~~department~~ state superintendent finds that the institution does meet or exceed all of the criteria under s. 118.165, the ~~department~~ state superintendent shall determine that the institution is a private school. If at any time the ~~department~~ state superintendent finds that an institution determined to be a private school under this section no longer meets the criteria under s. 118.165, the ~~department~~ state superintendent may withdraw the determination.

SECTION 2790m. 118.18 of the statutes is amended to read:

118.18 Teacher reports. Every teacher shall record the names, ages and studies of all pupils under his or her charge and their daily attendance and such other facts or matters relating to the school as the ~~department~~ state superintendent or school board requires.

SECTION 2792b. 118.19 (3), (4) and (4m) of the statutes are amended to read:

118.19 **(3)** (a) No license to teach in any public school may be issued unless the applicant possesses a bachelor's degree including such professional training as the department by rule requires, except as permitted under par. (b) and ss. 115.28 (17) (a) and 118.192. Notwithstanding s. 36.11 (16), beginning August 31, 1990, no teacher preparatory program in this state may be approved by the ~~department~~ state superintendent under s. 115.28 (7) (a), unless each student in the program is required to complete student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school. Beginning August 31, 1990, no license to teach in any public school may be granted to an applicant who completed a professional training program outside this state unless the applicant completed student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the equivalent, as determined by the ~~department~~ state superintendent. The ~~department~~ state superintendent may grant exceptions to the student teaching requirements under this paragraph when the midyear calendars of the institution offering the teacher preparatory program and the cooperating school differ from each other and would prevent students from attending classes at the institution in accordance with the institution's calendar. The ~~department~~ state superintendent shall promulgate rules to implement this subsection.

(b) The ~~department~~ state superintendent shall permanently certify any applicant to teach Wisconsin native American languages and culture who has successfully completed the university of Wisconsin−Milwaukee school of education approved Wisconsin native American languages and culture project certification program at any time between January 1, 1974, and December 31, 1977. School districts shall not assign individuals certified under this paragraph to teach courses other than Wisconsin native American languages and culture, unless they qualify under par. (a).

(4) (a) Notwithstanding subch. II of ch. 111, the ~~department~~ state superintendent may not grant a license to any person who has been convicted of any Class A, B, C or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an equivalent crime in another state or country, for a violation that occurs on or after September 12, 1991, for 6 years following the date of the conviction, and may grant the license only if the person establishes by clear and convincing evidence that he or she is entitled to the license.

(b) Notwithstanding par. (a), the ~~department~~ state superintendent shall grant a license to a person convicted of a crime described under par. (a), prior to the expiration of the 6−year period following the conviction, if the conviction is reversed, set aside or vacated.

(4m) Beginning July 1, 1995, the ~~department~~ state superintendent may not issue or renew a license to teach the visually impaired unless the applicant demonstrates, based on criteria established by the ~~department~~ state superintendent by rule, that he or she is proficient in reading and writing braille and in teaching braille. In promulgating rules under this subsection, the ~~department~~ state superintendent shall take into consideration the standard

used by the librarian of congress for certifying braille transcribers.

SECTION 2792d. 118.19 (8) of the statutes is amended to read:

118.19 **(8)** Beginning July 1, 1992, the ~~department~~ state superintendent may not grant to any person a license to teach unless the person has received instruction in the study of minority group relations, including instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.

SECTION 2792e. 118.19 (9) (a) (intro.) of the statutes is amended to read:

118.19 **(9)** (a) (intro.) Except as provided in par. (b), beginning on July 1, 1996, the ~~department~~ state superintendent may not issue an initial teaching license, school district administrator's license or school administrator's license unless the applicant has demonstrated competency in all of the following:

SECTION 2792h. 118.19 (9) (b) of the statutes is amended to read:

118.19 **(9)** (b) The ~~department~~ state superintendent may waive the requirements under par. (a) if the applicant demonstrates competency in the subjects under par. (a) 1. to 3. within 12 months after the date on which the license is issued.

SECTION 2792L. 118.19 (10) (b) (intro.) of the statutes is amended to read:

118.19 **(10)** (b) (intro.) With the assistance of the department of justice, the ~~department~~ state superintendent shall do all of the following:

SECTION 2792p. 118.19 (10) (b) 2. of the statutes is amended to read:

118.19 **(10)** (b) 2. Over a 5–year period, conduct a background investigation of each person who holds a license, issued by the ~~department~~ state superintendent, that has no expiration date and who is employed by an educational agency.

SECTION 2792r. 118.19 (10) (c) of the statutes is amended to read:

118.19 **(10)** (c) If the person under par. (b) is a nonresident, or if the ~~department~~ state superintendent determines that the person's employment, licensing or state court records provide a reasonable basis for further investigation, the ~~department~~ state superintendent shall require the person to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrest and conviction.

SECTION 2792u. 118.19 (10) (d) (intro.) of the statutes is amended to read:

118.19 **(10)** (d) (intro.) Upon request, an educational agency shall provide the ~~department~~ state superintendent with all of the following information about each person employed by the educational agency who holds a license, issued by the ~~department~~ state superintendent, that has no expiration date:

SECTION 2792y. 118.19 (10) (e) of the statutes is amended to read:

118.19 **(10)** (e) The ~~department~~ state superintendent may issue or renew a license or permit conditioned upon the receipt of a satisfactory background investigation.

SECTION 2793. 118.19 (10) (f) of the statutes is amended to read:

118.19 **(10)** (f) The ~~department~~ state superintendent shall keep confidential all information received under this subsection from the department of justice or the federal bureau of investigation. Such information is not subject to inspection or copying under s. 19.35.

SECTION 2794m. 118.192 (1) to (3) of the statutes are amended to read:

118.192 **(1)** The ~~department~~ state superintendent shall establish an alternative teacher training program for mathematics and science teachers. The program shall be conducted during the summer and shall consist of approximately 100 hours of formal instruction.

(2) An individual who holds a bachelor's degree in engineering, mathematics, biology, chemistry or physics, has at least 5 years of experience as an engineer, mathematician or science professional and passes the appropriate subject area portion of the national teacher's examination administered by the educational testing service, inc., in mathematics or science may apply to the ~~department~~ state superintendent for enrollment in the alternative teacher training program. The ~~department~~ state superintendent shall charge a fee sufficient to cover the costs of the program.

(3) The ~~department~~ 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 specified by the ~~department~~ state superintendent, in grades kindergarten to 12 for 2 years, if the person is supervised by a person who holds a regular teaching license. The permit is renewable.

SECTION 2795. 118.192 (5) of the statutes is repealed.

SECTION 2795m. 118.195 of the statutes is amended to read:

118.195 Discrimination against handicapped teachers prohibited. (1) No person otherwise qualified may be denied a certificate or license from the ~~department~~ state superintendent under s. 118.19 (1) because the person is totally or partially blind, deaf or physically handicapped nor may any school district refuse to employ a teacher on such grounds, if such handicapped teacher is

able to carry out the duties of the position which the person seeks.

(2) Any school board may request the ~~department~~ state superintendent for advice and assistance in interpreting this section.

SECTION 2796. 118.20 (2) of the statutes is amended to read:

118.20 **(2)** The ~~department~~ state superintendent or a person designated by the state superintendent may receive and investigate complaints charging discrimination in employment, assignment or reassignment of teachers or administrative personnel in the public schools and the ~~department~~ state superintendent or designee may hold hearings, subpoena witnesses and take testimony to effectuate the purposes of this section.

SECTION 2797. 118.20 (3) of the statutes is amended to read:

118.20 **(3)** If the ~~department~~ state superintendent finds probable cause to believe that any discrimination prohibited by this section has been or is being practiced, the ~~department~~ state superintendent shall immediately endeavor to eliminate the practice by conference, conciliation or persuasion. In case of failure to eliminate the discrimination, the ~~department~~ state superintendent shall issue and serve a written notice of hearing, specifying the nature of the discrimination which appears to have been committed, and requiring the public school official, employe, teacher agency or placement bureau named, hereinafter called the "respondent" to answer the complaint at a hearing before the ~~department~~ state superintendent. The notice shall specify a time of hearing not less than 10 days after service of the complaint, and a place of hearing within the county in which the discrimination is alleged to have occurred.

SECTION 2798. 118.20 (4) of the statutes is amended to read:

118.20 **(4)** After hearing, if the ~~department~~ state superintendent finds that the respondent has engaged in discrimination prohibited by this section the ~~department~~ state superintendent shall make written findings and recommend such action by the respondent as shall satisfy the purposes of this section and shall serve a certified copy of the findings and recommendations on the respondent together with an order requiring the respondent to comply with the recommendations. Any person aggrieved by noncompliance with the order shall be entitled to have the order enforced specifically by suit in equity. If the ~~department~~ state superintendent finds that the respondent has not engaged in the alleged discrimination, the ~~department~~ state superintendent shall serve a certified copy of the ~~department's~~ state superintendent's findings on the complainant together with an order dismissing the complaint.

SECTION 2799. 118.20 (5) of the statutes is amended to read:

118.20 **(5)** If any public school official, employe, teachers agency or placement bureau violates sub. (1) or fails or refuses to obey any lawful order made by the ~~department~~ state superintendent pursuant to this section, such person shall forfeit and pay into the state treasury not less than $25 nor more than $50, or be imprisoned not less than 5 nor more than 30 days. Such violation or failure or refusal to obey an order shall be grounds for the removal of any school district administrator, member of a school board or other public school official. Findings and orders of the ~~department~~ state superintendent under this section shall be subject to judicial review under ch. 227.

SECTION 2800. 118.20 (6) of the statutes is amended to read:

118.20 **(6)** Upon request of the ~~department~~ state superintendent, the attorney general or district attorney of the county in which any investigation, hearing or trial under this section is pending, shall aid and prosecute under supervision of the ~~department~~ state superintendent, all necessary actions or proceedings for the enforcement of this section and for the punishment of all violations thereof.

SECTION 2801. 118.20 (7) of the statutes is amended to read:

118.20 **(7)** In administering this section the ~~department~~ state superintendent shall have authority to make, amend and rescind rules necessary to carry out the purposes of this section.

SECTION 2801g. 118.22 (1) (b) of the statutes is amended to read:

118.22 **(1)** (b) "Teacher" means any person who holds a teacher's certificate or license issued by the ~~department~~ state superintendent or a classification status under the technical college system board and whose legal employment requires such certificate, license or classification status, but does not include part−time teachers or teachers employed by any board of school directors in a city of the 1st class.

SECTION 2801r. 118.25 (6) of the statutes is amended to read:

118.25 **(6)** As a condition of employment, employes of the ~~department~~ state superintendent whose work brings them into contact with school children or with school employes shall have physical examinations under sub. (2).

SECTION 2802. 118.255 (3) of the statutes is repealed and recreated to read:

118.255 **(3)** The school board, cooperative educational service agency or county handicapped children's education board maintaining health treatment services shall report annually to the department, and at such other times as the department directs, such information as the department requires.

SECTION 2803. 118.255 (4) of the statutes is amended to read:

118.255 **(4)** If the ~~department~~ state superintendent is satisfied that the health treatment services program has been maintained during the preceding school year in accordance with law, the ~~department~~ state superintendent shall certify to the department of administration in favor of each school board, cooperative educational service agency and county handicapped children's education board maintaining such health treatment services, an amount equal to 63% of the amount expended for items listed in s. 115.88 (1) by the school board, cooperative educational service agency and county handicapped children's education board during the preceding year for these health treatment services. The department of administration, upon such certification shall distribute the amounts to the appropriate school board, cooperative educational service agency and county handicapped children's education board.

SECTION 2803m. 118.258 (2) (b) of the statutes is amended to read:

118.258 **(2)** (b) The school board shall submit a copy of the rules under sub. (1) to the ~~department~~ state superintendent when the rule is first adopted and whenever the rule is amended.

SECTION 2804. 118.26 of the statutes is amended to read:

118.26 Claim against school district. No action may be brought or maintained against a school district upon a claim or cause of action unless the claimant complies with s. 893.80. This section does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 2805. 118.30 (1) of the statutes is renumbered 118.30 (1) (a) and amended to read:

118.30 **(1)** (a) The ~~department~~ state superintendent shall adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in the 4th, 8th and 10th grades.

SECTION 2806. 118.30 (1) (b) of the statutes is created to read:

118.30 **(1)** (b) If the governor has issued pupil academic standards as an executive order under s. 14.23, the department shall develop a high school graduation examination that is designed to measure whether pupils meet the pupil academic standards.

SECTION 2807. 118.30 (1g) of the statutes is created to read:

118.30 **(1g)** (a) By August 1, 1998, each school board shall adopt pupil academic standards in mathematics, science, reading and writing, geography and history. If the governor has issued pupil academic standards as an executive order under s. 14.23, the school board may adopt those standards.

(b) Each school board operating high school grades shall adopt a high school graduation examination that is designed to measure whether pupils meet the pupil academic standards adopted by the school board under par. (a). If the school board has adopted the pupil academic standards issued as an executive order under s. 14.23, the school board may adopt the high school graduation examination developed by the department under sub. (1) (b). If a school board develops and adopts its own high school graduation examination, it shall notify the department.

SECTION 2808. 118.30 (1m) (intro.) of the statutes is amended to read:

118.30 **(1m)** (intro.) Except as otherwise provided in this section and in s. 118.40 (2r) (d), annually each school board shall do all of the following:

SECTION 2808m. 118.30 (1m) (b) of the statutes is amended to read:

118.30 **(1m)** (b) Administer the 10th grade examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 10th grade. This paragraph does not apply after the 2000−01 school year.

SECTION 2809. 118.30 (1m) (d) of the statutes is created to read:

118.30 **(1m)** (d) If the school board operates high school grades, beginning in the 2000−01 school year administer the high school graduation examination adopted by the school board under sub. (1g) (b). The school board shall administer the examination at least twice each school year. The school board shall determine the high school grades in which the examination will be administered each school year.

SECTION 2809e. 118.30 (2) (b) 2. of the statutes is amended to read:

118.30 **(2)** (b) 2. According to criteria established by the ~~department~~ state superintendent by rule, the school board may determine not to administer an examination under this section to a limited−English speaking pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or her native language or may modify the format and administration of an examination for such pupils.

SECTION 2809m. 118.30 (3) of the statutes is amended to read:

118.30 **(3)** The ~~department~~ state superintendent shall make available upon request, within 90 days after the date of administration, any examination required to be administered under this section. This subsection does not apply while the examination is being developed or validated.

SECTION 2809s. 118.33 (1) (am) of the statutes is amended to read:

118.33 **(1)** (am) The ~~department~~ state superintendent shall encourage school boards to require an additional 8.5 credits selected from any combination of vocational education, foreign languages, fine arts and other courses.

SECTION 2810. 118.33 (1) (cm) of the statutes is created to read:

118.33 **(1)** (cm) Except as provided in par. (e), beginning on September 1, 2002, a school board may not grant

a high school diploma to any pupil unless the pupil has passed the high school graduation examination administered under s. 118.30 (1m) (d). A school board shall provide a pupil with at least 4 opportunities to take the examination in the high school grades.

SECTION 2810m. 118.33 (1) (e) of the statutes is created to read:

118.33 **(1)** (e) Each school board shall develop alternative criteria for evaluating a pupil who has been excused from the high school graduation examination under s. 118.30 (2) (b) 3. A school board may grant a high school diploma to a pupil who has been excused from the high school graduation examination under s. 118.30 (2) (b) 3. if the pupil satisfies all of the other requirements under this subsection and satisfies the other criteria.

SECTION 2810r. 118.33 (2) (intro.) of the statutes is amended to read:

118.33 **(2)** (intro.) The ~~department~~ state superintendent shall:

SECTION 2811. 118.33 (2) (c) of the statutes is amended to read:

118.33 **(2)** (c) Establish course requirements under sub. (1) (a) and approve any school board's high school graduation standards policy that is equivalent to the requirements under sub. (1).

SECTION 2811m. 118.33 (3) of the statutes is amended to read:

118.33 **(3)** By September 1, 1986, each school board operating high school grades shall submit to the ~~department~~ state superintendent a report describing the school board's policies and guidelines on high school graduation standards, including a list of courses required under sub. (1) (a) and the number of hours in each school term required to earn one credit under sub. (1) (a), and thereafter shall notify the ~~department~~ state superintendent whenever changes are made in such policies or guidelines. The department shall make reasonable efforts to combine the reports required under this subsection with other required school board reports.

SECTION 2812. 118.33 (3m) of the statutes is amended to read:

118.33 **(3m)** A course taken at a technical college by a child attending the school part−time or in lieu of high school under s. 118.15 (1) (b), or attending the school under s. 118.15 (1) (cm), does not fulfill any of the high school graduation requirements under sub. (1) (a) unless the ~~department~~ state superintendent has approved the course for that purpose. If a pupil satisfies all of the high school graduation requirements under sub. (1), the school board shall grant a high school diploma to the pupil regardless of whether the pupil satisfied all or a portion of the requirements while attending an institution of higher education under s. 118.55 or a technical college.

SECTION 2812m. 118.33 (4) of the statutes is amended to read:

118.33 **(4)** (a) The ~~department~~ state superintendent shall establish procedures for school boards to certify to the ~~department~~ state superintendent whether they are in compliance with the requirements under sub. (1) and the rules promulgated under sub. (2).

(b) The ~~department~~ state superintendent may periodically review school district high school graduation standards and shall notify any school board not in compliance with the requirements under sub. (1) or the rules promulgated under sub. (2), identifying the changes necessary.

SECTION 2815d. 118.34 (3) of the statutes is amended to read:

118.34 **(3)** The department and the technical college system board shall provide technical assistance to school boards to develop technical preparation programs in each high school. Annually, the school board shall evaluate its program and report the results to the ~~department~~ state superintendent and the technical college system board.

SECTION 2815g. 118.35 (2) of the statutes is amended to read:

118.35 **(2)** The ~~department~~ state superintendent shall by rule establish guidelines for the identification of gifted and talented pupils.

SECTION 2815r. 118.35 (3) (b) of the statutes is amended to read:

118.35 **(3)** (b) Annually by August 15, report to the ~~department~~ state superintendent the number of gifted and talented pupils who participated in a program under par. (a) in the previous school year and such other information as the ~~department~~ state superintendent requests.

SECTION 2816. 118.37 (title) of the statutes is renumbered 118.55 (title) and amended to read:

118.55 (title) **~~Postsecondary enrollment~~ Youth options program.**

SECTION 2818. 118.37 (1) of the statutes is renumbered 118.55 (1) and amended to read:

118.55 **(1)** In this section, "institution of higher education" means a center or institution within the university of Wisconsin system, a ~~technical college~~ tribally controlled college or a private, nonprofit institution of higher education located in this state.

SECTION 2819. 118.37 (2) and (3) of the statutes are renumbered 118.55 (2) and (3), and 118.55 (2) and (3) (b), as renumbered, are amended to read:

118.55 **(2)** (a) Beginning in the 1992−93 school year, any public school pupil enrolled in the 11th or 12th grade who is not attending a technical college under sub. (7r) or s. 118.15 (1) (b) may enroll in an institution of higher education for the purpose of taking one or more nonsectarian courses at the institution of higher education, subject to par. (b). The pupil shall submit an application to the institution of higher education in the previous school semester. The pupil shall indicate on the application whether he or she will be taking the course or courses for high school credit or postsecondary credit. The pupil

shall also specify on the application that if he or she is admitted the institution of higher education may disclose the pupil's grades, the courses that he or she is taking and his or her attendance record to the public school in which the pupil is enrolled.

(b) Paragraph (a) applies to a private institution of higher education and to a tribally controlled college only if the private institution of higher education or tribally controlled college has notified the ~~department~~ state superintendent of its intent to participate in the program under this section by September 1 of the previous school year.

(3) (b) If the pupil specifies in the notice under par. (a) that he or she intends to take a course at an institution of higher education for high school credit, the school board shall determine whether the course is comparable to a course offered in the school district, and whether the course satisfies any of the high school graduation requirements under s. 118.33 and the number of high school credits to award the pupil for the course, if any. ~~The department~~ In cooperation with institutions of higher education, the state superintendent shall develop guidelines to assist school districts in making the determinations. The school board shall notify the pupil of its determinations, in writing, before the ~~end~~ beginning of the semester in which ~~it received the notice under par. (a)~~ the pupil will be enrolled. If the pupil disagrees with the school board's decision regarding comparability of courses, satisfaction of high school graduation requirements or the number of high school credits to be awarded, the pupil may appeal the school board's decision to the ~~department~~ state superintendent within 30 days after the decision. The ~~department's~~ state superintendent's decision shall be final and is not subject to review under subch. III of ch. 227.

SECTION 2820. 118.37 (3m) of the statutes is repealed.

SECTION 2821. 118.37 (4) of the statutes is renumbered 118.55 (4), and 118.55 (4) (a), as renumbered, is amended to read:

118.55 **(4)** (a) An institution of higher education may admit a pupil under this section only if it has space available. ~~A pupil may attend a technical college under this section only if he or she is a resident of this state.~~

SECTION 2822c. 118.37 (5) (intro.) and (a) of the statutes are renumbered 118.55 (5) (intro.) and (a).

SECTION 2823. 118.37 (5) (b) of the statutes is repealed.

SECTION 2823m. 118.37 (5) (c) of the statutes is renumbered 118.55 (5) (c), and 118.55 (5) (c) 2., as renumbered, is amended to read:

118.55 **(5)** (c) 2. An amount determined by dividing the state total net cost of the general fund in the previous school year by the state total membership in the previous school year, dividing that quotient by the statewide average number of high school credits taken by full−time pupils in the previous school year, as determined by the ~~department~~ state superintendent, and multiplying that quotient by the number of high school credits taken by the pupil at the private institution of higher education, as determined under sub. (3) (b). In this subdivision, "net cost" has the meaning given in s. 121.004 (6), and "membership" has the meaning given in s. 121.004 (5).

SECTION 2824m. 118.37 (6) of the statutes is renumbered 118.55 (6), and 118.55 (6) (title), (a) and (b), as renumbered, are amended to read:

118.55 **(6)** (title) RESPONSIBILITY OF PUPIL FOR TUITION AND FEES; INSTITUTION OF HIGHER EDUCATION. (a) A pupil taking a course at an institution of higher education for high school credit under this section is not responsible for any portion of the tuition and fees for the course if the school board, or the ~~department~~ state superintendent on appeal under sub. (3) (b), has determined that the course is not comparable to a course offered in the school district.

(b) A pupil taking a course at an institution of higher education for high school credit under this section is responsible for the tuition and fees for the course if the school board has determined that the course is comparable to a course offered in the school district, unless the ~~department~~ state superintendent reverses the school board's decision on appeal under sub. (3) (b).

SECTION 2825. 118.37 (7g) of the statutes is renumbered 118.55 (7g) and amended to read:

118.55 **(7g)** TRANSPORTATION. The parent or guardian of a pupil who is attending an institution of higher education or technical college under this section and is taking a course for high school credit ~~that is not comparable to a course offered in the school district~~ may apply to the ~~department~~ state superintendent for reimbursement of the cost of transporting the pupil between the high school in which the pupil is enrolled and the institution of higher education or technical college that the pupil is attending if the pupil and the pupil's parent or guardian are unable to pay the cost of such transportation. The ~~department~~ state superintendent shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255 (2) (cw). The ~~department~~ state superintendent shall give preference under this subsection to those pupils who are eligible for a free or reduced−price lunch under 42 USC 1758 (b).

SECTION 2826. 118.37 (8) of the statutes is renumbered 118.55 (8).

SECTION 2827m. 118.37 (9) of the statutes is renumbered 118.55 (9) and amended to read:

118.55 **(9)** RULES. The ~~department~~ state superintendent shall promulgate rules to implement and administer this section, including rules establishing criteria for determining reimbursement amounts under sub. (7g).

SECTION 2828. 118.38 (2m) of the statutes is repealed.

SECTION 2829. 118.38 (3) of the statutes is amended to read:

118.38 **(3)** A waiver is effective for 4 years. The ~~secretary~~ department shall renew the waiver for additional 4−year periods if the school board has evaluated the educational and financial effects of the waiver over the previous 4−year period, except that the ~~secretary~~ department is not required to renew a waiver if the ~~secretary~~ department determines that the school district is not making adequate progress toward improving pupil academic performance.

SECTION 2830. 118.40 (1) of the statutes is amended to read:

118.40 **(1)** NOTICE TO DEPARTMENT. Whenever a school board intends to establish a charter school, it shall notify the ~~department~~ state superintendent of its intention. ~~The~~ Whenever one of the entities under sub. (2r) (b) intends to establish a charter school, it shall notify the state superintendent of its intention by February 1 of the previous school year. A notice under this subsection shall include a description of the proposed school.

SECTION 2832. 118.40 (1m) (b) 7. of the statutes is amended to read:

118.40 **(1m)** (b) 7. Subject to sub. (7) (a) and (am) and ss. 118.19 (1) and 121.02 (1) (a) 2., the qualifications that must be met by the individuals to be employed in the school.

SECTION 2835. 118.40 (2r) of the statutes is created to read:

118.40 **(2r)** OTHER INITIATIVES. (a) In this subsection:

1. "Membership" has the meaning given in s. 121.004 (5).

2. "Shared cost per member" means the shared cost under s. 121.07 (6) (a) divided by the school district's membership.

(b) The common council of the city of Milwaukee, the chancellor of the University of Wisconsin−Milwaukee and the Milwaukee area technical college district board may establish by charter and operate a charter school or, on behalf of their respective entities, may initiate a contract with an individual or group to operate a school as a charter school. A charter shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter school on the liability of the contracting entity under this paragraph. The contract may include other provisions agreed to by the parties. The chancellor of the University of Wisconsin−Milwaukee may not establish or enter into a contract for the establishment of a charter school under this paragraph without the approval of the board of regents of the University of Wisconsin System.

(c) An entity under par. (b) may not establish or enter into a contract for the establishment of a charter school located outside of the school district operating under ch. 119. A pupil residing within the school district operating under ch. 119 may attend a charter school established under this subsection only if one of the following applies:

1. In the previous school year, the pupil was enrolled in the school district operating under ch. 119.

2. In the previous school year, the pupil was attending a private school under s. 119.23.

3. In the previous school year, the pupil was enrolled in grades kindergarten to 3 in a private school located in the city of Milwaukee other than under s. 119.23.

4. In the previous school year, the pupil was not enrolled in school.

5. In the previous school year, the pupil was enrolled in a charter school under this subsection.

(d) The chartering or contracting entity under par. (b) shall do all of the following:

1. Ensure that all instructional staff of charter schools under this subsection hold a license or permit to teach issued by the department.

2. Administer the examinations under ss. 118.30 (1m) and 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

(e) From the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the shared cost per member in the previous school year of the school district operating under ch. 119 multiplied by the number of pupils attending the charter school. The department shall pay 25% of the total amount in September, 25% in December, 25% in February and 25% in June. The department shall send the check to the operator of the charter school.

(f) The department shall annually reduce the aid paid under s. 121.08 to the board of a school district operating under ch. 119 by an amount equal to the shared cost per member in the previous school year of the school district operating under ch. 119 multiplied by the number of pupils attending charter schools under this subsection.

(g) The department shall ensure that aid paid to other school districts under s. 121.08 is neither reduced nor increased as a result of the payments under par. (e) or the reduction in aid to the board under par. (f) and that the amount of the aid reduction under par. (f) lapses to the general fund.

SECTION 2836. 118.40 (3) (a) of the statutes is amended to read:

118.40 **(3)** (a) If the school board grants the petition under sub. (2) ~~(a)~~, the school board shall contract with the person named in the petition under sub. (1m) (b) 1. to operate the school as a charter school under this section. The contract shall include all of the provisions specified in the petition and may include other provisions agreed to by the parties.

SECTION 2837. 118.40 (3) (b) of the statutes is amended to read:

118.40 **(3)** (b) A contract under par. (a) or under ~~sub.~~ subs. (2m) or (2r) may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding 5 school years. The contract shall specify the amount to be paid ~~by the school board~~ to the charter school during each school year of the contract.

SECTION 2839. 118.40 (3) (d) of the statutes is amended to read:

118.40 **(3)** (d) A school board or an entity under s. 118.40 (2r) (b) shall give preference in awarding contracts for the operation of charter schools to those charter schools that serve children at risk, as defined in s. 118.153 (1) (a).

SECTION 2840. 118.40 (5) (intro.) and (a) of the statutes are amended to read:

118.40 **(5)** CHARTER REVOCATION. (intro.) A charter may be revoked by the school board or the entity under sub. (2r) (b) that contracted with the charter school if the school board or, if applicable, the entity under sub. (2r) (b) finds that any of the following occurred:

(a) The charter school violated its contract with the school board or the entity under sub. (2r) (b).

SECTION 2841. 118.40 (7) (a) of the statutes is amended to read:

118.40 **(7)** (a) ~~A~~ Except as provided in par. (am), a charter school is an instrumentality of the school district in which it is located and the school board of that school district shall employ all personnel for the charter school. ~~This paragraph does not apply to charter schools located in the school district operating under ch. 119.~~

SECTION 2842. 118.40 (7) (am) of the statutes is created to read:

118.40 **(7)** (am) 1. Except as provided in subds. 2. and 3., if a charter school is established under sub. (2m) and located in the school district operating under ch. 119, the school board of that school district shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that a charter school is an instrumentality of the school district, the school board shall employ all personnel for the charter school. If the school board determines that a charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.

2. A charter school established under sub. (2r) or a private school located in the school district operating under ch. 119 that is converted to a charter school is not an instrumentality of the school district operating under ch. 119 and the school board of that school district may not employ any personnel for the charter school.

3. Notwithstanding subd. 2., if the city of Milwaukee contracts with an individual or group operating for profit to operate a school as a charter school, the charter school is an instrumentality of the school district operating under ch. 119 and the board of the school district operating under ch. 119 shall employ all personnel for the charter school.

SECTION 2842b. 118.40 (7) (ar) of the statutes is created to read:

118.40 **(7)** (ar) Nothing in this subsection affects the rights of personnel of a charter school that is an instrumentality of the school district in which it is located to engage in collective bargaining pursuant to subch. IV of ch. 111.

SECTION 2842g. 118.42 (1) (intro.) of the statutes is amended to read:

118.42 **(1)** (intro.) A nonprofit corporation may apply to the ~~department~~ state superintendent for a grant to partially fund the costs of planning, developing and operating a youth village program that complies with all of the following:

SECTION 2842r. 118.42 (2) (a) of the statutes is amended to read:

118.42 **(2)** (a) The ~~department~~ state superintendent shall review the applications and determine which of the applicants shall receive the grant.

SECTION 2842s. 118.43 (2) (b) (intro.) of the statutes is amended to read:

118.43 **(2)** (b) In the 1996−97 and 1998−99 school ~~year~~ years, the school board of an eligible school district may enter into a 5−year achievement guarantee contract with the department on behalf of one school in the school district if all of the following apply:

SECTION 2842t. 118.43 (2) (f) of the statutes is amended to read:

118.43 **(2)** (f) The department may not enter into an achievement guarantee contract with a school board on behalf of a school after June 30, ~~1997~~ 1999.

SECTION 2842tm. 118.43 (3) (intro.) of the statutes is amended to read:

118.43 **(3)** CONTRACT REQUIREMENTS. (intro.) ~~An~~ Except as provided in par. (am), an achievement guarantee contract shall require the school board to do all of the following in each participating school:

SECTION 2842tn. 118.43 (3) (am) of the statutes is created to read:

118.43 **(3)** (am) *Class size; additional contracts.* For contracts that begin in the 1998−99 school year, reduce each class size to 15 in the following manner:

1. In the 1998−99 school year, in at least grades kindergarten and one.

2. In the 1999−2000 school year, in at least grades kindergarten to 2.

3. In the 2000−01 to 2002−03 school years, in at least grades kindergarten to 3.

SECTION 2842tr. 118.43 (4) (a) of the statutes is amended to read:

118.43 **(4)** (a) A description of how the school will implement each of the elements under sub. (3), including any alternative class configurations for specific educa-

tional activities that may be used to meet the class size requirement under sub. (3) ~~(a)~~.

SECTION 2842ts. 118.43 (5) (b) of the statutes is amended to read:

118.43 **(5)** (b) At the end of the 1997−98, 1998−99 ~~and~~, 1999−2000, 2000−01 and 2001−02 school years, a committee consisting of the state superintendent, the chairpersons of the education committees in the senate and assembly and the individual chiefly responsible for the evaluation under sub. (7) shall review the progress made by each school for which an achievement guarantee contract has been entered into. The committee may recommend to the department that the department terminate a contract if the committee determines that the school board has violated the contract or if the school has made insufficient progress toward achieving its performance objectives under sub. (4) (c). The department may terminate the contract if it agrees with the committee's recommendation.

Vetoed In Part

SECTION 2842w. 118.43 (6) (a) of the statutes is amended to read:

118.43 **(6)** (a) In this subsection, "amount appropriated" means the amount appropriated under s. 20.255 (2) (cu) in any fiscal year less $250,000, plus the amount appropriated under s. 20.255 (2) (cv).

SECTION 2842x. 118.43 (6) (b) (intro.) of the statutes is amended to read:

118.43 **(6)** (b) (intro.) From the ~~appropriation~~ appropriations under s. 20.255 (2) (cu) and (cv), subject to par. (c), the department shall pay to each school district that has entered into a contract with the department under this section an amount determined as follows:

SECTION 2842xm. 118.43 (6) (b) 3. of the statutes is amended to read:

118.43 **(6)** (b) 3. In the 1998−99~~, 1999−2000 and 2000−01~~ school ~~years~~ year, divide the amount appropriated by the sum of the number of low−income pupils enrolled in grades kindergarten to 3 in each school in this state covered by contracts under ~~this section~~ sub. (3) (a) and the number of low−income pupils enrolled in grades kindergarten and one in each school in this state covered by contracts under sub. (3) (am) and multiply the quotient by the number of pupils enrolled in those grades in each school in the school district covered by contracts under this section.

SECTION 2842y. 118.43 (6) (b) 4. and 5. of the statutes are created to read:

118.43 **(6)** (b) 4. In the 1999−2000 school year, divide the amount appropriated by the sum of the number of low−income pupils enrolled in grades kindergarten to 3 in each school in this state covered by contracts under sub. (3) (a) and the number of low−income pupils enrolled in grades kindergarten to 2 in each school in this state covered by contracts under sub. (3) (am) and multiply the quotient by the number of pupils enrolled in those grades in each school in the school district covered by contracts the section.

5. In the 2000−01 to 2002−03 school years, divide the amount appropriated by the number of low−income pupils enrolled in grades kindergarten to 3 in each school in this state covered by contracts under this section and multiply the quotient by the number of pupils enrolled in those grades in each school in the school district covered by contracts under this section.

SECTION 2842z. 118.43 (8) of the statutes is created to read:

118.43 **(8)** DEPARTMENTAL WAIVER OF LOW−INCOME PERCENTAGE REQUIREMENT. If a school district that is eligible to contract with the department under sub. (2) (a) chooses not to do so, the department may waive the eligibility requirements under sub. (2) (a) to include additional school districts that would otherwise be ineligible.

SECTION 2843g. 118.51 of the statutes is created to read:

118.51 Full−time open enrollment. (1) DEFINITIONS. In this section:

(a) "Child with exceptional educational needs" has the meaning given in s. 115.76 (3).

(b) "Nonresident school board" means the school board of a nonresident school district.

(c) "Nonresident school district" means a school district, other than a pupil's resident school district, that the pupil is attending or has applied to attend under this section.

(d) "Parent" includes a guardian.

(e) "Resident school board" means the school board of a resident school district.

(f) "Resident school district" means the school district in which a pupil resides.

(2) APPLICABILITY. Beginning in the 1998−99 school year, a pupil may attend a public school, including a prekindergarten, early childhood or school−operated day care program, in a nonresident school district under this section, except that a pupil may attend a prekindergarten, early childhood or school−operated day care program in a nonresident school district only if the pupil's resident school district offers the same type of program that the pupil wishes to attend and the pupil is eligible to attend that program in his or her resident school district.

(3) APPLICATION PROCEDURES. (a) *Submission and acceptance or rejection.* 1. The parent of a pupil who wishes to attend a public school in a nonresident school district under this section shall submit an application, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wishes to attend, not earlier than the first Monday in February and not later than the 3rd Friday in February of the school year immediately preceding the school year in which the pupil wishes to attend. On the 4th Monday in February, the nonresident school board shall send a

copy of the application to the pupil's resident school board and the department. The application may include a request to attend a specific school or program offered by the nonresident school district.

Vetoed In Part

2. A nonresident school board may not act on any application received under subd. 1. until after the 3rd Friday in February. If a nonresident school board receives more applications for a particular grade or program than there are spaces available in the grade or program, the nonresident school board shall determine which pupils to accept on a random basis.

3. On or before the first Friday following the first Monday in April following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has accepted the application. If the nonresident school board rejects an application, it shall include in the notice the reason for the rejection.

4. On or before the first Friday following the first Monday in April following receipt of a copy of the application, if a resident school board denies a pupil's enrollment in a nonresident school district under sub. (6), (7) or (12) (b) 1., the resident school board shall notify the applicant and the nonresident school board, in writing, that the application has been denied and include in the notice the reason for the denial.

5. If an application is accepted, on or before the 2nd Friday following the first Monday in May following receipt of the application, the nonresident school board shall notify the applicant, in writing, of the specific school or program that the pupil may attend in the following school year.

6. If an application is accepted, on or before the first Friday following the first Monday in June following receipt of a notice of acceptance, the pupil's parent shall notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year.

(b) *Notice to resident school district.* Annually by June 30, each nonresident school board that has accepted a pupil under this section for attendance in the following school year shall report the name of the pupil to the pupil's resident school board.

(c) *Subsequent reapplication; when required.* 1. If a pupil's parent notifies a nonresident school board, under par. (a) 6., that the pupil intends to attend school in that school district in the following school year, the pupil may attend that school district in the following school year and may continue to attend that school district in succeeding school years without reapplying, except that the nonresident school board may require that the pupil reapply, no more than once, when the pupil enters middle school, junior high school or high school.

2. If at any time a pupil who is attending school in a nonresident school district under this section wishes to attend school in a different nonresident school district under this section, the pupil's parent shall follow the application procedures under par. (a).

(4) ADOPTION OF POLICIES AND CRITERIA. (a) By December 1, 1997, each school board shall adopt a resolution specifying all of the following:

1. Its reapplication requirements, if any, under sub. (3) (c) 1.

2. Its acceptance and rejection criteria under sub. (5) (a) and (b).

3. A statement of the preference required under sub. (5) (c).

4. Its transfer limitations, if any, under sub. (6).

5. If the school district is eligible for aid under subch. VI of ch. 121, the limitation on transfers into or out of the school district imposed by the school board under sub. (7).

6. Whether it will provide transportation under s. 121.54 (10) for some or all of the pupils who reside in the school district and attend school in a nonresident school district under this section or for some or all of the pupils who reside in other school districts and attend its schools under this section, and the means, under s. 121.55, by which it will provide such transportation.

(b) If the school board revises its criteria or policies under par. (a), it shall do so by resolution.

(5) NONRESIDENT SCHOOL DISTRICT ACCEPTANCE CRITERIA. (a) *Permissible criteria.* Except as provided in par. (c), the criteria for accepting and rejecting applications from nonresident pupils under sub. (3) (a) may include only the following:

1. The availability of space in the schools, programs, classes or grades within the nonresident school district, including any class size limits, pupil−teacher ratios, pupils attending the school district for whom tuition is paid under s. 121.78 (1) (a) or enrollment projections established by the nonresident school board.

2. Whether the pupil has been expelled from school by any school district during the current or 2 preceding school years for any of the following reasons or whether a disciplinary proceeding involving the pupil, which is based on any of the following reasons, is pending:

a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives.

b. Engaging in conduct while at school or while under supervision of a school authority that endangered the health, safety or property of others.

c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety or property of others at school or under the supervision of a school authority or of any employe of the school district or member of the school board.

d. Possessing a dangerous weapon, as defined in s. 939.22 (10), while at school or while under the supervision of a school authority.

4. Whether the special education program or related services described in the child's individualized education program under s. 115.80 (4) are available in the nonresident school district or whether there is space available in the special education program identified in the child's individualized education program, including any class size limits, pupil−teacher ratios or enrollment projections established by the nonresident school board.

5. Whether the child has been screened by his or her resident school board under s. 115.80 (2) to determine if there is reasonable cause to believe that the child is a child with exceptional educational needs.

6. Whether the child has been reported to his or her resident school board under s. 115.80 (1) or identified by his or her resident school board under s. 115.80 (2) but not yet evaluated by a multidisciplinary team appointed by his or her resident school board under s. 115.80 (3).

(b) *Rejection after initial acceptance.* The criteria under par. (a) may provide that, notwithstanding the nonresident school board's acceptance of an application under sub. (3) (a) 3., at any time prior to the beginning of the school year in which the pupil will first attend school in the school district under this section, the school board may notify the pupil that he or she may not attend school in the school district if the school board determines that any of the criteria under par. (a) 2. are met.

(c) *Required preference.* A nonresident school board shall give preference in accepting applications under sub. (3) (a) to pupils and to siblings of pupils who are already attending public school in the nonresident school district.

(6) RESIDENT SCHOOL DISTRICT TRANSFER LIMITATIONS. A school board may limit the number of its resident pupils attending public school in other school districts under this section in the 1998−99 school year to 3% of its membership. In each of the 7 succeeding school years, a school board may limit the number of its resident pupils attending public school in other school districts to an additional 1% of its membership. If more than the maximum allowable number of resident pupils apply to attend public school in other school districts in any school year under this section, the school board shall determine which pupils will be allowed to attend public school in other school districts on a random basis, except that the school board shall give preference to pupils who are already attending public school in the school district to which they are applying under this section and to siblings of such pupils.

(7) RACIAL BALANCE. (a) The school board of a school district that is eligible for aid under subch. VI of ch. 121 shall reject any application for transfer into or out of the school district made under this section if the transfer would increase racial imbalance in the school district. A pupil who transfers out of a school district under subch. VI of ch. 121 shall not be counted in that school district's membership, as defined in s. 121.004 (5), for the purpose of determining the school district's racial balance under this paragraph.

(b) The school board of a school district that receives applications for transfer into the school district under subch. VI of ch. 121 and this section may not accept applications made under this section until it has accepted or rejected all applications made under subch. VI of ch. 121.

(8) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident school board shall provide to the nonresident school board to which a pupil has applied under this section, upon request by that school board, a copy of any expulsion findings and orders pertaining to the pupil, a copy of records of any pending disciplinary proceeding involving the pupil, a written explanation of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

(9) APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7) or the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (6), (7) or (12) (b) 1., the pupil's parent may appeal the decision to the department within 30 days after the decision. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

(10) PUPIL ASSIGNMENT. A nonresident school board may assign pupils accepted to attend public school in the school district under this section to a school or program within the school district. The school board may give preference in attendance at a school, program, class or grade to residents of the school district who live outside the school's attendance area.

(12) SPECIAL EDUCATION PROGRAM OR RELATED SERVICES. (a) *Unavailable after enrollment*. If the individualized education program for a pupil, developed or revised under s. 115.80 (4) after a child begins attending public school in a nonresident school district under this section, requires a special education program or related service that is not available in the nonresident school district or if there is no space available in the special education program identified in the child's individualized education program, including any class size limits, pupil−teacher ratios or enrollment projections established by the nonresident school board, the nonresident school board may notify the child's parent and the child's resident school board that the program or service is not available in the nonresident school district. If such notice is provided, the child shall be transferred to his or her resident school district, which shall provide an educational placement for the child under ss. 115.80 (4m) and 115.85 (2).

(b) *Undue financial burden.* 1. If the costs of the special education program or services required in the individualized education program under s. 115.80 (4) for a child with exceptional educational needs whose parent has submitted an application under sub. (3) (a), as proposed to be implemented by the nonresident school district, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil and the per pupil special education program or services costs for children with exceptional educational needs continuing to be served by the resident school district, the child's resident school board may notify the child's parent and the nonresident school board by the first Friday following the first Monday in April that the pupil may not attend the nonresident school district to which the child has applied.

2. If the costs of the special education program or services required in an individualized education program for a pupil, developed or revised under s. 115.80 (4) after a child begins attending public school in a nonresident school district under this section, as implemented or proposed to be implemented by the nonresident school district, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil and the per pupil special education program or services costs for children with exceptional educational needs continuing to be served by the resident school district, the child's resident school board may notify the pupil's parent and the nonresident school board that the program or services impose such an undue financial burden on the resident school district. If such notice is provided, the child shall be transferred to his or her resident school district, which shall provide an educational placement for the child under ss. 115.80 (4m) and 115.85 (2). The pupil's parent may appeal a required transfer under this subdivision to the department within 30 days after receipt of the notice. The department shall affirm the resident school board's determination unless the department finds that the determination was arbitrary or unreasonable.

(13) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a public school in a nonresident school district under this section has all of the rights and privileges of pupils residing in that school district and is subject to the same rules and regulations as pupils residing in that school district.

(13m) PARTICIPATION IN CERTAIN PROGRAMS. A pupil attending a public school in a nonresident school district under this section shall be considered a resident of the nonresident school district for the purposes of participating in programs of a cooperative educational service agency or a county handicapped children's education board.

(14) TRANSPORTATION. (a) *Responsibility.* 1. Except as provided in subd. 2., the parent of a pupil attending public school in a nonresident school district under this section is responsible for transporting the pupil to and from school in the nonresident school district attended by the pupil.

2. If the pupil is a child with exceptional educational needs and transportation of the pupil is required in the individualized education program developed for the child under s. 115.80 (4) or is required under s. 121.54 (3), the nonresident school district shall provide such transportation for the child.

(b) *Low−income assistance.* The parent of a pupil who is eligible for a free or reduced−price lunch under 42 USC 1758 (b) and who will be attending public school in a nonresident school district in the following school year under this section may apply to the department, on the form prepared under sub. (15) (a), for the reimbursement of costs incurred by the parent for the transportation of the pupil to and from the pupil's residence and the school that the pupil will be attending. The department shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy). The reimbursement amount may not exceed the actual transportation costs incurred by the parent or 3 times the statewide average per pupil transportation costs, whichever is less. If the appropriation under s. 20.255 (2) (cy) in any one year is insufficient to pay the full amount of approved claims under this paragraph, payments shall be prorated among the parents entitled thereto. By the 2nd Friday following the first Monday in May following receipt of the parent's application under sub. (3) (a), the department shall provide to each parent requesting reimbursement under this paragraph an estimate of the amount of reimbursement that the parent will receive if the pupil attends public school in the nonresident school district in the following school year.

(15) DEPARTMENT DUTIES. The department shall do all of the following:

(a) *Application form.* Prepare, distribute to school districts and make available to parents an application form to be used by parents under sub. (3) (a). The form shall include provisions that permit a parent to apply for transportation reimbursement under sub. (14) (b).

(b) *Information and assistance.* Develop and implement an outreach program to educate parents about the open enrollment program under this section, including activities specifically designed to educate low−income parents, and services to answer parents' questions about the program and assist them in exercising the open enrollment option provided under this section.

(c) *Annual report.* Annually submit a report to the governor, and to the appropriate standing committees of

the legislature under s. 13.172 (3), on the number of pupils who applied to attend public school in a nonresident school district under this section, the number of applications denied and the bases for the denials, and the number of pupils attending public school in a nonresident school district under this section.

(16) STATE AID ADJUSTMENTS. (a) Annually, the department shall determine all of the following:

1. For each school district, the number of nonresident pupils attending public school in the school district under this section, other than pupils for whom tuition is paid under sub. (17).

2. For each school district, the number of resident pupils attending public school in a nonresident school district under this section, other than pupils for whom tuition is paid under sub. (17).

3. The statewide average per pupil school district cost for regular instruction, cocurricular activities, instructional support services and pupil support services in the previous school year.

(b) 1. If the number determined in par. (a) 1. is greater than the number determined in par. (a) 2. for a school district, the department shall increase that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by the amount determined under par. (a) 3.

2. If the number determined in par. (a) 1. is less than the number determined in par. (a) 2. for a school district, the department shall decrease that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by the amount determined under par. (a) 3. If the state aid payment under s. 121.08 is insufficient to cover the reduction, the department shall decrease other state aid payments made by the department to the school district by the remaining amount. If the state aid payment under s. 121.08 and other state aid payments made by the department to the school district are insufficient to cover the reduction, the department shall use the moneys appropriated under s. 20.255 (2) (cg) to pay the balance to school districts under subd. 1.

(c) If a pupil attends public school in a nonresident school district under this section for less than a full school term, the department shall prorate the state aid adjustments under this subsection based on the number of days that school is in session and the pupil attends public school in the nonresident school district.

(d) The department shall ensure that the aid adjustment under par. (b) does not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

(17) SPECIAL EDUCATION TUITION. The resident school board shall pay to the nonresident school board, for each child who is attending public school in the nonresident school district under this section and is enrolled in a program for children with exceptional educational needs, tuition calculated using the daily tuition rate under s. 121.83 for children enrolled in such programs in the nonresident school district, or an amount agreed to by the school boards of the 2 school districts.

SECTION 2843r. 118.52 of the statutes is created to read:

118.52 Part−time open enrollment. (1) DEFINITIONS. In this section:

(a) "Nonresident school board" means the school board of a nonresident school district.

(b) "Nonresident school district" means a school district, other than a pupil's resident school district, in which the pupil is attending a course or has applied to attend a course under this section.

(c) "Parent" includes a guardian.

(d) "Resident school board" means the school board of a resident school district.

(e) "Resident school district" means the school district in which a pupil resides.

(2) APPLICABILITY. Beginning in the 1998−99 school year, a pupil enrolled in a public school in the high school grades may attend public school in a nonresident school district under this section for the purpose of taking a course offered by the nonresident school district. A pupil may attend no more than 2 courses at any time in nonresident school districts under this section.

(3) APPLICATION PROCEDURES. (a) The parent of a pupil who wishes to attend public school in a nonresident school district for the purpose of taking a course under this section shall submit an application, on a form provided by the department, to the school board of the nonresident school district in which the pupil wishes to attend a course not later than 6 weeks prior to the date on which the course is scheduled to commence. The application shall specify the course that the pupil wishes to attend and may specify the school or schools at which the pupil wishes to attend the course. The nonresident school board shall send a copy of the application to the pupil's resident school board.

(b) If a nonresident school board receives more applications for a particular course than there are spaces available in the course, the nonresident school board shall determine which pupils to accept on a random basis.

(c) No later than one week prior to the date on which the course is scheduled to commence, the nonresident school board shall notify the applicant and the resident school board, in writing, whether the application has been accepted and, if the application is accepted, the school at which the pupil may attend the course. The acceptance applies only for the following semester, school year or other session in which the course is offered. If the nonresident school board rejects an application, it shall include in the notice the reason for the rejection.

(d) No later than one week prior to the date on which the course is scheduled to commence, the resident school board shall do all of the following:

1. If it denies an application to attend public school in a nonresident school district under sub. (6), notify the applicant and the nonresident school board, in writing, that the application has been denied and include in the notice the reason for the rejection.

2. If it determines that the course does not satisfy high school graduation requirements under s. 118.33 in the resident school district, notify the applicant in writing.

(e) Following receipt of a notice of acceptance but prior to the date on which the course is scheduled to commence, the pupil's parent shall notify the resident school board and nonresident school board of the pupil's intent to attend the course in the nonresident school district.

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

(5) NONRESIDENT SCHOOL DISTRICT ACCEPTANCE AND REJECTION CRITERIA. School board policies and criteria for accepting and rejecting applications under sub. (3) from pupils who reside in another school district shall be the same as the policies and criteria for entry into the course that apply to pupils who reside in the school district, except that the school board may give preference in attendance in a course to residents of the school district.

(6) RESIDENT SCHOOL DISTRICT REJECTION CRITERIA. (a) *Individualized education program requirements.* The school board of a pupil's resident school district shall reject a pupil's application to attend a course in a public school in a nonresident school district if the resident school board determines that the course conflicts with the individualized education program for the pupil under s. 115.80 (4).

(b) *Undue financial burden.* The school board of a pupil's resident school district may reject an application to attend a course in a public school in a nonresident school district if the cost of the course would impose upon the resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil and the per pupil costs for children continuing to be served by the resident school district.

(8) APPEAL OF REJECTION. If an application is rejected under sub. (5) or a pupil is prohibited from attending a course in a public school in a nonresident school district under sub. (6), the pupil's parent may appeal the decision to the department within 30 days after the decision. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable. The department's decision is final and is not subject to judicial review under subch. III of ch. 227.

(9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a course in a public school in a nonresident school district under this section has all of the rights and privileges of pupils residing in that school district and is subject to the same rules and regulations as pupils residing in that school district.

(10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident school board shall provide to the nonresident school board to which a pupil has applied under this section, upon request by that school board, a copy of any expulsion findings and orders, a copy of records of any pending disciplinary proceeding involving the pupil, a written explanation of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

(11) TRANSPORTATION. (a) *Responsibility.* The parent of a pupil attending a course in a public school in a nonresident school district under this section is responsible for transporting the pupil to and from the course that the pupil is attending. **Vetoed In Part**

(b) *Low−income assistance.* The parent of a pupil who is attending a course in a public school in a nonresident school district under this section may apply to the department for reimbursement of the costs incurred by the parent for the transportation of the pupil to and from the pupil's residence or school in which the pupil is enrolled and the school at which the pupil is attending the course if the pupil and parent are unable to pay the cost of such transportation. The department shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255 (2) (cw). The department shall give preference under this paragraph to those pupils who are eligible for a free or reduced−price lunch under 42 USC 1758 (b).

(12) TUITION. The resident school board shall pay to the nonresident school board, for each pupil attending a course in a public school in the nonresident school district under this section, an amount equal to the cost of providing the course to the pupil, calculated in a manner determined by the department.

SECTION 2844. 118.55 (7r) of the statutes is created to read:

118.55 **(7r)** ATTENDANCE AT TECHNICAL COLLEGE. (a) Upon the pupil's request and with the written approval of the pupil's parent or guardian, any public school pupil who satisfies the following criteria may apply to attend a technical college for the purpose of taking one or more courses:

1. The pupil has completed the 10th grade.

2. The pupil is in good academic standing.

3. The pupil notifies the school board of his or her intent to attend a technical college under this subsection by March 1 if the pupil intends to enroll in the fall semester and by October 1 if the pupil intends to enroll in the spring semester.

4. The pupil is not a child at risk, as defined in s. 118.153 (1) (a).

(am) A school board may refuse to permit a pupil to attend a technical college under this subsection if the pupil is a child with exceptional educational needs, as defined in s. 115.76 (3), and the school board determines that the cost to the school district under par. (dm) would impose an undue financial burden on the school district.

(b) The technical college district board shall admit the pupil if he or she meets the requirements and prerequisites of the course or courses for which he or she applied, except that the district board may reject an application from a pupil who has a record of disciplinary problems, as determined by the district board, or if the district board determines that there is no space available for the pupil.

Vetoed In Part

(c) If a child attends a technical college under this subsection, the technical college shall ensure that the child's educational program meets the high school graduation requirements under s. 118.33. At least 30 days before the beginning of the technical college semester in which the pupil will be enrolled, the school board of the school district in which the pupil resides shall notify the pupil, in writing, if a course in which the pupil will be enrolled does not meet the high school graduation requirements and whether the course is comparable to a course offered in the school district. If the pupil disagrees with the school board's decision regarding comparability of courses or satisfaction of high school graduation requirements, the pupil may appeal the school board's decision to the state superintendent within 30 days after the decision. The state superintendent's decision is final and is not subject to review under subch. III of ch. 227. The pupil is eligible to receive both high school and technical college credit for courses successfully completed at the technical college.

(d) 1. Except as provided in par. (dg), for each pupil attending a technical college under this subsection, the school board shall pay to the technical college district board, in 2 instalments payable upon initial enrollment and at the end of the semester, the following amount:

Vetoed In Part

a. If the pupil is attending the technical college for less than 7 credits that are eligible for high school credit, for those courses taken for high school credit, an amount equal to the cost of tuition, course fees and books for the pupil at the technical college.

b. If the pupil is attending the technical college for 7 credits or more that are eligible for high school credit, an amount equal to 50% of the school district's average per pupil cost for regular instruction and instructional support services in the previous school year, as determined by the department, multiplied by a fraction the numerator of which is the number of credits taken for high school credit for which the pupil is enrolled and the denominator of which is 15. Annually by the 3rd Monday in February, the department shall make available to school boards and technical college district boards estimates of the amounts under this subd. 1. b.

2. Notwithstanding subd. 1., if the pupil is attending the technical college for less than 10 credits during any semester, the school board is not responsible for payment for any courses that are comparable to courses offered in the school district. If the pupil is attending the technical college for 10 or more credits during any semester, the school board is responsible for payment for courses that are comparable to courses offered in the school district for one−half of the credits taken but no more than 6 credits.

(dg) 1. If, by September 15, 1997, or within 30 days after the effective date of this subdivision .... [revisor inserts date], whichever is later, the technical college system board, the Wisconsin Association of School Boards and the School Administrators Alliance agree on a different method than the method under par. (d) for determining the amount that a school board must pay a technical college district board for each pupil attending a technical college under this subsection, they shall submit it to the department by September 15, 1997, or within 30 days after the effective date of this subdivision .... [revisor inserts date], whichever is later.

Vetoed In Part

2. Within 30 days after receiving the recommended method under subd. 1., the department shall approve or reject it. If the department approves the method it shall immediately submit the method to the cochairpersons of the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the method within 14 working days after the date that the method was submitted, the method is approved. If, within 14 working days after the date that the method was submitted, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the method, the method is not approved until the committee approves it.

Vetoed In Part

3. If the method is approved by the department and by the joint committee on finance under subd. 2., the department shall promulgate rules implementing the method beginning with pupils attending a technical college in the 1998 spring semester.

(dm) If a pupil who is attending a technical college under this subsection is a child with exceptional educational needs, as defined in s. 115.76 (3), the payment under par. (d) shall be adjusted to reflect the cost of any special services required for the pupil.

(e) The school board is not responsible for transporting a pupil attending a technical college under this subsection to or from the technical college that the pupil is attending.

SECTION 2845. 118.55 (7w) of the statutes is created to read:

118.55 **(7w)** RESPONSIBILITY OF PUPIL FOR TUITION AND FEES; TECHNICAL COLLEGE. A pupil taking a course at a technical college for high school credit under this sec-

tion is not responsible for any portion of the tuition and fees for the course if the school board is required to pay the technical college for the course under sub. (7r) (d).

SECTION 2846. 119.04 (title) of the statutes is amended to read:

119.04 (title) ~~**Education**~~ **Public instruction laws applicable.**

SECTION 2847. 119.04 (1) of the statutes is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (24), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

SECTION 2847c. 119.23 (2) (a) 3. of the statutes is amended to read:

119.23 **(2)** (a) 3. The private school notified the ~~department~~ state superintendent of its intent to participate in the program under this section by May 1 of the previous school year. The notice shall specify the number of pupils participating in the program under this section for which the school has space.

SECTION 2847g. 119.23 (3) (a) of the statutes is amended to read:

119.23 **(3)** (a) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the ~~department~~ state superintendent, to the participating private school that the pupil wishes to attend. Within 60 days after receiving the application, the private school shall notify the applicant, in writing, whether the application has been accepted. The ~~department~~ state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference in accepting applications to siblings of pupils accepted on a random basis.

SECTION 2847L. 119.23 (4) of the statutes is amended to read:

119.23 **(4)** Upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school, the ~~department~~ state superintendent shall pay to the parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the total amount to which the school district is entitled under s. 121.08 divided by the school district membership, or an amount equal to the private school's operating and debt service cost per pupil that is related to educational programming, as determined by the department, whichever is less. The ~~department~~ state superintendent shall pay 25% of the total amount in September, 25% in November, 25% in February and 25% in May. The department shall send the check to the private school. The parent or guardian shall restrictively endorse the check for the use of the private school.

SECTION 2847p. 119.23 (5) (intro.) of the statutes is amended to read:

119.23 **(5)** (intro.) The ~~department~~ state superintendent shall:

SECTION 2847t. 119.23 (7) (b) of the statutes is amended to read:

119.23 **(7)** (b) The ~~department~~ state superintendent shall monitor the performance of the pupils attending private schools under this section. If the ~~department~~ state superintendent determines in any school year that the private school is not meeting at least one of the standards under par. (a), that private school may not participate in the program under this section in the following school year.

SECTION 2848m. 119.25 (2) (b) of the statutes is amended to read:

119.25 **(2)** (b) No administrator may be designated to participate in an expulsion hearing if he or she was involved in the incident that led to the expulsion proceeding. Prior to expelling a pupil, the hearing officer or panel shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the hearing by counsel. The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. A school board, hearing officer or panel may disclose the transcript to the parent or guardian of an adult pupil, if the adult pupil is a dependent of his or her parent or guardian under section 152 of the internal revenue code. Within 30 days after the date on which the order is issued, the board shall review the expulsion order and shall, upon review, approve, reverse or modify the order. The order of the hearing officer or panel shall be enforced while the board reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the board's decision to the ~~department~~ state superintendent. If the board's decision is appealed to the ~~department~~ state superintendent, within 60 days after the date on which the ~~department~~ state superintendent receives the appeal, the ~~department~~ state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the board shall be enforced while the ~~department~~ state superintendent reviews the de-

cision. An appeal from the decision of the ~~department~~ state superintendent may be taken within 30 days to the circuit court for the county in which the school is located.

SECTION 2849. 119.28 (5) of the statutes is amended to read:

119.28 **(5)** Any action under subs. (3) and (4) shall be subject to the direction of the ~~department~~ state superintendent and the division for learning support, equity and advocacy in the department as provided by law.

SECTION 2849d. 119.32 (6) of the statutes is amended to read:

119.32 **(6)** The superintendent of schools shall ~~take an annual census of all persons between the ages of 4 and 20 residing in the city and at the same time shall~~ collect such ~~additional~~ statistics and information relating to schools and the population entitled to school privileges in the city as the board directs. ~~The census may be estimated by using statistically significant sampling techniques that have been approved by the department.~~

SECTION 2849h. 119.44 (1) of the statutes is amended to read:

119.44 **(1)** The board shall file its annual financial report with the city clerk and shall send a copy of the report to the ~~department~~ state superintendent.

SECTION 2849m. 119.44 (2) (c) of the statutes is amended to read:

119.44 **(2)** (c) The information specified under s. 120.18 (1) (gm) and (i).

SECTION 2849r. 119.44 (2) (d) of the statutes is created to read:

119.44 **(2)** (d) The information specified under s. 120.18 (1) (a).

SECTION 2851m. 119.485 of the statutes is created to read:

119.485 Taxes for state trust fund loans. (1) If the board is awarded a state trust fund loan under subch. II of ch. 24, the board shall include in its budget transmitted to the common council under s. 119.16 (8) (b) a written notice specifying the amount of money necessary to pay the principal and interest on the loan as they become due. The common council shall levy and collect a tax upon all property subject to taxation in the city, at the same time and in the same manner as other taxes are levied and collected, equal to the amount of money required to make such payments. The taxes are in addition to all other taxes that the city is authorized to levy.

(2) Annually by December 31, the board shall transfer to the city an amount which, when added to the interest that will accrue on the amount, is sufficient to meet the anticipated costs of debt service on the loan in the ensuing year.

SECTION 2853m. 119.497 (2) (b) of the statutes is amended to read:

119.497 **(2)** (b) By December 1, 1992, the board shall submit the approved plan to the ~~department~~ state superintendent and the legislative audit bureau for their review. By January 15, 1993, the ~~department~~ state superintendent and the legislative audit bureau shall submit their comments on the plan to the committees specified under par. (a) in the manner specified under par. (a).

SECTION 2854. 119.68 (2) of the statutes is amended to read:

119.68 **(2)** No action may be brought or maintained against the school upon a claim or cause of action unless the claimant complies with s. 893.80. This subsection does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 2854b. 119.71 (2) of the statutes is amended to read:

119.71 **(2)** From the appropriation under s. 20.255 (2) (ec), the ~~department~~ state superintendent shall pay to the board the amount specified in the spending plan under s. 119.80 in each school year.

SECTION 2854e. 119.72 (1) (c) of the statutes is amended to read:

119.72 **(1)** (c) Employs or utilizes only persons appropriately licensed by the ~~department~~ state superintendent under s. 115.28 (7) for pupils in the program, or ensures that only such persons supervise the individuals providing instruction and support services to the pupils in the program.

SECTION 2854h. 119.72 (5) of the statutes is amended to read:

119.72 **(5)** From the appropriation under s. 20.255 (2) (ec), the ~~department~~ state superintendent shall pay to the board the amount specified in the spending plan under s. 119.80 for the program under this section in each school year.

SECTION 2854k. 119.73 of the statutes is amended to read:

119.73 Kindergarten and early childhood programs. The board shall evaluate the effectiveness of the expanded 5−year−old kindergarten programs under s. 119.71 and the early childhood education programs under s. 119.72 in meeting the needs of disadvantaged children. By January 1, 1990, and annually thereafter by January 1, the board shall submit a report summarizing its findings to the ~~department~~ state superintendent and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 2854m. 119.74 (intro.) of the statutes is amended to read:

119.74 Extended−day elementary grade, 4−year−old kindergarten and alcohol and other drug abuse programs. (intro.) From the appropriation under s. 20.255 (2) (ec), the ~~department~~ state superintendent shall pay to the board the amounts specified in the spending plan under s. 119.80 for the following programs in each school year:

SECTION 2854p. 119.75 (2) (a) of the statutes is amended to read:

119.75 **(2)** (a) From the appropriation under s. 20.255 (2) (ec), the ~~department~~ state superintendent shall pay to the board the amount specified in the spending plan under s. 119.80 in each school year.

SECTION 2854s. 119.78 (2) of the statutes is amended to read:

119.78 **(2)** From the appropriation under s. 20.255 (2) (ec), the ~~department~~ state superintendent shall pay to the board the amount specified in the spending plan under s. 119.80 in each school year to fund the family resource center under sub. (1).

SECTION 2854u. 119.82 (3) of the statutes is amended to read:

119.82 **(3)** From the appropriation under s. 20.255 (2) (ec), the ~~department~~ state superintendent shall pay to the board the amount specified in the spending plan under s. 119.80 in each school year for the programs under sub. (1).

SECTION 2854w. 119.84 of the statutes is amended to read:

119.84 Professional development. Annually, the ~~department~~ state superintendent shall pay the amount appropriated in that fiscal year under s. 20.255 (2) (dc) to the board. The board shall use the funds for professional staff development activities. This subsection does not apply after June 30, 1996.

SECTION 2854y. 120.115 of the statutes is created to read:

120.115 Report on debt service. (1) Within 10 days after holding a referendum that would authorize the school district to incur debt or that would authorize 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 approval or rejection of the referendum.

(2) (a) Within 10 days after adopting or revising a schedule for the payment of debt service, the school board shall submit the schedule to the department.

(b) Within 10 days after adopting or revising a schedule for the payment of debt service on debt issued on behalf of the school district operating under ch. 119, the common council of a 1st class city shall submit the schedule to the department.

(3) Monthly, the department shall submit to the department of administration and the legislative fiscal bureau a report that aggregates all debt service payment schedules submitted under sub. (2).

SECTION 2855. 120.12 (14) of the statutes is amended to read:

120.12 **(14)** COURSE OF STUDY. Determine the school course of study, with the advice of the ~~department~~ state superintendent.

SECTION 2856. 120.12 (17) of the statutes 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 institution within the university of Wisconsin system if the pupil is not participating in the program under s. ~~118.37~~ 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 2857g. 120.13 (1) (c) 3. of the statutes is amended to read:

120.13 **(1)** (c) 3. Prior to expelling a pupil, the school board shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel. The school board shall keep written minutes of the hearing. Upon the ordering by the school board of the expulsion of a pupil, the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the expulsion to the ~~department~~ state superintendent. If the school board's decision is appealed to the ~~department~~ state superintendent, within 60 days after the date on which the ~~department~~ state superintendent receives the appeal, the ~~department~~ state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the ~~department~~ state superintendent reviews the decision. An appeal from the decision of the ~~department~~ state superintendent may be taken within 30 days to the circuit court of the county in which the school is located.

SECTION 2857r. 120.13 (1) (e) 3. of the statutes is amended to read:

120.13 **(1)** (e) 3. Prior to expelling a pupil, the hearing officer or panel shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the hearing by counsel. The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. Within 30 days after the date on which the order is issued, the school board shall review the expulsion order and shall, upon review, approve, reverse or modify the order. The order of the hearing officer or panel shall be enforced while the school board reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the

school board's decision to the ~~department~~ state superintendent. If the school board's decision is appealed to the ~~department~~ state superintendent, within 60 days after the date on which the ~~department~~ state superintendent receives the appeal, the ~~department~~ state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the ~~department~~ state superintendent reviews the decision. An appeal from the decision of the ~~department~~ state superintendent may be taken within 30 days to the circuit court of the county in which the school is located. This paragraph does not apply to a school district operating under ch. 119.

SECTION 2860c. 120.13 (2) (g) of the statutes, as affected by 1995 Wisconsin Act 289, 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), ~~632.745 (2), (3) and (5)~~ 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) and (10), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

SECTION 2860f. 120.13 (2) (g) of the statutes, as affected by 1997 Wisconsin Act .... (this act), 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), 632.87 (4) and (5), 632.895 (9) ~~and (10)~~ to (13), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

SECTION 2860g. 120.13 (14) of the statutes is amended to read:

120.13 **(14)** DAY CARE PROGRAMS. Establish and provide or contract for the provision of day care programs for children. The school board may receive federal or state funds for this purpose. The school board may charge a fee for all or part of the cost of the service for participation in a day care program established under this subsection. Costs associated with a day care program under this subsection may not be included in shared costs under s. 121.07 (6). Day care programs established under this subsection shall meet the standards for licensed day care centers established by the department of health and family services. If a school board proposes to contract for or renew a contract for the provision of a day care program under this subsection or if on July 1, 1996, a school board is a party to a contract for the provision of a day care program under this subsection, the school board shall refer the contractor or proposed contractor to the department of health and family services for the ~~background investigations~~ criminal history and child abuse record search required under s. ~~48.65 (1m)~~ 48.685. Each school board shall provide the department of health and family services with information about each person who is denied a contract for a reason specified in s. 48.685 (2) (a) 1. to 5.

SECTION 2860m. 120.13 (26) of the statutes is amended to read:

120.13 **(26)** CONTRACTS WITH PRIVATE EDUCATION SERVICES. Upon the approval of the ~~department~~ state superintendent, contract with private education services for pupils who need concurrent education and treatment services, the educational portion of which is not available in the schools in which the pupils are enrolled. Private education services provided under this subsection may not include religious or sectarian teachings or instruction.

SECTION 2861. 120.13 (26r) of the statutes is created to read:

120.13 **(26r)** CONTRACTS FOR OUTPATIENT MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES. Contract with the department of health and family services for outpatient services under s. 51.07 (4).

SECTION 2862m. 120.14 (1) of the statutes is amended to read:

120.14 **(1)** At the close of each fiscal year, the school board of each school district shall employ a licensed accountant to audit the school district accounts and certify the audit. The audit shall include information concerning the school district's self−insurance plan under s. 120.13 (2) (b), as specified by the commissioner of insurance. If required by the ~~department~~ state superintendent under s. 115.28 (18), the audit shall include an audit of the number of pupils reported for membership purposes under s. 121.004 (5). The cost of the audit shall be paid from school district funds. Annually by September 15, the school district clerk shall file a financial audit statement with the ~~department~~ state superintendent.

SECTION 2863. 120.17 (8) (bm) of the statutes is amended to read:

120.17 **(8)** (bm) If the equalized valuation of that part of a municipality lying within a school district is reduced due to the removal of property from the tax roll because the imposition of the property tax on that property is found unconstitutional, the school district clerk shall notify the supervisor of equalization. The supervisor of equalization shall reduce the equalized valuation by the full value of the property so removed and certify the resulting equalized valuation to the ~~department~~ state superintendent and the school district clerk for use in computing the tax levy certifications under this subsection. Corrections may be made under this paragraph only for the valuations used by the department for the last 2 school years.

SECTION 2863b. 120.18 (1) (a) of the statutes is amended to read:

120.18 **(1)** (a) ~~Except in a union high school district, the~~ The school census, showing the numbers and ages of children ~~between the ages of 4 and 20 residing in the school district~~ who are at least 4 years old but not yet 14 years old and who reside in a school district operating only elementary grades, showing the number and ages of children between the ages of 14 and 20 residing in a union high school district and showing the number and ages of children between the ages of 4 and 20 residing in any oth-

er school district. The census may be estimated by using statistically significant sampling techniques that have been approved by the ~~department~~ state superintendent. Children cared for at a charitable or penal institution of this state may not be included in the report. The school district clerk may employ a competent person to take the school census.

SECTION 2863g. 120.18 (1) (h) of the statutes is renumbered 120.18 (1) (s).

SECTION 2863r. 120.18 (1) (i) of the statutes is created to read:

120.18 **(1)** (i) A description of the educational technology used by the school district, including the uses made of the technology, the cost of the technology and the number of persons using or served by the technology. In this paragraph, "educational technology" has the meaning given in s. 44.70 (3).

SECTION 2863rm. 120.18 (3) of the statutes is amended to read:

120.18 **(3)** The ~~department~~ state superintendent may promulgate rules to implement and administer this section.

SECTION 2863s. 120.21 (1) (b) of the statutes is amended to read:

120.21 **(1)** (b) With flight operator schools, approved by the U.S. civil aeronautics administration, for courses in flight instruction approved by the ~~department~~ state superintendent.

SECTION 2864. 121.004 (2) of the statutes is amended to read:

121.004 **(2)** EQUALIZED VALUATION. The "equalized valuation" of a school district is the full value of the taxable property of the territory in the school district as certified for the prior year under s. 121.06 (2), excluding value adjustments made under s. 70.57 (1) resulting from appeals made under s. 70.995. The "equalized valuation" of any taxable property in a tax incremental district shall not exceed its equalized value determined for the purpose of obtaining the tax incremental base of that district under s. 66.46. The "equalized valuation" of a school district shall be reduced by the amount of an environmental remediation value increment on a parcel of property that is certified under s. 66.462 during the period of certification.

SECTION 2865m. 121.004 (7) (a) of the statutes is amended to read:

121.004 **(7)** (a) "Pupils enrolled" is the total number of pupils, as expressed by official enrollments, in all schools of the school district, except as provided in pars. (b) to ~~(d)~~ (e). If such total contains a fraction, it shall be expressed as the nearest whole number. The same method shall be used in computing the number of pupils enrolled for resident pupils, nonresident pupils or both.

SECTION 2865r. 121.004 (7) (e) of the statutes is created to read:

121.004 **(7)** (e) A pupil attending public school under s. 118.145 (4) shall be counted as the result obtained by dividing the number of hours of direct pupil instruction scheduled for the pupil at the public school during the school year by the number of hours of direct pupil instruction that the school district scheduled for a pupil in the same grade during the school year.

SECTION 2867. 121.006 (1) (a) of the statutes is amended to read:

121.006 **(1)** (a) The ~~department~~ state superintendent may withhold state aid from any school district in which the scope and character of the work are not maintained in such manner as to meet the ~~department's~~ state superintendent's approval.

SECTION 2867m. 121.006 (2) (intro.) and (a) of the statutes are amended to read:

121.006 **(2)** (intro.) Unless the ~~department~~ state superintendent is satisfied that the failure to meet the requirements of pars. (a) and (b) was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers, every school district shall:

(a) Hold school for at least 180 days each year, less any days during which the ~~department~~ state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employes, the days to be computed in accordance with s. 115.01 (10).

SECTION 2867q. 121.007 of the statutes is amended to read:

121.007 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (ac), (bc), (bm), (cg) ~~and~~, (cr) and (q) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employes and as to claims for school materials, supplies, fuel and current repairs.

SECTION 2868. 121.02 (1) (intro.) of the statutes is amended to read:

121.02 **(1)** (intro.) ~~Each~~ Except as provided in s. 118.40 (2r) (d), each school board shall:

SECTION 2869. 121.02 (1) (a) 2. of the statutes is amended to read:

121.02 **(1)** (a) 2. Ensure that all instructional staff of charter schools located in the school district hold a license or permit to teach issued by the department. The ~~department~~ state superintendent shall promulgate rules defining "instructional staff" for purposes of this subdivision and s. 118.40 (2r) (d) 1.

SECTION 2869m. 121.02 (1) (f) 1. of the statutes is amended to read:

121.02 **(1)** (f) 1. Schedule at least 180 school days annually, less any days during which the ~~department~~ state

superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employes.

SECTION 2870d. 121.02 (1) (m) of the statutes is amended to read:

121.02 **(1)** (m) Provide access to an education for employment program approved by the ~~department~~ state superintendent. Beginning in the 1997−98 school year, the program shall incorporate applied curricula; guidance and counseling services under par. (e); technical preparation under s. 118.34; college preparation; youth apprenticeship under s. 106.13 or other job training and work experience; and instruction in skills relating to employment. The ~~department~~ state superintendent shall assist school boards in complying with this paragraph.

SECTION 2871. 121.02 (1) (s) of the statutes is amended to read:

121.02 **(1)** (s) Beginning in the 1993−94 school year, administer the examinations required ~~by the department~~ under s. 118.30 (1m) (am) and (b)~~, and~~; beginning in the 1996−97 school year, administer the examination required ~~by the department~~ under s. 118.30 (1m) (a); and beginning in the 1999−2000 school year, administer the high school graduation examination required under s. 118.30 (1m) (d).

SECTION 2871m. 121.02 (3) to (5) of the statutes are amended to read:

121.02 **(3)** Prior to any finding that a school district is not in compliance with the standards under sub. (1), the ~~department~~ state superintendent shall, upon request of the school board or upon receipt of a petition signed by the maximum number of electors allowed for nomination papers of school district officers under s. 8.10 (3) (i), (km) or (ks), conduct a public hearing in the school district. If the ~~department~~ state superintendent, after the hearing, finds that the district is not in compliance with the standards, the ~~department~~ state superintendent may develop with the school board a plan which describes methods of achieving compliance. The plan shall specify the time within which compliance shall be achieved. The ~~department~~ state superintendent shall withhold up to 25% of state aid from any school district that fails to achieve compliance within the specified period.

(4) Any school district which is completely surrounded by water may meet the requirements of this section by being in substantial compliance with the standards in sub. (1). Annually by August 15, the school district shall submit to the ~~department~~ state superintendent for approval a report describing the methods by which the school district intends to substantially comply with the standards. The ~~department~~ state superintendent shall allow any such school district maximum flexibility in the school district's substantial compliance plans.

(5) The ~~department~~ state superintendent shall promulgate rules to implement and administer this section, including rules defining "regular instruction" for the purpose of sub. (1) (L) 1. and 2.

SECTION 2872. 121.05 (1) (a) 5. of the statutes is amended to read:

121.05 **(1)** (a) 5. Pupils attending a technical college under s. 118.15 (1) (b) and pupils attending an institution of higher education or a technical college under s. ~~118.37~~ 118.55.

SECTION 2872gd. 121.05 (1) (a) 11. of the statutes is created to read:

121.05 **(1)** (a) 11. Pupils residing in the school district but attending a public school in another school district under s. 118.51.

SECTION 2872gm. 121.05 (1) (a) 12. of the statutes is created to read:

121.05 **(1)** (a) 12. Pupils attending public school under s. 118.145 (4).

SECTION 2872m. 121.05 (3) and (4) of the statutes are amended to read:

121.05 **(3)** If a school district is unable to hold school on either of the 2 dates specified in sub. (1) (a), the ~~department~~ state superintendent shall designate alternative membership counting dates.

(4) Beginning in the 1994−95 school year, the school board of a school district in which a foster or group home that is not exempt under s. 70.11 is located may submit a report to the ~~department~~ state superintendent. If the school board submits a report, it shall submit it by June 30. The report shall indicate, on a full−time equivalent basis, the number of pupils residing in such foster or group homes who were provided educational services by the school district during the current school year but were not included in the September or January membership count under sub. (1) (a). The ~~department~~ state superintendent shall adjust the school district's membership based on the report. The ~~department~~ state superintendent shall make proportional adjustments to the memberships of the school districts in which the pupil was previously enrolled during that school year. The ~~department~~ state superintendent shall obtain from such school districts the information necessary to make such adjustments. The ~~department~~ state superintendent shall promulgate rules to implement and administer this subsection.

SECTION 2873. 121.06 (1) of the statutes is amended to read:

121.06 **(1)** Annually on or before October 1, the full value of the taxable property in each part of each city, village and town in each school district shall be determined by the department of revenue according to its best judgment from all sources of information available to it and shall be certified by the department of revenue to the ~~department~~ state superintendent.

SECTION 2873d. 121.06 (2) of the statutes is amended to read:

121.06 **(2)** The ~~department~~ state superintendent shall certify to each school district clerk the appropriate full values certified to the ~~department~~ state superintendent under sub. (1).

SECTION 2873h. 121.07 (1) (c) of the statutes is amended to read:

121.07 **(1)** (c) If an order of school district reorganization under ch. 117 is not effective due to litigation until after the 3rd Friday in September but takes effect before April 1 of the current school year, state aid for any affected school district for the first year of operation shall be computed after the order takes effect using calculations by the ~~department~~ state superintendent of the number of pupils enrolled and teacher−pupil ratio for the territory in the affected school district, which shall be made as if the school district had been in existence on the 3rd Friday in September.

SECTION 2873m. 121.07 (7) (b) of the statutes is amended to read:

121.07 **(7)** (b) The "secondary guaranteed valuation per member" is an amount, rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09, 121.10, 121.105, 121.85 (6) (b) 2. and 3. and (c) and 121.86, fully distributes an amount equal to the amount remaining in the appropriation under s. 20.255 (2) (ac) plus $75,000,000 in the 1997−98 school year and $100,000,000 in the 1998−99 school year for payments under ss. 121.08 and 121.85 (6) (a) and (g).

SECTION 2873p. 121.09 of the statutes is amended to read:

121.09 State aid adjustment; redetermination of assessment. (1) If, on or after July 1, 1980, the tax appeals commission or a court makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is lower than the previous assessment, or if, on or after January 1, 1982, the state board of assessors makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is lower than the previous assessment, the school board of the school district in which the property is located may, within 4 years after the date of the determination, decision or judgment, file the determination of the state board of assessors, the decision of the tax appeals commission or the judgment of the court with the ~~department~~ state superintendent, requesting an adjustment in state aid to the school district. If the ~~department~~ state superintendent determines that the determination, decision or judgment is final and that it has been filed within the 4−year period, the state shall pay to the school district in the subsequent fiscal year, from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (q), an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district's equalized valuation as originally certified, and the state aid computed under s. 121.08 for that school year using the school district's equalized valuation as recertified under s. 70.57 (2).

(2) If, on or after May 3, 1984, the state board of assessors, the tax appeals commission or a court makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is higher than the previous assessment, the ~~department~~ state superintendent shall notify the school district in which the property is located of the recertification by the department of revenue under s. 70.57 (2). The ~~department~~ state superintendent shall, in the subsequent fiscal year, withhold from the school district's state aid entitlement under s. 121.08 an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district's equalized valuation as originally certified, and the state aid computed under s. 121.08 for that school year, using the school district's equalized valuation as recertified under s. 70.57 (2).

SECTION 2873t. 121.10 (4) of the statutes is amended to read:

121.10 **(4)** If a school district is ineligible for a payment under sub. (2) or (3), the ~~department~~ state superintendent shall pay to the school district in that school year, from the appropriation under s. 20.255 (2) (bm), an amount which, when added to the amount of state aid the school district will receive in that school year, is equal to an amount determined by multiplying $175 by the membership.

SECTION 2873v. 121.105 (2) (a) 3. of the statutes is amended to read:

121.105 **(2)** (a) 3. A school district eligible for aid under subd. 1. and 2. shall receive aid under subd. 1. The additional aid shall be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (q).

SECTION 2873w. 121.105 (3) of the statutes is amended to read:

121.105 **(3)** In the school year in which a school district consolidation takes effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the consolidated school district's state aid shall be an amount that is not less than the aggregate state aid received by the consolidating school districts in the school year prior to the school year in which the consolidation takes effect. The additional state aid shall be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (q).

SECTION 2874. 121.135 (1) of the statutes is amended to read:

121.135 **(1)** If, upon receipt of the report under s. 115.84, the ~~department~~ state superintendent is satisfied that there are children participating in a special education program provided by a county handicapped children's education board, the ~~department~~ state superintendent shall certify to the department of administration from the appropriation under s. 20.255 (2) (bh) in favor of the county handicapped children's education board the

amount determined under sub. (2), except as provided under sub. (3).

SECTION 2874m. 121.135 (3) of the statutes is amended to read:

121.135 **(3)** This section does not apply beginning on the effective date of a resolution adopted under s. 115.86 (9) (c), except that in the school year beginning July 1 of the year prior to the effective date of the resolution, the ~~department~~ state superintendent shall certify to the department of administration from the appropriation under s. 20.255 (2) (bh) in favor of the county handicapped children's education board an amount equal to one−half the amount specified under sub. (2) for each pupil enrolled.

SECTION 2875. 121.14 (1) of the statutes is amended to read:

121.14 **(1)** State aid shall be paid to each district or county handicapped children's education board only for those academic summer classes or laboratory periods for which the ~~department~~ state superintendent has given prior review and approval as to the content of such classes or laboratory periods so as to assure that such classes and laboratory periods are only for necessary academic purposes. Recreational programs and team sports shall not be eligible for aid under this section, and pupils participating in such programs shall not be counted as pupils enrolled under s. 121.004 (5) nor shall costs associated with such programs be included in shared costs under s. 121.07 (6).

SECTION 2875m. 121.15 (1m) of the statutes is created to read:

121.15 **(1m)** (a) Notwithstanding sub. (1), a portion of state aid to school districts shall be distributed as follows:

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 $75,000,000 and the amount transferred to the property tax relief fund under 1997 Wisconsin Act .... (this act), 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).

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 .... (this act), section 9256 (3x) (c) 2., (d) 2. and (e) 2., shall be paid to school districts on the 4th Monday in July, 1999, from the appropriation under s. 20.255 (2) (ac).

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 .... (this act), section 9256 (3x) (c) 2., (d) 2. and (e) 2., on the 4th Monday in July of the following school year.

(b) Beginning with the payment made in December 1997 under sub. (1), the percentages under sub. (1) (a) shall be reduced proportionally to reflect the payments made under par. (a). School districts shall treat the payments made in July under par. (a) as if they had been received in the previous school year.

SECTION 2876. 121.15 (2) (c) of the statutes is amended to read:

121.15 **(2)** (c) If the ~~department~~ state superintendent notifies a school district that a state aid payment may be withheld under par. (a) or (b), the ~~department~~ state superintendent shall notify each member of the school board or the school district clerk. If the ~~department~~ state superintendent notifies the school district clerk, the school district clerk shall promptly distribute a copy of the notice to each member of the school board.

SECTION 2876m. 121.15 (3m) (a) 1. of the statutes is amended to read:

121.15 **(3m)** (a) 1. "Partial school revenues" means the sum of state school aids, other than the amounts appropriated under s. 20.255 (2) (bi) and (cv), and property taxes levied for school districts, less the amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a school board's increasing the services that it provides by adding responsibility for providing a service transferred to it from another school board and less the amount of any revenue limit increase under s. 121.91 (4) (a) 3.

SECTION 2877. 121.15 (3m) (a) 2. of the statutes is amended to read:

121.15 **(3m)** (a) 2. "State school aids" means those aids appropriated under s. 20.255 (2), other than s. 20.255 (2) (fm), (fu), (k) and (m), and under ~~s. 20.505 (4) (er)~~ ss. 20.275 (1) (d), (es), (et), (f), (fs) and (u) and 20.285 (1) (ee), (r) and (rc) and those aids appropriated under s. 20.275 (1) (s) that are used to provide grants or educational telecommunications access to school districts under s. 196.218 (4r).

SECTION 2878m. 121.15 (3m) (b) of the statutes is amended to read:

121.15 **(3m)** (b) By June 15, 1996, and annually by June 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 ~~66.7%~~ two−thirds of partial school revenues.

SECTION 2879m. 121.15 (3m) (c) of the statutes is amended to read:

121.15 **(3m)** (c) By June 30, ~~1996~~ 1998, 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 2880m. 121.15 (4) of the statutes is amended to read:

121.15 **(4)** On July 1 and October 15, using the most accurate data available, the ~~department~~ state superintendent shall provide the department of revenue and each school district with an estimate of the total amount of state aid, as defined in s. 121.90 (2), the school district will receive in the current school year. On October 15, using the most accurate data available, the ~~department~~ state superintendent shall calculate the total amount of state aid, as defined in s. 121.90 (2), that each school district will receive in the current school year. Any adjustments to that calculation shall be made by increasing or decreasing the payment made in September of the following school year.

SECTION 2881. 121.17 of the statutes is repealed and recreated to read:

121.17 Use of federal revenue sharing funds. It is the intent of the legislature that school districts receiving federal revenue sharing funds through the state under this subchapter shall utilize these funds in compliance with the federal revenue sharing requirements as defined in the state and local fiscal assistance act of 1972 (P.L. 92–512), as amended by P.L. 94–488. The department shall assure compliance with this section.

SECTION 2881d. 121.23 (1) of the statutes is amended to read:

121.23 **(1)** In the event that the ~~department~~ state superintendent finds that school is not held, or educational standards are not maintained in accordance with s. 121.02 (1) (f) as the result of a strike by school district employes, make–up days are authorized to be scheduled but no make–up days are required.

SECTION 2881h. 121.23 (2) (intro.) of the statutes is amended to read:

121.23 **(2)** (intro.) If a school district holds less than 180 days of school as the result of a strike by school district employes, for the purposes of computing general aid, the ~~department~~ state superintendent shall compute the school district's primary and secondary ceiling costs per member in accordance with the procedure specified in pars. (a) to (e). In making the calculation, the ~~department~~ state superintendent shall:

SECTION 2881m. 121.41 (1) of the statutes is amended to read:

121.41 **(1)** STATE AID. To promote a uniformly effective driver education program among high school and technical college pupils, each school district operating high school grades, each county handicapped children's education board which provides the substantial equivalent of a high school education and each technical college district shall receive $100 for each pupil of high school age who completes a course in driver education approved by the department under s. 115.28 (11), but in no case may the state aid exceed the actual cost of instruction. If the appropriation under s. 20.255 (2) ~~(r)~~ (em) is inadequate in any year to provide $100 per pupil, the state aid shall be prorated after the appropriation for administration is deducted. Such state aid shall be paid at the same time as the state aid under s. 121.08 is paid.

SECTION 2881p. 121.51 (1) of the statutes is amended to read:

121.51 **(1)** "Attendance area" is the geographic area designated by the governing body of a private school as the area from which its pupils attend and approved by the school board of the district in which the private school is located. If the private school and the school board cannot agree on the attendance area, the ~~department~~ state superintendent shall, upon the request of the private school and the board, make a final determination of the attendance area. The attendance areas of private schools affiliated with the same religious denomination shall not overlap unless one school limits its enrollment to pupils of the same sex and the other school limits its enrollment to pupils of the opposite sex or admits pupils of both sexes.

SECTION 2881t. 121.52 (1) (b) of the statutes is amended to read:

121.52 **(1)** (b) The school board may adopt additional rules, not inconsistent with law or with rules of the secretary of transportation or the ~~department~~ state superintendent, for the protection of the pupils or to govern the conduct of the person in charge of the motor vehicle used for transportation of pupils for compensation.

SECTION 2882. 121.52 (4) of the statutes is amended to read:

121.52 **(4)** The use of any motor vehicle to transport pupils shall be discontinued upon receipt of an order signed by the ~~secretary~~ state superintendent or the secretary of transportation ordering such discontinuance. Personnel under the ~~secretary~~ state superintendent or the secretary of transportation may ride any school bus at any time for the purpose of inspection.

SECTION 2882d. 121.53 (6) of the statutes is amended to read:

121.53 **(6)** Within 10 days after its occurrence, every accident involving a motor vehicle while providing transportation under this subchapter shall be reported to the appropriate school board and promptly by the school board to the ~~department~~ state superintendent on forms provided by the ~~department~~ state superintendent.

SECTION 2882g. 121.54 (2) (c) of the statutes is amended to read:

121.54 **(2)** (c) An annual or special meeting of a common or union high school district, or the school board of a unified school district, may elect to provide transportation for pupils who are not required to be transported under this section, including pupils attending public school under s. 118.145 (4). Transportation may be provided for all or some of the pupils who reside in the school district to and from the public school they are entitled to attend

or the private school, within or outside the school district, within whose attendance area they reside. If transportation is provided for less than all such pupils there shall be reasonable uniformity in the minimum distance that pupils attending public and private schools will be transported. Except for elementary school districts electing to furnish transportation under par. (b) 2., this paragraph does not permit a school district operating only elementary grades to provide transportation for pupils attending private schools.

SECTION 2882h. 121.54 (3) of the statutes is amended to read:

121.54 **(3)** TRANSPORTATION FOR CHILDREN WITH EXCEPTIONAL EDUCATIONAL NEEDS. Every school board shall provide transportation for children with exceptional educational needs, as defined in s. 115.76 (3), to any public or private elementary or high school, to the Wisconsin school for the visually handicapped or the Wisconsin school for the deaf or to any special educational program for children with exceptional educational needs sponsored by a state tax−supported institution of higher education, regardless of distance, if the request for such transportation is approved by the ~~department~~ state superintendent. Approval shall be based on whether or not the child can walk to school with safety and comfort. Section 121.53 shall apply to transportation provided under this subsection.

SECTION 2882p. 121.54 (4) (b) of the statutes is amended to read:

121.54 **(4)** (b) A school board, a county handicapped children's education board or a cooperative educational service agency may provide transportation regardless of distance for children with exceptional educational needs who attend a summer special education program under s. 115.83 (4), if a request for such transportation is approved by the ~~department~~ state superintendent. Approval shall be based on whether or not the child can walk to school with safety and comfort. Section 121.53 shall apply to transportation provided under this paragraph.

SECTION 2882t. 121.54 (9) of the statutes is amended to read:

121.54 **(9)** TRANSPORTATION IN AREAS OF UNUSUAL HAZARDS. (a) In school districts in which unusual hazards exist for pupils in walking to and from the school where they are enrolled, the school board shall develop a plan which shall show by map and explanation the nature of the unusual hazards to pupil travel and propose a plan of transportation if such transportation is necessary, which will provide proper safeguards for the school attendance of such pupils. Copies of the plan shall be filed with the sheriff of the county in which the principal office of the school district is located. The sheriff shall review the plan and may make suggestions for revision deemed appropriate. The sheriff shall investigate the site and plan and make a determination as to whether unusual hazards exist which cannot be corrected by local government and shall report the findings in writing to the ~~department~~ state superintendent and the school board concerned. Within 60, but not less than 30, days from the day on which the ~~department~~ state superintendent receives the sheriff's report, the ~~department~~ state superintendent shall determine whether unusual hazards to pupil travel exist and whether the plan provides proper safeguards for such pupils. If the ~~department~~ state superintendent makes findings which support the plan and the determination that unusual hazards exist which seriously jeopardize the safety of the pupils in their travel to and from school, the school board shall put the plan into effect and state aid shall be paid under s. 121.58 (2) (c) for any transportation of pupils under this subsection. Any city, village or town may reimburse, in whole or in part, a school district for costs incurred in providing transportation under this subsection for pupils who reside in the city, village or town.

(am) Any person aggrieved by the failure of a school board to file a plan with the sheriff as provided in par. (a) may notify the school board in writing that an area of unusual hazard exists. The school board shall reply to the aggrieved person in writing within 30 days of receipt of the aggrieved person's notice. The school board shall send a copy of the board's reply to the sheriff of the county in which the principal office of the school district is located and to the ~~department~~ state superintendent. Upon receipt of the school board's reply, the aggrieved person may request a hearing before the ~~department~~ state superintendent for a determination as to whether an area of unusual hazard exists. If the ~~department~~ state superintendent determines that an area of unusual hazard exists, the ~~department~~ state superintendent shall direct the school board to proceed as provided in par. (a).

(b) Within 30 days after the sheriff's report is received by the ~~department~~ state superintendent, any aggrieved person may request a hearing before the ~~department~~ state superintendent on the determination by the sheriff and on the plan. After such hearing, the ~~department~~ state superintendent shall proceed as provided in par. (a).

(c) The ~~department~~ state superintendent and the department of transportation shall establish a definition of "unusual hazards" and "area of unusual hazards" for the implementation of this subsection. Such definition shall be promulgated, as a rule, by the ~~department~~ state superintendent.

SECTION 2883m. 121.54 (10) of the statutes is created to read:

121.54 **(10)** FULL−TIME OPEN ENROLLMENT. Subject to s. 118.51 (14) (a) 2., a school board may elect to provide transportation, including transportation to and from summer classes, for nonresident pupils who are attending public school in the school district under s. 118.51, or its resident pupils who are attending public school in another school district under s. 118.51, or both, except that a school board may not provide transportation under this

subsection for a nonresident pupil to or from a location within the boundaries of the school district in which the pupil resides.

SECTION 2884. 121.56 of the statutes is amended to read:

121.56 School bus routes. The school board of each district shall make and be responsible for all necessary provisions for the transportation of pupils, including establishment, administration and scheduling of school bus routes. Upon the request of any school board, the ~~department~~ state superintendent shall provide advice and counsel on problems of school transportation. Any private school shall, upon the request of the public school officials, supply all necessary information and reports. The transportation of public and private school pupils shall be effectively coordinated to insure the safety and welfare of the pupils. Upon receipt of a signed order from the ~~secretary~~ state superintendent, the school board shall discontinue any route specified by the ~~secretary~~ state superintendent.

SECTION 2884m. 121.57 (1) (b) of the statutes is amended to read:

121.57 **(1)** (b) This subsection also applies to handicapped children. The ~~department~~ state superintendent may grant permission for a handicapped child to be transported to a school in another school district if an acceptable form of transportation is provided and if such school offers equal or better educational opportunities for the child.

SECTION 2885g. 121.58 (2) (a) of the statutes is amended to read:

121.58 **(2)** (a) A school district which provides transportation to and from a school under ss. 121.54 (1) to (3), (5) and (6) and 121.57, and the nonresident school district that a pupil attends under s. 118.51 which elects to provide transportation under s. 121.54 (10), shall be paid state aid for such transportation at the rate of $30 per school year per pupil so transported whose residence is at least 2 miles and not more than 5 miles from the school attended, $45 per school year per pupil so transported whose residence is at least 5 miles and not more than 8 miles from the school attended, $60 per school year per pupil so transported whose residence is at least 8 miles and not more than 12 miles from the school attended, $68 per school year per pupil so transported whose residence is at least 12 miles and not more than 15 miles from the school attended, $75 per school year per pupil so transported whose residence is at least 15 miles and not more than 18 miles from the school attended, and $85 per school year per pupil so transported whose residence is more than 18 miles from the school attended. Such state aid shall be reduced proportionately in the case of a pupil transported for less than a full school year because of nonenrollment. State aid for transportation shall not exceed the actual cost thereof. No state aid of any kind may be paid to a school district which charges the pupil transported or his or her parent or guardian any part of the cost of transportation provided under ss. 121.54 (1) to (3), (5) ~~and~~, (6) and (10) and 121.57 or which wilfully or negligently fails to transport all pupils for whom transportation is required under s. 121.54.

SECTION 2885r. 121.58 (4) of the statutes is amended to read:

121.58 **(4)** STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before October 1 of the year in which transportation is provided under s. 121.54 (4), or under s. 121.54 (10) if the transportation is provided by the nonresident school district that a pupil attends under s. 118.51, the school district clerk shall file with the department a report, containing such information as the department requires, on transportation provided by the school board to and from summer classes. Upon receipt of such report and if the summer classes meet the requirements of s. 121.14 (1), state aid shall be paid for such transportation. A school district which provides such transportation shall be paid state aid for such transportation at the rate of $4 per pupil transported to and from public school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended, and $6 per pupil transported to and from public school whose residence is more than 5 miles by the nearest traveled route from the public school attended, if the pupil is transported 30 days or more. The state aid shall be reduced proportionately if the pupil is transported less than 30 days.

SECTION 2888. 121.58 (5) of the statutes is amended to read:

121.58 **(5)** (title) ~~DEPARTMENT~~ STATE SUPERINTENDENT APPROVAL. If the ~~department~~ state superintendent is satisfied that transportation or board and lodging was provided in compliance with law, the ~~department~~ state superintendent shall certify to the department of administration the sum due the school district. In case of differences concerning the character and sufficiency of the transportation or board and lodging, the ~~department~~ state superintendent may determine such matter and ~~its~~ his or her decision is final.

SECTION 2888m. 121.76 (2) (a) of the statutes is amended to read:

121.76 **(2)** (a) All tuition shall be calculated under s. 121.83 unless the ~~department~~ state superintendent approves an alternative procedure consistent with s. 121.75.

SECTION 2888p. 121.77 (1) of the statutes is amended to read:

121.77 **(1)** (a) Every elementary school and high school shall be free to all pupils who reside in the school district.

(b) If facilities are adequate, a school board, board of control of a cooperative educational service agency or county handicapped children's education board may admit nonresident pupils who meet its entrance requirements. Nonresident pupils shall have all of the rights and

privileges of resident pupils and shall be subject to the same rules and regulations as resident pupils. The agency of service shall charge tuition for each nonresident pupil.

SECTION 2889m. 121.77 (2) (a) and (b) of the statutes are amended to read:

121.77 **(2)** (a) A tuition claim for each nonresident pupil or adult for whom services were provided under this subchapter during the preceding school year. The claim shall be filed with the school district clerk under s. 121.78, the ~~department~~ state superintendent under s. 121.79, the county clerk under s. 121.80, the pupil's parent or guardian under s. 121.81 or the adult under s. 121.82. Credit shall be given for prepayments.

(b) A certified copy of each tuition claim under par. (a) with the ~~department~~ state superintendent.

SECTION 2889s. 121.77 (3) of the statutes is created to read:

121.77 **(3)** Subsections (1) (b) and (2) do not apply to a pupil attending a public school in a nonresident school district under s. 118.51.

SECTION 2890c. 121.78 (1) (a) of the statutes is amended to read:

121.78 **(1)** (a) Upon the approval of the ~~department~~ state superintendent, the school board of the district of residence and the school board of the district of attendance may make a written agreement to permit an elementary or high school pupil to attend a public school, including an out−of−state school, outside the school district of residence, and the school district of residence shall pay the tuition. The school district of residence shall be paid state aid as though the pupil were enrolled in the school district of residence.

SECTION 2891m. 121.84 (1) (a) of the statutes is amended to read:

121.84 **(1)** (a) A school board ~~may~~ shall permit a pupil who is enrolled in a school under its jurisdiction and is a resident of the school district at the beginning of the school year to complete the school year at the school without payment of tuition, even though the pupil is no longer a resident of the school district.

SECTION 2894. 121.845 (3) of the statutes is repealed and recreated to read:

121.845 **(3)** "School" means an organized educational activity operated by the school board and approved by the department.

SECTION 2894d. 121.85 (4) (b) of the statutes is amended to read:

121.85 **(4)** (b) Any school board that, prior to May 4, 1976, established a plan to reduce racial imbalance in the school district is eligible for state aid under sub. (6) (a) if the ~~department~~ state superintendent approves the plan.

SECTION 2894e. 121.85 (6) (e) of the statutes is amended to read:

121.85 **(6)** (e) *Sources of aid payments.* State aid under this section shall be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (q).

SECTION 2894f. 121.85 (8) of the statutes is amended to read:

121.85 **(8)** TRANSFERRED PUPILS. Pupils transferring schools under this section shall be subject to the same rules and regulations as resident pupils and shall have the responsibilities, privileges and rights of resident pupils in the school district or attendance area. Subject to this subsection, a pupil transferring schools under either sub. (3) (a) or (b) has the right to complete his or her education at the elementary, middle or high school to which he or she transfers so long as full funding therefor is available under s. 20.255 (2) (ac) and (q).

SECTION 2894g. 121.85 (9) (c) of the statutes is amended to read:

121.85 **(9)** (c) The obligation under par. (a) to organize planning councils shall apply only with regard to school terms for which full pupil transfer aids are appropriated under s. 20.255 (2) (ac) and (q) and planning council assistance funds are appropriated under s. 20.255 (1) (a).

SECTION 2894h. 121.87 (1) (intro.) of the statutes is amended to read:

121.87 **(1)** (intro.) Any school district that receives aid under this subchapter in the 1989−90 school year or in any school year thereafter shall submit a report to the ~~department~~ state superintendent, on a form provided by the ~~department~~ state superintendent, by August 15 of the following school year. The report shall include all of the following for the school year in which the school district received aid:

SECTION 2894p. 121.87 (1) (e) of the statutes is amended to read:

121.87 **(1)** (e) Any other information requested by the ~~department~~ state superintendent.

SECTION 2894t. 121.87 (2) of the statutes is amended to read:

121.87 **(2)** The ~~department~~ state superintendent shall develop a standard method for reporting under sub. (1).

SECTION 2895m. 121.90 (1) of the statutes is renumbered 121.90 (1) (intro.) and amended to read:

121.90 **(1)** (intro.) "Number of pupils enrolled" means the number of pupils enrolled on the 3rd Friday of September, ~~except that "number of pupils" excludes the number of pupils attending private schools under s. 119.23.~~ including pupils identified in s. 121.05 (1) (a) 1. to 11., except that "number of pupils enrolled" excludes the number of pupils attending public school under s. 118.145 (4) and except as follows:

SECTION 2895n. 121.90 (1) (a) to (d) of the statutes are created to read:

121.90 **(1)** (a) In determining a school district's revenue limit for the 1998−99 school year, a number equal to 20% of the summer enrollment in 1998 shall be included in the number of pupils enrolled on the 3rd Friday of September 1998.

(b) In determining a school district's revenue limit in the 1999−2000 school year, a number equal to 20% of the summer enrollment in 1998 shall be included in the number of pupils enrolled on the 3rd Friday of September 1998; and a number equal to 20% of the summer enrollment in 1999 shall be included in the number of pupils enrolled on the 3rd Friday of September 1999.

Vetoed In Part

(c) In determining a school district's revenue limit in the 2000−01 school year, a number equal to 20% of the summer enrollment in 1998 shall be included in the number of pupils enrolled on the 3rd Friday of September 1998; a number equal to 20% of the summer enrollment in 1999 shall be included in the number of pupils enrolled on the 3rd Friday of September 1999; and a number equal to 20% of the summer enrollment in the year 2000 shall be included in the number of pupils enrolled on the 3rd Friday of September 2000.

(d) In determining a school district's revenue limit in the 2001−02 school year and in each school year thereafter, a number equal to 20% of the summer enrollment shall be included in the number of pupils enrolled on the 3rd Friday of September of each appropriate school year.

SECTION 2895q. 121.90 (3) of the statutes is created to read:

121.90 **(3)** "Summer enrollment" means the summer average daily membership equivalent for classes approved under s. 121.14.

SECTION 2896. 121.905 (1) of the statutes is amended to read:

121.905 **(1)** In this section, "revenue ceiling" means ~~$5,300~~ $5,900 in the ~~1995−96~~ 1997−98 school year and in any subsequent school year means ~~$5,600~~ $6,100.

SECTION 2897. 121.905 (3) (b) of the statutes is amended to read:

121.905 **(3)** (b) Divide the result in par. (a) by the sum of the average of the number of pupils enrolled in the 3 previous school years and the number of pupils enrolled who were school district residents and solely enrolled in a special education program provided by a county handicapped children's education board program in the previous school year.

SECTION 2897m. 121.91 (2m) (c) (intro.) of the statutes is amended to read:

121.91 **(2m)** (c) (intro.) Except as provided in subs. (3) ~~and~~, (4) and (6), no school district may increase its revenues for the 1997−98 school year to an amount that exceeds the amount calculated as follows:

SECTION 2898. 121.91 (2m) (c) 1. of the statutes is amended to read:

121.91 **(2m)** (c) 1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding funds described under sub. (4) (c), by ~~the average of~~ a number calculated by adding the number of pupils enrolled in the 3 previous school years, subtracting from that total the number of pupils attending private schools under s. 119.23 in the 4th, 3rd and 2nd preceding school years, and dividing the remainder by 3.

SECTION 2898m. 121.91 (2m) (c) 2. of the statutes is repealed and recreated to read:

121.91 **(2m)** (c) 2. Multiply $206 by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

SECTION 2899. 121.91 (2m) (c) 4. of the statutes is amended to read:

121.91 **(2m)** (c) 4. Multiply the result under subd. 3. by ~~the average of~~ a number calculated by adding the number of pupils enrolled in the current and the 2 preceding school years, subtracting from that total the number of pupils attending private schools under s. 119.23 in the 3 previous school years, and dividing the remainder by 3.

SECTION 2900. 121.91 (2m) (d) 1. of the statutes is amended to read:

121.91 **(2m)** (d) 1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding funds described under sub. (4) (c), by ~~the average of~~ a number calculated by adding the number of pupils enrolled in the 3 previous school years, subtracting from that total the number of pupils attending charter schools under s. 118.40 (2r) and private schools under s. 119.23 in the 4th, 3rd and 2nd preceding school years and dividing the remainder by 3.

SECTION 2900m. 121.91 (2m) (d) 2. of the statutes is amended to read:

121.91 **(2m)** (d) 2. Multiply the amount ~~determined under par. (c) 2.~~ of the revenue increase per pupil allowed under this subsection for the previous school year by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

SECTION 2901. 121.91 (2m) (d) 4. of the statutes is amended to read:

121.91 **(2m)** (d) 4. Multiply the result under subd. 3. by ~~the average of~~ a number calculated by adding the number of pupils enrolled in the current and the 2 preceding school years, subtracting from that total the number of pupils attending charter schools under s. 118.40 (2r) and private schools under s. 119.23 in the 3 previous school years and dividing the remainder by 3.

SECTION 2902e. 121.91 (3) (c) of the statutes 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 ~~department~~ 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 2902m. 121.91 (4) (a) 1. and 2. of the statutes are amended to read:

121.91 **(4)** (a) 1. If a school board transfers to another governmental unit responsibility for providing any service that it provided in the preceding school year, the limit otherwise applicable under sub. (1), (2) or (2m) in the current school year is decreased by the cost that it would have incurred to provide that service, as determined by the ~~department~~ state superintendent.

Vetoed In Part

2. If a school board increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit in the previous school year, the limit otherwise applicable under sub. (1), (2) or (2m) in the current school year is increased by the cost of that service, as determined by the ~~department~~ state superintendent.

SECTION 2902p. 121.91 (4) (a) 3. of the statutes is repealed and recreated to read:

121.91 **(4)** (a) 3. Notwithstanding subd. 2., if a school board increases the services that it provides by adding responsibility for providing a service that is transferred to it from another governmental unit for a child with exceptional educational needs, as defined in s. 115.76 (3), or for a limited−English speaking pupil, as defined in s. 115.955 (7), the limit otherwise applicable under sub. (2m) in the current school year is increased by an amount equal to the estimated cost of providing the service less the estimated amount of aid that the school district will receive for the child or pupil in the following school year under s. 115.88 (1) to (6) and (8), 115.995 or 118.255, as determined by the state superintendent. A school board that transfers or receives responsibility for providing a service under this subdivision shall notify the state superintendent. A school board that transfers responsibility for providing a service under this subdivision shall provide the state superintendent with an estimate of the reduction in cost attributable to the transfer, even if that estimate is zero. The state superintendent shall notify the transferring school district when a receiving school district notifies the state superintendent that it has received responsibility for providing a service transferred to it under this subdivision.

SECTION 2902s. 121.91 (4) (b) of the statutes is amended to read:

121.91 **(4)** (b) 1. If a school district increases its territory by a boundary change under s. 117.10, 117.11, 117.12, 117.13 or 117.132, the limit otherwise applicable in the school year beginning on the effective date of the boundary change under sub. (1), (2) or (2m) is increased by an amount equal to the cost of extending services to the attached territory in the school year to which the limit applies, as determined by the ~~department~~ state superintendent.

2. If a school district decreases its territory due to a boundary change under s. 117.11, 117.12, 117.13 or 117.132, the limit otherwise applicable in the school year beginning on the effective date of the boundary change under sub. (1), (2) or (2m) is decreased by an amount equal to the cost of services that it provided to the detached territory in the school year to which the limit applies, as determined by the ~~department~~ state superintendent.

SECTION 2902v. 121.91 (4) (f) of the statutes is created to read:

121.91 **(4)** (f) 1. For the 1998−99 school year or any school year thereafter, if the average of the number of pupils enrolled in the current and the 2 preceding school years, as calculated under sub. (2m) (d) 4., is less than the average of the number of pupils enrolled in the 3 previous school years, as calculated under sub. (2m) (d) 1., the limit otherwise applicable under sub. (2m) (d) is increased by the amount determined as follows:

Vetoed In Part

a. In the current school year, an amount equal to the additional amount that would have been calculated had the decline in average enrollment been 25% of what it was.

Vetoed In Part

b. In the first succeeding school year, an amount equal to the additional amount that would have been calculated had the decline in average enrollment been 50% of what it was.

c. In the 2nd succeeding school year, an amount equal to the additional amount that would have been calculated had the decline in average enrollment been 75% of what it was.

2. Any additional revenue received by a school district as a result of subd. 1. shall not be included in the base for determining the school district's limit under sub. (2m) (d) for the following school year.

SECTION 2903. 121.91 (5) of the statutes is amended to read:

121.91 **(5)** (a) Upon request by a school board, the ~~department~~ state superintendent may increase the school district's limit under sub. (1) by the amount necessary to allow the school district to avoid increasing its level of short−term borrowing over the amount of short−term borrowing incurred by the school district in the 1992−93 school year if the school district presents clear and convincing evidence of the need for the increase in the limit. The school board shall provide the ~~department~~ state superintendent with any information that the ~~department~~ state superintendent requires to make the determination.

(b) The ~~department~~ state superintendent shall submit to the governor, and to the legislature under s. 13.172 (2), a report summarizing the requests made by school boards

under par. (a) and the increases granted by the ~~department~~ state superintendent.

SECTION 2903g. 121.91 (6) of the statutes is created to read:

121.91 **(6)** In determining a school district's limit under sub. (2m) (c) for the 1997–98 school year, if the average of the number of pupils enrolled in the current and the 2 preceding school years, as calculated under sub. (2m) (c) 4., is more than 2% less than the average of the number of pupils enrolled in the 3 previous school years, as calculated under sub. (2m) (c) 1., the school district's limit shall be calculated as if the decrease had been 2%.

SECTION 2903m. 121.92 (2) (intro.) of the statutes is amended to read:

121.92 **(2)** (intro.) The ~~department~~ state superintendent shall do all of the following:

SECTION 2903r. 125.02 (14) of the statutes is amended to read:

125.02 **(14)** "Person" means a natural person, sole proprietorship, partnership, limited liability company, corporation or association or the owner of a single–owner entity that is disregarded as a separate entity under ch. 71.

SECTION 2903rm. 125.039 of the statutes is created to read:

125.039 Civil liability exemption for retaining proofs of age. No person who holds a license or permit and no employe of such a person is civilly liable for retaining a document presented as proof of age for a reasonable length of time in a good faith effort to determine whether the person who presented the document is an underage person or to notify a law enforcement authority of a suspected violation of s. 125.085 (3) (a) or (b).

SECTION 2903t. 125.04 (5) (a) 1. of the statutes is amended to read:

125.04 **(5)** (a) 1. Do not have an arrest or conviction record, subject to ss. 111.321, 111.322 ~~and~~, 111.335 and 125.12 (1) (b).

SECTION 2904. 125.04 (5) (a) 5. of the statutes is amended to read:

125.04 **(5)** (a) 5. Have successfully completed within the 2 years prior to the date of application a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the ~~department of education~~ educational approval board. This subdivision does not apply to an applicant who held, or who was an agent appointed and approved under sub. (6) of a corporation or limited liability company that held, within the past 2 years, a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.

SECTION 2904m. 125.04 (12) (a) of the statutes is amended to read:

125.04 **(12)** (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to another premises within this state. Transfers shall be made by the issuing authority upon payment of a fee of $10. No retail licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year. This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve "Class B" license, as defined in s. 125.51 (4) (a).

SECTION 2905g. 125.085 (3) (a) 1. of the statutes is amended to read:

125.085 **(3)** (a) 1. No person may make, alter or duplicate an official identification card, provide an official identification card to an underage person or knowingly provide other documentation to an underage person purporting to show that the underage person has attained the legal drinking age. No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person. Except as provided in subds. 2. and 3., any person who violates this subdivision may be fined not less than ~~$100~~ $300 nor more than ~~$500~~ $1,250 or imprisoned for not less than 10 days nor more than 30 days or both.

SECTION 2905m. 125.085 (3) (bd) of the statutes is amended to read:

125.085 **(3)** (bd) Any underage person who violates par. (b) is subject to a forfeiture of not less than ~~$100~~ $300 nor more than ~~$500~~ $1,250, suspension of the person's operating privilege under s. 343.30 (6) (bm), participation in a supervised work program or other community service work under par. (bh) or any combination of these penalties.

SECTION 2906gg. 125.10 (1) of the statutes is amended to read: **Vetoed In Part**

125.10 **(1)** AUTHORIZATION. Any municipality may enact regulations incorporating any part of this chapter and may prescribe additional regulations for the sale of alcohol beverages, not in conflict with this chapter. The municipality may prescribe forfeitures or license suspension or revocation for violations of any such regulations. Regulations providing forfeitures or license suspension or revocation must be adopted by ordinance. No municipality may enact or enforce any regulation relating to providing alcohol beverages to an underage or intoxicated person, to an underage person's presence on premises or to an underage person's possession of alcohol beverages unless the regulation strictly conforms with s. 125.07.

SECTION 2906gm. 125.12 (1) of the statutes is renumbered 125.12 (1) (a) and amended to read:

125.12 **(1)** (a) ~~Any~~ Except as provided in par. (b), any municipality or the department may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

SECTION 2906gr. 125.12 (1) (b) of the statutes is created to read:

125.12 **(1)** (b) 1. In this paragraph, "violation" means a violation of s. 125.07 (1) (a), or a local ordinance that strictly conforms to s. 125.07 (1) (a).

2. No violation may be considered under this section or s.125.04 (5) (a) 1. unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this section or s. 125.04 (5) (a) 1.

SECTION 2906mg. 125.12 (2) (ag) 2. and 3. of the statutes are repealed.

SECTION 2906mm. 125.12 (2) (b) 2. of the statutes is amended to read:

125.12 **(2)** (b) 2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross–examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked, except that, if a complaint under par. (ag) 4. is found to be true with respect to a license issued under s. 125.51 (4) (v), the license shall be revoked.

Vetoed In Part

SECTION 2906mr. 125.12 (4) (ag) 2. and 3. of the statutes are repealed.

SECTION 2906mt. 125.12 (4) (b) of the statutes is amended to read:

125.12 **(4)** (b) *Procedure on hearing.* If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the court finds the allegations sufficient, it shall order the license either suspended for not more than 90 days or revoked, except that, for allegations under par. (ag) 6. with respect to a license issued under s. 125.51 (4) (v), it shall order the license revoked. The clerk of the court shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the licensee appears and answers the complaint, the court shall fix a date for the hearing not more than 30 days after the return date of the summons. The hearing shall be had before the court without a jury. If upon the hearing the court finds the allegations of the complaint to be true, it shall order the license either suspended for not more than 90 days or revoked, except that, if upon the hearing the court finds allegations under par. (ag) 6. to be true with respect to a license issued under s. 125.51 (4) (v), the court shall order that license revoked. If the court finds the allegations of the complaint to be untrue, the complaint shall be dismissed.

SECTION 2906mv. 125.12 (5) of the statutes is amended to read:

125.12 **(5)** REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS BY THE DEPARTMENT. The department may, after notice and an opportunity for hearing, revoke, suspend or refuse to renew any retail permit issued by it for the causes provided in sub. (4) and any other permit issued by it under this chapter for any violation of this chapter or ch. 139, except that, for a violation of sub. (4) (ag) 6. with respect to a license issued under s. 125.51 (4) (v), the department shall revoke the license. A revocation, suspension or refusal to renew is a contested case under ch. 227.

SECTION 2906r. 125.17 (1) of the statutes is amended to read:

Vetoed In Part

125.17 **(1)** AUTHORIZATION. Every municipal governing body ~~may~~ shall issue ~~operators' licenses~~ an operator's license to any applicant who is qualified under s. 125.04 (5). Operators' licenses may not be required other than for the purpose of complying with ss. 125.32 (2) and 125.68 (2). Operators' licenses may be issued only upon written application.

SECTION 2907. 125.17 (6) (a) (intro.) of the statutes is amended to read:

125.17 **(6)** (a) (intro.) Except as provided in par. (b), no municipal governing body may issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the ~~department of education~~ educational approval board, or unless the applicant fulfills one of the following requirements:

SECTION 2907dd. 125.51 (3) (e) of the statutes is renumbered 125.51 (3) (e) 1. and amended to read:

125.51 **(3)** (e) 1. ~~The~~ Except as provided in subds. 2. and 3., the annual fee for a "Class B" license shall be ~~determined~~ established by the municipal governing body and shall be the same for all "Class B" licenses, except that the minimum fee shall be $50 and the maximum fee shall be $500. The minimum fee ~~shall~~ does not apply to licenses issued to bona fide clubs and lodges situated and incorporated in the state for at least 6 years.

SECTION 2907dh. 125.51 (3) (e) 2. and 3. of the statutes are created to read:

125.51 **(3)** (e) 2. Each municipal governing body shall establish the fee, in an amount not less than $10,000, for an initial issuance of a reserve "Class B" license, as defined in sub. (4) (a) 4., except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in the state for at least 6 years is the fee established under subd. 1. for such a club or lodge. The fee under this subdivision is in addition to

any other fee required under this chapter. The annual fee for renewal of a reserve "Class B" license, as defined in sub. (4) (a) 1., is the fee established under subd. 1.

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

SECTION 2907dt. 125.51 (4) (a) 4. of the statutes is created to read:

125.51 **(4)** (a) 4. "Reserve "Class B" license" means a license that is not granted or issued by a municipality on the first day of the 2nd month beginning after the effective date of this subdivision .... [revisor inserts date], and that is counted under par. (br).

SECTION 2907hd. 125.51 (4) (am) of the statutes is created to read:

125.51 **(4)** (am) No municipality may issue a license that would cause the municipality to exceed its quota.

SECTION 2907hh. 125.51 (4) (b) (intro.) of the statutes is amended to read:

125.51 **(4)** (b) (intro.) ~~Except as provided in pars. (c) and (d), the~~ The quota of each municipality is the sum of the following:

1g. The number of licenses granted or issued in good faith by the municipality ~~under s. 176.05 (21) (h), 1975 stats., plus whichever of the following is the largest:~~ and in force on the first day of the 2nd month beginning after the effective date of this subdivision .... [revisor inserts date].

SECTION 2907hp. 125.51 (4) (b) 1., 2., 3., 4. and 5. and (c) to (u) of the statutes are repealed.

SECTION 2907ht. 125.51 (4) (b) 1m. of the statutes is created to read:

125.51 **(4)** (b) 1m. The number of the municipality's reserve "Class B" licenses determined under par. (bm) 3.

SECTION 2907pd. 125.51 (4) (bm) of the statutes is created to read:

125.51 **(4)** (bm) The clerk of each municipality shall record the municipality's population, as defined in par. (a) 2., and the number of licenses:

1. Authorized to be issued by the municipality on the first day of the 2nd month beginning after the effective date of this subdivision .... [revisor inserts date], under s. 125.51 (4), 1995 stats.;

2. Described in par. (b) 1g.; and

3. That are reserve "Class B" licenses.

SECTION 2907ph. 125.51 (4) (br) of the statutes is created to read:

125.51 **(4)** (br) 1. Except as provided in subd. 2., the number of reserve "Class B" licenses authorized to be issued by a municipality shall be determined as follows:

a. Subtract 3 from the number recorded under par. (bm) 1.

b. Subtract the number recorded under par. (bm) 2. b. from the result under subd. 1.

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

d. Add 3 to the result under subd. 2. c.

e. Add one license per each increase of 500 population or fraction thereof to the population recorded under par. (bm).

2. Notwithstanding subd. 1., if the difference between the number of licenses determined under par. (b) 1g. and under par. (bm) 1. is 3 or fewer, the number of reserve "Class B" licenses authorized to be issued by that municipality is the difference between the number of licenses determined under par. (b) 1g. and under par. (bm) 1., plus one per each increase of 500 population or fraction thereof to the population recorded under par. (bm).

SECTION 2907pp. 125.51 (4) (v) of the statutes is created to read:

125.51 **(4)** (v) Notwithstanding par. (am), if a municipality has granted or issued a number of licenses equal to or exceeding its quota, the municipal governing body may issue a license for any of the following:

1. A full−service restaurant that has a seating capacity of 300 or more persons.

2. A hotel that has 100 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets attended by 400 or more persons may be held.

SECTION 2910e. 134.67 (2) (a) (intro.) of the statutes is amended to read:

134.67 **(2)** (a) (intro.) In the event of the outbreak of an epidemic disease of humans or animals spread by insects which it is known can be controlled by DDT but cannot be adequately controlled by any other known pesticide, the ~~pesticide review board~~ department of agriculture, trade and consumer protection may authorize the use of DDT in controlling the epidemic upon a finding that:

SECTION 2910m. 134.67 (2) (b) (intro.) of the statutes is amended to read:

134.67 **(2)** (b) (intro.) In the event of the outbreak of a plant disease of epidemic proportions which threatens a significant portion of the affected crop and which is caused or spread by an insect which it is known can be controlled by DDT but cannot be adequately controlled by any other known pesticide, the ~~pesticide review board~~ department of agriculture, trade and consumer protection may authorize the use of DDT in controlling the epidemic upon a finding that:

SECTION 2910r. 134.67 (2) (c) of the statutes is amended to read:

134.67 **(2)** (c) The ~~pesticide review board~~ department of agriculture, trade and consumer protection also may authorize the use of DDT or its isomers or metabolites for specified research by educational institutions if it finds

that no ecologically significant residues of DDT or its isomers or metabolites will be allowed to escape into the environment.

SECTION 2915. 134.72 (1) (a) of the statutes is amended to read:

134.72 **(1)** (a) "Facsimile machine" means a machine that transmits copies of documents by means of a telephone line, telegraph line, microwave, satellite, ~~cellular~~ radio wave, fiber optics, coaxial cable or any other transmission facility or any switching device.

SECTION 2915g. 137.01 (1) (a) of the statutes is amended to read:

137.01 **(1)** (a) The governor shall appoint notaries public who shall be Wisconsin residents and at least 18 years of age. Applicants who are not attorneys shall file an application with the secretary of state and pay a ~~$15~~ $20 fee.

SECTION 2915r. 137.01 (2) (a) of the statutes is amended to read:

137.01 **(2)** (a) Any Wisconsin resident who is licensed to practice law in this state is entitled to a permanent commission as a notary public upon application to the secretary of state and payment of a ~~$15~~ $50 fee. The application shall include a certificate of good standing from the supreme court, the signature and post−office address of the applicant and an impression of the applicant's official seal, or imprint of the applicant's official rubber stamp.

SECTION 2923m. 138.09 (3) (e) of the statutes is renumbered 138.09 (3) (e) 1. (intro.) and amended to read:

138.09 **(3)** (e) 1. (intro.) ~~A~~ Except as provided in subd. 2., a licensee may conduct, and permit others to conduct, at the location specified in its license, any one or more of the following businesses not subject to this section:

a. A business engaged in making loans for business or agricultural purposes or exceeding $25,000 in principal amount, except that all such loans having terms of 49 months or more are subject to sub. (7) (gm) 2. or 4.~~, a~~

b. A business engaged in making first lien real estate mortgage loans under ss. 138.051 to 138.06~~, a~~.

c. A loan, finance or discount business under s. 218.01~~, or an~~.

d. An insurance business~~, or a~~.

e. A currency exchange under s. 218.05~~, or a~~.

f. A seller of checks business under ch. 217~~; but~~.

2. A licensee may not sell merchandise ~~shall not be sold at such location; and no~~ or conduct other business ~~shall be conducted at such~~ at the location specified in the license unless written authorization is granted to the licensee by the division.

SECTION 2923p. 138.09 (4a) of the statutes is repealed.

SECTION 2926e. 138.10 (2) of the statutes is amended to read:

138.10 **(2)** MAXIMUM LOAN. ~~A~~ Unless made by a person licensed under s. 138.09, a pawnbroker's loan ~~shall~~ may not exceed $150.

SECTION 2926m. 138.10 (2m) of the statutes is created to read:

138.10 **(2m)** PAWNBROKING BY LICENSED LENDERS. The division of banking may promulgate rules regulating the conduct of pawnbroking by persons licensed under s. 138.09.

SECTION 2926s. 138.10 (3) of the statutes is renumbered 138.10 (1), and 138.10 (1) (intro.), as renumbered, is amended to read:

138.10 **(1)** DEFINITIONS. (intro.) ~~The following terms in~~ In this section ~~shall be construed to have the following meanings~~:

SECTION 2935. 139.01 (2g) of the statutes is created to read:

139.01 **(2g)** "Department" means the department of revenue.

SECTION 2936. 139.01 (2r) of the statutes is created to read:

139.01 **(2r)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2937. 139.01 (5m) of the statutes is created to read:

139.01 **(5m)** "Pay" means mail or deliver funds to the department or, if the department prescribes another method of payment or another destination, use that other method or submit to that other destination.

SECTION 2938. 139.01 (9m) of the statutes is created to read:

139.01 **(9m)** "Sign" means write one's signature or, if the department prescribes another method of authenticating, use that other method.

SECTION 2939. 139.03 (2x) (a) of the statutes is amended to read:

139.03 **(2x)** (a) *Floor tax imposed.* On the date tax rate changes become effective under this section a floor tax is imposed upon every manufacturer, rectifier, wholesaler and retailer who is in possession of any intoxicating liquor held for resale on which the intoxicating liquor tax already has been imposed. The person shall determine the volume of that intoxicating liquor and shall file ~~with the department of revenue~~ a return by the 15th day of the month following the month in which the new tax rate becomes effective ~~a return, together with~~ and shall pay any tax due on it, as determined under par. (b). ~~The department of revenue shall provide the returns required under this subsection.~~

SECTION 2939m. 139.03 (2x) (d) of the statutes is amended to read:

139.03 **(2x)** (d) *Late filing fee.* Any person who fails to file a floor tax return when due shall pay a late filing fee of $10. A return that is mailed shall be considered filed in time if it is mailed in a properly addressed envelope with 1st class postage duly prepaid, if the envelope is officially postmarked on the date due and if the return is actually received by the department or at the destination that the department prescribes within 5 days of the due date. A return that is not mailed is timely if it is received on or before the due date by the department or at the destination that the department prescribes.

SECTION 2944. 139.05 (1) of the statutes is amended to read:

139.05 **(1)** The tax imposed in s. 139.02 shall be paid ~~to the department~~ on or before the ~~fifteenth~~ 15th day of the month following the month in which such malt beverages are first sold in this state or shipped into this state.

SECTION 2945. 139.05 (2a) of the statutes is amended to read:

139.05 **(2a)** ~~For the purposes of subs. (1) and (2), the~~ The payments and returns ~~therein referred to shall be considered~~ under subs. (1) and (2) that are mailed are furnished, filed or made on time, and payments therein referred to ~~shall be considered~~ are timely ~~made~~, if mailed in a properly addressed envelope, with first class postage duly prepaid, which envelope is officially postmarked before midnight on the date prescribed for such furnishing, filing or making of such payment, provided such statement, return or payment is actually received by the secretary of revenue or at the destination that the department prescribes within 5 days of the prescribed date. Payments and returns that are not mailed are timely if they are received on or before the due date by the department or at the destination that the department prescribes.

SECTION 2946. 139.05 (4) of the statutes is amended to read:

139.05 **(4)** In order to ensure the payment of the tax under s. 139.02 together with all interest and penalties thereon, all persons required to make returns and payment of such tax shall first either deposit with the secretary security in the amount, and of a type, determined by the secretary or enter into a surety bond with corporate surety, both bond and surety to be approved by the secretary. The secretary shall require a bond in total amount equal to twice the taxpayer's estimated maximum monthly tax, ascertained in such manner as the secretary deems proper, and the secretary may increase or reduce the amount of the bond, except that the amount of such bond required of any one taxpayer shall not be less than $1,000 nor more than $100,000. These bonds shall be filed ~~with the secretary~~. The state shall not pay interest on security placed with the secretary.

SECTION 2947. 139.05 (7) (b) of the statutes is amended to read:

139.05 **(7)** (b) Such license shall be issued by the secretary to persons who hold a valid certificate issued under s. 73.03 (50). The application for such license shall be verified and shall contain an agreement on the part of the brewer that the brewer shall observe all laws of this state relating to fermented malt beverages, and such other information and statements as the secretary may require. Any such brewer who has, directly or indirectly, violated any law of this state relating to fermented malt beverages shall not be entitled to such a license. The secretary may require the applicant to furnish ~~and file~~ a bond ~~to be approved by the secretary~~ payable to the state in an amount not less than $1,000 nor more than $5,000 conditioned upon the faithful compliance by the applicant with the undertakings set forth in the application for the license.

SECTION 2948. 139.06 (1) (c) of the statutes is amended to read:

139.06 **(1)** (c) Each person subject to the tax under s. 139.03 shall file an information report ~~prescribed by the secretary~~ on the dates prescribed by the secretary.

SECTION 2949. 139.06 (2) (a) and (b) of the statutes are amended to read:

139.06 **(2)** (a) The taxes on wine containing not in excess of 21% of alcohol by volume shall be paid to and a monthly return filed ~~with the department~~ on or before the 15th of the month following the month in which tax liability is incurred. Tax liability is incurred by the shipper when wine is shipped into the state. In the case of wine produced or bottled within the state and wine imported directly from a foreign country into the state by a Wisconsin permittee or winery licensee, tax liability is incurred by the permittee or winery licensee at the time of first sale within the state.

(b) All persons required to file a return and pay intoxicating liquor taxes shall first provide security in the amount, at the time and of the type required by the department ~~of revenue~~ or enter into a surety bond with a corporate surety to secure payment of the tax with bond and surety to be approved by the department. Such bond shall be twice the department's estimate of the taxpayer's maximum monthly tax liability but shall not be less than $1,000 nor more than $100,000. The bonds shall be filed ~~with the department~~.

SECTION 2950. 139.06 (3) of the statutes is amended to read:

139.06 **(3)** In shipping intoxicating liquor in bulk for the purpose of bottling or rectifying to a rectifier located within the state, the manufacturer shall securely affix thereto a label or statement, in such form as is prescribed by the secretary, reciting that the shipment is made for the purpose of bottling or rectifying. Each manufacturer making such shipments shall file an information report ~~with the secretary as the secretary prescribes, showing~~ that shows the dates and quantities of shipments and the name and address of each consignee.

SECTION 2950m. 139.09 of the statutes is amended to read:

139.09 Registration. Every brewer, bottler, manufacturer, rectifier, wholesaler or retailer liable for payment of the occupational tax imposed in ss. 139.01 to 139.25 shall ~~apply for~~ hold a valid certificate under s. 73.03 (50). The secretary shall assign the person a registration number.

SECTION 2951. 139.096 of the statutes is amended to read:

139.096 Failure to file. If any taxpayer required to file any return fails to do so within the time prescribed, the taxpayer shall, on the written demand of the department, file the return within 20 days after ~~the~~ mailing ~~of it~~ the demand and at the same time pay the tax due on its basis. If the taxpayer fails within that time to file the return, the department shall prepare the return from its own knowledge and from the information that it obtains and on that basis shall assess a tax, which shall be paid within 10 days after the department has mailed to the taxpayer a written notice of the amount and a demand for its payment. In any action or proceeding in respect to the assessment, the taxpayer shall have the burden of establishing the incorrectness or invalidity of any return or assessment made by the department because of the failure of the taxpayer to ~~make~~ file a return.

SECTION 2952. 139.11 (2) of the statutes is amended to read:

139.11 **(2)** REPORT. Each brewer, bottler, manufacturer, rectifier and wholesaler shall on or before the 15th day of each calendar month or the dates prescribed by the secretary ~~make~~ file a verified report ~~to the department of revenue~~ of all fermented malt beverages or intoxicating liquor manufactured, received, sold, delivered or shipped by him or her during the preceding calendar month, except that the department may allow wholesale, winery and out−of−state shipper permittees whose tax liability is less than $500 per quarter to file on a quarterly basis. Quarterly reports shall be ~~mailed~~ filed on or before the 15th of the next month following the close of the calendar quarter. ~~Such report shall be made upon forms furnished by the department of revenue and shall contain the information it deems necessary for the collection and enforcement of the tax.~~

SECTION 2953. 139.30 (4m) of the statutes is created to read:

139.30 **(4m)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2954. 139.30 (8m) of the statutes is created to read:

139.30 **(8m)** "Pay" means mail or deliver funds to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2955. 139.30 (12m) of the statutes is created to read:

139.30 **(12m)** "Sign" means write one's signature or, if the department prescribes another method of authenticating, use that other method.

SECTION 2956. 139.31 (1) (a) of the statutes is amended to read:

139.31 **(1)** (a) On cigarettes weighing not more than 3 pounds per thousand, ~~22~~ 29.5 mills on each cigarette.

SECTION 2957. 139.31 (1) (b) of the statutes is amended to read:

139.31 **(1)** (b) On cigarettes weighing more than 3 pounds per thousand, ~~44~~ 59 mills on each cigarette.

SECTION 2958. 139.315 (1) of the statutes is amended to read:

139.315 **(1)** INVENTORY TAX IMPOSED. On the effective date of any increase in the sum of the rates under s. 139.31 (1) (a) and (c) or in the sum of the rates under s. 139.31 (1) (b) and (d), an inventory tax is imposed upon cigarettes held in inventory for sale or resale on which the cigarette tax has been paid at the prior rate and upon unaffixed stamps in the possession of distributors. Any person who is in possession of any such cigarettes or unaffixed stamps ~~is liable for payment of~~ shall pay the tax imposed under this section. Any person liable for this tax shall determine the number of cigarettes and unaffixed stamps in the person's possession on the effective date of the increase, and by the 15th day after the effective date of the increase the person shall file ~~with the department~~ a return ~~on a form provided by the department~~ and shall by that date pay ~~to the department~~ the tax due.

SECTION 2960. 139.315 (4) of the statutes is amended to read:

139.315 **(4)** LATE FILING FEE. Any person who fails to file a cigarette inventory tax return when due shall pay a late filing fee of $10. A return that is mailed is timely ~~filed~~ if it is mailed in a properly addressed envelope with 1st class postage prepaid, if the envelope is postmarked on the due date and if the return is actually received by the department or at the destination that the department prescribes within 5 days of the due date. A return that is not mailed is timely if it is received on or before the due date by the department or at the destination that the department prescribes.

SECTION 2961. 139.32 (1) of the statutes is amended to read:

139.32 **(1)** The tax imposed by s. 139.31 (1) shall be paid ~~by purchase of stamps from the department~~. To evidence the payment, the department shall provide stamps. A person who has paid the tax shall affix stamps of the proper denomination ~~shall be affixed~~ to each package in which cigarettes are packed, prior to the first sale within this state. First sale does not include a sale by a manufacturer to a distributor or by a distributor to a permittee who has obtained department approval as provided for in s.

139.321 (1) (a) 2. The tax shall be paid only once on each package or container.

SECTION 2962g. 139.32 (5) of the statutes is amended to read:

139.32 **(5)** Manufacturers and distributors having a permit from the secretary may purchase stamps at a discount of ~~2.0%~~ 1.6%.

SECTION 2962h. 139.32 (5) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

139.32 **(5)** Manufacturers and distributors having a permit from the secretary shall receive a discount of 1.6% of the tax.

SECTION 2963. 139.33 (3) of the statutes is amended to read:

139.33 **(3)** No person other than a licensed distributor may import into this state more than 400 cigarettes on which the excise tax imposed by s. 139.31 has not been paid and the container of which does not bear proper stamps. Within 15 days, any such person importing cigarettes shall file ~~with the department~~ a declaration of such cigarettes imported and shall remit therewith the tax on such cigarettes imposed by this section. Members of the armed forces shall not be required to report or pay the tax on cigarettes in their possession if such cigarettes are issued to them by the U.S. government or any of its subdivisions or were purchased in any armed forces post exchange or service store. If the use tax imposed by this section is not paid when due, it shall become delinquent and the person liable for it shall pay, in addition, a penalty of $25 for each 200 cigarettes. Interest on the delinquent tax and penalty shall accrue at the rate of 1.5% per month or each fraction of a month from the date the tax became due until paid.

SECTION 2964. 139.34 (1) (a) of the statutes is amended to read:

139.34 **(1)** (a) ~~It is unlawful for any~~ No person ~~to~~ may manufacture cigarettes in this state or sell cigarettes in this state as a distributor, jobber, vending machine operator or multiple retailer and no person ~~shall~~ may operate a warehouse in this state for the storage of cigarettes for another person without first filing an application for and obtaining the proper permit to perform such operations from the department ~~of revenue. The application for a permit and the permit shall be in the form prescribed by the department and the application form shall require such information as is necessary to administer this section~~.

SECTION 2965. 139.38 (2) (a) of the statutes is amended to read:

139.38 **(2)** (a) Except as provided in par. (b), every permittee shall render a true and correct invoice of every sale of cigarettes at wholesale and shall on or before the 15th day of each calendar month ~~make~~ file a verified report ~~to the department~~ of all cigarettes purchased, sold, received, warehoused or withdrawn during the preceding calendar month.

SECTION 2966. 139.38 (5) of the statutes is amended to read:

139.38 **(5)** If any permittee fails to file a report when due the permittee shall be required to pay a late filing fee of $10. A report ~~shall be considered~~ that is mailed is filed in time if it is mailed in a properly addressed envelope with first class postage duly prepaid, which envelope is officially postmarked on the date due, and if the report is actually received by the secretary or at the destination that the department prescribes within 5 days of the due date. A report that is not mailed is timely if it is received on or before the due date by the secretary or at the destination that the department prescribes.

SECTION 2969. 139.44 (2) of the statutes is amended to read:

139.44 **(2)** Any person who makes or ~~verifies~~ signs any false or fraudulent report or who attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the evasion or attempted evasion of that tax shall be fined not less than $1,000 nor more than $5,000 or imprisoned not less than 90 days nor more than one year or both.

SECTION 2972. 139.75 (4m) of the statutes is created to read:

139.75 **(4m)** "File" means mail or deliver a document that the department prescribes to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2973. 139.75 (5m) of the statutes is created to read:

139.75 **(5m)** "Pay" means mail or deliver funds to the department or, if the department prescribes another method of submitting or another destination, use that other method or submit to that other destination.

SECTION 2974. 139.77 (1) of the statutes is amended to read:

139.77 **(1)** On or before the 15th day of each month, every distributor with a place of business in this state shall file a return ~~with the department~~ showing the quantity and taxable price of each tobacco product brought, or caused to be brought, into this state for sale; or made, manufactured or fabricated in this state for sale in this state, during the preceding month. Every distributor outside this state shall file a return showing the quantity and taxable price of each tobacco product shipped or transported to retailers in this state to be sold by those retailers during the preceding month. ~~Returns shall be made upon forms furnished and prescribed by the department and shall contain other information that the department requires. Each return shall be accompanied by a remittance for the full tax liability shown~~ At the time that the return is filed, the distributor shall pay the tax.

SECTION 2975. 139.78 (2) of the statutes is amended to read:

139.78 **(2)** On or before the 15th day of each month, every consumer who during the preceding month has acquired title to or possession for use or storage in this state of tobacco products upon which the tax imposed by s. 139.76 (1) has not been paid shall file a return ~~with the department~~ showing the quantity of tobacco products acquired. ~~The return shall be made upon a form furnished and prescribed by the department and shall contain the information that the department requires. The return shall be accompanied by a remittance for the full unpaid tax liability~~ At the time when the return is filed, the consumer shall pay the tax.

SECTION 2976. 139.79 (1) of the statutes is amended to read:

139.79 **(1)** No person may engage in the business of a distributor or subjobber of tobacco products at any place of business ~~without first having~~ unless that person has filed an application for and obtained a permit from the department to engage in that business at such place. ~~Every application for a permit shall be made on a form prescribed by the department, and the application form shall require the information that is necessary to administer this section.~~

SECTION 2977c. 139.81 (1) of the statutes is amended to read:

139.81 **(1)** No person may sell or take orders for tobacco products for resale in this state for any manufacturer or permittee ~~without first obtaining~~ unless the person has filed an application for and obtained a valid certificate under s. 73.03 (50) and a salesperson's permit from the department. No manufacturer or permittee shall authorize any person to sell or take orders for tobacco products in this state ~~without first having such person secure~~ unless the person has filed an application for and obtained a valid certificate under s. 73.03 (50) and a salesperson's permit. ~~The fee for the permit is $2.~~ Each application for a permit shall disclose the name and address of the employer and shall remain effective only while the salesperson represents the named employer. If the salesperson is thereafter employed by another manufacturer or permittee the salesperson shall obtain a new salesperson's permit. Each manufacturer and permittee shall notify the department within 10 days after the resignation or dismissal of any salesperson holding a permit.

SECTION 2978. 139.82 (2) (a) of the statutes is amended to read:

139.82 **(2)** (a) Except as provided in par. (b), every permittee shall render a true and correct invoice of every sale of tobacco products at wholesale and shall on or before the 15th day of each calendar month ~~make~~ file a verified report ~~to the department~~ of all tobacco products purchased, sold, received, warehoused or withdrawn during the preceding calendar month.

SECTION 2979. 139.82 (5) of the statutes is amended to read:

139.82 **(5)** If any permittee fails to file a report when due the permittee shall be required to pay a late filing fee of $10. A report that is mailed shall be considered filed in time if it is mailed in a properly addressed envelope with first class postage prepaid, if the envelope is officially postmarked on the date due, and if the report is actually received by the department or at the destination that the department prescribes within 5 days of the due date. A report that is not mailed is timely if it is received on or before the due date by the department or at the destination that the department prescribes.

SECTION 2979m. 139.91 of the statutes is renumbered 139.91 (1) and amended to read:

139.91 **(1)** The department may not reveal facts obtained in administering this subchapter, except that the department may publish statistics that do not reveal the identities of dealers. ~~Dealers~~

(2) The department may not ~~be required~~ require dealers to provide any identifying information in connection with the purchase of stamps.

(3) No information obtained ~~by the department~~ from a dealer as a result of the dealer's compliance with this subchapter may be used against ~~a~~ the dealer in any criminal proceeding unless that information has been independently obtained, except in connection with a proceeding involving ~~possession of schedule I controlled substances or schedule II controlled substances on which the tax has not been paid or in connection with~~ taxes due under s. 139.88 from the dealer.

SECTION 2979mt. 139.95 (4) of the statutes is created to read:

139.95 **(4)** Any person who violates s. 139.91 (1) may be fined not more than $1,000 or imprisoned for not more than 60 days or both.

SECTION 2979p. 139.96 of the statutes is renumbered 139.96 (1) and amended to read:

139.96 **(1)** If taxes, penalties and interest are collected under this subchapter as a result of an arrest, the department ~~of revenue~~ shall pay the taxes, penalties and interest, less the charge for administrative costs under sub. (2), to the state or local law enforcement agency that made the arrest associated with the revenue.

SECTION 2979q. 139.96 (2) of the statutes is created to read:

139.96 **(2)** The department shall retain a portion of taxes, penalties and interest collected under sub. (1) that is equal to the actual costs related to the administration of this subchapter. No later than November 1 of each year, the department shall review the costs of administering this subchapter incurred in the previous fiscal year and shall adjust its charge under sub. (1) to reflect those costs.

SECTION 2983. 145.19 (6) of the statutes is amended to read:

145.19 **(6)** GROUNDWATER FEE. In addition to the fee under sub. (2), the governmental unit responsible for the regulation of private sewage systems shall collect a groundwater fee of $25 for each sanitary permit. The governmental unit shall forward this fee to the department together with the copy of the sanitary permit and the fee under sub. (3). The moneys collected under this subsection shall be credited to the environmental fund for ~~groundwater~~ environmental management.

SECTION 2984. 146.0255 (3) (b) of the statutes is amended to read:

146.0255 **(3)** (b) A statement of explanation that the test results must be disclosed to a county department under s. ~~46.215,~~ 46.22 or 46.23 or, in a county having a population of 500,000 or more, to the county department under s. 51.42 or 51.437 in accordance with s. 46.238 if the test results are positive.

SECTION 2985. 146.183 of the statutes is repealed.

SECTION 2986. 146.19 (2) (intro.) of the statutes is amended to read:

146.19 **(2)** COOPERATIVE AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From the appropriation under s. 20.435 ~~(1)~~ (5) (ek), the department shall award grants for cooperative American Indian health projects in order to promote cooperation among tribes, tribal agencies, inter−tribal organizations and other agencies and organizations in addressing specific problem areas in the field of American Indian health. A tribe, tribal agency or inter−tribal organization may apply, in the manner specified by the department, for a grant of up to $10,000 to conduct a cooperative American Indian health project, which meets all of the following requirements:

SECTION 2986g. 146.19 (3) of the statutes is repealed.

SECTION 2986u. 146.40 (title) of the statutes is amended to read:

146.40 (title) **Instructional programs for nurse's ~~assistants and home health and hospice~~ aides; reporting client abuse.**

SECTION 2986ub. 146.40 (1) (a) of the statutes is renumbered 146.40 (1) (am).

SECTION 2986uc. 146.40 (1) (ad) of the statutes is created to read:

146.40 **(1)** (ad) "Client" means a person who receives services from an entity.

SECTION 2986ud. 146.40 (1) (ag) of the statutes is created to read:

146.40 **(1)** (ag) "Credential" has the meaning given in s. 440.01 (2) (a).

SECTION 2986ue. 146.40 (1) (as) of the statutes is created to read:

146.40 **(1)** (as) "Entity" has the meaning given in s. 50.065 (1) (c).

SECTION 2986uf. 146.40 (4g) (a) 2. (intro.) of the statutes is amended to read:

146.40 **(4g)** (a) 2. (intro.) A listing of all individuals about whom the department is notified under sub. (4r) (a) or (am), for whom the department makes findings under sub. (4r) (b) and to whom any of the following applies:

SECTION 2986ug. 146.40 (4g) (a) 2. b. of the statutes is amended to read:

146.40 **(4g)** (a) 2. b. A hearing officer finds reasonable cause to believe that the individual performed an action alleged under sub. (4r) (a) or (am).

SECTION 2986uh. 146.40 (4g) (a) 3. of the statutes is amended to read:

146.40 **(4g)** (a) 3. Findings of the department under sub. (4r) (b) or of the hearing officer under sub. (4r) (d) concerning the ~~neglect, abuse or~~ misappropriation of property or the neglect or abuse of a client by an individual listed under subd. 2.

SECTION 2986uj. 146.40 (4r) (a) of the statutes is amended to read:

146.40 **(4r)** (a) Any individual may report to the department that he or she believes that ~~a nurse's assistant~~ any person employed by or under contract with an entity has neglected~~,~~ or abused a client or misappropriated the client's property ~~of a nursing home resident or a hospital patient or that a home health aide has neglected, abused or misappropriated the property of a home health agency patient~~.

SECTION 2986uk. 146.40 (4r) (am) of the statutes is created 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 property 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 property 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 property 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 2986uL. 146.40 (4r) (b) of the statutes is amended to read:

146.40 **(4r)** (b) ~~The~~ Except as provided in pars. (em) and (er), the department shall review and investigate any report received under par. (a) or (am) and, if the allegation is substantiated, make specific, documented findings concerning the ~~neglect, abuse or~~ misappropriation of property or the neglect or abuse. The department shall in writing by certified mail notify the ~~nurse's assistant or home health aide~~ person specified in the report that ~~his or her~~ the person's name and the department's findings about ~~him or her~~ the person shall be listed in the registry under sub. (4g) (a) 2. and 3. unless ~~he or she~~ the person

contests the listings in a hearing before the ~~department~~ division of hearings and appeals created under s. 15.103 (1). The written notification shall describe the investigation conducted by the department, enumerate the findings alleging ~~neglect, abuse or~~ misappropriation of property or neglect or abuse of a ~~nursing home resident or home health agency patient~~ client and explain the consequence to the ~~nurse's assistant or home health aide~~ person specified in the report of waiving a hearing to contest the findings. The ~~nurse's assistant or home health aide named~~ person specified in the report shall have 30 days after receipt of the notification to indicate to the department in writing whether he or she intends to contest the listing or to waive the hearing.

SECTION 2986um. 146.40 (4r) (d) of the statutes is amended to read:

146.40 **(4r)** (d) If the ~~nurse's assistant or home health aide~~ person specified in the report received under par. ~~(b)~~ (a) or (am) timely notifies the ~~department~~ division of hearings and appeals created under s. 15.103 (1) that he or she contests the listings in the registry under par. (b), the ~~department~~ division of hearings and appeals shall hold a hearing under the requirements of ch. 227. If after presentation of evidence a hearing officer finds that there is no reasonable cause to believe that the ~~nurse's assistant or home health aide~~ person specified in the report received under par. (a) or (am) performed an action alleged under par. (a) or (am), the hearing officer shall dismiss the proceeding. If after presentation of evidence a hearing officer finds that there is reasonable cause to believe that the ~~nurse's assistant or home health aide~~ person specified in the report received under par. (a) or (am) performed an action alleged under par. (a) or (am), the hearing officer shall so find and shall cause the name of the ~~nurse's assistant or home health aide~~ person specified in the report received under par. (a) or (am) to be entered under sub. (4g) (a) 2. and the hearing officer's findings about the ~~nurse's assistant or home health aide~~ person specified in the report received under par. (a) or (am) to be entered under sub. (4g) (a) 3.

SECTION 2986un. 146.40 (4r) (em) and (er) of the statutes are created to read:

146.40 **(4r)** (em) If the department of health and family services receives a report under par. (a) or (am) and determines that a person who is the subject of the report holds a credential that is related to the person's employment at, or contract with, the entity, the department of health and family services shall refer the report to the department of regulation and licensing.

(er) The department may contract with private field investigators to conduct investigations of reports received by the department under par. (a) or (am).

SECTION 3004. 146.55 (4) (a) of the statutes is amended to read:

146.55 **(4)** (a) From the appropriation under s. 20.435 ~~(1) (rm)~~ (5) (ch), the department shall annually distribute funds for ambulance service vehicles or vehicle equipment, emergency medical services supplies or equipment or emergency medical training for personnel to an ambulance service provider that is a public agency, a volunteer fire department or a nonprofit corporation, under a funding formula consisting of an identical base amount for each ambulance service provider plus a supplemental amount based on the population of the ambulance service provider's primary service or contract area, as established under s. 146.50 (5).

SECTION 3005. 146.55 (5) of the statutes is amended to read:

146.55 **(5)** EMERGENCY MEDICAL TECHNICIAN TRAINING AND EXAMINATION AID. From the appropriation under s. 20.435 ~~(1) (rm)~~ (5) (ch), the department shall annually distribute funds to entities, including technical college districts, whose courses or instructional programs are approved by the department under s. 146.50 (9), to assist the entities in providing the training required for licensure and renewal of licensure as an emergency medical technician—basic under s. 146.50 (6), and to fund each examination administered by the entity for licensure or renewal of licensure as an emergency medical technician—basic under s. 146.50 (6) (a) 3. and (b) 1.

SECTION 3006. 146.57 (3) (a) of the statutes is amended to read:

146.57 **(3)** (a) The department shall implement a statewide poison control program. From the appropriation under s. 20.435 ~~(1)~~ (5) (ds), the department shall, if the requirement under par. (b) is met, distribute total funding of not more than ~~$187,500~~ $375,000 in each fiscal year to supplement the operation of the program and to provide for the statewide collection and reporting of poison control data. The department may, but need not, distribute all of the funds in each fiscal year to a single poison control center.

SECTION 3007. 146.58 (8) of the statutes is amended to read:

146.58 **(8)** Review the annual budget prepared by the department for the expenditures under s. 20.435 ~~(1) (rm)~~ (5) (ch).

SECTION 3009. 146.81 (1) (hm) of the statutes is amended to read:

146.81 **(1)** (hm) A speech−language pathologist or audiologist licensed under subch. II of ch. 459 or a speech and language pathologist licensed by the department of ~~education~~ public instruction.

SECTION 3009m. 146.89 (2) (a) 1. of the statutes is renumbered 146.89 (2) (a) and amended to read:

146.89 **(2)** (a) A volunteer health care provider may participate under this section only if he or she submits a joint application with a nonprofit agency ~~in a county that is specified under sub. (3) (a) 1.~~ to the department of administration and that department approves the application. The department of administration shall provide application forms for use under this ~~subdivision~~ paragraph.

SECTION 3009n. 146.89 (2) (a) 2. of the statutes is repealed.

SECTION 3009p. 146.89 (3) (a) 1. of the statutes is repealed.

SECTION 3009qs. 146.89 (3) (a) 2. of the statutes is renumbered 146.89 (3) (a) and amended to read:

146.89 **(3)** (a) The volunteer health care provider shall provide services under par. (b) without charge ~~in any county, other than those counties specified in subd. 1.,~~ at the nonprofit agency, if the joint application of the volunteer health care provider and the nonprofit agency ~~in that county~~ has received approval under sub. (2) (a) ~~2~~.

SECTION 3010m. 146.92 of the statutes is created to read:

146.92 Primary health care grant program. (1) In this section:

(a) "Community–based nonprofit corporation" means a nonprofit corporation that is governed by a community–based board of directors and that is organized primarily to provide primary health care services in a geographic area, or to a population, that the department designates as medically underserved.

(b) "Nonprofit corporation" means a nonstock, nonprofit corporation organized under ch. 181.

(2) Prior to implementing the grant program under this section, the department shall consult with representatives of statewide organizations that represent primary health care providers.

(3) From the appropriation under s. 20.435 (5) (gp), the department shall award $1,500,000 in grants in each fiscal year to community–based nonprofit corporations under a competitive process established by the department.

Vetoed In Part

(4) A community–based nonprofit corporation that receives a grant under this section shall do all of the following:

(a) Provide comprehensive primary health care services to any person regardless of insurance status or ability to pay.

(b) Establish a sliding fee scale for uninsured, low–income persons.

SECTION 3010p. 146.93 (title) of the statutes is amended to read:

146.93 (title) ~~**Primary**~~ **Supplemental primary health care program.**

SECTION 3011. 146.93 (1) (a) of the statutes is amended to read:

146.93 **(1)** (a) From the appropriation under s. 20.435 ~~(1) (gp)~~ (5) (kp), the department shall maintain a program for the provision of primary health care services based on the primary health care program in existence on June 30, 1987. The department may promulgate rules necessary to implement the program.

SECTION 3011m. 146.93 (4) (d) of the statutes is created to read:

146.93 **(4)** (d) The individual received health care services under this section on the effective date of this paragraph .... [revisor inserts date], and cannot be served by an entity that receives a grant under s. 146.92.

SECTION 3012. 146.99 of the statutes is amended to read:

146.99 Assessments. The department shall, within 90 days after the commencement of each fiscal year, estimate the total amount of expenditures and the department shall assess the estimated total amount under s. 20.435 ~~(1)~~ (5) (gp) to hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross private–pay patient revenues during the hospital's most recently concluded entire fiscal year. Each hospital shall pay its assessment on or before December 1 for the fiscal year. All payments of assessments shall be deposited in the appropriation under s. 20.435 ~~(1)~~ (5) (gp).

Vetoed In Part

SECTION 3013. Chapter 149 (title) of the statutes is created to read:

CHAPTER 149
MANDATORY HEALTH INSURANCE RISK–SHARING PLAN

SECTION 3014. 149.10 (2f) of the statutes is created to read:

149.10 **(2f)** "Commissioner" means the commissioner of insurance.

SECTION 3015. 149.10 (2m) of the statutes is created to read:

149.10 **(2m)** "Department" means the department of health and family services.

SECTION 3016. 149.10 (4c) of the statutes is created to read:

149.10 **(4c)** "Health maintenance organization" has the meaning given in s. 609.01 (2).

SECTION 3017. 149.10 (4p) of the statutes is created to read:

149.10 **(4p)** (a) "Insurance" includes any of the following:

1. Risk distributing arrangements providing for compensation of damages or loss through the provision of services or benefits in kind rather than indemnity in money.

2. Contracts of guaranty or suretyship entered into by the guarantor or surety as a business and not as merely incidental to a business transaction.

3. Plans established and operated under ss. 185.981 to 185.985.

(b) "Insurance" does not include a continuing care contract, as defined in s. 647.01 (2).

SECTION 3018. 149.10 (5m) of the statutes is created to read:

149.10 **(5m)** "Limited service health organization" has the meaning given in s. 609.01 (3).

SECTION 3019c. 149.10 (8b) of the statutes is created to read:

149.10 **(8b)** "Plan administrator" means the fiscal agent specified in s. 149.16 (1).

SECTION 3020. 149.10 (8c) of the statutes is created to read:

149.10 **(8c)** "Policy" means any document other than a group certificate used to prescribe in writing the terms of an insurance contract, including endorsements and riders and service contracts issued by motor clubs.

SECTION 3020p. 149.10 (8j) of the statutes is created to read:

149.10 **(8j)** "Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition of an individual that existed before the individual's date of enrollment for coverage, whether or not the individual received any medical advice or recommendation, diagnosis, care or treatment related to the condition before that date.

SECTION 3021. 149.10 (8m) of the statutes is created to read:

149.10 **(8m)** "Preferred provider plan" has the meaning given in s. 609.01 (4).

SECTION 3022. 149.10 (8p) of the statutes is created to read:

149.10 **(8p)** "Premium" means any consideration for an insurance policy, and includes assessments, membership fees or other required contributions or consideration, however designated.

SECTION 3023. 149.10 (10) of the statutes is created to read:

149.10 **(10)** "Secretary" means the secretary of health and family services.

SECTION 3024. 149.10 (11) of the statutes is created to read:

149.10 **(11)** "State" means the same as in s. 990.01 (40) except that it also includes the Panama Canal Zone.

SECTION 3025f. 149.12 (2) (f) of the statutes is created to read:

149.12 **(2)** (f) No person who is eligible for medical assistance is eligible for coverage under the plan.

SECTION 3026c. 149.14 (4m) of the statutes is created to read:

149.14 **(4m)** PAYMENT IS PAYMENT IN FULL. Except for copayments, coinsurance or deductibles required or authorized under the plan, a provider of a covered service or article shall accept as payment in full for the covered service or article the payment rate determined under ss. 149.143, 149.144 and 149.15 (3) (e) and may not bill an eligible person who receives the service or article for any amount by which the charge for the service or article is reduced under s. 149.143, 149.144 or 149.15 (3) (e).

SECTION 3026f. 149.143 of the statutes is created to read:

149.143 Payment of plan costs. (1) The department shall pay or recover the operating and administrative costs of the plan as follows:

(a) First from the appropriation under s. 20.435 (5) (af).

(b) The remainder of the costs as follows:

1. A total of 60% from the following sources, calculated as follows:

a. First, from premiums from eligible persons with coverage under s. 149.14 set at 150% of the rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as are provided under the plan, including amounts received for premium and deductible subsidies under ss. 20.435 (5) (ah) and 149.144, and from premiums collected from eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b).

b. Second, from the appropriation under s. 20.435 (5) (gh), to the extent that the amounts under subd. 1. a. are insufficient to pay 60% of plan costs.

c. Third, by increasing premiums from eligible persons with coverage under s. 149.14 to more than 150% but not more than 200% of the rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as are provided under the plan, including amounts received for premium and deductible subsidies under ss. 20.435 (5) (ah) and 149.144, and by increasing premiums from eligible persons with coverage under s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under subd. 1. a. and b. are insufficient to pay 60% of plan costs.

d. Fourth, notwithstanding subd. 2., by increasing insurer assessments, excluding assessments under s. 149.144, and adjusting provider payment rates, excluding adjustments to those rates under ss. 149.144 and 149.15 (3) (e), in equal proportions and to the extent that the amounts under subd. 1. a. to c. are insufficient to pay 60% of plan costs.

2. A total of 40% as follows:

a. Fifty percent from insurer assessments, excluding assessments under s. 149.144.

b. Fifty percent from adjustments to provider payment rates, excluding adjustments to those rates under ss. 149.144 and 149.15 (3) (e).

(2) (a) Prior to each plan year, the department shall estimate the operating and administrative costs of the plan and the costs of the premium reductions under s. 149.165 and the deductible reductions under s. 149.14 (5) (a) for the new plan year and do all of the following:

1. a. Estimate the amount of enrollee premiums that would be received in the new plan year if the enrollee premiums were set at a level sufficient, when including amounts received for premium and deductible subsidies under ss. 20.435 (5) (ah) and 149.144 and from premiums collected from eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b), to cover 60% of the estimated plan costs for the new plan year,

after deducting from the estimated plan costs the amount available in the appropriation under s. 20.435 (5) (af) for that plan year.

b. Estimate the amount of enrollee premiums that will be received under sub. (1) (b) 1. a.

c. If the amount estimated to be received under subd. 1. a. is less than the amount estimated to be received under subd. 1. b., direct the plan administrator to provide to the department, prior to the beginning of the plan year and according to procedures specified by the department, the amount of the difference. The department shall deposit all amounts received under this subd. 1. c. in the appropriation account under s. 20.435 (5) (gh).

2. After making the determinations under subd. 1., by rule set premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in the manner specified in sub. (1) (b) 1. a. and c. and such that a rate for coverage under s. 149.14 is not less than 150% nor more than 200% of the rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as are provided under the plan.

Vetoed In Part

3. By rule set the total insurer assessments under s. 149.13 for the new plan year by estimating and setting the assessments at the amount necessary to equal the amounts specified in sub. (1) (b) 1. d. and 2. a. and notify the commissioner of the amount.

4. By the same rule as under subd. 3. adjust the provider payment rate for the new plan year by estimating and setting the rate at the level necessary to equal the amounts specified in sub. (1) (b) 1. d. and 2. b. and as provided in s. 149.145.

(b) In setting the premium rates under par. (a) 2., the insurer assessment amount under par. (a) 3. and the provider payment rate under par. (a) 4. for the new plan year, the department shall include any increase or decrease necessary to reflect the amount, if any, by which the rates and amount set under par. (a) for the current plan year differed from the rates and amount which would have equaled the amounts specified in sub. (1) (b) in the current plan year.

(3) (a) If, during a plan year, the department determines that the amounts estimated to be received as a result of the rates and amount set under sub. (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment rate under s. 149.144 will not be sufficient to cover plan costs, the department may by rule increase the premium rates set under sub. (2) (a) 2. for the remainder of the plan year, subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2., by rule increase the assessments set under sub. (2) (a) 3. for the remainder of the plan year, subject to sub. (1) (b) 2. a., and by the same rule under which assessments are increased adjust the provider payment rate set under sub. (2) (a) 4. for the remainder of the plan year, subject to sub. (1) (b) 2. b.

(b) If, after increasing premium rates and insurer assessments and adjusting the provider payment rate under par. (a), the department determines that there will still be a deficit and that premium rates have been increased to the maximum extent allowable under par. (a), the department shall further adjust, in equal proportions, assessments set under sub. (2) (a) 3. and the provider payment rate set under sub. (2) (a) 4., without regard to sub. (1) (b) 2.

(3m) Subject to s. 149.14 (4m), insurers and providers may recover in the normal course of their respective businesses without time limitation assessments or provider payment rate adjustments used to recoup any deficit incurred under the plan.

(4) Using the procedure under s. 227.24, the department may promulgate rules under sub. (2) or (3) for the period before the effective date of any permanent rules promulgated under sub. (2) or (3), but not to exceed the period authorized under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) and (3), the department is not required to make a finding of emergency.

(5) Notwithstanding sub. (2) (a) (intro.), the department shall set premium rates, insurer assessments and provider payment rates for the period beginning on January 1, 1998, and ending on June 30, 1998, in the manner provided in subs. (1), (2) (a), (3) and (4). This subsection applies to policies in effect on January 1, 1998, as well as to policies issued or renewed on or after January 1, 1998.

SECTION 3026p. 149.145 of the statutes is created to read:

149.145 Program budget. The department, in consultation with the board, shall establish a program budget for each plan year. The program budget shall be based on the provider payment rates specified in s. 149.15 (3) (e) and in the most recent provider contracts that are in effect and on the funding sources specified in s. 149.143 (1), including the methodologies specified in ss. 149.143, 149.144 and 149.146 for determining premium rates, insurer assessments and provider payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b), from the program budget the department shall derive the actual provider payment rate for a plan year that reflects the providers' proportional share of the plan costs, consistent with ss. 149.143 and 149.144.

SECTION 3027m. 149.15 (2m) of the statutes is created to read:

149.15 **(2m)** Annually, beginning in 1999, the board shall submit a report on or before June 30 to the legislature under s. 13.172 (2) and to the governor on the operation of the plan, including any recommendations for changes to the plan.

SECTION 3027r. 149.15 (3) (f) of the statutes is created to read:

149.15 **(3)** (f) Advise the department on the choice of coverage under s. 149.146.

SECTION 3030. 149.16 (title) of the statutes is created to read:

149.16 (title) **Plan administrator.**

SECTION 3031. 149.16 (1) of the statutes is created to read:

149.16 **(1)** The fiscal agent under s. 49.45 (2) (b) 2. shall administer the plan.

SECTION 3031m. 149.20 of the statutes is created to read:

149.20 Rule−making in consultation with board. In promulgating any rules under this chapter, the department shall consult with the board.

SECTION 3033. 150.21 (1) of the statutes is amended to read:

150.21 **(1)** The construction ~~or total replacement~~ of a new nursing home.

SECTION 3034. 150.21 (3) of the statutes is amended to read:

150.21 **(3)** A capital expenditure, other than a renovation or replacement, that exceeds $1,000,000 by or on behalf of a nursing home.

SECTION 3035. 150.21 (4) of the statutes is amended to read:

150.21 **(4)** An expenditure, other than a renovation or replacement, that exceeds $600,000 for clinical equipment by or on behalf of a nursing home.

SECTION 3036. 150.31 (5t) of the statutes is created to read:

150.31 **(5t)** The department shall decrease the statewide bed limits specified in sub. (1) to account for any reduction in the licensed bed capacity of a nursing home that has relinquished use of a bed, as specified in s. 49.45 (6m) (ap) 4.

SECTION 3037. 150.35 (3m) (a) 3. of the statutes is amended to read:

150.35 **(3m)** (a) 3. All applications for activities that are specified in s. 150.21 (3)~~, that are renovations with capital expenditures which do not exceed $1,500,000 and that do not include additions, the replacement of a nursing home or an increase in the bed capacity of a nursing home~~.

SECTION 3038. 150.39 (2) of the statutes is amended to read:

150.39 **(2)** The cost of ~~renovating or~~ providing an equal number of nursing home beds or of an equal expansion would be consistent with the cost at similar nursing homes, and the applicant's per diem rates would be consistent with those of similar nursing homes.

SECTION 3041. 153.01 (4) of the statutes is created to read:

153.01 **(4)** "Department" means the department of health and family services.

SECTION 3042. 153.01 (4m) of the statutes is repealed.

SECTION 3043. 153.01 (6) of the statutes is repealed.

SECTION 3044. 153.05 (1) (c) 1. of the statutes is amended to read:

153.05 **(1)** (c) 1. Identification of charges in each hospital's most recent entire fiscal year for up to 100 charge elements, as selected by the ~~office~~ department, and identification of the increase or decrease in charges for each of these charge elements from amounts charged during the hospital's entire fiscal year that is nearest in time to the hospital's most recent entire fiscal year.

SECTION 3045. 153.05 (1) (e) of the statutes is amended to read:

153.05 **(1)** (e) Final audited financial statements of hospitals that include, for a hospital's most recent entire fiscal year, as dollar amounts, the amounts of revenue and expenditures for the hospital, in categories specified in rules promulgated by the ~~commissioner~~ department.

SECTION 3046. 153.05 (2) of the statutes is amended to read:

153.05 **(2)** The ~~office~~ department shall provide copies of reports published under ss. 153.10 to 153.35 at no charge to hospitals assessed under s. 153.60 (1) and, if assessed, at no charge to ambulatory surgery centers assessed under s. 153.60 (2). The ~~office~~ department shall provide copies of the reports to any person, upon the person's request, and the board shall advise the ~~office~~ department as to whether the copies shall be provided at no charge or at a charge not to exceed the cost of printing, copying and mailing the report to the person.

SECTION 3047. 153.05 (3) of the statutes is amended to read:

153.05 **(3)** Upon request of the ~~office~~ department, state agencies shall provide health care information to the ~~office~~ department for use in preparing reports under ss. 153.10 to 153.35.

SECTION 3048. 153.05 (4) of the statutes is amended to read:

153.05 **(4)** (a) The ~~office~~ department, under rules promulgated by the ~~commissioner~~ department, shall require hospitals to use, and private−pay patients and payers who are insurers to accept, uniform patient billing forms, shall require hospitals to submit to the ~~office~~ department the information provided on the billing forms, including, for an injury, the external cause of the event, and may require payers who are insurers to use a standard set of definitions for base data reporting under a uniform patient billing form.

(b) The ~~office~~ department, under rules promulgated by the ~~commissioner~~ department, may require ambulatory surgery centers to use uniform patient billing forms and other information, and, if so requiring, shall require ambulatory surgery centers to submit to the ~~office~~ department the information provided on the billing forms, including, for an injury, the external cause of the event, using a standard set of definitions for base data reporting.

SECTION 3049. 153.05 (5) of the statutes is amended to read:

153.05 **(5)** The ~~office~~ department:

(a) Shall require hospitals to submit information regarding medical malpractice, staffing levels and patient

case–mix, and expenditures related to labor relations consultants, as specified by the ~~office~~ department.

(b) May require hospitals to submit to the ~~office~~ department information from sources identified under sub. (1) (a) to (e) that the ~~office~~ department deems necessary for the preparation of reports, plans and recommendations under ss. 153.10 to 153.35 and any other reports required of the ~~office~~ department in the form specified by the ~~office~~ department.

(bm) Shall require a hospital to submit to the ~~office~~ department information from sources identified under sub. (1) (e) by the date that is 4 months following the close of the hospital's fiscal year unless the ~~office~~ department grants an extension of time to file the information.

SECTION 3050. 153.05 (6) of the statutes is amended to read:

153.05 **(6)** If the requirements of s. 153.07 (2) are first met, the ~~office~~ department may contract with a public or private entity that is not a major purchaser, payer or provider of health care services in this state for the provision of data processing services for the collection, analysis and dissemination of health care information under sub. (1) or the department ~~of health and family services~~ shall provide the services under s. 153.07 (2).

SECTION 3051. 153.05 (6m) of the statutes is amended to read:

153.05 **(6m)** If the requirements of s. 153.07 (2) are first met, the ~~office~~ department may contract with the group insurance board for the provision of data collection and analysis services related to health maintenance organizations and insurance companies that provide health insurance for state employes or the ~~commissioner~~ department shall provide the services under s. 153.07 (2). The ~~office~~ department shall establish contract fees for the provision of the services. All moneys collected under this subsection shall be credited to the appropriation under s. ~~20.145 (8)~~ 20.435 (1) (kx).

SECTION 3052. 153.05 (7) of the statutes is amended to read:

153.05 **(7)** The ~~office~~ department may require each insurer authorized to write disability insurance to submit to the ~~office~~ department information obtained on uniform patient billing forms regarding reported claims for health care services which insureds who are residents of this state obtain in another state.

SECTION 3053. 153.05 (8) of the statutes is amended to read:

153.05 **(8)** Beginning April 1, 1992, the ~~office~~ department shall collect, analyze and disseminate, in language that is understandable to lay persons, health care information under the provisions of this chapter, as determined by rules promulgated by the ~~commissioner~~ department, from health care providers, as defined by rules promulgated by the ~~commissioner~~ department, other than hospitals and ambulatory surgery centers. Data from physicians shall be obtained through sampling techniques in lieu of collection of data on all patient encounters and data collection procedures shall minimize unnecessary duplication and administrative burdens.

SECTION 3054. 153.05 (9) of the statutes is amended to read:

153.05 **(9)** The ~~office~~ department shall provide orientation and training to physicians, hospital personnel and other health care providers to explain the process of data collection and analysis and the procedures for data verification, interpretation and release.

SECTION 3055. 153.05 (11) of the statutes is amended to read:

153.05 **(11)** In order to elicit public comment concerning the reports required under ss. 153.10 to 153.35, the ~~office~~ department shall, following the release of the reports and by a date that is determined by the board, provide notice of and hold public hearings.

SECTION 3056. 153.05 (12) of the statutes is amended to read:

153.05 **(12)** The ~~office~~ department shall, to the extent possible and upon request, assist members of the public in interpreting data in health care information disseminated by the ~~office~~ department.

SECTION 3057. 153.07 (1) of the statutes is amended to read:

153.07 **(1)** The board shall advise the director of the ~~office~~ department with regard to the collection, analysis and dissemination of health care information required by this chapter.

SECTION 3058. 153.07 (2) of the statutes is amended to read:

153.07 **(2)** The board, upon advice of the ~~office~~ department, shall first determine whether to contract for services pursuant to s. 153.05 (6) or (6m). If the board determines to contract for such services, it shall approve specifications for a contract including the length of the contract and the standards for determining potential contractor conflicts with the purposes of the ~~office~~ department as specified under s. 153.05 (1). In the alternative, the board may direct the ~~office to have the department of health and family services~~ department to provide the services under s. 153.05 (6) or (6m). The board may subsequently determine to contract for these services in subsequent years. If the board decides to bid the contract for services under s. 153.05 (6) or (6m), the department ~~of health and family services~~ may offer a bid as would any other potential contractor. The board shall evaluate a contractor's performance 6 months prior to the close of each existing contract.

SECTION 3059. 153.07 (3) of the statutes is amended to read:

153.07 **(3)** The board shall approve all rules which are proposed by the ~~commissioner~~ department for promulgation to implement this chapter.

SECTION 3060. 153.08 (2) (b) of the statutes is amended to read:

153.08 **(2)** (b) No sooner than 15 days after a notice is published under par. (a) and no later than 15 days before the date of the proposed rate change, conducts a public hearing on the proposed rate change. The hearing shall be on the expected impact of the proposed rate change on health care costs, the expected improvement, if any, in the local health care delivery system, and any other issue related to the proposed rate change. Management staff, if any, of the hospital proposing the rate change and, if possible, at least 3 members of the governing board of any not−for−profit hospital proposing the rate change shall attend the public hearing to review public testimony. The hospital shall record accurate minutes of the meeting and shall provide copies of the minutes and any written testimony presented at the hearing to the ~~office of health care information in the office of the commissioner of insurance~~ department within 10 days after the date of the public hearing.

SECTION 3061. 153.10 (1) of the statutes is amended to read:

153.10 **(1)** Beginning in 1990 and quarterly thereafter, the ~~office~~ department shall prepare and submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2), in a manner that permits comparisons among hospitals, a report setting forth all of the following for every hospital for the preceding quarter:

(a) The charges for up to 100 health care services or diagnostic−related groups selected by the ~~office~~ department.

(b) The utilization and charge information for ambulatory surgery and other outpatient health care services selected by the ~~office~~ department.

SECTION 3062. 153.15 of the statutes is amended to read:

153.15 Small area analysis reports. Beginning in 1990 and annually thereafter, the ~~office~~ department shall prepare and submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) reports identifying health care services or procedures provided by one or more hospitals in specific areas of the state for which the rate of utilization of the service or procedure is significantly different than the state or area average.

SECTION 3063. 153.20 of the statutes is amended to read:

153.20 Uncompensated health care services report. (1) Beginning in 1990 and annually thereafter, the ~~office~~ department shall prepare and submit to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) a report setting forth the number of patients to whom uncompensated health care services were provided by each hospital and the total charges for the uncompensated health care services provided to the patients for the preceding year, together with the number of patients and the total charges that were projected by the hospital for that year in the plan filed under sub. (2).

(2) Beginning in 1990 and annually thereafter, every hospital shall file with the ~~office~~ department a plan setting forth the projected number of patients to whom uncompensated health care services will be provided by the hospital and the projected total charges for the uncompensated health care services to be provided to the patients for the ensuing year.

SECTION 3064. 153.25 of the statutes is amended to read:

153.25 Mortality and morbidity report. Beginning in 1990 and annually thereafter, the ~~office~~ department shall prepare and submit to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) reports setting forth mortality and morbidity rates for every hospital. Before the release of a report under this section, the ~~office~~ department shall provide the physicians, hospitals or other health care providers identified in the report with the opportunity to review and comment under s. 153.40 (6).

SECTION 3065. 153.30 of the statutes is amended to read:

153.30 Health care insurance report. Beginning in 1990 and annually thereafter, the ~~office~~ department and the office of the commissioner of insurance may jointly prepare and submit to the governor, and to the legislature under s. 13.172 (2), a report specifying, to the extent possible, on a regional basis, the number, nature of coverage and costs of health care coverage plans covering residents of this state during the preceding year.

SECTION 3066. 153.35 (intro.) of the statutes is amended to read:

153.35 (title) **Report by the ~~office~~ department.** (intro.) The ~~office~~ department shall annually, by October 1, under rules promulgated by the ~~commissioner~~ department, submit under s. 13.172 (3) a report to the legislature for distribution to standing committees with jurisdiction over health matters, that shall include all of the following:

SECTION 3067. 153.35 (1) of the statutes is amended to read:

153.35 **(1)** The range, median and mean of charges and increases or decreases in specific charges by hospitals for up to 100 charge elements, as selected by the ~~office~~ department, as reported to the ~~office~~ department under s. 153.05 (1) (c) 1.

SECTION 3068. 153.40 (1) of the statutes is amended to read:

153.40 **(1)** Prior to data submission, hospitals, ambulatory surgery centers or other health care providers shall review discharge data for accuracy and shall obtain verification by the physician of the principal and secondary diagnoses and primary and secondary procedures. The verification shall occur within the time specified by rules promulgated by the ~~commissioner~~ department for data submission to the ~~office~~ department. If the verification

is not made on a timely basis, the hospital or other health care provider shall submit the data noting the lack of verification.

SECTION 3069. 153.40 (2) of the statutes is amended to read:

153.40 **(2)** The ~~office~~ department shall be responsible for assuring that appropriate editing is conducted for all submitted data to identify systematic errors, missing data, values beyond an allowed range, illegal codes within a range, illogical sequence of dates, diagnoses and procedures inconsistent with age and sex, other data failing internal consistency checks and other patterns inconsistent with what would be expected. The ~~office~~ department shall notify hospitals, ambulatory surgery centers or, beginning April 1, 1992, other health care providers of missing or incorrect information under this subsection.

SECTION 3070. 153.40 (3) of the statutes is amended to read:

153.40 **(3)** Hospitals, ambulatory surgery centers or, beginning April 1, 1992, other health care providers shall be responsible for resolving the errors found by the editing under sub. (2) and shall resubmit corrected data within 10 working days after receiving written notification from the ~~office~~ department of the errors.

SECTION 3071. 153.40 (4) of the statutes is amended to read:

153.40 **(4)** The ~~office~~ department shall send edited and corrected data to hospitals, ambulatory surgery centers or, beginning April 1, 1992, other health care providers for a 10−working−day review period before the data are released.

SECTION 3072. 153.40 (5) of the statutes is amended to read:

153.40 **(5)** The ~~office~~ department may, by rules promulgated by the ~~commissioner~~ department, require that other forms of data verification, including reabstracting studies and comparisons with information collected from other data systems, be conducted prior to the release of physician−specific data.

SECTION 3073. 153.40 (6) of the statutes is amended to read:

153.40 **(6)** At least 30 calendar days prior to the release of a report under s. 153.25, the ~~office~~ department shall notify a physician, hospital or other health care provider identified in the report of the ~~office's~~ department's intent to release the report. The notification shall include a copy of the draft report and a statement that those identified may submit comments on the report to the ~~office~~ department. If the ~~office~~ department receives comments prior to the release of the report, the ~~office~~ department shall append the comments to the report. If the ~~office~~ department receives comments after the report is released, the ~~office~~ department shall make the comments available to anyone requesting the comments.

SECTION 3074. 153.45 (1) (intro.) of the statutes is amended to read:

153.45 **(1)** (intro.) After completion of data verification and review procedures under s. 153.40, the ~~office~~ department shall release data in the following forms:

SECTION 3075. 153.45 (1) (b) of the statutes is amended to read:

153.45 **(1)** (b) Public use tapes which do not permit the identification of specific patients, physicians, employers or other health care providers, as defined by rules promulgated by the ~~commissioner~~ department. The identification of these groups shall be protected by all necessary means, including the deletion of patient identifiers and the use of calculated variables and aggregated variables.

SECTION 3076. 153.45 (2) of the statutes is amended to read:

153.45 **(2)** The ~~office~~ department shall provide to other entities the data necessary to fulfill their statutory mandates for epidemiological purposes or to minimize the duplicate collection of similar data elements.

SECTION 3077. 153.45 (3) of the statutes is amended to read:

153.45 **(3)** The ~~office~~ department shall release physician−specific and employer−specific data, except in public use tapes as specified under sub. (1) (b), in a manner that is specified in rules promulgated by the ~~commissioner~~ department.

SECTION 3078. 153.50 of the statutes is amended to read:

153.50 Protection of patient confidentiality. Patient−identifiable data obtained under this chapter and contained in the discharge data base of the ~~office~~ department is not subject to inspection, copying or receipt under s. 19.35 (1) and may not be released by the ~~office~~ department, except to the patient or to a person granted permission for release by the patient and except that a hospital, a physician~~,~~ or the agent of a hospital or physician ~~or the commissioner~~ may have access to patient−identifiable data to ensure the accuracy of the information in the discharge data base. ~~The department of health and family services may have access to the discharge data base for the purposes of completing epidemiological reports and eliminating the need to maintain a data base that duplicates that of the office, if the department of health and family services does not release or otherwise provide access to the patient−identifiable data.~~

SECTION 3079. 153.60 (title) of the statutes is amended to read:

153.60 (title) **Assessments to fund operations of ~~office~~ department and board.**

SECTION 3080. 153.60 (1) of the statutes is amended to read:

153.60 **(1)** The ~~office~~ 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 ~~office~~ department and the board for that fiscal year. The ~~office~~ department shall assess the esti-

mated total amount for that fiscal year less the estimated total amount to be received under s. ~~20.145 (8) (hi), (hj), (kx) and (mr)~~ 20.435 (1) (hi) during the fiscal year and the unencumbered ~~balances~~ balance of the ~~amounts~~ amount received under s. ~~20.145 (8) (hi), (hj) and (mr)~~ 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. Each hospital shall pay the assessment on or before December 1. All payments of assessments shall be deposited in the appropriation under s. ~~20.145 (8)~~ 20.435 (1) (hg).

SECTION 3081. 153.60 (2) of the statutes is amended to read:

153.60 **(2)** The ~~office~~ department may assess ambulatory surgery centers under this section, using as the basis for individual ambulatory surgery center assessments the methods and criteria promulgated by rule by the ~~commissioner~~ department under s. 153.75 (1) (k).

SECTION 3082. 153.65 of the statutes is amended to read:

153.65 Provision of special information; user fees. The ~~office~~ department may provide, upon request from a person, a data compilation or a special report based on the information collected by the ~~office~~ department under s. 153.05 (1), (3), (4) (b), (5), (7) or (8) or 153.08. The ~~office~~ department shall establish user fees for the provision of these compilations or reports, payable by the requester, which shall be sufficient to fund the actual necessary and direct cost of the compilation or report. All moneys collected under this section shall be credited to the appropriation under s. ~~20.145 (8)~~ 20.435 (1) (hi).

SECTION 3083. 153.75 (1) (intro.) of the statutes is amended to read:

153.75 **(1)** (intro.) Following approval by the board, the ~~commissioner~~ department shall promulgate the following rules:

SECTION 3084. 153.75 (1) (b) of the statutes is amended to read:

153.75 **(1)** (b) Establishing procedures under which hospitals and health care providers are permitted to review and verify patient−related information prior to its submission to the ~~office~~ department.

SECTION 3085. 153.75 (2) (intro.) of the statutes is amended to read:

153.75 **(2)** (intro.) With the approval of the board, the ~~commissioner~~ department may promulgate all of the following rules:

SECTION 3086. 153.75 (2) (c) of the statutes is amended to read:

153.75 **(2)** (c) Providing for the efficient collection, analysis and dissemination of health care information which the ~~office~~ department may require under this chapter.

SECTION 3087. 153.90 (3) of the statutes is amended to read:

153.90 **(3)** The ~~commissioner~~ department may directly assess forfeitures under sub. (2). If the ~~commissioner~~ department determines that a forfeiture should be assessed for a particular violation or for failure to correct the violation, the ~~commissioner~~ department shall send a notice of assessment to the alleged violator. The notice shall specify the alleged violation of the statute or rule and the amount of the forfeiture assessed and shall inform the alleged violator of the right to contest the assessment under s. 227.44.

SECTION 3087m. 154.17 (1) of the statutes is amended to read:

154.17 **(1)** "Do−not−resuscitate bracelet" means a standardized identification bracelet of uniform size, color, and design, approved by the department, that bears the inscription "Do Not Resuscitate" and signifies that the wearer is a qualified patient who has obtained a do−not−resuscitate order and that ~~the wearer has not revoked the request for~~ the order has not been revoked.

SECTION 3087n. 154.19 (1) (b) of the statutes is amended to read:

154.19 **(1)** (b) ~~The~~ Except as provided in s. 154.225 (2), the patient requests the order.

SECTION 3087p. 154.19 (1) (bm) of the statutes is created to read:

154.19 **(1)** (bm) Except as provided in s. 154.225 (2), the patient consents to the order after being provided the information specified in sub. (2) (a).

SECTION 3087q. 154.19 (1) (d) of the statutes is amended to read:

154.19 **(1)** (d) ~~The~~ Except as provided in s. 154.225 (2), the patient signs the order.

SECTION 3087qm. 154.19 (2) (a) of the statutes is amended to read:

154.19 **(2)** (a) ~~Upon issuing the do−not−resuscitate order, the~~ The attending physician, or a person directed by the attending physician, shall provide the patient with written information about the resuscitation procedures that the patient has chosen to forego and the methods by which the patient may revoke the do−not−resuscitate order.

SECTION 3087r. 154.19 (3) (b) 1. of the statutes is amended to read:

154.19 **(3)** (b) 1. The ~~patient has revoked the~~ order is revoked under s. 154.21 or 154.225 (2).

SECTION 3087s. 154.225 of the statutes is created to read:

154.225 Guardians and health care agents. (1) In this section:

(a) "Guardian" has the meaning given in s. 51.40 (1) (f).

(b) "Health care agent has the meaning given in s. 155.01 (4).

(c) "Incapacitated" has the meaning given in s. 50.06 (1).

Vetoed In Part

(2) The guardian or health care agent of an incapacitated qualified patient may request a do–not–resuscitate order on behalf of that incapacitated qualified patient and consent to the order and sign it after receiving the information specified in s. 154.19 (2) (a). The guardian or health care agent of an incapacitated qualified patient may revoke a do–not–resuscitate order on behalf of the incapacitated qualified patient by any of the following methods:

(a) The guardian or health care agent directs an emergency medical technician, first responder or a person who serves as a member of an emergency health care facility's personnel to resuscitate the patient. The emergency medical technician, first responder or the member of the emergency health care facility shall promptly remove the do–not–resuscitate bracelet.

(b) The guardian or health care agent defaces, burns, cuts or otherwise destroys the do–not–resuscitate bracelet.

(c) The guardian or health care agent removes the do–not–resuscitate bracelet.

SECTION 3087t. 154.25 (6) of the statutes is amended to read:

154.25 **(6)** VALID DO–NOT–RESUSCITATE BRACELET. A do–not–resuscitate bracelet that has not been removed, altered or tampered with in any way shall be presumed valid, unless the patient, the patient's guardian or the patient's health care agent expresses to the emergency medical technician, first responder or emergency health care facility personnel the patient's desire to be resuscitated.

Vetoed In Part

SECTION 3092c. 165.08 of the statutes is amended to read:

165.08 Power to compromise. Any civil action prosecuted by the department by direction of any officer, department, board or commission, shall be compromised or discontinued when so directed by such officer, department, board or commission. Any civil action prosecuted by the department on the initiative of the attorney general, or at the request of any individual may be compromised or discontinued with the approval of the governor, except that a civil action prosecuted by the department under s. 165.251 may be compromised or discontinued only with the approval of the person who requested legal representation from the department. In any criminal action prosecuted by the attorney general, the department shall have the same powers with reference to such action as are vested in district attorneys.

SECTION 3094. 165.25 (3r) of the statutes is amended to read:

165.25 **(3r)** AVOID CONFLICT OF INTEREST. Require that attorneys in different organizational subunits in the department prosecute violations of chs. ~~561~~ 562 to 569 or Indian gaming compacts entered into under s. 14.035 and defend any department, agency, official, employe or agent under subs. (1), (4) (a) and (6).

SECTION 3094g. 165.251 of the statutes is created to read:

165.251 Actions to clear title. (1) DEFINITIONS. In this section:

(a) "Family corporation" means a corporation qualifying under s. 182.001 (1) (a).

(b) "Immediate family" means persons related as spouses, as siblings or as parent and child.

(c) "Instrument relating to title" includes a deed, mortgage, lien, claim of lien, judgment or lis pendens.

(d) "Local public office" has the meaning given in s. 19.42 (7w).

(e) "Public office" means local public office or state public office.

(f) "Public official" means a person holding a public office.

(g) "Qualifying property" means real property owned in whole or in part by a public official, by a member of a public official's immediate family or by a family corporation in which a public official is a shareholder during the period of time public office was held.

Vetoed In Part

(h) "State public office" has the meaning given in s. 19.42 (13).

(2) REPRESENTATION UPON REQUEST. The department of justice may provide legal representation to any person who requests the legal representation and who does all of the following:

(a) Claims that title to qualifying property has been clouded by the false, fraudulent or frivolous filing, entry or recordation of any instrument relating to title during the period the affected real property was qualifying property.

(b) Claims to be an owner in the qualifying property or a shareholder in a family corporation, if any, that owns the qualifying property.

(c) Agrees to the conditional payment of the costs of legal representation under sub. (5).

(3) ACTIONS TO CLEAR TITLE. If it decides to provide legal representation under sub. (2), the department of justice shall bring the actions that are necessary to clear clouds upon title to qualifying property from false, fraudulent or frivolous filings, entries or recordations of instruments relating to title.

(4) REQUIRED FINDING. As part of any action brought under this section, the court shall make a finding of whether the instrument relating to title that is claimed to create a cloud upon the title was filed, entered or recorded with the authorization, consent or approval of the owner of the qualifying property or of any creditor having an interest in the qualifying property.

(5) CONDITIONAL PAYMENT OF COSTS OF REPRESENTATION. Each person making a request under sub. (2) shall, as part of that request, agree to pay the costs of legal representation provided by the department of justice, if the court makes a finding under sub. (4) that the instrument

relating to title was filed, entered or recorded with the authorization, consent or approval of the owner of the qualifying property or of any creditor having an interest in the qualifying property. If the court does not make such a finding, the person may not be required to pay any of the costs of the legal representation.

(6) IF PAYMENT REQUIRED. If, upon the completion of all proceedings, the person who made the request under sub. (2) is subject to conditional payment of the costs of legal representation provided by the department of justice under sub. (5), the department of justice may charge the person an amount not exceeding the total cost of the legal representation provided. All payments collected by the department under this subsection shall be deposited in the general fund.

(7) LIMITATION ON REPRESENTATION. The department of justice may represent persons under this section at the trial level only.

Vetoed In Part **SECTION 3096m.** 165.30 (1m) of the statutes is created to read:

165.30 **(1m)** GENERALLY. The department of justice shall represent the interests of and furnish legal services to departments relating to the collection of obligations.

SECTION 3097. 165.70 (3m) of the statutes is amended to read:

165.70 **(3m)** The attorney general shall establish a separate bureau in the division of criminal investigation in which all of the department's gaming law enforcement responsibilities under chs. ~~561~~ 562 to 569 and 945 shall be performed.

SECTION 3099. 165.72 (7) of the statutes is amended to read:

165.72 **(7)** PUBLICITY. The department shall cooperate with the department of ~~education~~ public instruction in publicizing, in public schools, the use of the toll−free telephone number under sub. (2).

SECTION 3100. 165.755 of the statutes is created to read:

165.755 Crime laboratories and drug law enforcement assessment. (1) (a) Except as provided in par. (b), beginning on October 1, 1997, or on the effective date of this paragraph .... [revisor inserts date], whichever is later, a court shall impose a crime laboratories and drug law enforcement assessment of $4 if the court imposes a sentence, places a person on probation or imposes a forfeiture for a violation of state law or for a violation of a municipal or county ordinance.

(b) A court may not impose the crime laboratories and drug law enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1. or (bm) or (5) (b) or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation or a safety belt use violation under s. 347.48 (2m).

(2) If the court under sub. (1) (a) imposes a sentence or forfeiture for multiple offenses or places a person on probation for multiple offenses, a separate crime laboratories and drug law enforcement assessment shall be imposed for each separate offense.

(3) Except as provided in sub. (4), after the court determines the amount due under sub. (1) (a), the clerk of the court shall collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer under s. 59.25 (3) (f) 2.

(4) If a municipal court imposes a forfeiture, after determining the amount due under sub. (1) (a) the court shall collect and transmit such amount to the treasurer of the county, city, town or village, and that treasurer shall make payment to the state treasurer as provided in s. 66.12 (1) (b).

(5) If any deposit of bail is made for a noncriminal offense to which sub. (1) (a) applies, the person making the deposit shall also deposit a sufficient amount to include the assessment prescribed in sub. (1) (a) for forfeited bail. If bail is forfeited, the amount of the assessment under sub. (1) (a) shall be transmitted monthly to the state treasurer under this section. If bail is returned, the assessment shall also be returned.

(6) If an inmate in a state prison or a person sentenced to a state prison has not paid the crime laboratories and drug law enforcement assessment under sub. (1) (a), the department shall assess and collect the amount owed from the inmate's wages or other moneys. Any amount collected shall be transmitted to the state treasurer.

(7) All moneys collected from crime laboratories and drug law enforcement assessments under this section shall be deposited by the state treasurer and used as specified in s. 20.455 (2) (kd) and (Lm).

SECTION 3101g. 165.80 of the statutes is amended to read:

165.80 Cooperation with other state departments. For the purpose of coordinating the work of the crime laboratories with the research departments located in the university of Wisconsin, the attorney general and the university of Wisconsin may agree for the use of university laboratories and university physical facilities and the exchange and utilization of personnel between the crime laboratories and the university. ~~The university and crime laboratories cooperation council shall act in an advisory capacity to the attorney general.~~

SECTION 3101m. 165.825 of the statutes is created to read:

165.825 Information link; department of health and family services. The department of justice shall cooperate with the departments of regulation and licensing and health and family services in developing and maintaining a computer linkup to provide access to the information obtained from a criminal history search.

SECTION 3103j. 165.83 (1) (c) of the statutes is renumbered 165.83 (1) (c) (intro.) and amended to read:

165.83 **(1)** (c) (intro.) "Offense" means ~~an~~ any of the following:

1. An act ~~which~~ that is committed by a person who has attained the age of 17 and that is a felony~~,~~ or a misdemeanor ~~or~~.

3. An act that is committed by any person and that is a violation of a city, county, village or town ordinance.

SECTION 3103k. 165.83 (1) (c) 2. of the statutes is created to read:

165.83 **(1)** (c) 2. An act that is committed by a person who has attained the age of 10 but who has not attained the age of 17 and that would be a felony or misdemeanor if committed by an adult.

SECTION 3103L. 165.83 (2) (a) 1. of the statutes is amended to read:

165.83 **(2)** (a) 1. For an offense which is a felony or which would be a felony if committed by an adult.

SECTION 3103m. 165.83 (2) (a) 2. of the statutes is amended to read:

165.83 **(2)** (a) 2. For an offense which is a misdemeanor, which would be a misdemeanor if committed by an adult or which is a violation of an ordinance ~~involving~~, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substance analogs under ch. 961, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks.

SECTION 3103n. 165.83 (2) (a) 3. of the statutes is amended to read:

165.83 **(2)** (a) 3. For an offense charged or alleged as disorderly conduct but which relates to an act connected with one or more of the offenses under subd. 2.

SECTION 3110m. 165.85 (2) (f) of the statutes is amended to read:

165.85 **(2)** (f) "Secure detention officer" means any person employed by any political subdivision of the state or by any private entity contracting under s. 938.222 to supervise, control or maintain a secure detention facility or the persons confined in a secure detention facility. "Secure detention officer" includes officers regardless of whether they have been sworn regarding their duties or whether they serve on a full–time basis.

SECTION 3115t. 165.87 (1) (bn) of the statutes is amended to read:

165.87 **(1)** (bn) Five twenty–seconds of all moneys collected from penalty assessments under this section shall be credited to the appropriation account under and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss. ~~20.435 (3) (jk)~~ 20.410 (3) (kj) and 20.505 (6) (h). In regard to any grant to any local unit of government for which the state is providing matching funds from moneys under this paragraph, the local unit of government shall provide matching funds equal to at least 10%.

SECTION 3116m. 166.03 (2) (a) 5. of the statutes is amended to read:

166.03 **(2)** (a) 5. Provide assistance to the Wisconsin wing of the civil air patrol from the appropriation under s. 20.465 (3) ~~(q)~~ (f) for the purpose of enabling the patrol to perform its assigned missions and duties as prescribed by U.S. air force regulations. Expenses eligible for assistance are aircraft acquisition and maintenance, communications equipment acquisition and maintenance and office staffing and operational expenses. The civil air patrol shall submit vouchers for expenses eligible for assistance to the division.

SECTION 3116p. 166.20 (1) (a) of the statutes is repealed.

SECTION 3116r. 166.20 (2) (intro.) of the statutes is amended to read:

166.20 **(2)** (title) DUTIES OF THE ~~BOARD~~ DIVISION. (intro.) The ~~board~~ division shall:

SECTION 3116s. 166.20 (2) (bg) of the statutes is amended to read:

166.20 **(2)** (bg) Promulgate rules establishing an amount not to exceed $6,000 that may be an eligible cost for computers in an emergency planning grant under s. 166.21 (2) ~~(bm)~~ (br).

SECTION 3116tc. 166.20 (4) (a) of the statutes is amended to read:

166.20 **(4)** (a) Upon receipt of a notification under sub. (5) (a) 2. or s. 292.11 (2) of the release of a hazardous substance, provide all information contained in the notification to the ~~board~~ division.

SECTION 3116td. 166.20 (4) (b) of the statutes is amended to read:

166.20 **(4)** (b) Have the same powers and duties at the time of a release of a hazardous substance as are given to it under s. 292.11, including the investigation of releases of hazardous substances, the repair of any environmental damage which results from the release and the recovery of costs from responsible parties. The department of natural resources may also, at the time of a release of a hazardous substance, identify and recommend to the ~~board~~ division and the committee measures to lessen or mitigate anticipated environmental damage resulting from the release.

SECTION 3116tf. 166.20 (4m) of the statutes is amended to read:

166.20 **(4m)** COOPERATION. A state agency or local governmental unit may assist the ~~board~~ division or a committee in the performance of its duties and may enter into an agreement with the ~~board~~ division or a committee.

SECTION 3116th. 166.20 (5) (a) 2. of the statutes is amended to read:

166.20 **(5)** (a) 2. All facilities in this state covered under 42 USC 11004 shall comply with the notification requirements of 42 USC 11004. Notification of the department of natural resources of the discharge of a hazardous substance under s. 292.11 (2) shall constitute the notification of the ~~board~~ division required under 42 USC 11004

if the notification contains the information specified in 42 USC 11004 (b) (2) or (c).

SECTION 3116tm. 166.20 (5) (a) 5. of the statutes is amended to read:

166.20 **(5)** (a) 5. The reporting procedures for trade secrets under 42 USC 11042 shall apply to all facilities in this state subject to the requirements under subd. 1., 3. or 4. For the purposes of applying this subdivision to public agencies and private agencies, the ~~board~~ division shall have the powers and duties granted to the administrator of the U.S. environmental protection agency under 42 USC 11042.

SECTION 3116ts. 166.20 (5m) of the statutes is amended to read:

166.20 **(5m)** FURNISHING INFORMATION. If the ~~board~~ division or a committee requests, in writing, information relating to the federal act or to this section, a facility shall furnish the information in the manner requested.

SECTION 3117. 166.20 (7) (a) (intro.) of the statutes is amended to read:

166.20 **(7)** (a) (intro.) The board shall establish, by rule, the following fees at levels designed to fund the board's administrative expenses and the grants under s. 166.21 ~~and to repay the amount expended under s. 20.465 (3) (d)~~:

SECTION 3117bg. 166.20 (7) (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

166.20 **(7)** (a) (intro.) The division shall establish, by rule, the following fees at levels designed to fund the division's administrative expenses and the grants under s. 166.21:

SECTION 3117bm. 166.20 (7) (b) of the statutes is amended to read:

166.20 **(7)** (b) The operator of a facility subject to the requirements of sub. (5) (a) 1. or 3. shall pay the fees under par. (a). The ~~board~~ division may establish, by rule, a surcharge to be paid by the operator of a facility if the operator fails to pay the fees under par. (a) in a timely manner. The surcharge under this paragraph shall not exceed 20% of the original fee.

SECTION 3117bp. 166.20 (7g) (a) of the statutes is amended to read:

166.20 **(7g)** (a) The ~~board~~ division shall establish, by rule, fees to be paid annually to the department of transportation by persons that are required to file hazardous materials transportation registration statements with the federal department of transportation under 49 USC Appendix 1805 (c).

SECTION 3117br. 166.20 (7g) (e) of the statutes is amended to read:

166.20 **(7g)** (e) The ~~board~~ division may, by rule, establish exemptions from the fees under par. (a).

SECTION 3117bt. 166.20 (7m) (a) of the statutes is amended to read:

166.20 **(7m)** (a) An authorized inspector of the ~~board~~ division or the committee for the county in which a facility is located may enter and inspect any facility or any pertinent record relating to the facility at any reasonable time for the purpose of determining whether the facility is complying with this section and rules promulgated under this section. The ~~board~~ division or committee, if requested, shall furnish to the operator of the facility a report setting forth all facts found which relate to compliance with this section and rules promulgated under this section.

SECTION 3117bu. 166.20 (7m) (b) of the statutes is amended to read:

166.20 **(7m)** (b) The ~~board~~ division shall promulgate rules to specify how the ~~board~~ division or a committee may authorize inspectors for the purposes of par. (a). The rules shall include requirements for experience or training of individuals authorized to conduct inspections.

SECTION 3117bw. 166.20 (8) (a) of the statutes is amended to read:

166.20 **(8)** (a) The department of justice, at its own discretion or at the request of the ~~board~~ division or the committee or district attorney for the county in which the violation is alleged to have occurred, shall enforce subs. (2) to (7) and rules promulgated under subs. (2) to (7). In any action commenced under this paragraph, the department of justice may request the assistance of the district attorney for the county in which the violation is alleged to have occurred and the district attorney shall provide the requested assistance.

SECTION 3117cd. 166.20 (9) (a) 1. c. of the statutes is amended to read:

166.20 **(9)** (a) 1. c. The ~~board~~ division for failure to render a decision in response to a petition under 42 USC 11042 (d), as applied under sub. (5) (a) 5., within 9 months after receipt of the petition.

SECTION 3117cf. 166.20 (9) (a) 1. d. of the statutes is amended to read:

166.20 **(9)** (a) 1. d. The ~~board~~ division for failure to provide a mechanism for public availability of information in accordance with 42 USC 11044 (a), as applied under sub. (2) (a).

SECTION 3117ch. 166.20 (9) (a) 1. e. of the statutes is amended to read:

166.20 **(9)** (a) 1. e. The ~~board~~ division for failure to respond to a request for information under 42 USC 11022 (e) (3), as applied under sub. (2) (a).

SECTION 3117cj. 166.20 (9) (a) 2. (intro.) of the statutes is amended to read:

166.20 **(9)** (a) 2. (intro.) The ~~board~~ division or any county, city, village or town may commence a civil action against any person for failure to do any of the following:

SECTION 3117ck. 166.20 (9) (a) 2. a. of the statutes is amended to read:

166.20 **(9)** (a) 2. a. Provide notification to the ~~board~~ division under 42 USC 11002 (c), as applied under sub. (5) (a) 1.

SECTION 3117cm. 166.20 (9) (a) 3. of the statutes is amended to read:

166.20 **(9)** (a) 3. The ~~board~~ division or any committee may commence an action against any person for failure to provide the information required under 42 USC 11003 (d), as applied under sub. (5) (a) 1. or any information required under 42 USC 11022 (e) (1), as applied under sub. (5) (a) 3.

SECTION 3117cp. 166.20 (9) (b) 1. (intro.) of the statutes is amended to read:

166.20 **(9)** (b) 1. (intro.) No action may be commenced against any person other than the ~~board~~ division under this subsection under any of the following circumstances:

SECTION 3117cq. 166.20 (9) (b) 1. a. of the statutes is amended to read:

166.20 **(9)** (b) 1. a. If fewer than 60 days have elapsed since the plaintiff gave notice of the alleged violation to the ~~board~~ division and to the alleged violator.

SECTION 3117cr. 166.20 (9) (b) 2. of the statutes is amended to read:

166.20 **(9)** (b) 2. No action may be commenced against the ~~board~~ division under this subsection if fewer than 60 days have elapsed since the plaintiff gave notice of the action to the ~~board~~ division.

SECTION 3117ct. 166.20 (11) (dg) of the statutes is amended to read:

166.20 **(11)** (dg) Except as provided in this paragraph, any person who negligently makes a false statement or representation in any document provided by the operator of a facility or required to be maintained by the operator of a facility under the federal act, this section or rules promulgated under this section shall forfeit not less than $100 nor more than $25,000. This penalty does not apply to the ~~board~~ division, a committee or a member of the ~~board~~ division or a committee.

SECTION 3117cw. 166.21 (1) (b) of the statutes is amended to read:

166.21 **(1)** (b) Any committee may apply annually to the ~~board~~ division for an emergency planning grant. Applications shall be made in the manner specified by the ~~board~~ division.

SECTION 3117d. 166.21 (2) (bm) of the statutes is repealed.

SECTION 3117f. 166.21 (2) (br) of the statutes is amended to read:

166.21 **(2)** (br) Subject to sub. (2m), ~~for grant applications submitted during the period after May 31, 1995, and before September 1, 1997,~~ 80% of the costs of computers and emergency response equipment, but not to exceed $10,000. In–kind contributions may be used to meet the committee's contribution under this paragraph.

SECTION 3117g. 166.21 (2) (e) of the statutes is amended to read:

166.21 **(2)** (e) The portion of a previous year's costs that was approved by the ~~board~~ division but not paid because of insufficient funds.

SECTION 3117h. 166.21 (2m) (intro.) of the statutes is amended to read:

166.21 **(2m)** STRATEGIC PLAN. (intro.) A committee is eligible for grant funds under sub. (2) ~~(bm)~~ (br) for emergency response equipment only if it submits to the board a strategic plan for emergency response to hazardous substance releases that includes all of the following:

SECTION 3117kc. 166.21 (2m) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

166.21 **(2m)** STRATEGIC PLAN. (intro.) A committee is eligible for grant funds under sub. (2) (br) for emergency response equipment only if it submits to the division a strategic plan for emergency response to hazardous substance releases that includes all of the following:

SECTION 3117ke. 166.21 (3) (a) 1. of the statutes is amended to read:

166.21 **(3)** (a) 1. The costs of each new facility plan completed by the committee and approved by the ~~board~~ division in the period covered by the grant.

SECTION 3117kf. 166.21 (3) (a) 3. of the statutes is amended to read:

166.21 **(3)** (a) 3. The portion of a previous year's costs that was approved by the ~~board~~ division but not paid because of insufficient funds.

SECTION 3117kj. 166.21 (3) (b) of the statutes is amended to read:

166.21 **(3)** (b) The ~~board~~ division shall reduce the grant amount calculated under par. (a) by the amount of any other gifts or grants received by the committee in the period covered by the grant for costs incurred by the committee related to sub. (2).

SECTION 3117km. 166.21 (3) (c) of the statutes is amended to read:

166.21 **(3)** (c) Notwithstanding sub. (2), the ~~board~~ division shall deny that portion of a grant calculated under par. (a) 2. if the ~~board~~ division determines that the committee has failed to meet grant obligations, including the development, review, exercise or implementation of local emergency response plans as required under s. 166.20 or the federal act.

SECTION 3117kp. 166.21 (3) (e) of the statutes is amended to read:

166.21 **(3)** (e) Annually, the ~~board~~ division shall establish a formula to determine the amount of emergency planning grant funds available to each county.

SECTION 3117kr. 166.21 (4) of the statutes is amended to read:

166.21 **(4)** PAYMENT OF GRANTS. Annually, the ~~board~~ division shall review all applications received under this

section and make grants to committees from the appropriations under s. 20.465 (3) (jm) and (r). If insufficient funds are available to pay all approved grants, the ~~board~~ division shall prorate the available funds among the eligible applicants in proportion to the approved grant amounts. A prorated payment shall be deemed full payment of the grant.

SECTION 3117ks. 166.21 (5) of the statutes is amended to read:

166.21 **(5)** PAYMENT IN ADVANCE. (a) The ~~board~~ division may pay a portion of a grant before the end of the period covered by the grant if a committee requests the advance payment and if the ~~board~~ division determines that the necessary funds are available and that the advance payment will not result in insufficient funds to pay other grants.

(b) The ~~board~~ division may pay an amount up to 50% of anticipated eligible costs covered by a grant up to 12 months before the end of the period covered by the grant. The ~~board~~ division may pay an additional amount up to 25% of anticipated eligible costs up to 6 months before the end of the period covered by the grant. The ~~board~~ division shall determine anticipated eligible costs from a budget submitted by the committee at the time that the committee requests payment in advance.

(c) If a committee receives advance payments under this subsection which exceed the total grant amount calculated under sub. (3), the ~~board~~ division shall subtract the amount of the overpayment from the amount of a grant paid to that committee in the next year that the committee receives a grant.

SECTION 3117m. 166.215 (1) of the statutes is amended to read:

166.215 **(1)** The board shall contract with no fewer than 7 and no more than 9 regional emergency response teams, each of which will assist in the emergency response to level A releases in a region of this state designated by the board. The board shall contract with at least one regional emergency response team in each area designated under s. 166.03 (2) (b) 1. The board may only contract with a local agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional emergency response team shall meet the standards for a hazardous materials specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire protection association standards NFPA 471 and 472. ~~A contract under this subsection may provide for payments to the regional emergency response team in addition to the reimbursement provided in sub. (2).~~ Payments to regional emergency response teams under this subsection shall be made from the appropriation account under s. 20.465 (3) (dd).

SECTION 3117mc. 166.215 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

166.215 **(1)** The division shall contract with no fewer than 7 and no more than 9 regional emergency response teams, each of which will assist in the emergency response to level A releases in a region of this state designated by the division. The division shall contract with at least one regional emergency response team in each area designated under s. 166.03 (2) (b) 1. The division may only contract with a local agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional emergency response team shall meet the standards for a hazardous materials specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire protection association standards NFPA 471 and 472. Payments to regional emergency response teams under this subsection shall be made from the appropriation account under s. 20.465 (3) (dd).

SECTION 3117p. 166.215 (2) of the statutes is amended to read:

166.215 **(2)** The board shall reimburse a regional emergency response team for costs incurred by the team in responding to a level A release under sub. (1). Reimbursement under this subsection is limited to amounts collected under sub. (3) and the amounts appropriated under s. 20.465 (3) ~~(rg) and (rt)~~ (dr). Reimbursement is available under s. 20.465 (3) ~~(rt)~~ (dr) only if the regional emergency response team has made a good faith effort to identify the person responsible under sub. (3) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team.

SECTION 3117qh. 166.215 (2) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

166.215 **(2)** The division shall reimburse a regional emergency response team for costs incurred by the team in responding to a level A release under sub. (1). Reimbursement under this subsection is limited to amounts collected under sub. (3) and the amounts appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the regional emergency response team has made a good faith effort to identify the person responsible under sub. (3) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team.

SECTION 3117qm. 166.215 (3) of the statutes is amended to read:

166.215 **(3)** A person who possessed or controlled a hazardous substance that was released or who caused the release of a hazardous substance shall reimburse the ~~board~~ division for costs incurred by a regional emergency response team in responding to the release under sub. (1).

SECTION 3117r. 166.215 (5) of the statutes is created to read:

166.215 **(5)** The board shall notify the joint committee on finance in writing, before entering into a new contractual agreement under sub. (1) or renewing or extending a contractual agreement under sub. (1), of the specific funding commitment involved in that proposed new, renewed or extended contract. The board shall include in that notification information regarding any anticipated contractual provisions that involve state fiscal commitments for each fiscal year in the proposed new, renewed or extended contract. The board may enter into a new contractual agreement or renew or extend a contractual agreement, as proposed in the notification to the joint committee on finance, if within 14 working days after notification the committee does not schedule a meeting to review the board's proposed action. If, within 14 working days after notification to the joint committee on finance, the committee notifies the board that the committee has scheduled a meeting to review the board's proposed action, the board may enter into the proposed new contact or renew or extend the contract as proposed only if the committee approves that action. Notwithstanding s. 13.10, the board may include in its notification to the joint committee on finance a request for approval of any increase in the amount of money in the appropriation account under s. 20.465 (3) (dd) necessary to provide sufficient money for the proposed new, renewed or extended contracts under sub. (1).

SECTION 3117t. 166.22 (3m) of the statutes is amended to read:

166.22 **(3m)** The board shall reimburse a local emergency response team for costs incurred by the team in responding to a hazardous substance discharge under sub. (3). Reimbursement under this subsection is limited to the amount appropriated under s. 20.465 (3) ~~(rt)~~ (dr). Reimbursement is available under s. 20.465 (3) ~~(rt)~~ (dr) only if the local emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the local emergency response team.

SECTION 3117w. 166.22 (3m) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

166.22 **(3m)** The division shall reimburse a local emergency response team for costs incurred by the team in responding to a hazardous substance discharge under sub. (3). Reimbursement under this subsection is limited to the amount appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the local emergency response team.

SECTION 3118. 168.01 of the statutes is renumbered 168.01 (intro.) and amended to read:

168.01 (title) ~~**Definition**~~ **Definitions.** (intro.) In this chapter ~~"department":~~

(1) "Department" means the department of commerce.

SECTION 3119. 168.01 (2) of the statutes is created to read:

168.01 **(2)** "Supplier" includes a person who imports, or acquires immediately upon import, petroleum products by pipeline or marine vessel from a state, territory or possession of the United States or from a foreign country into a terminal and who is registered under 26 USC 4101 for tax−free transactions in gasoline. "Supplier" also includes a person who produces in this state; or imports into a terminal or bulk plant; or acquires immediately upon import by truck, railcar or barge into a terminal; alcohol or alcohol derivative products. "Supplier" also includes a person who produces, manufactures or refines petroleum products in this state. "Supplier" also includes a person who acquires petroleum products pursuant to an industry terminal exchange agreement. "Supplier" does not include a retail dealer or wholesaler who merely blends alcohol with gasoline before the sale or distribution of the product and does not include a terminal operator who merely handles in a terminal petroleum products consigned to the terminal operator.

SECTION 3119m. 168.11 (1) (b) 2. of the statutes is amended to read:

168.11 **(1)** (b) 2. A device that dispenses, for sale at retail, a reformulated gasoline, as defined in s. 285.37 (1), that contains an oxygenate other than ethanol shall be marked or labeled with the identity of the oxygenate at all times when the product is offered for sale. The label ~~shall identify the oxygenate as "methyl tertiary butyl ether (MTBE)" or "ethyl tertiary butyl ether (ETBE)" or, if the reformulated gasoline contains another oxygenate or a combination of oxygenates, the label~~ shall identify the oxygenate or oxygenates in the manner specified by the department by rule.

SECTION 3120. 168.12 (1) of the statutes is amended to read:

168.12 **(1)** Except as provided in subs. (1g) and (1r), there is imposed a petroleum inspection fee at the rate of 3 cents per gallon on all petroleum products that are received~~, as defined in s. 78.07,~~ by a supplier~~, as defined in s. 78.005 (14),~~ for sale in this state or for sale for export to this state. The department of revenue shall determine when a petroleum product is received under this subsection in the same manner that it determines under s. 78.07

when motor vehicle fuel is received. The fee shall be paid under s. 168.125 and shall be based on the number of gallons reported under s. 168.125.

SECTION 3121. 168.12 (6) of the statutes is created to read:

168.12 **(6)** (a) Any person who purchases in this state general aviation fuel, as defined in s. 78.55 (3), from a supplier is eligible for an allowance of 2 cents for each gallon of general aviation fuel purchased in excess of 1,000,000 gallons per month. A person who purchases general aviation fuel for resale is not eligible for the allowance.

(b) To receive an allowance, an eligible purchaser under par. (a) shall complete a claim upon a form that the department of revenue prescribes and furnishes and file the claim with the department of revenue not later than 12 months after the date of purchase of the general aviation fuel.

(c) The department of revenue shall investigate the correctness and veracity of the representations in the claim and may require a claimant to submit records to substantiate the claim. The department of revenue shall either allow or deny a claim under this subsection not later than 60 days after the filing of the claim. If the department of revenue allows the claim, it shall pay the claimant the amount allowed from the moneys appropriated under s. 20.855 (4) (r). If the department of revenue does not pay the allowance by the 90th day after the date on which the purchaser files the claim, the department of revenue shall also pay interest on the unpaid claim beginning on that day, at the rate of 9% per year, from the moneys appropriated under s. 20.855 (4) (r).

(d) If a purchaser negligently files a claim under this subsection that is inaccurate in whole or in part, the department of revenue shall:

1. If the department of revenue has not paid the claim but has allowed a portion of the claim, reduce the allowance by 25%.

2. If the department of revenue has paid the claim, require the purchaser to refund to the department of revenue that portion of the amount paid under par. (c) to which the purchaser is not entitled and impose a penalty on the purchaser equal to 25% of the allowance, plus interest on the sum of the unpaid penalty and the amount required to be refunded, accruing from the date that the penalty is imposed, at the rate of 12% per year.

(e) If a purchaser files a fraudulent claim under this subsection, the department of revenue shall:

1. If the claim has not been paid and the department of revenue allows no portion of the claim, impose a penalty on the purchaser equal to 50% of the amount claimed by the purchaser, plus interest on the unpaid penalty, accruing from the date that the penalty is imposed, at the rate of 12% per year.

2. If the claim has not been paid and the department of revenue allows a portion of the claim, reduce the allowance by 50%.

3. If the claim has been paid, require the purchaser to refund to the department of revenue that portion of the amount paid under par. (c) that the department of revenue determines was fraudulently obtained and impose a penalty on the purchaser equal to 50% of the amount claimed by the purchaser, plus interest on the sum of the unpaid penalty and the amount required to be refunded, accruing from the date that the penalty is imposed, at the rate of 12% per year.

(f) Any person who knowingly signs or verifies a fraudulent claim under par. (e) may be fined not more than $500 or imprisoned for not more than 30 days or both.

(g) Any person who knowingly aids, abets or assists another in making a fraudulent claim under par. (e) or in signing or verifying a fraudulent claim under par. (f) may be fined not more than $500 or imprisoned for not more than 30 days or both.

(h) With respect to imposing a penalty and requiring a refund under par. (d), the department of revenue shall give notice to the purchaser within 4 years after the date that the claim was filed. The department of revenue may impose a penalty and require a refund under par. (e) when the department of revenue discovers the fraud committed.

SECTION 3121c. 168.12 (7) of the statutes is amended to read:

168.12 **(7)** No person may ship petroleum products into this state unless that person has a valid certificate under s. 73.03 (50) and either has a license under s. 78.09 or obtains a petroleum products shipper license from the department of revenue by filing with that department an application prescribed and furnished by that department and verified by the owner of the business if the owner is an individual, by a member if the owner is an unincorporated association, by a partner if the owner is a partnership or by the president and secretary if the owner is a corporation.

SECTION 3121g. 170.12 (1) (b) of the statutes is amended to read:

170.12 **(1)** (b) "Log" means a portion of the trunk of a felled tree which has not been further processed for any end use, including any portion of a trunk of a tree previously used in substantially its natural state as part of a dock or crib but that is no longer part of a dock, a crib or any discernible structure, or is part of the debris field of a dock or crib.

SECTION 3121r. 170.12 (3) (intro.) of the statutes is amended to read:

170.12 **(3)** (title) APPLICATION TO REMOVE SUNKEN LOGS ON CERTAIN SUBMERGED LANDS. (intro.) A person

wishing to raise and remove logs that are resting on submerged lands owned by the state and that are located in Lake Michigan, Lake Superior, Star Lake in Vilas County, Boom Lake in Oneida County, Rib Lake in Taylor County or the Fox River shall make application to the board for a permit to do so. Unless the applicant has received a permit under this section prior to the effective date of this subsection .... [revisor inserts date], the applicant shall include with the application a performance bond in the amount of at least $10,000. The application shall do all of the following:

SECTION 3122. 170.12 (3) (d) of the statutes is amended to read:

170.12 **(3)** (d) Describe, in detail, the applicant's plans for the use and disposition of any logs raised~~, including any information necessary for or related to sub. (5)~~.

SECTION 3122m. 170.12 (3) (dm) of the statutes is created to read:

170.12 **(3)** (dm) If the applicant was not engaged in commercial log raising prior to the date of application, include a business plan approved by the department of commerce under s. 560.03 (23).

SECTION 3123m. 170.12 (3) (g) of the statutes is amended to read:

170.12 **(3)** (g) Be accompanied by a ~~$50~~ $500 application fee.

SECTION 3124. 170.12 (5) (intro.) of the statutes is renumbered 170.12 (5) and amended to read:

170.12 **(5)** (title) RESERVATION OF VALUE~~; OFFSET~~. **Vetoed In Part** The state reserves to itself ~~30%~~ 20% of the ~~appraised market~~ stumpage value, established by the department of natural resources by rule promulgated under s. 77.91 (1), of any log raised pursuant to a permit issued under this section. ~~Any applicant may, as part of the application under sub. (3), propose projects for the use of logs raised, and for the use of proceeds from logs raised and sold, as an offset to the state's share of the value of any logs raised. Any project proposed as the basis for an offset shall have demonstrated potential to do 2 or more of the following:~~

SECTION 3125. 170.12 (5) (a) to (c) of the statutes are repealed.

SECTION 3125g. 170.12 (6) (intro.) of the statutes is amended to read:

170.12 **(6)** PERMIT. (intro.) Within 60 days after receipt of an application under sub. (3), the board shall either approve, modify and approve or deny the application for a permit. A permit issued under this subsection shall be effective for ~~a specified period, not to exceed one year,~~ 5 years. A permit issued under this subsection is not transferable and shall specify all of the following:

SECTION 3125r. 170.12 (6) (a) of the statutes is amended to read:

170.12 **(6)** (a) The boundaries of the location where sunken logs may be raised pursuant to the permit. The area covered by the permit shall be contiguous and may not exceed 160 acres. A permit may not cover submerged lands that are not contained within Lake Michigan, Lake Superior, Star Lake in Vilas County, Boom Lake in Oneida County, Rib Lake in Taylor County or the Fox River. No location may be covered by more than one permit under this section.

SECTION 3126. 170.12 (6) (d) of the statutes is repealed.

SECTION 3126e. 170.12 (6) (dm) of the statutes is created to read:

170.12 **(6)** (dm) That the applicant shall implement procedures to determine whether a raised log bears an American Indian tribal mark or brand, to identify the tribal mark or brand, and to track the value realized from the sale of logs separately for logs that bear a particular tribal mark or brand.

SECTION 3126m. 170.12 (6) (e) of the statutes is amended to read:

170.12 **(6)** (e) The procedure and times when the permit holder shall tender to the board, on behalf of the state, ~~any~~ amounts due the state for its net share of the value of any logs raised. The amounts due the state for its net share of the value of logs described under par. (dm) shall be separately identified by tribal mark or brand.

SECTION 3126p. 170.12 (6) (g) of the statutes is amended to read:

170.12 **(6)** (g) Any requirements ~~imposed~~ recommended under s. 44.47 (5r) (b) that the board determines should be a condition of the permit.

SECTION 3126s. 170.12 (7) of the statutes is repealed and recreated to read:

170.12 **(7)** PERMIT RENEWAL. If a permit holder wishes to renew a permit issued under this section, the permit holder shall submit a request for renewal, together with a $500 renewal fee, to the board at least 30 days before the expiration date of the permit. The board shall renew the permit for a 5–year period unless the board determines, after notice to the permit holder and an opportunity for the permit holder to be heard, that the permit holder has knowingly or wilfully violated the terms, conditions or requirements of the permit; this section; s. 44.47; or rules promulgated under this section or s. 44.47. If the board determines that there are environmental or archaeological facts affecting the location specified in the permit that were unknown at the time that the original permit was granted, the board may attach additional conditions or restrictions to the permit. If the board determines that the permit holder has knowingly or wilfully violated the terms, conditions or requirements of the permit or a provision under this section or s. 44.47, the board may deny the renewal or may attach conditions or restrictions to the renewal necessary to ensure compliance with the requirements of the original permit.

SECTION 3128m. 170.12 (8m) of the statutes is created to read:

170.12 **(8m)** DUTIES OF PERMIT HOLDERS. (a) A holder of a permit issued under this section shall do all of the following:

1. At the written request of the historical society, provide directly to the historical society a representative sample of company logging marks by sawing off the ends of the logs bearing the marks and by delivering them to the historical society.

2. Allow a historical society designee to observe log recovery activities under the permit.

(b) A person may not do any of the following while engaging in log recovery activities pursuant to a permit issued under this section:

1. Remove any object, as defined in s. 44.47 (1) (f).

2. Disturb any discernible archaeological site, as defined in s. 44.47 (1) (b).

3. Disturb any crib or dock.

SECTION 3129. 170.12 (9) of the statutes is amended to read:

170.12 **(9)** TRANSFER OF TITLE. At such times as a permit holder tenders to the board ~~any~~ the amounts due under the state's reservation of value, pursuant to the terms and conditions of the permit, title to any logs covered by such tender shall pass to the permit holder. ~~If the permit provides for an offset under sub. (6) (d), the board shall issue written findings at the conclusion of the term of the permit which describe the board's findings regarding compliance with the term of the permit and establish the proportion of the authorized offset to which the permit holder is entitled.~~

SECTION 3129c. 170.12 (9m) of the statutes is created to read:

Vetoed In Part 170.12 **(9m)** USE OF REVENUE FROM PROGRAM. (a) The board shall credit the amounts due the state for its net share of the value of logs described under sub. (6) (dm) to the appropriation account under s. 20.507 (1) (j). For each type of tribal mark or brand, the board shall identify the American Indian tribe or band which made the tribal mark or brand and shall distribute the moneys received for the state's net share of the value of those logs to that American Indian tribe or band.

Vetoed In Part (b) The application fee under sub. (3) (g), the renewal fee under sub. (7) and all amounts due the state for its net share of the value of logs not described under sub. (6) (dm) shall be deposited in the general fund as follows:

1. The first $100,000 in a fiscal year, as general purpose revenue — earned.

2. The next $300,000 in a fiscal year, as a credit to the appropriation account under s. 20.245 (4) (j).

3. Any remaining money in a fiscal year, as general purpose revenue — earned.

SECTION 3129g. 170.12 (10) (title) of the statutes is amended to read:

170.12 **(10)** (title) ~~FORFEITURE~~ FORFEITURES AND REMEDIES.

SECTION 3129m. 170.12 (10) of the statutes is renumbered 170.12 (10) (a) and amended to read:

170.12 **(10)** (a) Any logs subject to this section which are ~~raised~~ removed in violation of this section, or in violation of a permit issued under this section, shall be returned to the lakebed as directed by the board or shall be confiscated by the board and forfeited to the state.

SECTION 3129r. 170.12 (10) (b) of the statutes is created to read:

170.12 **(10)** (b) Any person who removes for commercial gain sunken logs on submerged state lands without a permit issued under this section may be required to forfeit $500 or an amount equal to 2 times the gross value of the removed logs, whichever is greater, plus the reasonably incurred costs of investigation and prosecution.

SECTION 3129w. 170.12 (10) (c) of the statutes is created to read:

170.12 **(10)** (c) Any person who intentionally interferes with a log recovery operation for which a permit has been issued under this section is liable to the permit holder for any actual losses resulting from the interference and may be required to forfeit not less than $100 nor more than $500.

SECTION 3131b. 180.0122 (1) (r) of the statutes is amended to read:

180.0122 **(1)** (r) Application for reinstatement following administrative dissolution, ~~$10~~ $90.

SECTION 3131bm. 180.0722 (8) (b) of the statutes is amended to read:

180.0722 **(8)** (b) Shall be solicited and appointed apart from the sale of or offer to purchase shares of the ~~issuing public~~ resident domestic corporation, as defined in s. ~~180.1150 (1) (a)~~ 180.1150 (1) (c).

SECTION 3131bs. 180.0722 (8) (c) of the statutes is amended to read:

180.0722 **(8)** (c) May not be solicited sooner than 30 days before the meeting called under s. 180.1150 (5), unless otherwise agreed in writing by the person acting under s. 180.1150 and the directors of the ~~issuing public~~ resident domestic corporation, as defined in s. 180.1150 (1) ~~(a)~~ (c).

SECTION 3131c. 180.1130 (1) (a) of the statutes is amended to read:

180.1130 **(1)** (a) An organization, other than the ~~issuing public~~ resident domestic corporation or a subsidiary of the ~~issuing public~~ resident domestic corporation, of which the person is an officer, director, manager or partner or is, directly or indirectly, the beneficial owner of 10% or more of a class of voting securities.

SECTION 3131cm. 180.1130 (1) (c) of the statutes is amended to read:

180.1130 **(1)** (c) A relative or spouse of the person, or a relative of the spouse, who has the same principal residence as the person who is a director or officer of the ~~is-~~

~~suing public~~ resident domestic corporation or of an affiliate of the ~~issuing public~~ resident domestic corporation.

SECTION 3131d. 180.1130 (2) (b) of the statutes is amended to read:

180.1130 **(2)** (b) The existence of an option from, or other arrangement with, ~~an issuing public~~ a resident domestic corporation to acquire securities of the ~~issuing public~~ resident domestic corporation.

SECTION 3131e. 180.1130 (3) (a) (intro.) of the statutes is amended to read:

180.1130 **(3)** (a) (intro.) Unless the merger or share exchange is subject to s. 180.1104, does not alter the contract rights of the shares as set forth in the articles of incorporation or does not change or convert in whole or in part the outstanding shares of the ~~issuing public~~ resident domestic corporation, a merger or share exchange of the ~~issuing public~~ resident domestic corporation or a subsidiary of the ~~issuing public~~ resident domestic corporation with any of the following:

SECTION 3131em. 180.1130 (3) (b) of the statutes is amended to read:

180.1130 **(3)** (b) A sale, lease, exchange or other disposition, other than a mortgage or pledge if not made to avoid the requirements of ss. 180.1130 to 180.1134, to a significant shareholder, other than the ~~issuing public~~ resident domestic corporation or a subsidiary of the ~~issuing public~~ resident domestic corporation, or to an affiliate of the significant shareholder, of all or substantially all of the property and assets, with or without goodwill, of ~~an issuing public~~ a resident domestic corporation, if not made in the usual and regular course of its business.

SECTION 3131f. 180.1130 (8) of the statutes is repealed.

SECTION 3131g. 180.1130 (9) (a) 4. of the statutes is amended to read:

180.1130 **(9)** (a) 4. If no report or quote is available under subd. 1., 2. or 3., the fair market value as determined in good faith by the board of directors of the ~~issuing public~~ resident domestic corporation.

SECTION 3131gm. 180.1130 (10m) of the statutes is created to read:

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

SECTION 3131h. 180.1130 (11) of the statutes is amended to read:

180.1130 **(11)** "Significant shareholder", with respect to ~~an issuing public~~ a resident domestic corporation, means a person that is the beneficial owner, directly or indirectly, of 10% or more of the voting power of the outstanding voting shares of the ~~issuing public~~ resident domestic corporation; or is an affiliate of the ~~issuing public~~ resident domestic corporation and within the 2–year period immediately before the date in question was the beneficial owner, directly or indirectly, of 10% or more of the voting power of the then outstanding voting shares of the ~~issuing public~~ resident domestic corporation. For the purpose of determining whether a person is a significant shareholder, the number of voting shares considered to be outstanding includes shares considered to be owned by the person as the beneficial owner but does not include any other voting shares which may be issuable under an agreement, arrangement or understanding, or upon exercise of conversion rights, warrants or options, or otherwise. In this paragraph, "person" includes 2 or more individuals or persons acting as a group for the purpose of acquiring, holding or voting securities of ~~an issuing public~~ a resident domestic corporation.

SECTION 3131i. 180.1130 (13) (intro.) of the statutes is amended to read:

180.1130 **(13)** (intro.) "Take–over offer" means the offer to acquire or the acquisition of any equity security, as defined in s. 552.01 (2), of ~~an issuing public~~ a resident domestic corporation, pursuant to a tender offer or request or invitation for tenders, if after the acquisition thereof the offer or, as defined in s. 552.01 (3), would be directly or indirectly a beneficial owner of more than 5% of any class of the outstanding equity securities of the issuer. "Take–over offer" does not include an offer or acquisition of any equity security of ~~an issuing public~~ a resident domestic corporation pursuant to:

SECTION 3131im. 180.1130 (13) (d) of the statutes is amended to read:

180.1130 **(13)** (d) An offer made to all the shareholders of the ~~issuing public~~ resident domestic corporation, if the number of its shareholders does not exceed 100 at the time of the offer.

SECTION 3131j. 180.1130 (13) (f) of the statutes is amended to read:

180.1130 **(13)** (f) An offer by the ~~issuing public~~ resident domestic corporation to acquire its own equity securities.

SECTION 3131k. 180.1131 (intro.) of the statutes is amended to read:

180.1131 Shareholder vote. (intro.) In addition to a vote otherwise required by law or the articles of incorporation of the ~~issuing public~~ resident domestic corporation, a business combination must be approved by the affirmative vote of at least all of the following, except as provided in s. 180.1132:

SECTION 3131km. 180.1132 (1) (a) (intro.) of the statutes is amended to read:

180.1132 **(1)** (a) (intro.) The aggregate amount of the cash and the market value as of the valuation date of consideration other than cash to be received per share by shareholders of the ~~issuing public~~ resident domestic corporation in the business combination is at least equal to the highest of the following:

SECTION 3131L. 180.1132 (2) (c) of the statutes is amended to read:

180.1132 **(2)** (c) ~~An issuing public~~ A resident domestic corporation whose shareholders adopt an amendment to the articles of incorporation on or after April 24, 1984, by a vote of at least 80% of the votes entitled to be cast by outstanding shares of voting shares of the ~~issuing public~~ resident domestic corporation, voting together as a single voting group and by two−thirds of the votes entitled to be cast by persons, if any, who are not significant shareholders of the ~~issuing public~~ resident domestic corporation, voting together as a single voting group, expressly electing not to be governed by ss. 180.1130 to 180.1134.

SECTION 3131m. 180.1132 (3) of the statutes is amended to read:

180.1132 **(3)** OPT−IN FOR CERTAIN CORPORATIONS. A corporation that is not ~~an issuing public~~ a resident domestic corporation may elect, by express provision in its articles of incorporation, to be subject to ss. 180.1130 to 180.1134 as if it were ~~an issuing public~~ a resident domestic corporation unless its articles of incorporation contain a provision stating that the corporation is a close corporation under ss. 180.1801 to 180.1837.

SECTION 3131n. 180.1134 (intro.) of the statutes is amended to read:

180.1134 Actions during take−over offer. (intro.) In addition to a vote otherwise required by law or the articles of incorporation of the ~~issuing public~~ resident domestic corporation, approval by vote of holders of a majority of the shares of the ~~issuing public~~ resident domestic corporation entitled to vote on the proposal is required at a shareholders' meeting held in conformance with ss. 180.0705 and 180.0725 before any of the following actions may be taken by the officers or board of directors of the ~~issuing public~~ resident domestic corporation, while a take−over offer is being made, or after a take−over offer has been publicly announced and before it is concluded, for the ~~issuing public~~ resident domestic corporation's voting shares:

SECTION 3131nm. 180.1134 (1) of the statutes is amended to read:

180.1134 **(1)** Acquiring more than 5% of the ~~issuing public~~ resident domestic corporation's voting shares at a price above the market value from any individual who or organization which holds more than 3% of the voting shares and has held the shares for less than 2 years, unless the ~~issuing public~~ resident domestic corporation makes at least an equal offer to acquire all voting shares and all securities which may be converted into voting shares.

SECTION 3131o. 180.1134 (2) of the statutes is amended to read:

180.1134 **(2)** Selling or optioning assets of the ~~issuing public~~ resident domestic corporation which amount to at least 10% of the market value of the ~~issuing public~~ resident domestic corporation. This subsection does not apply to ~~an issuing public~~ a resident domestic corporation if all of the following are satisfied:

(a) The ~~issuing public~~ resident domestic corporation has at least 3 directors who are not either officers or employes of the ~~issuing public~~ resident domestic corporation.

(b) A majority of the directors who are not either officers or employes of the ~~issuing public~~ resident domestic corporation vote to not be governed by this subsection.

SECTION 3131p. 180.1150 (1) (a) of the statutes is repealed.

SECTION 3131pm. 180.1150 (1) (b) of the statutes is amended to read:

180.1150 **(1)** (b) "Person" includes 2 or more individuals or persons acting as a group for the purpose of acquiring or holding securities of ~~an issuing public~~ a resident domestic corporation, but does not include a bank, broker, nominee, trustee or other person that acquires or holds shares in the ordinary course of business for others in good faith and not for the purpose of avoiding this section unless the person may exercise or direct the exercise of votes with respect to the shares at a meeting of shareholders without further instruction from another.

SECTION 3131r. 180.1150 (1) (c) of the statutes is created to read:

180.1150 **(1)** (c) "Resident domestic corporation" has the meaning given in s. 180.1130 (10m).

SECTION 3131s. 180.1150 (2) of the statutes is amended to read:

180.1150 **(2)** Unless otherwise provided in the articles of incorporation of ~~an issuing public~~ a resident domestic corporation and except as provided in sub. (3) or as restored under sub. (5), the voting power of shares of ~~an issuing public~~ a resident domestic corporation held by any person, including shares issuable upon conversion of convertible securities or upon exercise of options or warrants, in excess of 20% of the voting power in the election of directors shall be limited to 10% of the full voting power of those shares.

SECTION 3131sm. 180.1150 (3) (intro.) of the statutes is amended to read:

180.1150 **(3)** (intro.) Shares of ~~an issuing public~~ a resident domestic corporation held, acquired or to be acquired in any of the following circumstances are excluded from the application of this section:

SECTION 3131t. 180.1150 (3) (e) of the statutes is amended to read:

180.1150 **(3)** (e) Shares acquired under s. 180.1101, 180.1102, 180.1104 or 180.1107 if the ~~issuing public~~ resident domestic corporation is a party to the merger or share exchange.

SECTION 3131u. 180.1150 (3) (f) of the statutes is amended to read:

180.1150 **(3)** (f) Shares acquired from the ~~issuing public~~ resident domestic corporation.

SECTION 3131um. 180.1150 (3) (g) of the statutes is amended to read:

180.1150 **(3)** (g) Shares acquired under an agreement entered into at a time when the ~~issuing public~~ resident domestic corporation was ~~not~~ neither a resident domestic corporation nor an issuing public corporation under s. 180.1150 (1) (a), 1995 stats.

SECTION 3131v. 180.1150 (3) (i) of the statutes is amended to read:

180.1150 **(3)** (i) Shares acquired in a transaction incident to which the shareholders of the ~~issuing public~~ resident domestic corporation have voted under sub. (5) to approve the person's resolution delivered under sub. (4) to restore the full voting power of all of that person's shares.

SECTION 3131w. 180.1150 (4) (intro.) of the statutes is amended to read:

180.1150 **(4)** (intro.) A person desiring a shareholder vote under sub. (5) shall deliver to the ~~issuing public~~ resident domestic corporation at its principal office a form of shareholder resolution with an accompanying notice containing all of the following:

SECTION 3131x. 180.1150 (4) (c) of the statutes is amended to read:

180.1150 **(4)** (c) The number of shares of the ~~issuing public~~ resident domestic corporation owned by the person of record and beneficially under the meaning prescribed in rule 13d−3 under the securities exchange act of 1934.

SECTION 3131xm. 180.1150 (4) (f) of the statutes is amended to read:

180.1150 **(4)** (f) If shares representing in excess of 20% of the voting power were acquired or are proposed to be acquired for the purpose of gaining control of the ~~issuing public~~ resident domestic corporation, the terms of the proposed acquisition, including but not limited to the source of funds or other consideration and the material terms of the financial arrangements for the acquisition, any plans or proposals of the person to liquidate the ~~issuing public~~ resident domestic corporation, to sell all or substantially all of its assets, or merge it or exchange its shares with any other person, to change the location of its principal office or of a material portion of its business activities, to change materially its management or policies of employment, to alter materially its relationship with suppliers or customers or the communities in which it operates, or make any other material change in its business, corporate structure, management or personnel, and such other material information as would affect the decision of a shareholder with respect to voting on the resolution.

SECTION 3131y. 180.1150 (5) (a) of the statutes is amended to read:

180.1150 **(5)** (a) Within 10 days after receipt of a resolution and notice under sub. (4), the directors of the ~~issuing public~~ resident domestic corporation shall fix a date for a special meeting of the shareholders to vote on the resolution. The meeting shall be held no later than 50 days after receipt of the resolution and notice under sub. (4), unless the person agrees to a later date, and no sooner than 30 days after receipt of the resolution and notice, if the person so requests in writing when delivering the resolution and notice.

SECTION 3131ym. 180.1150 (5) (d) of the statutes is amended to read:

180.1150 **(5)** (d) ~~An issuing public~~ A resident domestic corporation is not required to hold more than 2 meetings under par. (a) in any 12−month period with respect to resolutions and notices presented by the same person unless the person pays to the ~~issuing public~~ corporation, in advance of the 3rd or subsequent such meeting the reasonable expenses of the meeting including, without limitation, fees and expenses of counsel, as estimated in good faith by the board of directors of the ~~issuing public~~ resident domestic corporation and communicated in writing to the person within 10 days after receipt of a 3rd or subsequent resolution and notice from the person. In such event, notwithstanding par. (a), the directors may fix a date for the meeting within 10 days after receipt of payment in full of such estimated expenses rather than within 10 days after receipt of the resolution and notice.

SECTION 3131yn. 180.1150 (7) of the statutes is amended to read:

180.1150 **(7)** A corporation that is not ~~an issuing public~~ a resident domestic corporation may elect, by express provision in its articles of incorporation, to be subject to this section as if it were ~~an issuing public~~ a resident domestic corporation unless its articles of incorporation contain a provision stating that the corporation is a close corporation under ss. 180.1801 to 180.1837.

SECTION 3131yp. 180.1422 (1) (intro.) of the statutes is amended to read:

180.1422 **(1)** (intro.) A corporation that is administratively dissolved may apply to the department for reinstatement ~~within 2 years after the later of January 1, 1991, or the effective date of dissolution~~. The application shall include all of the following:

SECTION 3131yq. 180.1422 (1) (b) of the statutes is amended to read:

180.1422 **(1)** (b) ~~That~~ A statement that each ground for dissolution either did not exist or has been ~~eliminated~~ cured.

SECTION 3131yr. 180.1422 (1) (c) of the statutes is amended to read:

180.1422 **(1)** (c) ~~That~~ A statement that the corporation's name satisfies s. 180.0401.

SECTION 3131ys. 180.1422 (2) (a) (intro.) of the statutes is amended to read:

180.1422 **(2)** (a) (intro.) The department shall cancel the certificate of dissolution and ~~prepare~~ issue a certificate of reinstatement that complies with par. (b) if the department determines all of the following:

SECTION 3131yt. 180.1422 (2) (a) 2. of the statutes is amended to read:

180.1422 **(2)** (a) 2. That all fees and penalties owed by the corporation to the department under this chapter have been paid.

SECTION 3131yu. 180.1422 (2) (b) of the statutes is amended to read:

180.1422 **(2)** (b) The certificate of reinstatement shall state the department's determination under par. (a) and the effective date of reinstatement. The department shall file ~~the original of~~ the certificate and ~~return~~ provide a copy to the corporation or its representative.

SECTION 3131z. 180.1602 (2) (c) of the statutes is amended to read:

180.1602 **(2)** (c) A person that has delivered the resolution under s. 180.1150 (4) may, by giving written notice to the ~~issuing public~~ resident domestic corporation, as defined in s. 180.1150 (1) ~~(a)~~ (c), that complies with s. 180.0141, inspect and copy the record of shareholders of the ~~issuing public~~ resident domestic corporation, in person or by agent or attorney at any reasonable time for the purpose of communicating with the shareholders in connection with the special shareholders' meeting under s. 180.1150 (5).

SECTION 3131zc. 180.1708 (7) (bm) of the statutes is amended to read:

180.1708 **(7)** (bm) ~~Section~~ Sections 180.1422 ~~applies~~ and 180.1423 apply to an administrative dissolution before, on or after January 1, 1991.

SECTION 3131zf. 181.563 (1) (intro.) of the statutes is amended to read:

181.563 **(1)** (intro.) A corporation that is administratively dissolved may apply to the department for reinstatement ~~within 2 years after the later of January 1, 1994, or the effective date of dissolution~~. The application shall include all of the following:

SECTION 3131zm. 181.563 (1) (b) of the statutes is amended to read:

181.563 **(1)** (b) ~~That~~ A statement that each ground for dissolution either did not exist or has been ~~eliminated~~ cured.

SECTION 3131zn. 181.563 (1) (c) of the statutes is amended to read:

181.563 **(1)** (c) ~~That~~ A statement that the corporation's name satisfies s. 181.06.

SECTION 3131zo. 181.563 (2) (a) (intro.) of the statutes is amended to read:

181.563 **(2)** (a) (intro.) The department shall cancel the certificate of dissolution and ~~prepare~~ issue a certificate of reinstatement that complies with par. (b) if the department determines all of the following:

SECTION 3131zp. 181.563 (2) (a) 2. of the statutes is amended to read:

181.563 **(2)** (a) 2. That all fees and penalties owed by the corporation to the department under this chapter have been paid.

SECTION 3131zq. 181.563 (2) (b) of the statutes is amended to read:

181.563 **(2)** (b) The certificate of reinstatement shall state the department's determination under par. (a) and the effective date of reinstatement. The department shall file ~~the original of~~ the certificate and ~~serve~~ provide a copy ~~on~~ to the corporation ~~under s. 181.10~~ or its representative.

SECTION 3131zr. 181.68 (1) (L) of the statutes is amended to read:

181.68 **(1)** (L) Application for reinstatement following administrative dissolution, ~~$10~~ $35.

SECTION 3131zs. 181.76 (6) of the statutes is created to read:

181.76 **(6)** Sections 181.563 and 181.564 apply to a corporation administratively dissolved before, on or after January 1, 1994.

SECTION 3132. 182.028 of the statutes is amended to read:

182.028 School corporations. Any corporation formed for the establishment and maintenance of schools, academies, seminaries, colleges or universities or for the cultivation and practice of music shall have power to enact bylaws for the protection of its property, and provide fines as liquidated damages upon its members and patrons for violating the bylaws, and may collect the same in tort actions, and to prescribe and regulate the courses of instruction therein, and to confer such degrees and grant such diplomas as are usually conferred by similar institutions or as shall be appropriate to the courses of instruction prescribed, except that no corporation shall operate or advertise a school that is subject to s. ~~38.51~~ 39.51 (10) without complying with the requirements of s. ~~38.51~~ 39.51. Any stockholder may transfer his or her stock to the corporation for its use; and if the written transfer so provides the stock shall be perpetually held by the board of directors with all the rights of a stockholder, including the right to vote.

SECTION 3132m. 183.0802 (3) of the statutes is renumbered 183.0802 (3) (a) and amended to read:

183.0802 **(3)** (a) ~~Unless~~ Except as provided in par. (b), unless an operating agreement provides that a member does not have the power to withdraw by voluntary act from a limited liability company, the member may do so at any time by giving written notice to the other members, or on any other terms as are provided in an operating agreement. If the member has the power to withdraw but the withdrawal is a breach of an operating agreement or the withdrawal occurs as a result of otherwise wrongful conduct of the member, the limited liability company may recover from the withdrawing member damages for breach of the operating agreement or as a result of the wrongful conduct and may offset the damages against the amount otherwise distributable to the member, in addition to pursuing any remedies provided for in an operating agreement or otherwise available under applicable law. Unless otherwise provided in an operating agree-

ment, in the case of a limited liability company for a definite term or particular undertaking, a withdrawal by a member before the expiration of that term or completion of that undertaking is a breach of the operating agreement.

SECTION 3132p. 183.0802 (3) (b) of the statutes is created to read:

183.0802 **(3)** (b) If a member acquired an interest in a limited liability company for no or nominal consideration, the member may withdraw from the limited liability company only in accordance with the operating agreement and only at the time or upon the occurrence of an event specified in the operating agreement. If the operating agreement does not specify the time or the event upon the occurrence of which the member may withdraw, a member who acquired an interest in the limited liability company for no or nominal consideration may not withdraw prior to the time for the dissolution and commencement of winding up of the limited liability company without the written consent of all members of the limited liability company.

SECTION 3133c. 185.981 (4t) of the statutes, as affected by 1995 Wisconsin Act 289, 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~~, 632.747,~~ to 632.749, 632.87 (2m), (3), (4) and (5), 632.895 (10) and 632.897 (10) and ch. 155.

SECTION 3133m. 185.981 (4t) of the statutes, as affected by 1997 Wisconsin Act .... (this act), 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, 632.87 (2m), (3), (4) and (5), 632.895 (10) to (13) and 632.897 (10) and ~~ch.~~ chs. 149 and 155.

SECTION 3134c. 185.983 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act 289, 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, ~~632.747,~~ to 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5), 632.895 (5), (9) and (10), 632.896 and 632.897 (10), subch. II of ch. 619 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

SECTION 3134m. 185.983 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), 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, 632.87 (2m), (3), (4) and (5), 632.895 (5)~~, (9) and (10)~~ and (9) to (13), 632.896 and 632.897 (10)~~, subch. II of ch. 619~~ and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

SECTION 3134mi. 196.04 (4) of the statutes is amended to read:

196.04 **(4)** If the parties cannot agree and the commission finds that public convenience and necessity or the rendition of reasonably adequate service to the public requires that a public utility ~~or~~, telecommunications provider or cable operator, as defined in s. 66.082 (2) (b), be permitted to extend its lines on, over or under the right–of–way of any railroad, or requires that the tracks of any railroad be extended on, over or under the right–of–way of any public utility ~~or~~, telecommunications provider or cable operator, the commission may order the extension by the public utility, telecommunications provider, cable operator or railroad on, over or under the right–of–way of the other if it will not materially impair the ability of the railroad, telecommunications provider, cable operator or public utility, on, over or under whose right–of–way the extension would be made, to serve the public. The commission shall prescribe lawful conditions and compensation which the commission deems equitable and reasonable in light of all the circumstances.

SECTION 3142. 196.20 (5) (d) of the statutes is amended to read:

196.20 **(5)** (d) If the commission does not conduct a hearing under this subsection, a proposed rate increase or change in a rate schedule becomes effective as proposed and any rates, tolls or charges under review under s. 196.215 (6) or (7) may not be altered unless the commission issues a final order no later than 150 days after the commission receives the application or receives the information under par. (b) 1g. and 1r. If the commission conducts a hearing, a proposed rate increase or change in a rate schedule becomes effective as proposed and any rates, tolls or charges under review under s. 196.215 (6) or (7) may not be altered unless the commission issues the final order no later than 180 days after the commission receives the application or receives the information under par. (b) 1g. and 1r. If the commission conducts a hearing, the hearing examiner may extend the time for issuing a final order up to 30 additional days. The commission and the small telecommunications utility may agree in writing to extend the time for issuing a final order. ~~Notwithstanding ss. 196.34 and 196.36 (2), the commission may require the small telecommunications utility to bear the expense of producing a transcript of a hearing conducted under this section.~~

SECTION 3143. 196.20 (6) of the statutes is amended to read:

196.20 **(6)** If a telecommunications utility that is not a small telecommunications utility and that has 150,000 or less access lines in use in this state files with the commission an application for a rate change that constitutes

an increase in rates, the rate change becomes effective as proposed unless the commission issues the final order on the application no later than 180 days after the commission receives the application. The hearing examiner may extend the time for issuing a final order up to 30 additional days. The commission and the telecommunications utility may agree in writing to extend the time for issuing a final order. ~~Notwithstanding ss. 196.34 and 196.36 (2), the commission may require the telecommunications utility to bear the expense of producing a transcript of a hearing conducted under this subsection.~~

SECTION 3143m. 196.202 (1) of the statutes is amended to read:

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

SECTION 3144. 196.202 (2) of the statutes is amended to read:

196.202 **(2)** SCOPE OF REGULATION. A cellular mobile radio telecommunications utility is not subject to ch. 184 or this chapter, except a cellular mobile radio telecommunications utility is subject to s. 196.218 (3) to the extent not preempted by federal law. If the application of s. 196.218 (3) to a cellular mobile radio telecommunications utility is not preempted, a cellular mobile radio telecommunications utility shall respond, subject to the protection of the cellular mobile radio telecommunications utility's competitive information, to all reasonable requests for information about its operations in this state from the commission necessary to ~~establish and~~ administer the universal service fund.

SECTION 3145. 196.218 (1) of the statutes is renumbered 196.218 (1) (intro.) and amended to read:

196.218 **(1)** (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section~~, "universal~~:

(c) "Universal service" includes the availability of a basic set of essential telecommunications services and access to advanced service capabilities of a modern telecommunications infrastructure anywhere in this state.

SECTION 3146. 196.218 (1) (a) and (b) of the statutes are created to read:

196.218 **(1)** (a) "Board" means the technology for educational achievement in Wisconsin board.

(b) "Department" means the department of administration.

SECTION 3147. 196.218 (1) (d) of the statutes is created to read:

196.218 **(1)** (d) "Universal service fund" means the trust fund established under s. 25.95.

SECTION 3148. 196.218 (2) (a) and (b) of the statutes are repealed.

SECTION 3149. 196.218 (3) (a) 3. of the statutes is amended to read:

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

SECTION 3149g. 196.218 (3) (a) 4. of the statutes is created 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.

SECTION 3149r. 196.218 (3) (f) of the statutes is created 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 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 3150. 196.218 (4r) of the statutes is created to read:

196.218 **(4r)** EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM. (a) In this subsection:

1. "Data line" means a data circuit that provides direct access to the internet.

2. "Private college" means a private, regionally accredited, 4−year, nonprofit college or university that is incorporated in this state or that has its regional headquarters and principal place of business in this state or a tribally controlled college in this state.

2m. "Private school" has the meaning given in s. 115.001 (3r).

3. "Video link" means a 2−way interactive video circuit.

(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, technical college districts, private colleges and public library boards with access to data lines and video links.

(c) The rules promulgated under par. (b) shall do all of the following:

1. Allow a school district, private school, 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 oper-

ates 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, 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, technical college district, private college and public library board under the program established under par. (b).

4. Require a school district, private school, 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, 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.

5. Include the protections specified in s. 196.209 (4) (a) and (b). Before promulgating the rules required under this subdivision, the commission shall consult with the telecommunications privacy council appointed under s. 196.209 (5) (a).

Vetoed In Part

(d) The commission shall submit an annual report to the board on the status of providing data lines and video links that are requested under par. (c) 1. and the impact on the universal service fund of any payment under sub. (5) (a) 5.

(e) If the federal communications commission promulgates or modifies rules that provide rate discounts for telecommunications services to school districts, private schools, 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).

(f) Notwithstanding pars. (b) and (c), technical college districts are not eligible to participate in the program established under par. (b) before April 1, 1998. In consultation with the commission, the board shall determine by April 1, 1998, whether there are sufficient moneys in the appropriation under s. 20.275 (1) (s) to include technical college districts in the program established under par. (b). If the board determines that there are sufficient moneys, technical college districts are eligible to participate in the program established under par. (b) beginning on April 1, 1998.

(g) From the appropriation under s. 20.275 (1) (s), the board may award an annual grant to a school district that had in effect on the effective date of this paragraph .... [revisor inserts date], 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 under a contract entered into under s. 16.974 (7) (a) less the amount that the school district would be paying under par. (c) 4. if the school district were participating in the program established under par. (b). A school district 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 3151. 196.218 (5) (a) (intro.) of the statutes is amended to read:

196.218 **(5)** (a) (intro.) The commission shall ~~require that~~ use the moneys in the universal service fund ~~be used~~ only for any of the following purposes:

SECTION 3152. 196.218 (5) (a) 5. of the statutes is created to read:

196.218 **(5)** (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to the extent that these costs are not paid under sub. (4r) (c) 4.

SECTION 3152p. 196.218 (5) (a) 6. of the statutes is created to read:

196.218 **(5)** (a) 6. To pay the department of administration for telecommunications services provided under s. 16.973 (1) to the campuses of the University of Wisconsin System at River Falls, Stout, Superior and Whitewater.

SECTION 3153. 196.218 (5) (b) of the statutes is amended to read:

196.218 **(5)** (b) The commission shall promulgate rules to determine whether a telecommunications provider, the customers of a telecommunications provider or another person shall be assisted by the universal service fund for any use under par. (a) 1. to 4.

SECTION 3154. 196.218 (5m) of the statutes is amended to read:

196.218 **(5m)** RULE REVIEW. ~~At~~ Except for rules promulgated under sub. (4r) (b), at least biennially, the commission shall review and revise as appropriate rules promulgated under this section.

SECTION 3155. 196.218 (6) (b) of the statutes is amended to read:

196.218 **(6)** (b) The universal service fund council shall advise the commission concerning the administration of this section and the content of rules promulgated under this section. This paragraph does not apply to the administration of sub. (4r) and rules promulgated under sub. (4r) (b).

SECTION 3156. 196.36 (1r) of the statutes is created to read:

196.36 **(1r)** PRODUCTION EXPENSES. The commission may require any party to an investigation or hearing to bear the expense of producing a transcript, audiotape or videotape that is related to the investigation or hearing.

SECTION 3157. 196.36 (2) of the statutes is amended to read:

196.36 **(2)** COPIES. ~~A~~ Upon request, the commission shall furnish a copy of a transcript under this section ~~shall be furnished on demand free of cost~~ to any party to the investigation or hearing from which the transcript is taken~~.~~ ~~Upon request, the commission~~ and shall furnish a copy of an audiotape or videotape to any party to the investigation or hearing from which the audiotape or videotape is taken. The commission may charge a reasonable price for the transcript or tape.

SECTION 3157m. 196.491 (4) of the statutes is created to read:

196.491 **(4)** EXEMPTIONS. (a) Subsection (2) does not apply to a person that constructs, owns or operates electric generating equipment and associated facilities if all of the following are satisfied:

1. The person is not a public utility or a cooperative association organized under ch. 185 for the purpose of generating, distributing or furnishing electric energy at retail or wholesale to its members only.

2. The person shows to the satisfaction of the commission that the person reasonably anticipates, at the time that construction of the equipment or facilities commences, that on each day that the equipment and facilities are in operation the person will consume no less than 70% of the aggregate kilowatt hours output from the equipment and facilities in manufacturing processes at the site where the equipment and facilities are located.

3. The person consumes no less than 70% of the aggregate kilowatt hours output from the equipment and facilities, calculated on a monthly basis for each month of the biennial period preceding the date on which the plan under sub. (2) must be filed, in manufacturing processes at the site where the equipment and facilities are located.

(b) Subsection (3) does not apply to a person that constructs electric generating equipment and associated facilities if the person satisfies the requirements specified in par. (a) 1. and 2.

SECTION 3158. 196.499 (1) of the statutes is amended to read:

196.499 **(1)** SCOPE. Notwithstanding any other provisions of this chapter, a telecommunications carrier is not subject to regulation under this chapter, except that a telecommunications carrier shall comply with the requirements of this section, shall be treated under ss. 196.209, 196.218 (8) and 196.219 (4d) as a telecommunications provider, under s. 196.85 as a telecommunications utility and under s. 196.858 as an interexchange telecommunications utility, may be assessed under s. 196.218 (3) as a telecommunications provider and shall respond, subject to the protection of the telecommunications carrier's competitive information, to all reasonable requests for information about its operations in this state from the commission necessary to ~~establish and~~ administer the universal service fund. A telecommunications carrier may not be assessed in a manner that is inconsistent with this section.

SECTION 3158g. 196.85 (1m) of the statutes is renumbered 196.85 (1m) (a).

SECTION 3158r. 196.85 (1m) (b) of the statutes is created to read:

196.85 **(1m)** (b) For the purpose of direct assessment under sub. (1) of expenses incurred by the commission in connection with its activities under s. 196.04 (4), the term "public utility" includes a cable operator, as defined in s. 66.082 (2) (b).

SECTION 3159. 196.856 of the statutes is repealed.

SECTION 3160. 196.857 (1m) (b) of the statutes is amended to read:

196.857 **(1m)** (b) The amount appropriated under s. 20.115 ~~(8)~~ (3) (j), less any fees received from farmers under sub. (2g) and credited to the appropriation account under s. 20.115 ~~(8)~~ (3) (j). The amounts received under this paragraph shall be credited to the appropriation ~~made in~~ account under s. 20.115 ~~(8)~~ (3) (j).

SECTION 3160m. 196.857 (1m) (c) of the statutes is created to read: **Vetoed In Part**

196.857 **(1m)** (c) The amount appropriated under s. 20.115 (3) (je). The amounts received under this paragraph shall be credited to the appropriation under s. 20.115 (3) (je).

SECTION 3161. 196.857 (2g) of the statutes is amended to read:

196.857 **(2g)** FARM SERVICE FEES. The commission may charge reasonable fees not to exceed $300 per farm for services provided to farmers under this section. The fees shall be in accordance with a standardized schedule of fees established by the commission by rule. The fees collected under this subsection shall be credited to the appropriation account under s. 20.115 ~~(8)~~ (3) (j) in each fiscal year.

SECTION 3162. 198.12 (2) of the statutes is amended to read:

198.12 **(2)** SERVICE OF PROCESS ON, PERSONAL INJURY CLAIMS, VENUE. The district shall sue or be sued in its corporate name and service of process upon the district shall be by service upon the chairperson of the board and the clerk of the district, but no action shall be brought or maintained against a district upon a claim or cause of action unless the claimant complies with s. 893.80. Compliance with s. 893.80 is not required under this subsection in actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99. All actions by or against the district, except condemnation proceedings and actions to which the state or any officer or commission thereof is a party, shall be

brought in the circuit court for the county in which its principal administrative office is located.

SECTION 3166. 214.37 (4) (k) 1. of the statutes is amended to read:

214.37 **(4)** (k) 1. An affidavit stating that the person has standing under s. 867.01 (3) or 867.02 (2) to petition for summary settlement or assignment of a decedent's estate or that the person is an heir ~~who~~ of the decedent, or was guardian, as defined in s. 880.01 (3), of the decedent at the time of the decedent's death, and may obtain transfer of property of a decedent under s. 867.03.

SECTION 3167. 214.495 (1) of the statutes is amended to read:

214.495 **(1)** A mortgage taken and recorded by a savings bank shall have priority over all liens, except tax and special assessment liens and liens under ss. 292.31 (8) (i)~~, 292.41 (6) (d)~~ and 292.81, upon the mortgaged premises and the buildings and improvements thereon, that are filed after the recording of the mortgage.

SECTION 3172. 215.21 (4) (a) of the statutes is amended to read:

215.21 **(4)** (a) All mortgages described in this section shall have priority over all liens, except tax and special assessment liens and liens under ss. 292.31 (8) (i)~~, 292.41 (6) (d)~~ and 292.81, upon the mortgaged premises and the buildings and improvements thereon, which shall be filed subsequent to the recording of such mortgage.

SECTION 3173. 215.26 (8) (e) 1. of the statutes is amended to read:

215.26 **(8)** (e) 1. Submits an affidavit stating that the person has standing under s. 867.01 (3) or 867.02 (2) to petition for summary settlement or assignment of a decedent's estate or that the person is an heir ~~who~~ of the decedent, or was guardian, as defined in s. 880.01 (3), of the decedent at the time of the decedent's death, and may obtain transfer of property of a decedent under s. 867.03; and

SECTION 3183g. 217.13 of the statutes is amended to read:

217.13 (title) **Other ~~statutes~~ statute applicable.** ~~Sections 220.037 and~~ Section 220.06 ~~apply~~ applies to this chapter.

SECTION 3183r. 218.01 (3) (g) of the statutes is amended to read:

218.01 **(3)** (g) Any person in interest aggrieved by a decision of the division of hearings and appeals or an order of the division of banking may have a review thereof as provided in ch. 227 ~~or aggrieved by an order of the division of banking may have a review thereof as provided in s. 220.037~~.

SECTION 3189. 218.01 (7a) (a) of the statutes is amended to read:

218.01 **(7a)** (a) A motor vehicle may not be offered for sale by any motor vehicle dealer or motor vehicle salesperson unless the mileage on the motor vehicle is disclosed in writing by the transferor on the certificate of title or on a form or in an automated format authorized by the department of transportation to reassign the title to the dealer and the disclosure is subsequently shown to the retail purchaser by the dealer or salesperson prior to sale. The department of transportation may promulgate rules to exempt types of motor vehicles from this mileage disclosure requirement and shall promulgate rules for making the disclosure requirement on a form or in an automated format other than the certificate of title.

SECTION 3200b. 218.02 (9) (a) of the statutes is amended to read:

218.02 **(9)** (a) 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. ~~Orders of the division under this section are subject to review by the consumer credit review board under s. 220.037.~~

SECTION 3209b. 218.04 (9) of the statutes is repealed.

SECTION 3220b. 218.05 (13) of the statutes is repealed.

SECTION 3242. 218.33 (2) (b) of the statutes is amended to read:

218.33 **(2)** (b) For each motor vehicle offered for sale by a motor vehicle dealer, the transferring dealer shall provide the motor vehicle auction dealer with clear title or shall furnish title insurance at the time of the sale. For each motor vehicle sold at an auction, the motor vehicle auction dealer shall enter on the certificate of title, or on the form or in the automated format used to reassign the title, any information that the department requires to indicate that ownership of the vehicle was transferred through an auction sale.

SECTION 3253. 218.52 (3) of the statutes is amended to read:

218.52 **(3)** For each motor vehicle sold by a motor vehicle salvage pool, the motor vehicle salvage pool shall enter on the certificate of title, or on the form or in the automated format used to reassign the title, any information that the department requires to indicate that ownership of the vehicle was transferred by a motor vehicle salvage pool.

SECTION 3254eb. 220.02 (5) of the statutes is amended to read:

220.02 **(5)** Except ~~as otherwise provided in s. 220.037~~ for acts and decisions of the division under chs. 138, 217 and 218, any interested person or any bank or banking corporation aggrieved by an act, order or determination of the division may, within 10 days from the date thereof, apply to the banking review board to review the same. All such applications for review shall be considered and disposed of as speedily as possible. The banking review board may require the division to submit any of the division's actions subject to such review to said board for its approval.

SECTION 3254ec. 220.035 (1) (a) of the statutes is amended to read:

220.035 **(1)** (a) The banking review board shall advise the division and others in respect to improvement in the condition and service of banks and banking business in this state and shall review the acts and decisions of the division with respect to banks, except for such acts and decisions ~~subject to review under s. 220.037~~ of the division under chs. 138, 217 and 218, and shall perform such other review functions in relation to banking as are provided by law. The banking review board may require the division to submit any of the division's actions to it for its approval. The board may make rules of procedure as provided in ch. 227.

SECTION 3254ed. 220.037 of the statutes is repealed.

SECTION 3254m. 221.0102 (4) (bm) of the statutes is created to read:

221.0102 **(4)** (bm) The bank's surplus.

SECTION 3255. 221.0303 (2) of the statutes is amended to read:

221.0303 **(2)** OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or participate in the acquisition, placement and operation of, at locations other than its main or branch offices, customer bank communications terminals, in accordance with rules established by the division. The rules of the division shall provide that any such customer bank communications terminal shall be available for use, on a nondiscriminatory basis, by any state or national bank and by all customers designated by a bank using the terminal. This subsection does not authorize a bank which has its principal place of business outside this state to conduct banking business in this state. The customer bank communications terminals also shall be available for use, on a nondiscriminatory basis, by any credit union, savings and loan association or savings bank, if the credit union, savings and loan association or savings bank requests to share its use, subject to rules jointly established by the division of banking, the office of credit unions and the division of savings and loan. The division by order may authorize the installation and operation of a customer bank communications terminal in a mobile facility, after notice and hearing upon the proposed service stops of the mobile facility.

SECTION 3266b. 224.71 (1r) (b) 1. of the statutes is amended to read:

224.71 **(1r)** (b) 1. ~~The Wisconsin housing and economic development authority, or a~~ A bank, trust company, savings bank, savings and loan association, insurance company, or a land mortgage or farm loan association organized under the laws of this state or of the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law.

SECTION 3266e. 224.71 (1r) (b) 1m. of the statutes is created to read:

224.71 **(1r)** (b) 1m. A community−based organization, as defined in s. 16.30 (1), or a housing authority, as defined in s. 16.30 (2).

SECTION 3266g. 224.71 (1r) (b) 3. of the statutes is amended to read:

224.71 **(1r)** (b) 3. Employes of persons described in subds. 1. ~~and~~ to 2. if the employe is performing his or her duties as an employe.

SECTION 3266j. 224.71 (2) (b) 1. of the statutes is amended to read:

224.71 **(2)** (b) 1. ~~The Wisconsin housing and economic development authority, or a~~ A bank, trust company, savings bank, savings and loan association, insurance company, or a land mortgage or farm loan association organized under the laws of this state or of the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law.

SECTION 3266L. 224.71 (2) (b) 1m. of the statutes is created to read:

224.71 **(2)** (b) 1m. A community−based organization, as defined in s. 16.30 (1), or a housing authority, as defined in s. 16.30 (2).

SECTION 3266p. 224.71 (2) (b) 3. of the statutes is amended to read:

224.71 **(2)** (b) 3. Employes of persons described in subds. 1. ~~and~~ to 2. if the employe is performing his or her duties as an employe.

SECTION 3266r. 224.71 (3) (b) 1. of the statutes is amended to read:

224.71 **(3)** (b) 1. ~~The Wisconsin housing and economic development authority, or a~~ A bank, trust company, savings bank, savings and loan association, insurance company, or a land mortgage or farm loan association organized under the laws of this state or of the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law.

SECTION 3266u. 224.71 (3) (b) 1m. of the statutes is created to read:

224.71 **(3)** (b) 1m. A community−based organization, as defined in s. 16.30 (1), or a housing authority, as defined in s. 16.30 (2).

SECTION 3266y. 224.71 (3) (b) 3. of the statutes is amended to read:

224.71 **(3)** (b) 3. Employes of persons described in subds. 1. ~~and~~ to 2. if the employe is performing his or her duties as an employe.

SECTION 3268m. 224.72 (5) (b) 1. of the statutes is amended to read:

224.72 **(5)** (b) 1. Upon receiving a properly completed application for registration as a mortgage banker, the fee specified in sub. (8) (b) and~~, except as provided in s. 224.85 (2),~~ satisfactory evidence of compliance with sub. (4), the department shall issue to the applicant a temporary certificate of registration as a mortgage banker. A temporary certificate of registration is valid for 6 months after the date of issuance.

SECTION 3270m. 224.72 (7) of the statutes is amended to read:

224.72 **(7)** RENEWAL OF REGISTRATION. A loan originator, loan solicitor or mortgage banker shall renew a certificate of registration by submitting to the department a renewal application and the applicable renewal fee specified under sub. (8) (c) on or before the applicable renewal date specified under sub. (8) (c). ~~Except as provided in s. 224.85 (2), an~~ An applicant for renewal of a certificate of registration as a mortgage banker shall, as part of the application, refile a bond that satisfies sub. (4) (b) or resubmit evidence that satisfies sub. (4) (a) or (c).

SECTION 3273m. 224.85 of the statutes is repealed.

SECTION 3273r. 227.01 (13) (ys) of the statutes is created to read:

227.01 **(13)** (ys) Establishes a technical standard for abating nonpoint source water pollution under s. 281.16 (2) (c) or (3) (c).

Vetoed In Part

SECTION 3277. 227.116 (4) (intro.) of the statutes is amended to read:

227.116 **(4)** (intro.) If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, for each such failure the agency shall prepare a report and submit it to the ~~permit information and regulatory assistance bureau~~ business development assistance center within 5 business days of the last day of the time period specified, setting forth all of the following:

SECTION 3278. 227.116 (5) of the statutes is amended to read:

227.116 **(5)** If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, upon completion of the review and determination for that application, the agency shall notify the ~~permit information and regulatory assistance bureau~~ business development assistance center.

SECTION 3279. 227.43 (1m) of the statutes is created to read:

227.43 **(1m)** Upon the request of an agency that is not prohibited from contracting with a 3rd party for contested case hearing services, the administrator of the division of hearings and appeals in the department of administration may contract with the agency to provide the contested case hearing services and may assign a hearing examiner to preside over any hearing performed under such a contract.

SECTION 3279m. 227.43 (3) (b) of the statutes is amended to read:

227.43 **(3)** (b) The administrator of the division of hearings and appeals may set the fees to be charged for any services rendered to the department of transportation by a hearing examiner under this section. The fee shall cover the total cost of the services less any costs covered by the appropriation under s. 20.505 (4) ~~(q)~~ (f).

SECTION 3280. 227.43 (3) (e) of the statutes is created to read:

227.43 **(3)** (e) The administrator of the division of hearings and appeals may set the fees to be charged for any services contracted for under sub. (1m).

SECTION 3281. 227.43 (4) (e) of the statutes is created to read:

227.43 **(4)** (e) The agency contracting out for contested case hearing services under sub. (1m) shall pay all costs of the services of a hearing examiner, including support services, assigned under sub. (1m), according to the fees set under sub. (3) (e).

SECTION 3281m. 227.485 (2) (e) of the statutes is amended to read:

227.485 **(2)** (e) "State agency" does not include the ~~public intervenor or~~ citizens utility board.

SECTION 3282b. 227.52 of the statutes, as affected by 1997 Wisconsin Act 3, is renumbered 227.52 (intro.) and amended to read:

227.52 Judicial review; decisions reviewable. (intro.) Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except ~~for the decisions~~ as otherwise provided by law and except for the following:

(1) Decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125~~, decisions~~.

(2) Decisions of the department of employe trust funds~~,~~.

(3) Those decisions of the division of banking~~,~~ that are subject to review, prior to any judicial review, by the banking review board.

(4) Decisions of the office of credit unions~~,~~.

(5) Decisions of the division of savings and loan~~,~~.

(6) Decisions of the chairperson of the elections board ~~of state canvassers and those~~.

(7) Those decisions of the department of workforce development which are subject to review, prior to any judicial review, by the labor and industry review commission~~, and except as otherwise provided by law~~.

SECTION 3282d. 227.53 (1) (a) 1. of the statutes is amended to read:

227.53 **(1)** (a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, ~~the consumer credit review board,~~ the credit union review board, the savings and loan review board or the savings bank review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1. to 5.

SECTION 3282g. 227.53 (1) (b) 2. of the statutes is amended to read:

227.53 **(1)** (b) 2. The banking review board ~~or the consumer credit review board~~, the division of banking.

SECTION 3282r. 227.53 (1) (d) of the statutes is amended to read:

227.53 **(1)** (d) The agency (except in the case of the tax appeals commission and the banking review board, ~~the consumer credit review board,~~ the credit union review board, the savings and loan review board and the savings bank review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

SECTION 3285. 227.54 of the statutes is amended to read:

227.54 Stay of proceedings. The institution of the proceeding for review shall not stay enforcement of the agency decision. The reviewing court may order a stay upon such terms as it deems proper, except as otherwise provided in ss. 196.43, 253.06 (7) and 551.62.

SECTION 3290e. 230.03 (9m) of the statutes is amended to read:

230.03 **(9m)** "Disabled ~~wartime~~ veteran" means a veteran who has a service−connected disability ~~that is directly traceable to war service~~.

SECTION 3290f. 230.03 (14) (d) of the statutes is created to read:

230.03 **(14)** (d) A person who served on active duty under honorable conditions in the U.S. armed forces for 2 continuous years or more or the full period of the person's initial service obligation, whichever is less. A person discharged from the U.S. armed forces for reasons of hardship or a service−connected disability or a person released due to a reduction in the U.S. armed forces prior to the completion of the required period of service shall also be considered a "veteran", regardless of the actual time served.

Vetoed In Part

SECTION 3290p. 230.04 (9) (f) of the statutes is amended to read:

230.04 **(9)** (f) Establish an affirmative action subunit reporting directly to the secretary. The affirmative action subunit shall advise and assist the secretary, the administrator and agency heads on establishing policies and programs to ensure appropriate affirmative action. The subunit shall advise and assist the secretary in monitoring such programs ~~and shall provide staff to the affirmative action council~~.

SECTION 3290r. 230.04 (10) (c) of the statutes is amended to read:

230.04 **(10)** (c) The secretary shall request from each agency and each agency shall furnish to the secretary relevant information regarding the prior military service, if any, of every new employe hired by the agency including limited term, project, seasonal and sessional employes. The secretary shall maintain the data to permit a periodic review of the progress being made to provide employment opportunities in civil service for veterans and disabled ~~wartime~~ veterans.

SECTION 3293. 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 **(2)** (e) 1. Administration — ~~11~~ 12.

SECTION 3294. 230.08 (2) (e) 3g. of the statutes is renumbered 230.08 (2) (e) 9. and amended to read:

230.08 **(2)** (e) 9. ~~Education~~ Public instruction — 5.

SECTION 3295. 230.08 (2) (e) 4m. of the statutes is repealed.

SECTION 3297. 230.08 (2) (e) 6m. of the statutes is repealed.

SECTION 3298. 230.08 (2) (e) 8. of the statutes is amended to read:

230.08 **(2)** (e) 8. Natural resources — ~~4~~ 6.

SECTION 3298e. 230.08 (2) (fc) of the statutes is created to read:

230.08 **(2)** (fc) The chief of the legislative reference bureau.

SECTION 3298m. 230.08 (2) (fp) of the statutes is created to read:

230.08 **(2)** (fp) The director and personnel of the integrated legislative information system staff.

SECTION 3299. 230.08 (2) (gm) of the statutes is repealed.

SECTION 3300. 230.08 (2) (L) 4. of the statutes is created to read:

230.08 **(2)** (L) 4. Higher educational aids board, created under s. 15.67.

SECTION 3301. 230.08 (2) (m) 2m. of the statutes is repealed.

SECTION 3301g. 230.08 (2) (m) 3. of the statutes is repealed.

SECTION 3301m. 230.08 (2) (mL) of the statutes is created to read:

230.08 **(2)** (mL) One executive assistant of each commissioner of the public service commission, created under s. 15.79.

SECTION 3303p. 230.08 (2) (rm) of the statutes is created to read:

230.08 **(2)** (rm) Staff of the environmental education board.

SECTION 3304. 230.08 (2) (t) of the statutes is repealed.

SECTION 3304m. 230.08 (2) (tv) of the statutes is created to read:

230.08 **(2)** (tv) The director of the office of urban development in the department of health and family services, appointed under s. 48.48 (16m).

SECTION 3305. 230.08 (2) (xe) of the statutes is created to read:

230.08 **(2)** (xe) The director of Indian gaming in the department of administration, and the attorney in the department of administration, appointed under s. 569.015 (2).

SECTION 3306. 230.08 (2) (ym) of the statutes is repealed.

SECTION 3306m. 230.08 (2) (yz) of the statutes is amended to read:

230.08 **(2)** (yz) The staff of the Wisconsin sesquicentennial commission. This paragraph does not apply after June 30, 1999.

SECTION 3307. 230.08 (4) (a) of the statutes is amended to read:

230.08 **(4)** (a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, investment board, public defender board~~, gaming board~~ and technical college system board and "commission" means the public service commission. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

Vetoed In Part

SECTION 3308m. 230.125 of the statutes is created to read:

230.125 Investigations relating to code of ethics violations. (1) In this section, "code of ethics" means the code of ethics promulgated by rule under s. 19.45 (11) (a).

(2) The administrator shall establish by rule procedures that each agency shall follow in investigating any alleged violation of the code of ethics. The administrator shall specify by rule appropriate discipline for a violation of the code of ethics, except that such discipline may not include a fine, forfeiture or term of imprisonment.

(3) If an employe is alleged by his or her appointing authority to have violated the code of ethics, the administrator, at his or her own initiative or at the request of the appointing authority, may suspend with pay the employe pending investigation of the alleged violation of the code of ethics. Any employe who is determined to have violated a provision of the code of ethics may be disciplined by the appointing authority or the administrator as provided in rules promulgated under sub. (2).

(4) If an appointing authority is investigating an alleged violation of the code of ethics and the administrator determines that the appointing authority is not following procedures established by rule under sub. (2), the administrator may assume control of the investigation.

(5) Any information contained in records obtained or prepared by the appointing authority or administrator in connection with an investigation of an alleged violation of the code of ethics may not be disclosed to the public, unless the alleged violation is referred to a district attorney or the attorney general and the information is used by a district attorney or the attorney general in the course of any civil or criminal action arising out of a violation of the code of ethics. Upon request, the administrator shall disclose the outcome of any such investigation, including any discipline imposed on the employe.

SECTION 3310d. 230.16 (7) (a) 2. of the statutes is amended to read:

230.16 **(7)** (a) 2. For a disabled ~~wartime~~ veteran, that 15 points shall be added to his or her grade.

SECTION 3310h. 230.16 (7) (a) 3. of the statutes is amended to read:

230.16 **(7)** (a) 3. For a disabled ~~wartime~~ veteran whose disability is at least 30%, that 20 points shall be added to his or her grade.

SECTION 3310p. 230.16 (7) (a) 4. of the statutes is amended to read:

230.16 **(7)** (a) 4. For the spouse of a disabled ~~wartime~~ veteran whose disability is at least 70%, that 10 points shall be added to the spouse's grade.

SECTION 3310t. 230.25 (1g) of the statutes is amended to read:

230.25 **(1g)** For every position to be filled by promotion from a promotional register, the administrator shall, after certifying names under sub. (1), additionally certify the name of the highest ranked disabled ~~wartime~~ veteran whose disability is at least 70%.

SECTION 3313. 230.30 of the statutes is amended to read:

230.30 Employing units; establishment and revision. (1) Each agency shall constitute an employing unit for purposes of personnel transactions, except where appropriate functional, organizational or geographic breakdowns exist within the agency and except as provided in sub. (2). These breakdowns may constitute a separate employing unit for one or more types of personnel transactions under an overall employing unit plan if requested by the appointing authority of that agency and approved by the administrator. If the administrator determines, after conferring with the appointing authority of the employing agency, that an employing unit is or has become inappropriate to carry out sound personnel management practices due to factors including, but not limited to, the size or isolated location of portions of the employing unit, the administrator may revise the employing unit structure of the agency to effect the remedy required.

SECTION 3314. 230.30 (2) of the statutes is created to read:

230.30 **(2)** The division of gaming in the department of administration shall constitute a separate employing unit for purposes of personnel transactions.

SECTION 3316e. 230.46 of the statutes is repealed. **Vetoed In Part**

SECTION 3318j. 231.01 (4m) of the statutes is amended to read:

231.01 **(4m)** "Educational facility" means a regionally accredited, private, ~~nonprofit~~, postsecondary educa-

tional institution described in section 501 (c) (3) of the Internal Revenue Code, as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a) of the Internal Revenue Code.

SECTION 3318m. 231.01 (5) (a) (intro.) of the statutes is amended to read:

231.01 **(5)** (a) (intro.) "Health facility" means a governmental facility or a facility described in section 501 (c) (3) of the Internal Revenue Code, as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a) of the Internal Revenue Code, and which is one of the following:

SECTION 3319g. 231.01 (5) (a) 4. (intro.) and a. of the statutes are consolidated, renumbered 231.01 (5) (a) 4. and amended to read:

231.01 **(5)** (a) 4. Any institution, place, building or agency ~~which conforms to all of the following: a. Provides~~ that provides medical services, nursing services or personal care services, as defined in s. 647.01 (6) to (8), in addition to maintenance services, as defined in s. 647.01 (5), to a person under a contract for the duration of the person's life for a term of more than 12 months.

SECTION 3319j. 231.01 (5) (a) 4. b. and c. of the statutes are repealed.

SECTION 3319k. 231.01 (5) (a) 5. of the statutes is amended to read:

231.01 **(5)** (a) 5. Any institution, place, building or agency that is engaged in providing health education ~~and that is not operated for profit~~.

SECTION 3326. 233.40 (4) (d) of the statutes is amended to read:

233.40 **(4)** (d) Any pupil referred to the hospitals or their clinics by the ~~secretary of education~~ state superintendent of public instruction under s. 115.53 (4).

SECTION 3327. Subchapter I (title) of chapter 234 [precedes 234.01] of the statutes is created to read:

CHAPTER 234

SUBCHAPTER I

GENERAL PROVISIONS;
HOUSING AND ECONOMIC
DEVELOPMENT PROGRAMS

SECTION 3328. 234.01 (4n) (a) 3m. e. of the statutes is created to read:

234.01 **(4n)** (a) 3m. e. The facility is located in a targeted area, as determined by the authority after considering the factors set out in s. 560.605 (2m) (a) to (h).

SECTION 3329. 234.01 (4n) (d) of the statutes is repealed.

SECTION 3330. 234.03 (2m) of the statutes is amended to read:

234.03 **(2m)** To issue notes and bonds in accordance with ss. 234.08, 234.40, 234.50, 234.60, 234.61, 234.626, 234.65~~,~~ and 234.66 ~~and 234.70~~.

SECTION 3330p. 234.18 (1) of the statutes is amended to read:

234.18 **(1)** ~~Except as provided in sub. (2), the~~ The authority shall not have outstanding at any one time notes and bonds for any of its corporate purposes in an aggregate principal amount exceeding ~~$500,000,000~~ $325,000,000, excluding bonds and notes issued to refund outstanding notes and bonds ~~authorized under this subsection. Not more than $45,000,000 in bonds and notes authorized under this subsection may be issued on or after July 1, 1982, except bonds or notes issued to refund outstanding bonds or notes authorized under this subsection~~.

SECTION 3330q. 234.18 (2) of the statutes is repealed.

SECTION 3331. 234.265 (2) of the statutes is amended to read:

234.265 **(2)** Records or portions of records consisting of personal or financial information provided by a person seeking a grant or loan under s. 234.08, 234.49, 234.59, 234.61, 234.65, 234.67, ~~234.68, 234.69, 234.70, 234.765, 234.82,~~ 234.83, 234.84, ~~234.87~~ 234.88, 234.90, 234.905, 234.907 or 234.91, seeking a loan under ss. 234.621 to 234.626, seeking financial assistance under s. 234.66 ~~or under ss. 234.75 to 234.802~~, seeking investment of funds under s. 234.03 (18m) or in which the authority has invested funds under s. 234.03 (18m), unless the person consents to disclosure of the information.

SECTION 3332. 234.40 (4) of the statutes is amended to read:

234.40 **(4)** The limitations established in ~~s.~~ ss. 234.18 (1) ~~and (2)~~, 234.50, 234.60, 234.61, 234.65~~,~~ and 234.66 ~~or 234.70~~ are not applicable to bonds issued under the authority of this section. The authority may not have outstanding at any one time bonds for veterans housing loans in an aggregate principal amount exceeding $61,945,000, excluding bonds being issued to refund outstanding bonds.

SECTION 3333. 234.50 (4) of the statutes is amended to read:

234.50 **(4)** The limitations established in ~~s.~~ ss. 234.18 (1) ~~and (2)~~, 234.40, 234.60, 234.61, 234.65~~,~~ and 234.66 ~~or 234.70~~ are not applicable to bonds issued under the authority of this section. The authority may not have outstanding at any one time bonds for housing rehabilitation loans in an aggregate principal amount exceeding $100,000,000, excluding bonds being issued to refund outstanding bonds. The authority shall consult with and coordinate the issuance of bonds with the building commission prior to the issuance of bonds.

SECTION 3334. 234.60 (2) of the statutes is amended to read:

234.60 **(2)** The limitations in ss. 234.18 (1) ~~and (2)~~, 234.40, 234.50, 234.61, 234.65~~,~~ and 234.66 ~~and 234.70~~ do not apply to bonds or notes issued under this section.

SECTION 3335. 234.622 (intro.) of the statutes is amended to read:

234.622 Definitions. (intro.) In ~~this subchapter~~ ss. 234.621 to 234.626:

SECTION 3336. 234.65 (1) (b) of the statutes is amended to read:

234.65 **(1)** (b) The limits in ss. 234.18 (1) ~~and (2)~~, 234.40, 234.50, 234.60, 234.61 and 234.66 ~~and 234.70~~ do not apply to bonds or notes issued under this section.

SECTION 3337. 234.65 (1) (c) of the statutes is amended to read:

234.65 **(1)** (c) The authority may not issue more than $200,000,000 in aggregate principal amount of bonds and notes under this section, excluding ~~bonds or notes secured by a capital reserve fund pursuant to sub. (6) (am) and excluding~~ bonds and notes issued to refund outstanding bonds or notes issued under this section.

SECTION 3338. 234.65 (1) (d) of the statutes is amended to read:

234.65 **(1)** (d) ~~Except as provided in sub. (6), s.~~ Section 234.15 does not apply to bonds or notes issued under this section, and any bond or note issued under this section shall contain on its face a statement to that effect.

SECTION 3339. 234.65 (1) (gm) of the statutes is amended to read:

234.65 **(1)** (gm) The authority may not grant a loan in an amount greater than 4% of the amount of bonds and notes authorized under par. (c) for the benefit of a business that, together with all of its affiliates and subsidiaries and its parent company, has current gross annual sales in excess of $5,000,000. ~~This paragraph does not apply to an economic development loan to finance a project described in s. 234.01 (4n) (d).~~

SECTION 3340. 234.65 (1) (gp) of the statutes is amended to read:

234.65 **(1)** (gp) The authority may not refinance a loan to a business ~~which~~ that has been a participant in a tax incremental financing district. ~~This paragraph does not apply to an economic development loan to finance a project described in s. 234.01 (4n) (d).~~

SECTION 3341. 234.65 (1) (h) of the statutes is repealed.

SECTION 3342. 234.65 (1) (hm) of the statutes is repealed.

SECTION 3343. 234.65 (3) (d) of the statutes is amended to read:

234.65 **(3)** (d) The business receiving the benefits of the loan proceeds, together with all of its affiliates and subsidiaries and its parent company, has current gross annual sales of $35,000,000 or less. ~~This paragraph does not apply to an economic development loan to finance a project described in s. 234.01 (4n) (d).~~

SECTION 3344. 234.65 (3) (e) of the statutes is amended to read:

234.65 **(3)** (e) The economic development loan will not be used to refinance existing debt, unless it is in conjunction with an expansion of the business or job creation. This paragraph does not apply to an economic development loan to finance an economic development project described under s. 234.01 (4n) (c) ~~or (d)~~.

SECTION 3346. 234.65 (6) of the statutes is repealed.

SECTION 3347. 234.65 (7) of the statutes is repealed.

SECTION 3348. 234.65 (8) of the statutes is repealed.

SECTION 3349. 234.65 (10) of the statutes is repealed.

SECTION 3350. 234.66 (3) (b) of the statutes is amended to read:

234.66 **(3)** (b) The limits in ss. 234.18 (1) ~~and (2)~~, 234.40, 234.50, 234.60, 234.61 and 234.65 ~~and 234.70~~ do not apply to bonds or notes issued under this section.

SECTION 3351. 234.66 (3) (c) of the statutes is amended to read:

234.66 **(3)** (c) The authority may not issue more than ~~$10,000,000~~ $17,500,000 in aggregate principal amount of bonds and notes under this section, excluding bonds and notes issued to refund outstanding bonds and notes issued under this section.

SECTION 3351r. Subchapter II (title) of chapter 234 [precedes 234.67] of the statutes is created to read:

CHAPTER 234

SUBCHAPTER II

LOAN GUARANTEE PROGRAMS

SECTION 3353. 234.68 of the statutes is repealed.

SECTION 3354. 234.69 of the statutes is repealed.

SECTION 3355c. 234.70 of the statutes is renumbered 234.61, and 234.61 (1), as renumbered, is amended to read:

234.61 **(1)** Upon the authorization of the department of health and family services, the authority may issue bonds or notes and make loans for the financing of housing projects which are residential facilities as defined in s. 46.28 (1) (d) and the development costs of those housing projects, if the department of health and family services has approved the residential facilities for financing under s. 46.28 (2). The limitations in ss. 234.18 (1) ~~and (2)~~, 234.40, 234.50, 234.60, 234.65 and 234.66 do not apply to bonds or notes issued under this section. The definition of "nonprofit corporation" in s. 234.01 (9) does not apply to this section.

SECTION 3356. 234.75 of the statutes is repealed.

SECTION 3357. 234.76 of the statutes is repealed.

SECTION 3358. 234.765 of the statutes is repealed.

SECTION 3359. 234.80 of the statutes is repealed.

SECTION 3360. 234.802 of the statutes is renumbered 234.92.

SECTION 3361. 234.82 of the statutes is repealed.

SECTION 3362. 234.83 (title) of the statutes is amended to read:

234.83 (title) ~~**Targeted**~~ **Small business development loan guarantee program.**

SECTION 3364. 234.83 (1) (c) of the statutes is amended to read:

234.83 **(1)** (c) The lender ~~is a financial institution that~~ enters into an agreement under s. 234.93 (2) (a).

SECTION 3365. 234.83 (2) (a) of the statutes is renumbered 234.83 (2) (a) (intro.) and amended to read:

234.83 **(2)** (a) (intro.) A business, as defined in s. 560.60 (2)~~.~~, to which all of the following apply:

SECTION 3366. 234.83 (2) (a) 1. to 3. of the statutes are created to read:

234.83 **(2)** (a) 1. The owner of the business is actively engaged in the business.

2. The business employs 50 or fewer employes on a full−time basis.

3. The authority has not received a certification under s. 49.855 (7) that the owner of the business is delinquent in making child support or maintenance payments.

SECTION 3367. 234.83 (3) (a) (intro.) of the statutes is renumbered 234.83 (3) (intro.).

SECTION 3368. 234.83 (3) (a) 1. of the statutes is renumbered 234.83 (3) (a) (intro.) and amended to read:

234.83 **(3)** (a) (intro.) The borrower uses the loan proceeds for a business development project ~~in a targeted area~~. Loan proceeds may be used for direct or related expenses associated with any of the following:

1. The expansion or acquisition of a business, including the purchase or improvement of land, buildings, machinery, equipment or inventory.

SECTION 3369. 234.83 (3) (a) 2. to 9. of the statutes are renumbered 234.83 (3) (b) to (i), and 234.83 (3) (b), (d), (e), (f), (g), (h) and (i), as renumbered, are amended to read:

234.83 **(3)** (b) Loan proceeds are not used to refinance existing debt or for ~~operating or~~ entertainment expenses, expenses related to the production of an agricultural commodity, as defined in s. 94.67 (2), or expenses related to a community−based residential facility.

(d) The loan term does not extend beyond 15 years after the date on which the ~~financial institution~~ lender disburses the loan unless ~~the loan is extended by~~ the authority agrees to an extension of the loan term.

(e) The total principal amount of all loans to the borrower that are guaranteed under this section does not exceed ~~$250,000~~ $750,000.

(f) The ~~financial institution~~ lender obtains a security interest in the physical plant, equipment, machinery or other assets.

(g) The ~~financial institution~~ lender believes that it is reasonably likely that the borrower will be able to repay the loan in full with interest.

(h) The ~~financial institution~~ lender agrees to the percentage of guarantee established for the loan by the authority.

(i) The authority believes that the loan will have a positive ~~economic~~ impact ~~on the targeted area~~ in terms of job creation ~~and~~ or retention.

SECTION 3370. 234.83 (3) (a) 2. of the statutes is created to read:

234.83 **(3)** (a) 2. The start−up, expansion or acquisition of a day care business, including the purchase or improvement of land, buildings, machinery, equipment or inventory.

SECTION 3371. 234.83 (3) (b) of the statutes is repealed.

SECTION 3372. 234.83 (4) (title) and (a) of the statutes are amended to read:

234.83 **(4)** (title) GUARANTEE OF ~~COLLECTION~~ REPAYMENT. (a) Subject to par. (b), the authority ~~shall~~ may guarantee ~~collection~~ repayment of a ~~percentage, not exceeding 90%,~~ portion of the principal of any loan eligible for a guarantee under sub. (1). That portion may not exceed 80% of the principal of the loan or $200,000, whichever is less. The authority shall establish the ~~percentage~~ portion of the principal of an eligible loan that will be guaranteed, using the procedures described in the agreement under s. 234.93 (2) (a). The authority may establish a single ~~percentage~~ portion for all guaranteed loans that do not exceed $250,000 and a single portion for all guaranteed loans that exceed $250,000 or establish on an individual basis different ~~percentages~~ portions for eligible loans ~~on an individual basis~~ that do not exceed $250,000 and different portions for eligible loans that exceed $250,000.

SECTION 3373. 234.83 (4) (b) of the statutes is amended to read:

234.83 **(4)** (b) Except as provided in s. 234.93 (3), the total outstanding guaranteed principal amount of all loans that the authority may guarantee under par. (a) may not exceed ~~$10,000,000~~ $9,900,000.

SECTION 3374. 234.85 of the statutes is renumbered 234.35.

SECTION 3375. 234.86 of the statutes is created to read:

234.86 Drinking water loan guarantee program. (1) DEFINITIONS. In this section:

(a) "Community water system" means a public water system that serves at least 15 service connections used by year−round residents or that regularly serves at least 25 year−round residents.

(b) "Department" means the department of natural resources.

(c) "Local governmental unit" has the meaning given in s. 281.61 (1) (a).

(d) "Noncommunity water system" means a public water system that is not a community water system.

(e) "Public water system" has the meaning given in s. 281.61 (1) (c).

(2) GUARANTEE REQUIREMENTS. The authority may use money from the Wisconsin drinking water reserve fund under s. 234.933 to guarantee a loan under this section if all of the following apply:

(a) The borrower is not a local governmental unit and is one of the following:

1. The owner of a community water system.

2. The owner of a noncommunity water system and is not operated for profit.

(b) The loan qualifies as an eligible loan under sub. (3).

(c) The lender is a financial institution that enters into an agreement under s. 234.933 (3) (a).

(3) ELIGIBLE LOANS. A loan is an eligible loan if all of the following apply:

(a) The department determines that the loan will facilitate compliance with national primary drinking water regulations under 42 USC 300g–1 or otherwise significantly further the health protection objectives of the Safe Drinking Water Act, 42 USC 300f to 300j–26.

(b) The department determines that the loan satisfies the requirements under s. 281.625 (2).

(4) GUARANTEE OF COLLECTION. (a) Subject to par. (b), the authority may guarantee collection of a percentage, not exceeding 80%, of the principal of any loan eligible for a guarantee under this section. The authority shall establish the percentage of the unpaid principal of an eligible loan that will be guaranteed using the procedures described in the guarantee agreement under s. 234.933 (3) (a). The authority may establish a single percentage for all guaranteed loans or establish different percentages for eligible loans on an individual basis.

(b) Except as provided in s. 234.933 (4), the total outstanding principal amount of all guaranteed loans under par. (a) may not exceed $3,000,000.

SECTION 3376. 234.87 of the statutes is repealed.

SECTION 3377. 234.88 of the statutes is created to read:

234.88 Brownfields remediation loan guarantee program. (1) DEFINITIONS. In this section:

(a) "Brownfields" means abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

(b) "Guaranteed loan" means a loan for which the authority guarantees repayment under sub. (3).

(c) "Participating lender" means a bank, savings bank, credit union, credit association, savings and loan association or other person that makes loans and that has entered into an agreement with the authority under s. 234.93 (2) (a).

(d) "Security interest" means an interest in property or other assets that secures payment or other performance of a guaranteed loan.

(2) ELIGIBLE LOANS. A loan made by a participating lender is eligible for guarantee of repayment from the Wisconsin development reserve fund under s. 234.93 if all of the following apply:

(a) The borrower is a business in this state.

(b) The borrower uses the loan proceeds for direct or related expenses, as determined by the authority, that are associated with remediation of contamination at a brownfields site.

(c) The loan proceeds are not applied to the outstanding balance of any other loan.

(d) The authority approves the interest rate on the loan, including any origination fees or other charges.

(e) The participating lender obtains a security interest in any equipment, machinery, physical plant or other assets to secure repayment of the loan.

(f) The loan term does not extend beyond 15 years after the date on which the participating lender disburses the loan unless the authority agrees to an extension of the loan term.

(g) The participating lender considers the borrower's assets, cash flow and managerial ability sufficient to preclude voluntary or involuntary liquidation for the loan term granted by the participating lender.

(h) The participating lender agrees to the percentage of guarantee established for the loan by the authority.

(i) The principal amount of the loan does not exceed $500,000.

(3) GUARANTEE OF REPAYMENT. (a) Subject to par. (b), beginning on July 1, 1998, the authority may guarantee repayment of a percentage, not exceeding 80%, of the principal of any loan eligible for a guarantee under sub. (2). The authority shall establish the percentage of the unpaid principal of an eligible loan that will be guaranteed by using the procedures described in the guarantee agreement under s. 234.93 (2) (a). The authority may establish a single percentage for all guaranteed loans or establish different percentages for eligible loans on an individual basis.

(b) Except as provided in s. 234.93 (3), the total outstanding principal amount of all guaranteed loans under par. (a) may not exceed $22,500,000.

SECTION 3379. 234.93 (1) (e) of the statutes is created to read:

234.93 **(1)** (e) To be used for guaranteeing loans under s. 234.88, moneys appropriated to the authority under s. 20.490 (5) (t).

SECTION 3380. 234.93 (2) (a) (intro.) of the statutes is amended to read:

234.93 **(2)** (a) (intro.) The authority ~~shall~~ may enter into a guarantee agreement with any bank, production credit association, credit union, savings bank, savings and loan association or other person who wishes to participate in a loan program guaranteed by the Wisconsin development reserve fund. The authority may determine all of the following, consistent with the terms of the specific loan guarantee program:

SECTION 3381. 234.93 (2) (bm) of the statutes is created to read:

234.93 **(2)** (bm) A guarantee agreement between the authority and a bank, production credit association, credit union, savings and loan association or other person under par. (a) with respect to a loan guaranteed under s. 234.68, 1995 stats., s. 234.69, 1995 stats., s. 234.765, 1995 stats., s. 234.82, 1995 stats., s. 234.83, 1995 stats., or s. 234.87, 1995 stats., that is in effect immediately before the effective date of this paragraph .... [revisor inserts

date], shall continue in full force and effect until the termination or expiration of the agreement according to its terms.

SECTION 3382. 234.93 (4) (a) 2. of the statutes is amended to read:

234.93 **(4)** (a) 2. To fund guarantees under all of the programs guaranteed by funds from the Wisconsin development reserve fund, except for the program under s. 234.935, at a ratio of $1 of reserve funding to ~~$4~~ $4.50 of total outstanding principal and outstanding guaranteed principal that the authority may guarantee under all of those programs.

SECTION 3383. 234.93 (4) (a) 3. of the statutes is created to read:

234.93 **(4)** (a) 3. To fund guarantees under the program under s. 234.935 at a ratio of $1 of reserve funding to $4 of total principal and outstanding guaranteed principal that the authority may guarantee under that program.

SECTION 3384. 234.93 (4) (b) (intro.) of the statutes is amended to read:

234.93 **(4)** (b) (intro.) Annually on ~~June 30~~ August 31, the executive director of the authority shall provide to the secretary of administration and to the joint committee on finance a signed statement that includes all of the following:

SECTION 3385. 234.932 (3) (d) of the statutes is amended to read:

234.932 **(3)** (d) The authority shall ensure that the cash balance in the Wisconsin job training reserve fund is sufficient ~~to fund guarantees under the job training loan guarantee program at a ratio of $1 of reserve funding to $4 of total outstanding guaranteed principal that the authority may guarantee under the program and~~ to pay all outstanding claims under the job training loan guarantee program. The authority shall regularly monitor the cash balance in the Wisconsin job training reserve fund to ensure that the cash balance is sufficient for the purposes specified in this paragraph.

SECTION 3386. 234.932 (4m) of the statutes is created to read:

234.932 **(4m)** BALANCE TRANSFER. On the effective date of this subsection .... [revisor inserts date], and annually thereafter on August 31, until no balance remains, the authority shall transfer to the general fund any balance remaining in the Wisconsin job training reserve fund on that date, after deducting an amount sufficient to pay all outstanding claims under the job training loan guarantee program.

SECTION 3387. 234.933 of the statutes is created to read:

234.933 Wisconsin drinking water reserve fund. (1) DEFINITION. In this section, "drinking water loan guarantee program" means the program under s. 234.86.

(2) ESTABLISHMENT OF FUND. There is established under the jurisdiction and control of the authority, for the purpose of providing funds for guaranteeing loans under s. 234.86, a Wisconsin drinking water reserve fund, consisting of all of the following:

(a) Moneys transferred to the authority from the appropriation accounts under s. 20.320 (2) (s) and (x) or received by the authority for the Wisconsin drinking water reserve fund from any other source.

(b) Any income from investment of money in the Wisconsin drinking water reserve fund by the authority under s. 234.03 (18).

(3) PROGRAM ADMINISTRATION. (a) The authority shall enter into a guarantee agreement with any bank, production credit association, credit union, savings bank, savings and loan association or other person who wishes to participate in the drinking water loan guarantee program. The authority may determine all of the following, consistent with the terms of the loan guarantee program:

1. The form of the agreement.

2. Any conditions upon which the authority may refuse to enter into such an agreement.

3. Any procedures required to carry out the agreement, including default procedures and procedures for determining the guaranteed percentage of each loan.

(b) The authority may not use any moneys other than those in the Wisconsin drinking water reserve fund for the drinking water loan guarantee program, and may not use moneys in the Wisconsin drinking water reserve fund for any programs other than the drinking water loan guarantee program.

(c) The authority may establish an eligibility criteria review panel, consisting of experts in finance and in the subject area of the drinking water loan guarantee program, to provide advice about lending requirements and issues related to the drinking water loan guarantee program.

(d) The authority shall ensure that the cash balance in the Wisconsin drinking water reserve fund is sufficient to fund guarantees under the drinking water loan guarantee program at a ratio of $1 of reserve funding to $4.50 of total outstanding guaranteed principal that the authority may guarantee under the program and to pay all outstanding claims under the program. The authority shall regularly monitor the cash balance in the Wisconsin drinking water reserve fund to ensure that the cash balance is sufficient for the purposes specified in this paragraph.

(4) INCREASES OR DECREASES IN LOAN GUARANTEES. The authority may request the joint committee on finance to take action under s. 13.10 to permit the authority to increase or decrease the total outstanding guaranteed principal amount of loans that it may guarantee under the drinking water loan guarantee program. Included with its request, the authority shall provide a projection, for the next June 30, that compares the amounts required on that date to pay outstanding claims and to fund guarantees under the drinking water loan guarantee program, and the balance remaining in the Wisconsin drinking water

reserve fund on that date after deducting such amounts, if the increase or decrease is approved, with such amounts and the balance remaining, if the increase or decrease is not approved.

(5) ANNUAL REPORT. Annually, the authority shall report on the number and total dollar amount of guaranteed loans under the drinking water loan guarantee program, the default rate on the loans and any other information on the program that the authority determines is significant.

(6) MORAL OBLIGATION. Recognizing its moral obligation, the legislature expresses its expectation that, if called upon to do so, it shall make an appropriation to meet all demands for funds guaranteed by the Wisconsin drinking water reserve fund.

SECTION 3389. Subchapter III (title) of chapter 234 [precedes 234.94] of the statutes is created to read:

CHAPTER 234

SUBCHAPTER III

COMMUNITY DEVELOPMENT FINANCE COMPANY

SECTION 3390. 234.94 (intro.) of the statutes is amended to read:

234.94 (title) ~~**Community development finance company**~~ **Definitions.** (intro.) In ~~ss. 234.94 to 234.98~~ this subchapter:

SECTION 3391. 236.02 (4) of the statutes is amended to read:

236.02 **(4)** "Department" means the department of ~~commerce~~ administration.

SECTION 3392. 236.12 (2) (a) of the statutes is amended to read:

236.12 **(2)** (a) Two copies for each of the state agencies required to review the plat to the department which shall examine the plat for compliance with ss. ~~236.13 (1) (d) and (2m),~~ 236.15, 236.16, 236.20 and 236.21 (1) and (2). If the subdivision abuts or adjoins a state trunk highway or connecting highway, the department shall transmit 2 copies to the department of transportation so that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. If the subdivision is not served by a public sewer and provision for that service has not been made, the department shall transmit 2 copies to the department of commerce so that that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure the agencies may designate local officials to act as their agents in examining the plats for compliance with the statutes or their rules by filing a written delegation of authority with the approving body.

SECTION 3393. 236.13 (1) (d) of the statutes is amended to read:

236.13 **(1)** (d) The rules of the department of commerce relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for public sewer service has not been made;

SECTION 3394. 250.04 (3m) of the statutes is created to read:

250.04 **(3m)** The department may charge a reasonable fee for the analysis and provision of data under this section.

SECTION 3394e. 250.04 (13) of the statutes is created to read:

250.04 **(13)** The department shall provide information on the prevention, detection, diagnosis and treatment of blastomycosis in areas of this state with a high incidence of blastomycosis.

SECTION 3399. 250.08 of the statutes is repealed.

SECTION 3399m. 250.09 of the statutes is repealed.

SECTION 3400. 250.10 of the statutes is amended to read:

250.10 Grant for dental services. From the appropriation under s. 20.435 ~~(1)~~ (5) (de), the department shall provide funding in each fiscal year to the Marquette University School of Dentistry for the provision of dental services by the Marquette University School of Dentistry in correctional centers in Milwaukee County and clinics in the city of Milwaukee.

SECTION 3401m. 252.08 (3) of the statutes is amended to read:

252.08 **(3)** Inpatient care for isolated pulmonary tuberculosis patients, and inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are not eligible for federal medicare benefits, for medical assistance under subch. V of ch. 49 or for health care services funded by a relief block grant under subch. II of ch. 49 may be reimbursed if provided by a facility contracted by the department. If the patient has private health insurance, the state shall pay the difference between health insurance payments and total charges.

SECTION 3402. 252.10 (6) (g) of the statutes is amended to read:

252.10 **(6)** (g) The reimbursement by the state under pars. (a) to (f) shall apply only to funds that the department allocates for the reimbursement under the appropriation under s. 20.435 ~~(1)~~ (5) (e).

SECTION 3403. 252.10 (7) of the statutes is amended to read:

252.10 **(7)** Drugs necessary for the treatment of mycobacterium tuberculosis shall be purchased by the department from the appropriation under s. 20.435 ~~(1)~~ (5) (e) and dispensed to patients through the public health dispensaries or through health care providers, as defined in s. 146.81 (1), other than social workers, marriage and family therapists or professional counselors certified under ch. 457, speech−language pathologists or audiologists licensed under subch. II of ch. 459, speech and language pathologists licensed by the department of ~~education~~ public instruction or, on or after July 1, 1995,

and no later than June 30, 1999, dietitians certified under subch. IV of ch. 448.

SECTION 3404. 252.12 (2) (a) (intro.) of the statutes is amended to read:

252.12 **(2)** (a) *Acquired immunodeficiency syndrome services.* (intro.) From the appropriations under s. 20.435 (1) (a) and (5) (am), the department shall distribute funds for the provision of services to individuals with or at risk of contracting acquired immunodeficiency syndrome, as follows:

SECTION 3404m. 252.12 (2) (a) 3. (intro.) of the statutes is amended to read:

252.12 **(2)** (a) 3. 'Statewide public education campaign.' (intro.) The department shall promote public awareness of the risk of contracting acquired immunodeficiency syndrome and measures for acquired immunodeficiency syndrome protection by development and distribution of information through ~~family planning~~ clinics providing family planning services, as defined in s. 253.07 (1) (b), offices of physicians and clinics for sexually transmitted diseases and by newsletters, public presentations or other releases of information to newspapers, periodicals, radio and television stations and other public information resources. The information would be targeted at individuals whose behavior puts them at risk of contracting acquired immunodeficiency syndrome and would encompass the following topics:

SECTION 3405. 252.12 (2) (a) 8. of the statutes is amended to read:

252.12 **(2)** (a) 8. 'Life care and early intervention services.' The department shall award not more than ~~$1,647,700~~ $1,894,900 in each year in grants to applying organizations for the provision of needs assessments; assistance in procuring financial, medical, legal, social and pastoral services; counseling and therapy; homecare services and supplies; advocacy; and case management services. These services shall include early intervention services. The department shall also award not more than $74,000 in each year from the appropriation under s. 20.435 (7) (md) for the services under this subdivision. The state share of payment for case management services that are provided under s. 49.45 (25) (be) to recipients of medical assistance shall be paid from the appropriation under s. 20.435 ~~(1)~~ (5) (am).

SECTION 3406. 252.12 (2) (b) of the statutes is repealed.

SECTION 3407. 252.12 (2) (c) (intro.) of the statutes is amended to read:

252.12 **(2)** (c) *HIV prevention grants.* (intro.) From the appropriation under s. 20.435 ~~(7)~~ (3) (md), the department shall award to applying nonprofit corporations or public agencies up to $75,000 in each fiscal year, on a competitive basis, as grants for services to prevent HIV. Criteria for award of the grants shall include all of the following:

SECTION 3408. 252.14 (1) (ar) 8. of the statutes is amended to read:

252.14 **(1)** (ar) 8. A speech−language pathologist or audiologist licensed under subch. II of ch. 459 or a speech and language pathologist licensed by the department of ~~education~~ public instruction.

SECTION 3409. 252.16 (title) of the statutes is amended to read:

252.16 (title) **~~Continuation coverage~~ Health insurance premium subsidies.**

SECTION 3410. 252.16 (1) (a) of the statutes is repealed.

SECTION 3411. 252.16 (1) (ar) of the statutes is created to read:

252.16 **(1)** (ar) "Dependent" has the meaning given in s. 635.02 (3c).

SECTION 3412. 252.16 (1) (b) of the statutes is amended to read:

252.16 **(1)** (b) "Group health plan" means an insurance policy or a partially or wholly uninsured plan or program, that provides hospital, medical or other health coverage to members of a group, whether or not dependents of the members are also covered. The term includes a medicare supplement policy, as defined in s. 600.03 (28r), but does not include a medicare replacement policy, as defined in s. 600.03 (28p), or a long−term care insurance policy, as defined in s. 600.03 (28g).

SECTION 3413. 252.16 (1) (c) of the statutes is created to read:

252.16 **(1)** (c) "Individual health policy" means an insurance policy or a partially or wholly uninsured plan or program, that provides hospital, medical or other health coverage to an individual on an individual basis and not as a member of a group, whether or not dependents of the individual are also covered. The term includes a medicare supplement policy, as defined in s. 600.03 (28r), but does not include a medicare replacement policy, as defined in s. 600.03 (28p), or a long−term care insurance policy, as defined in s. 600.03 (28g).

SECTION 3414. 252.16 (1) (d) of the statutes is created to read:

252.16 **(1)** (d) "Medicare" has the meaning given in s. 49.498 (1) (f).

SECTION 3415. 252.16 (2) of the statutes is amended to read:

252.16 **(2)** SUBSIDY PROGRAM. From the appropriation under s. 20.435 ~~(1)~~ (5) (am), the department shall distribute funding in each fiscal year to subsidize the premium costs under s. 252.17 (2) and, under this subsection, the premium costs for ~~continuation~~ health insurance coverage available to an individual who has HIV infection and who is unable to continue his or her employment or must reduce his or her hours because of an illness or medical condition arising from or related to HIV infection.

SECTION 3416. 252.16 (3) (b) of the statutes is amended to read:

252.16 **(3)** (b) Has a family income, as defined by rule under sub. (6), that does not exceed ~~200%~~ 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual's family.

SECTION 3417. 252.16 (3) (d) of the statutes is repealed.

SECTION 3418. 252.16 (3) (dm) of the statutes is created to read:

252.16 **(3)** (dm) Has, or is eligible for, health insurance coverage under a group health plan or an individual health policy.

SECTION 3419. 252.16 (3) (e) 1. of the statutes is amended to read:

252.16 **(3)** (e) 1. Contact the individual's employer or former employer or ~~the administrator of the group health plan under which the individual is covered,~~ health insurer to verify the individual's eligibility for ~~continuation~~ coverage under the group health plan or individual health policy and the premium and any other conditions of coverage, to make premium payments as provided in sub. (4) and for other purposes related to the administration of this section.

SECTION 3420. 252.16 (3) (e) 1m. of the statutes is created to read:

252.16 **(3)** (e) 1m. Contact the individual's employer or former employer to verify that the individual's employment has been terminated or that his or her hours have been reduced and for other purposes related to the administration of this section.

SECTION 3421. 252.16 (3) (e) 2. of the statutes is amended to read:

252.16 **(3)** (e) 2. Make any necessary disclosure to the individual's employer or former employer or ~~the administrator of the group health plan under which the individual is covered~~ health insurer regarding the individual's HIV status.

SECTION 3422. 252.16 (3) (f) of the statutes is repealed.

SECTION 3423. 252.16 (3) (g) of the statutes is repealed.

SECTION 3424. 252.16 (3) (h) of the statutes is repealed.

SECTION 3425. 252.16 (4) (a) of the statutes is amended to read:

252.16 **(4)** (a) Except as provided in pars. (b) and ~~(c)~~ (d), if an individual satisfies sub. (3), the department shall pay the full amount of each premium payment for ~~continuation coverage that is due from the individual under s. 632.897 (2) (d), 29 USC 1162 (3) or 42 USC 300bb–2 (3), whichever is applicable~~ the individual's health insurance coverage under the group health plan or individual health policy under sub. (3) (dm), on or after the date on which the individual becomes eligible for a subsidy under sub. (3). ~~The~~ Except as provided in pars. (b) and (d), the department ~~may not refuse to~~ shall pay the full amount of each premium payment ~~because the continuation coverage that is available to the individual who satisfies sub. (3)~~ regardless of whether the individual's health insurance coverage under sub. (3) (dm) includes coverage of the individual's ~~spouse and~~ dependents. Except as provided in par. (b), the department shall terminate the payments under this section when the individual's ~~continuation~~ health insurance coverage ceases~~,~~ or when the individual no longer satisfies sub. (3) ~~or upon the expiration of 29 months after the continuation coverage began~~, whichever occurs first. The department may not make payments under this section for premiums for ~~a conversion policy or plan that is available to an individual under s. 632.897 (4) or (6), 29 USC 1162 (5) or 42 USC 300bb–2 (5)~~ medicare.

SECTION 3426. 252.16 (4) (b) of the statutes is amended to read:

252.16 **(4)** (b) The obligation of the department to make payments under this section is subject to the availability of funds in the appropriation under s. 20.435 ~~(1)~~ (5) (am).

SECTION 3427. 252.16 (4) (c) of the statutes is repealed.

SECTION 3428. 252.16 (4) (d) of the statutes is created to read:

252.16 **(4)** (d) For an individual who satisfies sub. (3) and who has a family income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual's family, the department shall pay a portion of the amount of each premium payment for the individual's health insurance coverage. The portion that the department pays shall be determined according to a schedule established by the department by rule under sub. (6) (c). The department shall pay the portion of the premium determined according to the schedule regardless of whether the individual's health insurance coverage under sub. (3) (dm) includes coverage of the individual's dependents.

SECTION 3429. 252.16 (5) of the statutes is amended to read:

252.16 **(5)** APPLICATION PROCESS. The department may establish, by rule, a procedure under which an individual who does not satisfy sub. (3) (b), (c) 2. or ~~(d)~~ (dm) may submit to the department an application for a premium subsidy under this section that the department shall hold until the individual satisfies each requirement of sub. (3), if the department determines that the procedure will assist the department to make premium payments in a timely manner once the individual satisfies each requirement of sub. (3). If an application is submitted by an employed individual under a procedure established by rule under this subsection, the department may not contact the individual's employer or ~~the administrator of the group health plan under which the individual is covered,~~

health insurer unless the individual authorizes the department, in writing, to make that contact and to make any necessary disclosure to the individual's employer or ~~the administrator of the group health plan under which the individual is covered~~ health insurer regarding the individual's HIV status.

SECTION 3430. 252.16 (6) (b) of the statutes is amended to read:

252.16 **(6)** (b) Establish a procedure for making payments under this section that ensures that the payments are actually used to pay premiums for ~~continuation~~ health insurance coverage available to individuals who satisfy sub. (3).

SECTION 3431. 252.16 (6) (c) of the statutes is created to read:

252.16 **(6)** (c) Establish a premium contribution schedule for individuals who have a family income, as defined by rule under par. (a), that exceeds 200% but does not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual's family. In establishing the schedule under this paragraph, the department shall take into consideration both income level and family size.

SECTION 3432. 252.17 (2) of the statutes is amended to read:

252.17 **(2)** SUBSIDY PROGRAM. The department shall establish and administer a program to subsidize, from the appropriation under s. 20.435 ~~(1)~~ (5) (am), as provided in s. 252.16 (2), the premium costs for coverage under a group health plan that are paid by an individual who has HIV infection and who is on unpaid medical leave from his or her employment because of an illness or medical condition arising from or related to HIV infection.

SECTION 3433. 252.17 (4) (b) of the statutes is amended to read:

252.17 **(4)** (b) The obligation of the department to make payments under this section is subject to the availability of funds in the appropriation under s. 20.435 ~~(1)~~ (5) (am).

SECTION 3436f. 253.02 (2) (a) of the statutes is amended to read:

253.02 **(2)** (a) Reproductive health services, including health services prior to conception and family planning services, as defined in s. 253.07 (1) (b).

SECTION 3437hi. 253.02 (2m) of the statutes is renumbered 253.02 (2m) (intro.) and amended to read:

253.02 **(2m)** (intro.) Nothing in this section authorizes the performance, promotion ~~or~~, encouragement ~~of~~ or counseling in favor of, or referral either directly or through an intermediary for, voluntary termination of pregnancy. Nothing in this section prohibits the providing of nondirective information explaining any of the following:

SECTION 3437hj. 253.02 (2m) (a) to (c) of the statutes are created to read:

253.02 **(2m)** (a) Prenatal care and delivery.

(b) Infant care, foster care or adoption.

(c) Pregnancy termination.

SECTION 3438. 253.06 of the statutes is renumbered 253.06 (2) and amended to read:

253.06 **(2)** From the appropriation under s. 20.435 ~~(1)~~ (5) (em), the department shall supplement the provision of supplemental foods, nutrition education and other services, including nutritional counseling, to low−income women, infants and children who meet the eligibility criteria under the federal special supplemental food program for women, infants and children authorized under 42 USC 1786. To the extent that funds are available under this section and to the extent that funds are available under 42 USC 1786, the department shall provide the supplemental food, nutrition education and other services authorized under this section and shall administer that provision in every county. The department may enter into contracts for this purpose.

SECTION 3439. 253.06 (1) of the statutes is created to read:

253.06 **(1)** DEFINITIONS. In this section:

(a) "Authorized food" means food identified by the department in accordance with 7 CFR 246.10 as acceptable for use under the federal special supplemental food program for women, infants and children under 42 USC 1786.

(b) "Authorized vendor" means a vendor that has been authorized by the department to accept drafts from participants and have the drafts redeemed by the department.

(c) "Draft" means the negotiable instrument distributed by the department for use by a participant to purchase authorized food.

(cm) "Food distribution center" means an entity, other than a vendor, that is under contract with the department under sub. (3m) to distribute authorized food to participants.

(d) "Participant" means a person who is eligible for services under this section and who receives services under this section.

(dm) "Proxy" means a person who has been designated in writing by a participant or by the department to obtain and exchange drafts for authorized food on behalf of the participant.

(e) "Vendor" means a grocery store or pharmacy that sells authorized food.

(f) "Vendor stamp" means a rubber stamp provided to a vendor or food distribution center by the department for the purpose of validating drafts.

SECTION 3440. 253.06 (2) (title) of the statutes is created to read:

253.06 **(2)** (title) USE OF FUNDS.

SECTION 3441. 253.06 (3) of the statutes is created to read:

253.06 **(3)** AUTHORIZATION OF VENDORS. (a) The department may authorize a vendor to accept drafts only if the vendor meets all of the following conditions:

1. The vendor submits to the department a completed application.

2. The vendor meets the minimum requirements for authorization, as established by the department by rule under sub. (5) (a) 1.

3. The vendor does not have any outstanding fines, forfeitures, recoupment assessments or enforcement assessments that were levied against that vendor for a violation of this section or for a violation of rules promulgated under this section. This subdivision does not apply if the vendor has contested the fine, forfeiture, recoupment assessment or enforcement assessment and has not exhausted administrative or judicial review.

4. The vendor is fit and qualified, as determined by the department. In determining whether a vendor is fit and qualified, the department shall consider any relevant conviction of the vendor or any of the vendor's employes for civil or criminal violations substantially related to the operation of a grocery store or pharmacy.

(bg) The department may limit the number of vendors that it authorizes under this subsection if the department determines that the number of vendors already authorized under this subsection is sufficient to permit participants to obtain authorized food conveniently.

(bm) The department shall approve or deny initial authorization within 90 days after the receipt of a completed application. If the application is denied, the department shall give the applicant reasons, in writing, for the denial and shall inform the applicant of the right to appeal that decision under sub. (6).

(c) The department may not redeem drafts submitted by a person who is not an authorized vendor except as provided in sub. (3m).

SECTION 3442. 253.06 (3m) of the statutes is created to read:

253.06 **(3m)** FOOD DISTRIBUTION CENTERS. (a) The department may contract for an alternative system of authorized food distribution with an entity other than a vendor only if the entity meets all of the following requirements:

1. The entity meets the minimum requirements established by the department by rule under sub. (5) (a) 1.

2. The entity does not have any outstanding fines, forfeitures, recoupment assessments or enforcement assessments that were levied against that entity for a violation of this section or for a violation of rules promulgated under this section. This subdivision does not apply if the entity has contested the fine, forfeiture, recoupment assessment or enforcement assessment and has not exhausted administrative or judicial review.

3. The entity is fit and qualified, as determined by the department.

(b) The department shall redeem valid drafts submitted by a food distribution center.

SECTION 3443. 253.06 (4) of the statutes is created to read:

253.06 **(4)** PROHIBITED PRACTICES. (a) No person may do any of the following:

1. Accept drafts or submit drafts to the department for redemption without authorization.

2. Provide cash or commodities, other than authorized food, in exchange for drafts or in exchange for authorized food purchased with a draft.

3. Accept a draft other than in exchange for authorized food that is provided by the person.

3m. Provide authorized food or other commodities to a participant or proxy in exchange for a draft accepted by a 3rd party.

4. Enter on a draft a dollar amount that is higher than the actual retail price of the item for which the draft was used.

5. Require a participant or proxy to sign a draft before entering the dollar amount on the draft in permanent ink.

6. Accept a draft except during the period specified on the draft.

7. Provide materially false information to the department or fail to provide in a timely manner material information that the department requests.

8. Duplicate a vendor stamp or use a stamp other than a vendor stamp for any purpose for which a vendor stamp is required.

9. Submit for redemption a draft to someone other than the department.

10. Accept a draft from someone other than a participant or proxy, except that the department shall accept for redemption valid drafts from vendors and food distribution centers.

(b) A person who violates any provision of this subsection may be fined not more than $10,000 or imprisoned for not more than 2 years, or both, for the first offense and may be fined not more than $10,000 or imprisoned for not more than 5 years, or both, for the 2nd or subsequent offense.

(c) 1. Whenever a court imposes a fine, forfeiture or recoupment for a violation of this subsection or imposes a forfeiture or recoupment for a violation of rules promulgated under sub. (5), the court shall also impose an enforcement assessment in an amount of 50% of the fine, forfeiture or recoupment imposed. If multiple offenses are involved, the court shall base the enforcement assessment upon the total fine, forfeiture and recoupment amounts for all offenses. When a fine, forfeiture or recoupment is suspended in whole or in part, the court shall reduce the enforcement assessment in proportion to the suspension.

2. If a fine or forfeiture is imposed by a court of record, after a determination by the court of the amount

due, the clerk of the court shall collect and transmit such amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

SECTION 3444. 253.06 (5) of the statutes is created to read:

253.06 **(5)** RULES AND PENALTIES. (a) The department shall promulgate rules to establish all of the following:

1. Minimum qualification standards for the authorization of vendors and for the awarding of a contract to an entity under sub. (3m).

2. Standards of operation for authorized vendors and food distribution centers, including prohibited practices.

3. Minimum requirements for participants, including prohibited practices.

4. Procedures for approving or denying an application to be a participant, including appeal procedures.

(b) A person who violates any rule promulgated under this subsection may be subject to any of the following:

1. Denial of the application to be a participant or authorized vendor.

2. Suspension or termination of authorization for an authorized vendor or, in the case of a food distribution center, termination of the contract.

3. Disqualification from the program under this section for a participant.

4. Forfeiture of not less than $10 nor more than $1,000.

5. Recoupment.

(c) Whenever the department imposes a forfeiture or recoupment for a violation of rules promulgated under this subsection, the department shall also impose an enforcement assessment in an amount of 50% of the forfeiture or recoupment imposed. If multiple offenses are involved, the department shall base the enforcement assessment upon the total forfeiture and recoupment amounts for all offenses. When a forfeiture or recoupment is suspended in whole or in part, the department shall reduce the enforcement assessment in proportion to the suspension.

(d) The department may directly assess a forfeiture provided for under par. (b) 4., recoupment provided for under par. (b) 5. and an enforcement assessment provided for under par. (c). If the department determines that a forfeiture, recoupment or enforcement assessment should be levied, or that authorization or eligibility should be suspended or terminated, for a particular violation or for failure to correct it, the department shall send a notice of assessment, suspension or termination to the vendor, food distribution center or participant. The notice shall inform the vendor, food distribution center or participant of the right to a hearing under sub. (6) and shall specify all of the following:

1. The amount of the forfeiture assessed, if any.

2. The amount of the recoupment assessed, if any.

3. The amount of the enforcement assessment, if any.

4. The violation.

5. The statute or rule alleged to have been violated.

6. If applicable, that the suspension or termination of authorization of the vendor or eligibility of the participant is effective beginning on the 15th day after receipt of the notice of suspension or termination.

(e) The suspension or termination of authorization of a vendor or eligibility of a participant shall be effective beginning on the 15th day after receipt of the notice of suspension or termination. All forfeitures, recoupments and enforcement assessments shall be paid to the department within 15 days after receipt of notice of assessment or, if the forfeiture, recoupment or enforcement assessment is contested under sub. (6), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is adverse to the department or unless the final decision is appealed and the decision is stayed by court order under sub. (7). The department shall remit all forfeitures paid to the state treasurer for deposit in the school fund. The department shall deposit all enforcement assessments in the appropriation under s. 20.435 (1) (gr).

(f) The attorney general may bring an action in the name of the state to collect any forfeiture or recoupment imposed under par. (b) or enforcement assessment imposed under par. (c), if the forfeiture, recoupment or enforcement assessment has not been paid following the exhaustion of all administrative and judicial reviews. The only issue that may be contested in any such action is whether the forfeiture or enforcement assessment has been paid.

SECTION 3445. 253.06 (6) of the statutes is created to read:

253.06 **(6)** APPEAL PROCEDURE. (a) Any hearing under s. 227.42 granted by the department under this section may be conducted before the division of hearings and appeals in the department of administration.

(b) A person may contest an assessment of forfeiture, recoupment or enforcement assessment, a denial, suspension or termination of authorization or a suspension or termination of eligibility by sending a written request for hearing under s. 227.44 to the division of hearings and appeals in the department of administration within 10 days after the receipt of the notice issued under sub. (3) (bm) or (5) (d). The administrator of the division of hearings and appeals 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 of hearings and appeals shall be the final administrative decision. The division of hearings and appeals shall commence the hearing and issue a final decision within 60 days after receipt of the request for hearing unless all of the parties consent to a later date. Proceedings before the division of hearings and appeals are governed by ch. 227. In any petition for judicial

review of a decision by the division of hearings and appeals, the department, if not the petitioner who was in the proceeding before the division of hearings and appeals, shall be the named respondent.

SECTION 3446. 253.06 (7) of the statutes is created to read:

253.06 **(7)** INJUNCTION PROCEDURE. No injunction may be issued in any proceeding for review under ch. 227 of a decision of the division of hearings and appeals under sub. (6), suspending or staying the decision except upon application to the circuit court or presiding judge thereof, notice to the department and any other party and hearing. No injunction that delays or prevents a decision of the division of hearings and appeals from becoming effective may be issued in any other proceeding or action in any court unless the parties to the proceeding before the division of hearings and appeals in which the order was made are also parties to the proceeding or action before the court.

SECTION 3447. 253.06 (8) of the statutes is created to read:

253.06 **(8)** INSPECTION OF PREMISES. The department may visit and inspect each authorized vendor and each food distribution center, and for such purpose shall be given unrestricted access to the premises described in the authorization or contract.

SECTION 3447Lm. 253.07 (1) (a) of the statutes is renumbered 253.07 (1) (a) (intro.) and amended to read:

253.07 **(1)** (a) (intro.) "Family planning" means voluntary action by individuals to prevent or aid conception ~~but~~. "Family planning" does not include the performance, promotion ~~or~~, encouragement ~~of~~ or counseling in favor of, or referral either directly or through an intermediary for, voluntary termination of pregnancy~~.~~, but may include the providing of nondirective information explaining any of the following:

SECTION 3447Ln. 253.07 (1) (a) 1. to 3. of the statutes are created to read:

253.07 **(1)** (a) 1. Prenatal care and delivery.

2. Infant care, foster care or adoption.

3. Pregnancy termination.

SECTION 3447mm. 253.07 (1) (b) of the statutes is renumbered 253.07 (1) (b) (intro.) and amended to read:

253.07 **(1)** (b) (intro.) "Family planning services" mean counseling by trained personnel regarding family planning; distribution of information relating to family planning; and referral to licensed nurse practitioners within the scope of their practice, licensed physicians or local health departments for consultation, examination, medical treatment and prescriptions for the purpose of family planning~~, but~~. "Family planning" does not include the performance ~~of~~, promotion, encouragement or counseling in favor of, or referral either directly or through an intermediary for, voluntary termination of pregnancy~~.~~, but may include the providing of nondirective information explaining any of the following:

SECTION 3447mn. 253.07 (1) (b) 1. to 3. of the statutes are created to read:

253.07 **(1)** (b) 1. Prenatal care and delivery.

2. Infant care, foster care or adoption.

3. Pregnancy termination.

SECTION 3448. 253.07 (4) (intro.) of the statutes is amended to read:

253.07 **(4)** FAMILY PLANNING SERVICES. (intro.) From the appropriation under s. 20.435 ~~(1)~~ (5) (f), the department shall allocate funds in the following amounts, for the following services:

SECTION 3449. 253.08 of the statutes is amended to read:

253.08 Pregnancy counseling services. The department shall make grants from the appropriation under s. 20.435 ~~(1)~~ (5) (eg) to individuals and organizations to provide pregnancy counseling services. For a program to be eligible under this section, an applicant must demonstrate that moneys provided in a grant under s. 20.435 ~~(1)~~ (5) (eg) will not be used to ~~perform an abortion~~ engage in any activity specified in s. 20.9275 (2) (a) 1. to 3.

SECTION 3449s. 253.085 (1) of the statutes is amended to read:

253.085 **(1)** The department shall conduct an outreach program to make low–income pregnant women aware of the importance of early prenatal and infant health care and of the availability of medical assistance benefits under subch. IV of ch. 49 and other types of funding for prenatal and infant care, to refer women to prenatal and infant care services in the community and to make follow–up contacts with women referred to prenatal and infant care services.

SECTION 3450. 253.085 (2) of the statutes is amended to read:

253.085 **(2)** In addition to the amounts appropriated under s. 20.435 ~~(1)~~ (5) (ev), the department shall allocate $250,000 for each fiscal year from moneys received under the maternal and child health services block grant program, 42 USC 701 to 709, for the outreach program under this section.

SECTION 3451t. 253.10 (3) (c) 2. c. of the statutes is amended to read:

253.10 **(3)** (c) 2. c. That the woman has a legal right to continue her pregnancy and to keep the child~~, place the child in foster care, place the child with a relative for adoption or petition the court for placement of the child for adoption in the home of a person who is not a relative~~; to place the child in a foster home or treatment foster home for 6 months or to petition a court for placement of the child in a foster home, treatment foster home or group home or with a relative; or to place the child for adoption under a process that involves court approval both of the voluntary termination of parental rights and of the adoption.

SECTION 3451v. 253.10 (3) (c) 2. g. of the statutes is amended to read:

253.10 **(3)** (c) 2. g. ~~The~~ That the printed materials described in par. (d) contain information on the availability of public and private agencies and services to provide the woman with ~~birth control~~ information on family planning, as defined in s. 253.07 (1) (a), including natural family planning information.

SECTION 3451x. 253.10 (3) (cm) of the statutes is repealed.

SECTION 3452. 253.10 (3) (d) (intro.) of the statutes is amended to read:

253.10 **(3)** (d) *Printed information.* (intro.) By the date that is 60 days after May 16, 1996, the department shall cause to be published in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the department, materials that are in an easily comprehensible format and are printed in type of not less than 12−point size. The department shall distribute a reasonably adequate number of the materials to county departments as specified under s. 46.245 ~~(1)~~ and upon request, shall annually review the materials for accuracy and shall exercise reasonable diligence in providing materials that are accurate and current. ~~The department may charge a fee not to exceed the actual cost of the preparation and distribution of the materials.~~ The materials shall be all of the following:

SECTION 3452g. 253.10 (3) (d) 1. of the statutes is amended to read:

253.10 **(3)** (d) 1. Geographically indexed materials that are designed to inform a woman about public and private agencies, including adoption agencies, and services that are available to provide information on family planning, as defined in s. 253.07 (1) (a), including natural family planning information, to provide ultrasound imaging services, to assist her if she has received a diagnosis that her unborn child has a disability or if her pregnancy is the result of sexual assault or incest and to assist her through pregnancy, upon childbirth and while the child is dependent. The materials shall include a comprehensive list of the agencies available, a description of the services that they offer and a description of the manner in which they may be contacted, including telephone numbers and addresses, or, at the option of the department, the materials shall include a toll−free, 24−hour telephone number that may be called to obtain an oral listing of available agencies and services in the locality of the caller and a description of the services that the agencies offer and the manner in which they may be contacted. The materials shall provide information on the availability of governmentally funded programs that serve pregnant women and children. Services identified for the woman shall include aid to families with dependent children under s. 49.19, medical assistance for pregnant women and children under s. 49.47 (4) (am), the job opportunities and basic skills program under s. 49.193, the availability of family or medical leave under s. 103.10, child care services, child support laws and programs and the credit for expenses for household and dependent care and services necessary for gainful employment under section 21 of the internal revenue code. The materials shall state that it is unlawful ~~for any person to coerce a woman to undergo an abortion~~ to perform an abortion for which consent has been coerced, that any physician who performs or induces an abortion without obtaining the woman's voluntary and informed consent is liable to her for damages in a civil action and is subject to a civil penalty, that the father of a child is liable for assistance in the support of the child, even in instances in which the father has offered to pay for an abortion, and that adoptive parents may pay the costs of prenatal care, childbirth and neonatal care. The materials shall include information, for a woman whose pregnancy is the result of sexual assault or incest, on legal protections available to the woman and her child if she wishes to oppose establishment of paternity or to terminate the father's parental rights. The materials shall state that fetal ultrasound imaging and auscultation of fetal heart tone services are obtainable by pregnant women who wish to use them and shall describe the services.

SECTION 3452m. 253.10 (3) (e) of the statutes is amended to read:

253.10 **(3)** (e) *Requirement to obtain materials.* A physician who intends to perform or induce an abortion or another qualified physician, who reasonably believes that he or she might have a patient for whom the information under par. (d) is required to be given, shall request a reasonably adequate number of the materials that are described under par. (d) from the department under par. (d) or from a county department as specified under s. 46.245 ~~(1)~~.

SECTION 3452s. 253.10 (7) of the statutes is amended to read:

253.10 **(7)** AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or under s. 441.07 (1) (f), 448.02 (3) (a) or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d., e. ~~or~~, f. or g. to describe the contents of the printed materials if the person has made a reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s. 46.245 ~~(1)~~ and the department and the county department under s. 46.215, 46.22 or 46.23 have not made the printed materials available at the time that the person is required to give them to the woman.

SECTION 3455. 254.151 (intro.) of the statutes is amended to read:

254.151 Lead poisoning or lead exposure prevention grants. (intro.) From the appropriation under s. 20.435 ~~(1)~~ (5) (ef), the department shall award the following grants under criteria that the department shall establish in rules promulgated under this section:

SECTION 3455m. 254.151 (7) of the statutes is created to read:

254.151 **(7)** In each fiscal year, $125,000 to fund lead screening and outreach activities at a community−based human service agency that provides primary health care, health education and social services to low−income individuals in 1st class cities.

SECTION 3469. 254.34 (4) of the statutes is amended to read:

254.34 **(4)** The department shall develop standards of performance for the regional radon centers and, from the appropriation under s. 20.435 ~~(1)~~ (5) (ed), the department shall allocate funds based on compliance with the standards to provide radon protection information dissemination from the regional radon centers.

SECTION 3470d. 254.36 (1) of the statutes is repealed.

SECTION 3470h. 254.36 (2) of the statutes is renumbered 254.36 and amended to read:

254.36 (title) **Radiation protection ~~council~~.** The department~~, on the recommendation of the council,~~ shall promulgate a radiation protection code. Other departments and agencies of state government and local governmental units may adopt the identical code, but no other rule, code or ordinance relating to this subject may be promulgated or enacted except as provided under ss. 166.03 (2) (b) 6., 293.15 (8) and 293.25.

SECTION 3470p. 254.36 (3) to (7) of the statutes are repealed.

SECTION 3470t. 254.37 (3) of the statutes is amended to read:

254.37 **(3)** RULES. The department shall enforce the rules pertaining to ionizing radiation in establishments principally engaged in furnishing medical, surgical, chiropractic and other health services to persons and animals. The department of commerce shall enforce the rules pertaining to ionizing radiation in industrial establishments. The department shall notify the department of commerce and deliver to it a copy of each new registration and at such time a decision shall be made as to which state agency shall enforce the rules pertaining to ionizing radiation. ~~The department and the department of commerce are directed to consult with the radiation protection council in case of jurisdictional problems.~~

SECTION 3473. 254.52 (2) (intro.) of the statutes is amended to read:

254.52 **(2)** (intro.) The department, in consultation with the department of ~~education~~ public instruction, the department of natural resources and the department of agriculture, trade and consumer protection, shall do all of the following:

SECTION 3473m. 254.61 (5) (g) of the statutes is created to read:

254.61 **(5)** (g) A concession stand at a locally sponsored sporting event, such as a little league game.

SECTION 3476e. 254.71 (4) of the statutes is repealed.

SECTION 3476m. 254.71 (5) of the statutes is amended to read:

254.71 **(5)** The department shall conduct evaluations of the effect that the food protection practices certification program has on compliance by restaurants with requirements established under s. 254.74 (1) ~~and provide the evaluations, as requested, to the council on food protection practices~~.

SECTION 3476r. 254.71 (6) (intro.) of the statutes is amended to read:

254.71 **(6)** (intro.) The department~~, after consulting with the council on food protection practices,~~ shall promulgate rules concerning all of the following:

SECTION 3479. 255.05 (2) of the statutes is amended to read:

255.05 **(2)** From the appropriation under s. 20.435 ~~(1)~~ (5) (cc), the department shall allocate up to $400,000 in each fiscal year to provide grants to applying individuals, institutions or organizations for the conduct of projects on cancer control and prevention. Funds shall be awarded on a matching basis, under which, for each grant awarded, the department shall provide 50%, and the grantee 50%, of the total grant funding.

SECTION 3480. 255.06 (2) (intro.) of the statutes is amended to read:

255.06 **(2)** BREAST CANCER SCREENING PROGRAM. (intro.) From the appropriation under s. 20.435 ~~(1)~~ (5) (cc), the department shall administer a breast cancer screening program and shall, in each fiscal year, do all of the following:

SECTION 3481. 255.07 (2) of the statutes is amended to read:

255.07 **(2)** From the appropriation under s. 20.435 ~~(1)~~ (5) (cc), the department shall distribute not more than $25,000 in each fiscal year to applying organizations for the provision of specialized training of nurse practitioners to perform, in rural areas, colposcopic examinations and follow−up activities for treatment of cervical cancer.

SECTION 3482. 255.075 of the statutes is created to read:

255.075 Health screening for low−income women. From the appropriation account under s. 20.435 (5) (cb), the department shall on a regional basis award funds, as determined by the department, to applicants to provide health care screening, referral, follow−up and patient education to low−income, underinsured and uninsured women. Award of a grant to an applicant under this section is conditioned upon receipt by the department of an agreement by the applicant to provide funds or in−kind services to match 25% of the amount of a grant awarded.

SECTION 3484m. 255.10 of the statutes is created to read:

255.10 Thomas T. Melvin youth tobacco prevention and education program. From the appropriation under s. 20.435 (5) (dg), the department shall administer the Thomas T. Melvin youth tobacco prevention and education program, with the primary purpose of reducing the use of cigarettes and tobacco products by minors. The

department shall award grants for the following purposes:

(1) Community education provided through local community initiatives.

(2) A multimedia education campaign directed at encouraging minors not to begin using tobacco, motivating and assisting adults to stop using tobacco and changing public opinion on the use of tobacco.

(3) Public education through grants to schools to expand and implement curricula on tobacco education.

(4) Research on methods by which to discourage use of tobacco.

(5) Evaluation of the program under this section.

SECTION 3485. 255.30 (4) of the statutes is amended to read:

255.30 **(4)** The ~~department of education~~ state superintendent of public instruction shall prepare and circulate to each public and private educational institution in this state instructions and recommendations for implementing the eye safety provisions of this section.

SECTION 3487. 280.97 of the statutes is amended to read:

280.97 Penalties. Any person, firm or corporation who engages in or follows the business or occupation of, or advertises or holds himself, herself or itself out as or acts temporarily or otherwise as a well driller or pump installer without having first secured the required permit or certificate of registration or renewal thereof, or who otherwise violates any provision of this chapter, shall be fined not less than $10 or more than $100 or imprisoned not ~~less~~ more than 30 days, or both. Each day during which a violation continues shall constitute a separate and distinct offense, and may be punished separately.

Vetoed In Part **SECTION 3487d.** 281.15 (6) of the statutes is created to read:

281.15 **(6)** Notwithstanding sub. (1), the department shall classify the Willow flowage as an outstanding resource water under s. NR 102.10, Wis. Adm. Code.

SECTION 3487p. 281.16 of the statutes is created to read:

281.16 Water quality protection; nonpoint sources. (1) DEFINITIONS. In this section:

(a) "Agricultural facility" means a structure associated with an agricultural practice.

(b) "Agricultural practice" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

(c) "Livestock operation" means a feedlot or other facility or a pasture where animals are fed, confined, maintained or stabled.

(d) "Navigable waters" has the meaning given in s. 281.31 (2) (d).

(e) "Nonpoint source" means a facility or practice that causes, or has the potential to cause, nonpoint source water pollution.

(f) "Nonpoint source water pollution" means pollution of waters of the state that does not result from a point source, as defined in s. 283.01 (12).

(g) "Water quality management area" means any of the following:

1. The area within 1,000 feet from the ordinary high−water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, "water quality management area" means the area within 1,000 feet from the high−water mark of the lake.

2. The area within 300 feet from the ordinary high−water mark of navigable waters that consist of a river or stream.

3. A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.

(h) Notwithstanding s. 281.01 (18), " waters of the state" has the meaning given in s. 283.01 (20).

(2) NONPOINT SOURCES THAT ARE NOT AGRICULTURAL. (a) The department shall, by rule, prescribe performance standards and prohibitions for facilities and practices that **Vetoed**
are nonpoint sources and that are not agricultural facili- **In Part**
ties or agricultural practices. The performance standards
and prohibitions shall be designed to achieve water quali- **Vetoed**
ty standards by limiting nonpoint source water pollution. **In Part**

(b) The department shall, by rule, specify a process
for the development and dissemination of technical stan-
dards to implement the performance standards and pro- **Vetoed**
hibitions under par. (a). **In Part**

(c) Using the process specified under par. (b), the de- **Vetoed**
partment shall develop and disseminate technical stan- **In Part**
dards to implement the performance standards and prohibitions under par. (a). The department shall develop and disseminate alternative technical standards for situations in which more than one method exists to implement the performance standards and prohibitions.

(3) NONPOINT SOURCES THAT ARE AGRICULTURAL. (a) The department of natural resources, in consultation with the department of agriculture, trade and consumer protection, shall promulgate rules prescribing performance standards and prohibitions for agricultural facilities and agricultural practices that are nonpoint sources. The performance standards and prohibitions shall be designed to achieve water quality standards by limiting nonpoint source water pollution. At a minimum, the prohibitions shall include all of the following:

1. That a livestock operation may have no overflow of manure storage structures.

2. That a livestock operation may have no unconfined manure pile in a water quality management area.

3. That a livestock operation may have no direct runoff from a feedlot or stored manure into the waters of the state.

4. That a livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.

(b) The department of agriculture, trade and consumer protection, in consultation with the department of natural resources, shall promulgate rules prescribing conservation practices to implement the performance standards and prohibitions under par. (a) and specifying a process for the development and dissemination of technical standards to implement the performance standards and prohibitions under par. (a).

(c) Using the process specified under par. (b), the department of agriculture, trade and consumer protection shall develop and disseminate technical standards to implement the performance standards and prohibitions under par. (a). The department of agriculture, trade and consumer protection shall disseminate alternative technical standards for situations in which more than one method exists to implement the performance standards and prohibitions.

(d) The conservation practices and technical standards under pars. (b) and (c) shall at a minimum cover animal waste management, nutrients applied to the soil and cropland sediment delivery.

(e) An owner or operator of an agricultural facility or practice that is in existence before the effective date of this paragraph .... [revisor inserts date], may not be required by this state or a municipality to comply with the performance standards, prohibitions, conservation practices or technical standards under this subsection unless cost–sharing is available, under sub. (5) or s. 92.14 or 281.65 or from any other source, to the owner or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules that specify criteria for determining whether cost–sharing is available under sub. (5) or s. 281.65 and the department of agriculture, trade and consumer protection shall promulgate rules that specify criteria for determining whether cost–sharing is available under s. 92.14 or from any other source. The rules may not allow a determination that cost–sharing is available to meet local regulations under s. 92.07 (2), 92.105 (1) or 92.15 that are consistent with or that exceed the performance standards, prohibitions, conservation practices or technical standards under this subsection unless the cost–sharing is at least 70% of the cost of compliance or is from 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the rules.

(4) APPLICATION TO ANIMAL FEEDING OPERATIONS. If the department issues a notice of discharge under ch. 283 for an animal feeding operation, the performance standards, prohibitions, conservation practices and technical standards under sub. (3) apply to the animal feeding operation, except that if the animal feeding operation is in existence before the effective date of this subsection .... [revisor inserts date], the performance standards, prohibitions, conservation practices and technical standards only apply if the department determines that cost–sharing is available to the owner or operator of the animal feeding operation under sub. (5), s. 92.14 or 281.65 or from any other source.

(5) COST–SHARING FOR COMPLIANCE. From the appropriation under s. 20.866 (2) (te) or (tf), the department shall provide cost–sharing grants to persons to whom cost–sharing is not available from other sources for projects to assist agricultural facilities to comply with the performance standards, prohibitions, conservation practices and technical standards under sub. (3). The department shall promulgate rules for the administration of the program under this subsection.

SECTION 3488. 281.17 (3) of the statutes is amended to read:

281.17 **(3)** The department shall promulgate rules establishing an examining program for the certification of operators of water systems, wastewater treatment plants and septage servicing vehicles operated under a license issued under s. 281.48 (3), setting such standards as the department finds necessary to accomplish the purposes of this chapter and chs. 285 and 289 to 299, including requirements for continuing education. The department may charge applicants a fee for certification. All moneys collected under this subsection for the certification of operators of water systems, wastewater treatment plants and septage servicing vehicles shall be credited to the appropriation under s. 20.370 ~~(2)~~ (4) (bL). No person may operate a water systems, wastewater treatment plant or septage servicing vehicle without a valid certificate issued under this subsection. The department may suspend or revoke a certificate issued under this subsection for a violation of any statute or rule relating to the operation of a water system or wastewater treatment plant or to septage servicing, for failure to fulfill the continuing education requirements or as provided under s. 145.245 (3). The owner of any wastewater treatment plant shall be, or shall employ, an operator certified under this subsection who shall be responsible for plant operations, unless the department by rule provides otherwise. In this subsection, "wastewater treatment plant" means a system or plant used to treat industrial wastewater, domestic wastewater or any combination of industrial wastewater and domestic wastewater.

SECTION 3489. 281.17 (8) of the statutes is amended to read:

281.17 **(8)** The department may establish, administer and maintain a safe drinking water program no less stringent than the requirements of the safe drinking water act

~~of 1974, P.L. 93−523, 88 Stat. 1660~~, 42 USC 300f to 300j−26.

SECTION 3490. 281.17 (9) of the statutes is created to read:

281.17 **(9)** The department may require owners of water systems to demonstrate the technical, managerial and financial capacity to comply with national primary drinking water regulations under 42 USC 300g−1 and may assist owners of water systems to develop that capacity.

SECTION 3491. 281.19 (2) (a) of the statutes is amended to read:

281.19 **(2)** (a) The department may issue special orders directing particular owners to remedy violations of the safe drinking water program under s. 281.17 (8) and (9) or to secure such operating results toward the control of pollution of the waters of the state as the department prescribes, within a specified time. Pending efforts to comply with any order, the department may permit continuance of operations on such conditions as it prescribes. If any owner cannot comply with an order within the time specified, the owner may, before the date set in the order, petition the department to modify the order. The department may modify the order, specifying in writing the reasons therefor. If any order is not complied with within the time period specified, the department shall immediately notify the attorney general of this fact. Within 30 days thereafter, the attorney general shall forthwith commence an action under s. 299.95.

SECTION 3492. 281.22 (2m) of the statutes is created to read:

281.22 **(2m)** FEE FOR EXPEDITED SERVICE. (a) The department, by rule, may charge a supplemental fee for a determination under sub. (1) that is in addition to the fee charged under sub. (1) if all of the following apply:

1. The applicant requests in writing that the determination be issued within a time period that is shorter than the time limit promulgated under par. (b) for the determination.

2. The department verifies that it will be able to comply with the request.

(b) If the department promulgates a rule under par. (a), the rule shall contain for a time limit for making determinations under sub. (1).

SECTION 3494. 281.48 (4s) (d) of the statutes is amended to read:

281.48 **(4s)** (d) In addition to the license fee under par. (a) 1. or 2., the department shall collect from each licensee a groundwater fee of $50 if the license period begins before July 1, 1997, and $100 if the license period begins after June 30, 1997. The moneys collected under this paragraph shall be credited to the environmental fund for ~~groundwater~~ environmental management.

SECTION 3495m. 281.57 (10m) of the statutes is created to read:

281.57 **(10m)** LOAN FOR MODIFICATION OR REPLACEMENT OF AN INNOVATIVE OR ALTERNATIVE PROJECT. Notwithstanding subs. (2), (4) to (10) and (12), during the 1997−99 fiscal biennium, the department shall provide a loan of $1,300,000 to a municipality for all of the planning, design and construction costs incurred after June 30, 1995, for the modification or replacement of a failed innovative or alternative point source pollution abatement facility for which the department issued written approval of eligibility under 40 CFR 35.2032 before December 10, 1996, and which requires additional construction to eliminate discharge of effluent to groundwater and to establish a new surface water outfall. The department may not charge any interest on the loan and may not require the municipality to repay the loan until the municipality receives a grant from the federal environmental protection agency for the modification or replacement of the point source pollution abatement facility. If the federal environmental protection agency denies the grant, the department shall forgive the loan.

SECTION 3496. 281.58 (1) (ai) of the statutes is created to read:

281.58 **(1)** (ai) "Clean water fund program" means the program administered under this section with financial management provided under s. 281.59.

SECTION 3497. 281.58 (1) (cg) of the statutes is amended to read:

281.58 **(1)** (cg) "Market interest rate" means the interest at the effective rate of a revenue obligation issued by the state to fund a project loan or a portion of a project loan under ~~this section and s. 281.59~~ the clean water fund program.

SECTION 3497e. 281.58 (1) (cm) of the statutes is repealed. **Vetoed In Part**

SECTION 3498. 281.58 (2m) (a) of the statutes is amended to read:

281.58 **(2m)** (a) Administer its responsibilities under ~~this section and s. 281.59~~ the clean water fund program.

SECTION 3499. 281.58 (3m) (a) of the statutes is amended to read:

281.58 **(3m)** (a) A list of wastewater treatment projects that the department estimates will apply for financial assistance under ~~this section and s. 281.59~~ the clean water fund program during the next biennium.

SECTION 3500. 281.58 (6) (a) (intro.) of the statutes is amended to read:

281.58 **(6)** (a) (intro.) The department may determine whether a municipality is eligible for financial assistance under ~~this section and s. 281.59~~ the clean water fund program for any of the following:

SECTION 3501. 281.58 (6) (b) (intro.) of the statutes is amended to read:

281.58 **(6)** (b) (intro.) The following methods of providing financial assistance may be used under ~~this section and s. 281.59~~ the clean water fund program:

SECTION 3502. 281.58 (6) (b) 8. of the statutes is amended to read:

281.58 **(6)** (b) 8. Providing payments to the board of commissioners of public lands to reduce principal or interest payments, or both, on loans made to municipalities under subch. II of ch. 24 by the board of commissioners of public lands for projects that are eligible for financial assistance under ~~this section and s. 281.59~~ the clean water fund program.

SECTION 3503. 281.58 (7) (a) of the statutes is amended to read:

281.58 **(7)** (a) The department shall, by rule, establish criteria for determining which applicants and which projects are eligible to receive financial assistance under ~~this section and s. 281.59~~ the clean water fund program. The primary criteria for eligibility shall be water quality and public health. The rules for clean water fund projects funded from the account under s. 25.43 (2) (a) shall be consistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations promulgated thereunder. The rules for clean water fund projects funded from the account under s. 25.43 (2) (b) may be consistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations promulgated thereunder.

SECTION 3504. 281.58 (7) (b) (intro.) of the statutes is amended to read:

281.58 **(7)** (b) (intro.) The department may determine whether a municipality is eligible for financial assistance under ~~this section and s. 281.59~~ the clean water fund program for any of the following types of projects:

SECTION 3505. 281.58 (8) (a) (intro.) of the statutes is amended to read:

281.58 **(8)** (a) (intro.) The following are not eligible for financial assistance from the clean water fund ~~under this section and s. 281.59~~ program:

SECTION 3506. 281.58 (8) (d) of the statutes is amended to read:

281.58 **(8)** (d) An unsewered municipality that is not constructing a treatment work and will be disposing of wastewater in the treatment work of another municipality is not eligible for financial assistance under ~~this section and s. 281.59~~ the clean water fund program until it executes an agreement under s. 66.30 with another municipality to receive, treat and dispose of the wastewater of the unsewered municipality.

SECTION 3507. 281.58 (8) (g) of the statutes is amended to read:

281.58 **(8)** (g) The sum of all of the financial assistance to a municipality approved under ~~this section and s. 281.59~~ the clean water fund program for a project may not result in the municipality paying less than 30% of the cost of the project.

SECTION 3508. 281.58 (8) (i) of the statutes is amended to read:

281.58 **(8)** (i) After June 30, 1991, no municipality may receive for projects in a biennium an amount that exceeds 35.2% of the amount approved by the legislature under s. 281.59 ~~(3) (d)~~ (3e) (b) for that biennium.

SECTION 3509. 281.58 (8) (L) (intro.) of the statutes is amended to read:

281.58 **(8)** (L) (intro.) The total amount of capital cost loans made under ~~this section and s. 281.59~~ the clean water fund program may not exceed $120,000,000, and no capital cost loan funds may be released under ~~this section and s. 281.59~~ the clean water fund program until the secretary of administration has found in writing that all of the following facts have occurred:

SECTION 3509m. 281.58 (8e) (cm) of the statutes is created to read:

281.58 **(8e)** (cm) A factor that gives higher priority than would otherwise be given to a project to serve more than one municipality if all of the following apply:

1. Each municipality to be served by the project has a population of 2,500 or less.

2. At least one of the municipalities to be served by the project has a wastewater treatment system that is unusable because of failures of the system.

3. The municipalities to be served by the project are submitting an application for a new joint treatment work.

4. At least one of the municipalities to be served by the treatment work has been ordered to upgrade a current system.

SECTION 3510. 281.58 (8m) (a) of the statutes is amended to read:

281.58 **(8m)** (a) A municipality shall submit notice to the department of its intent to apply for financial assistance under this section and s. 281.59 ~~in a year no later than December 31 of the preceding year~~. A municipality shall submit the notice at least 6 months before the beginning of the fiscal year in which it will request to receive financial assistance. The notice shall be in a form prescribed by the department and the department of administration.

SECTION 3511. 281.58 (8m) (b) of the statutes is repealed.

SECTION 3512. 281.58 (8m) (c) of the statutes is amended to read:

281.58 **(8m)** (c) The department may waive par. (a) ~~or (b)~~ upon the written request of a municipality.

SECTION 3513. 281.58 (9) (a) of the statutes is amended to read:

281.58 **(9)** (a) After the department approves a municipality's facility plan submitted under sub. (8s), the municipality shall submit an application for participation to the department. The application shall be in such form and include such information as the department and the department of administration prescribe and shall include design plans and specifications that are approvable by the department under this chapter. The department shall review applications for participation in the clean water fund program ~~under this section and s. 281.59~~. The department shall determine which applications meet the eli-

gibility requirements and criteria under subs. (6), (7), (8), (8m) and (13).

SECTION 3514. 281.58 (9) (am) of the statutes is amended to read:

281.58 **(9)** (am) A municipality may not submit more than one application under par. (a) for any single project in any 12−month period except that this paragraph does not apply to applications for financial assistance for additional costs of an approved project.

SECTION 3515. 281.58 (9) (b) of the statutes is amended to read:

281.58 **(9)** (b) A municipality seeking financial assistance, except for a municipality seeking a capital cost loan, for a project under ~~this section and s. 281.59~~ the clean water fund program shall complete an environmental analysis sequence as required by the department by rule.

SECTION 3516. 281.58 (9) (c) of the statutes is amended to read:

281.58 **(9)** (c) If a municipality is serviced by more than one sewerage district for wastewater pollution abatement, each service area of the municipality shall be considered a separate municipality for purposes of obtaining financial assistance under ~~this section and s. 281.59~~ the clean water fund program.

SECTION 3517. 281.58 (9) (e) of the statutes is amended to read:

281.58 **(9)** (e) If the governor's recommendation, as set forth in the executive budget bill, for the amount under s. 281.59 ~~(3) (d)~~ (3e) (b), the amount available under s. 20.866 (2) (tc) or the amount available under s. 281.59 (4) (f) for a biennium is 85% or less of the amount of present value subsidy, general obligation bonding authority or revenue bonding authority, respectively, requested for that biennium in the biennial finance plan submitted under s. 281.59 (3) (bm) 1., the department shall inform municipalities that, if the governor's recommendations are approved, clean water fund program assistance during a fiscal year of that biennium will only be available to municipalities that submit financial assistance applications by the June 30 preceding that fiscal year.

SECTION 3518. 281.58 (9) (f) of the statutes is amended to read:

281.58 **(9)** (f) The fees collected under par. (d) shall be credited to the ~~clean water~~ environmental improvement fund.

SECTION 3519. 281.58 (9m) (c) of the statutes is amended to read:

281.58 **(9m)** (c) The department may approve an application under par. (a) in a year only after the amount under s. 281.59 ~~(3) (d)~~ (3e) (b) for the biennium in which that year falls has been approved by the legislature under s. 281.59 ~~(3) (d)~~ (3e) (b).

SECTION 3521. 281.58 (9m) (e) of the statutes is amended to read:

281.58 **(9m)** (e) 1. Except as provided under par. (f) and sub. (13), if a sufficient amount of subsidy is available under s. 281.59 ~~(3) (d)~~ (3e) (b) for the municipality's project, based on the calculation under s. 281.59 ~~(3) (i)~~ (3e) (f), when the department approves the application under par. (a), the department of administration shall allocate that amount to the project.

2. If a sufficient amount of subsidy is not available under s. 281.59 ~~(3) (d)~~ (3e) (b) for the municipality's project when the department approves the application under subd. 1., the department shall place the project on a list for allocation when additional subsidy becomes available.

SECTION 3522. 281.58 (9m) (f) (intro.) of the statutes is amended to read:

281.58 **(9m)** (f) (intro.) If the amount approved under s. 281.59 ~~(3) (d)~~ (3e) (b), the amount available under s. 20.866 (2) (tc) or the amount available under s. 281.59 (4) (f) for a biennium is 85% or less of the amount of present value subsidy, general obligation bonding authority or revenue bonding authority, respectively, requested for that biennium in the biennial finance plan submitted under s. 281.59 (3) (bm) 1., all of the following apply:

SECTION 3523. 281.58 (9m) (g) of the statutes is amended to read:

281.58 **(9m)** (g) In allocating subsidy under this subsection, the department of administration shall adhere to the amount approved by the legislature for each biennium under s. 281.59 ~~(3) (d)~~ (3e) (b).

SECTION 3524. 281.58 (12) (a) of the statutes is repealed and recreated to read:

281.58 **(12)** (a) 1. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and 2. is 55% of market interest rate.

2. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 5. is 65% of market interest rate.

3. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 4. is 70% of market interest rate.

4. The interest rate for projects specified in sub. (7) (b) 6. and 7. and for those portions of projects under subd. 1. that are restricted by sub. (8) (b), (c), (f) or (h) is market interest rate.

5. The interest rate for a planning and design project specified in sub. (7) (b) 3. shall be determined under subd. 1., 2., 3. or 4. based on the type of project for which the planning and design are undertaken.

SECTION 3525. 281.58 (12) (c) (intro.), 1. and 2. of the statutes are repealed.

SECTION 3526. 281.58 (12) (c) 3. of the statutes is renumbered 281.58 (12) (c) and amended to read:

281.58 **(12)** (c) The department~~, in establishing percentage of market interest rates,~~ and the department of administration shall attempt to ensure ~~that those rates do not result in any~~ all of the following:

1. ~~Beginning in fiscal year 1991,~~ That increases in all state water pollution abatement general obligation debt service costs ~~greater than~~ do not exceed 4% annually ~~in the fiscal year in which the rates are established and in the following fiscal year~~.

2. ~~State~~ That state water pollution abatement general obligation debt service costs are not greater than 50% of all general obligation debt service costs in ~~the~~ any fiscal year ~~in which the rates are established and in any of the following 3 fiscal years~~.

SECTION 3527. 281.58 (12) (f) of the statutes is amended to read:

281.58 **(12)** (f) The department and the department of administration jointly may request the joint committee on finance to take action under s. 13.101 (11) to modify the percentage of market interest rates established ~~by rule for tier 1 and tier 2 projects~~ in par. (a) 1. to 3.

SECTION 3528. 281.58 (13) (b) (intro.) of the statutes is amended to read:

281.58 **(13)** (b) (intro.) A municipality with an application that is approved under sub. (9m) is eligible for financial hardship assistance for the project costs that are eligible under ~~this section and s. 281.59~~ 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:

Vetoed In Part

SECTION 3528m. 281.58 (13) (g) of the statutes is created to read:

281.58 **(13)** (g) 1. Except as provided in subd. 2., the department shall determine median household income by adjusting median household income as determined by the U.S. bureau of the census to reflect changes in household income since the most recent federal census.

2. If a town sanitary district that has a population, as indicated on the application for assistance under this section, of 2,500 or less and that has boundaries that are not contiguous with a town submits data concerning household income obtained from a 3rd party, the department may not use information from the federal census to determine median household income. For such a town sanitary district, the department shall determine median household income based on the data obtained from the 3rd party.

SECTION 3529. 281.58 (13m) of the statutes is amended to read:

281.58 **(13m)** MINORITY BUSINESS DEVELOPMENT AND TRAINING PROGRAM. (a) The department shall make grants to projects that are eligible for financial assistance under ~~this section and s. 281.59~~ the clean water fund program and that are identified as being part of the minority business development and training program under s. 66.905 (2) (b).

(b) Grants provided under this subsection are not included for the purposes of determining under sub. (8) (i) the amount that a municipality may receive for projects under ~~this section and s. 281.59~~ the clean water fund program. Grants awarded under this subsection are not considered for the purposes of sub. (9m) (e) or s. 281.59 ~~(3) (d)~~ (3e) (b).

SECTION 3530. 281.58 (14) (b) (intro.) of the statutes is amended to read:

281.58 **(14)** (b) (intro.) As a condition of receiving financial assistance under ~~this section and s. 281.59~~ the clean water fund program, a municipality shall do all of the following:

SECTION 3531. 281.59 (title) of the statutes is amended to read:

281.59 (title) ~~**Clean water**~~ **Environmental improvement fund ~~program~~; financial management.**

SECTION 3532. 281.59 (1) (a) of the statutes is renumbered 281.59 (1) (am).

SECTION 3533. 281.59 (1) (ag) of the statutes is created to read:

281.59 **(1)** (ag) "Clean water fund program" means the program administered under s. 281.58, with financial management provided under this section.

SECTION 3534. 281.59 (1) (as) of the statutes is created to read:

281.59 **(1)** (as) "Land recycling loan program" means the program administered under s. 281.60, with financial management provided under this section.

SECTION 3535. 281.59 (1) (b) of the statutes is amended to read:

281.59 **(1)** (b) "Market interest rate" means the interest at the effective rate of a revenue obligation issued by the state to fund a ~~project~~ loan or a portion of a ~~project~~ loan ~~under this section and s. 281.58~~ for a project under the clean water fund program.

SECTION 3536. 281.59 (1) (cm) of the statutes is created to read:

281.59 **(1)** (cm) "Safe drinking water loan program" means the program administered under s. 281.61, with financial management provided under this section.

SECTION 3537. 281.59 (1) (d) of the statutes is amended to read:

281.59 **(1)** (d) "Subsidy" means the amounts provided ~~by the clean water~~ from the environmental improvement fund to clean water fund program, safe drinking water loan program and land recycling loan program projects ~~receiving financial assistance under this section and s. 281.58~~ for the following purposes:

1. To reduce the interest rate of clean water fund program, safe drinking water loan program and land recycling loan program loans from market rate to a subsidized rate.

2. ~~To~~ For the clean water fund program only, to provide for financial hardship assistance, including grants.

Vetoed In Part **SECTION 3537e.** 281.59 (1) (d) 3. of the statutes is created to read:

281.59 **(1)** (d) 3. For the safe drinking water loan program only, to provide grants under s. 281.61 (8e).

SECTION 3538. 281.59 (1m) of the statutes is created to read:

281.59 **(1m)** ESTABLISHMENT OF PROGRAMS. (a) There is established a clean water fund program, administered under s. 281.58, with financial management provided under this section.

(b) There is established a safe drinking water loan program, administered under s. 281.61, with financial management provided under this section.

SECTION 3539. 281.59 (2) (a) of the statutes is amended to read:

281.59 **(2)** (a) Administer its responsibilities under this section and ~~s.~~ ss. 281.58, 281.60 and 281.61.

SECTION 3540. 281.59 (2) (b) of the statutes is amended to read:

281.59 **(2)** (b) Cooperate with the department in administering the clean water fund program, the safe drinking water loan program and the land recycling loan program.

SECTION 3541. 281.59 (2) (c) of the statutes is amended to read:

281.59 **(2)** (c) Accept and hold any letter of credit from the federal government through which the state receives federal capitalization grant payments and disbursements to the ~~clean water~~ environmental improvement fund.

SECTION 3542. 281.59 (2m) (title) of the statutes is amended to read:

281.59 **(2m)** (title) INVESTMENT MANAGEMENT; ~~CLEAN WATER~~ ENVIRONMENTAL IMPROVEMENT FUND.

SECTION 3543. 281.59 (2m) (a) 1. of the statutes is amended to read:

281.59 **(2m)** (a) 1. Subject to par. (b), direct the investment board under s. 25.17 (2) (d) to make any investment of the ~~clean water~~ environmental improvement fund, or in the collection of the principal and interest of all moneys loaned or invested from ~~such~~ that fund.

SECTION 3544. 281.59 (2m) (b) 1. of the statutes is amended to read:

281.59 **(2m)** (b) 1. The action provides a financial benefit to the ~~clean water~~ environmental improvement fund.

SECTION 3545. 281.59 (2m) (b) 2. of the statutes is amended to read:

281.59 **(2m)** (b) 2. The action does not contradict or weaken the purposes of the ~~clean water~~ environmental improvement fund.

SECTION 3546. 281.59 (3) (a) 1. of the statutes is amended to read:

281.59 **(3)** (a) 1. An estimate of the wastewater treatment, safe drinking water and land recycling project needs of the state for the 4 fiscal years of the next 2 biennia.

SECTION 3547. 281.59 (3) (a) 2. of the statutes is amended to read:

281.59 **(3)** (a) 2. The total amount of financial assistance planned to be provided or committed ~~to municipalities~~ for projects under subd. 1. during ~~the 4 fiscal years of~~ the next ~~2 biennia~~ biennium.

SECTION 3548b. 281.59 (3) (a) 4. of the statutes is amended to read:

281.59 **(3)** (a) 4. The extent to which the funding for the clean water fund program and the safe drinking water loan program, in the environmental improvement fund, will be maintained in perpetuity.

SECTION 3548e. 281.59 (3) (a) 4m. of the statutes is created to read:

281.59 **(3)** (a) 4m. A chart showing detailed projected sources and uses of funds for projects under subd. 1. during the next biennium.

SECTION 3549b. 281.59 (3) (a) 5. of the statutes is amended to read:

281.59 **(3)** (a) 5. ~~Audited~~ The most recent available audited financial statements of the past operations and activities of the ~~program under this section and s. 281.58~~ clean water fund program, the safe drinking water loan program and the land recycling loan program, the estimated environmental improvement fund capital available in each of the next 4 fiscal years for the clean water fund program and the safe drinking water loan program, and the projected ~~clean water~~ environmental improvement fund balance for the clean water fund program and the safe drinking water loan program for each of the next 20 years given existing obligations and financial conditions.

SECTION 3550. 281.59 (3) (a) 5m. of the statutes is amended to read:

281.59 **(3)** (a) 5m. The ~~estimated spending level and~~ percentage of market interest rate for the ~~types of~~ projects ~~specified under s. 281.58 (7) (b) 1. to 3.~~ under subd. 1.

SECTION 3551. 281.59 (3) (a) 6. of the statutes 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), discounted at a rate of 7% per year to the first day of the biennium for which the biennial finance plan is prepared.

SECTION 3552. 281.59 (3) (a) 6e. of the statutes is created to read:

281.59 **(3)** (a) 6e. An amount equal to the estimated present value of subsidies for all loans under the land recycling loan program to be made during the biennium for which the biennial finance plan is prepared, discounted at a rate of 7% per year to the first day of that biennium.

SECTION 3553. 281.59 (3) (a) 6m. of the statutes is created to read:

281.59 **(3)** (a) 6m. An amount equal to the estimated present value of subsidies for all loans and grants under the safe drinking water loan program to be made during the biennium for which the biennial finance plan is prepared, discounted at a rate of 7% per year to the first day of that biennium.

Vetoed In Part

SECTION 3554. 281.59 (3) (a) 7. of the statutes is amended to read:

281.59 **(3)** (a) 7. A discussion of the assumptions made in calculating the ~~amount~~ amounts under ~~subd.~~ subds. 6., 6e. and 6m.

SECTION 3555. 281.59 (3) (a) 8. of the statutes is amended to read:

281.59 **(3)** (a) 8. The amount and description of any ~~service~~ fee expected to be charged during the next biennium under this section ~~to an applicant~~.

SECTION 3556. 281.59 (3) (b) of the statutes is amended to read:

281.59 **(3)** (b) The department of administration and the department shall consider as a guideline in preparing the portion of the biennial finance plan for the clean water fund program that all state water pollution abatement general obligation debt service costs should not exceed 50% of all general obligation debt service costs to the state.

SECTION 3557. 281.59 (3) (c), (d), (dm), (e), (f) and (i) of the statutes are renumbered 281.59 (3e) (a), (b), (c), (d), (e) and (f) and amended to read:

281.59 **(3e)** (a) No moneys ~~from the clean water fund~~ may be expended for the clean water fund program in a biennium until the legislature reviews and approves all of the following as part of the biennial budget act for the biennium:

1. An amount of present value of the subsidy for the clean water fund program that is specified for that biennium under par. ~~(d)~~ (b) and is based on the amount included in the biennial finance plan under ~~par.~~ sub. (3) (a) 6.

2. The amount of public debt, authorized under s. 20.866 (2) (tc), that the state may contract for the purposes of ~~s. 281.58 and this section~~ the clean water fund program.

3. The amount of revenue obligations, authorized under sub. (4) (f), that may be issued for the purposes ~~specified in s. 25.43 (3)~~ of the clean water fund program.

(b) The amount of present value of the subsidy for the clean water fund program that is required to be specified under par. ~~(c)~~ (a) 1. and approved by the legislature under this paragraph is as follows:

1. Equal to ~~$83,400,000~~ $90,200,000 during the ~~1995−97~~ 1997−99 biennium.

3. Equal to $1,000 for any biennium after the ~~1995−97~~ 1997−99 biennium.

(c) The department of administration may allocate amounts approved under par. ~~(d)~~ (b) as the present value of subsidies for financial assistance under ~~this section and s. 281.58~~ the clean water fund program, including financial hardship assistance and assistance for the additional costs of approved projects. The department of administration may allocate amounts from the amount approved under par. ~~(d)~~ (b) for a biennium until December 30 of the fiscal year immediately following the biennium for projects for which complete applications under s. 281.58 (9) (a) are submitted before the end of the biennium.

(d) The department may expend, for financial assistance in a biennium other than financial hardship assistance under s. 281.58 (13) (e), an amount up to 85% of the amount approved by the legislature under par. ~~(d)~~ (b). The department may expend such amount only from the percentage of the amount approved under par. ~~(d)~~ (b) that is not available under par. ~~(f)~~ (e) for financial hardship assistance.

(e) The department may expend, for financial hardship assistance in a biennium under s. 281.58 (13) (e), an amount up to 15% of the amount approved by the legislature under par. ~~(d)~~ (b) for that biennium. The department may expend such amount only from the percentage of the amount approved by the legislature under par. ~~(d)~~ (b) that is not available under par. ~~(e)~~ (d) for financial assistance.

(f) Using the amount approved under par. ~~(d)~~ (b) as a base, the department of administration shall calculate the present value of the actual subsidy of each clean water fund program loan or grant to be made for those projects in each biennium that are approved for financial assistance by the 2 departments. The present value shall be discounted as provided under ~~par.~~ sub. (3) (a) 6.

SECTION 3558. 281.59 (3) (j) of the statutes is amended to read:

281.59 **(3)** (j) No later than November 1 of each odd−numbered year, the department of administration and the department jointly shall submit a report, to the building commission and committees as required under par. (bm), on the implementation of the amount established under ~~par. (d)~~ sub. (3e) (b) as required under s. 281.58 (9m) (e), and on the operations and activities of the clean water fund program, the safe drinking water loan program and the land recycling loan program for the previous biennium.

SECTION 3559. 281.59 (3e) (title) of the statutes is created to read:

281.59 **(3e)** (title) CLEAN WATER FUND PROGRAM EXPENDITURES.

SECTION 3560. 281.59 (3m) of the statutes is created to read:

281.59 **(3m)** LAND RECYCLING LOAN PROGRAM EXPENDITURES. (a) No moneys may be expended for the land recycling loan program in a biennium until the legislature

reviews and approves, as part of the biennial budget act for the biennium, an amount of present value of the subsidy for the land recycling loan program 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) 6e.

(b) The amount of present value of the subsidy for the land recycling loan program that is approved by the legislature under this paragraph is as follows:

1. Equal to $4,500,000 during the 1997−99 biennium.

2. Equal to $1,000 for any biennium after the 1997−99 biennium.

(c) The department of administration may allocate amounts approved under par. (b) as the present value of subsidies for financial assistance under the land recycling program.

(d) Using the amount approved under par. (b) as a base, the department of administration shall calculate the present value of the actual subsidy of each land recycling loan made for those projects in each biennium that are approved for financial assistance. The present value shall be discounted as provided under sub. (3) (a) 6e.

SECTION 3561. 281.59 (3s) of the statutes is created to read:

281.59 **(3s)** SAFE DRINKING WATER LOAN PROGRAM EXPENDITURES. (a) No moneys may be expended for the safe drinking water loan program in a biennium until the legislature reviews and approves all of the following as part of the biennial budget act for the biennium:

1. An amount of present value of the subsidy for the safe drinking water loan program 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) 6m.

2. The amount of public debt, authorized under s. 20.866 (2) (td), that the state may contract for the purposes of the safe drinking water loan program.

(b) The amount of present value of the subsidy for the safe drinking water loan program that is approved by the legislature under this paragraph is as follows:

1. Equal to $21,000,000 during the 1997−99 biennium.

2. Equal to $1,000 for any biennium after the 1997−99 biennium.

(c) The department of administration may allocate amounts approved under par. (b) as the present value of subsidies for financial assistance under the safe drinking water program.

(d) Using the amount approved under par. (b) as a base, the department of administration shall calculate the present value of the actual subsidy of each safe drinking water loan or grant made for those projects in each biennium that are approved for financial assistance. The present value shall be discounted as provided under sub. (3) (a) 6m.

SECTION 3562. 281.59 (4) (am) of the statutes is amended to read:

281.59 **(4)** (am) Deposits, appropriations or transfers to the ~~clean water~~ environmental improvement fund for the purposes ~~specified in s. 25.43 (3)~~ of the clean water fund program may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18 or in accordance with subch. IV of ch. 18 if designated a higher education bond.

SECTION 3563. 281.59 (4) (c) of the statutes is amended to read:

281.59 **(4)** (c) The building commission may pledge any portion of revenues received or to be received in the fund established in par. (b) or the ~~clean water~~ environmental improvement fund to secure revenue obligations issued under this subsection. The pledge shall provide for the transfer to the ~~clean water~~ environmental improvement fund of all pledged revenues, including any interest earned on the revenues, which are in excess of the amounts required to be paid under s. 20.320 (1) (c) and (u) for the purposes ~~specified in s. 25.43 (3)~~ of the clean water fund program. The pledge shall provide that the transfers be made at least twice yearly, that the transferred amounts be deposited in the ~~clean water~~ environmental improvement fund and that the transferred amounts are free of any prior pledge.

SECTION 3564. 281.59 (9) (a), (am) and (b) (intro.) and 1. of the statutes are amended to read:

281.59 **(9)** (a) A loan approved under ~~this section and s. 281.58~~ the clean water fund program, the safe drinking water loan program or the land recycling loan program shall be for no longer than 20 years, as determined by the department of administration, be fully amortized not later than 20 years after the original date of the note, and require the repayment of principal and interest, if any, to begin not later than 12 months after the expected date of completion of the project that it funds, as determined by the department of administration.

(am) The department of administration, in consultation with the department, may establish those terms and conditions of a financial assistance agreement that relate to its financial management, including what type of municipal obligation, as set forth under s. 66.36, is required for the repayment of the financial assistance. Any terms and conditions established under this paragraph by the department of administration shall comply with the requirements of this section and s. 281.58, 281.60 or 281.61. In setting ~~such~~ the terms and conditions, the department of administration may consider factors that the department of administration finds are relevant, including the type of ~~municipal~~ obligation evidencing the loan, the pledge of security for the ~~municipal~~ obligation and the ~~municipality's~~ applicant's creditworthiness. **Vetoed In Part**

(b) (intro.) As a condition of receiving financial assistance under ~~this section and s. 281.58, a municipality~~

the clean water fund program, the safe drinking water loan program or the land recycling loan program, an applicant shall do all of the following:

1. Pledge the security, if any, required by the rules promulgated by the department of administration under this section and s. 281.58, 281.60 or 281.61.

SECTION 3565. 281.59 (11) of the statutes is amended to read:

281.59 **(11)** FINANCIAL ASSISTANCE PAYMENTS. (a) The department of natural resources and the department of administration may enter into a financial assistance agreement with ~~a municipality~~ an applicant for which the department of administration has allocated subsidy under s. 281.58 (9m), 281.60 (8) or 281.61 (8) if the ~~municipality~~ applicant meets the conditions under sub. (9) ~~and s. 281.58 (14)~~ and the other requirements under this section and s. 281.58, 281.60 or 281.61.

(am) The department of administration shall make the financial assistance payments to ~~a municipality which~~ an applicant that has entered into a financial assistance agreement under par. (a) or to the ~~municipality's~~ applicant's designated agent.

(b) If a municipality fails to make a principal repayment or interest payment after its due date, the department of administration shall place on file a certified statement of all amounts due under this section and s. 281.58, 281.60 or 281.61. After consulting the department, the department of administration may collect all amounts due by deducting those amounts from any state payments due the municipality or may add a special charge to the amount of taxes apportioned to and levied upon the county under s. 70.60. If the department of administration collects amounts due, it shall remit those amounts to the fund to which they are due and notify the department of that action.

(c) The department of administration may retain the last payment under a financial assistance agreement until the department of natural resources and the department of administration determine that the project is completed and meets the applicable requirements of this section and s. 281.58, 281.60 or 281.61 and that the conditions of the financial assistance agreement are met.

SECTION 3566. 281.59 (13m) of the statutes is amended to read:

281.59 **(13m)** LEGISLATIVE MORAL OBLIGATION. The building commission may, at the time the loan is made, by resolution designate a loan made under ~~this section and s. 281.58~~ the clean water fund program as one to which this subsection applies. If at any time the payments received or expected to be received from a municipality on any loan so designated are pledged to secure revenue obligations of the state issued pursuant to subch. II of ch. 18 and are insufficient to pay when due principal of and interest on such loan, the department of administration shall certify the amount of such insufficiency to the secretary of administration, the governor and the joint committee on finance. If the certification is received by the secretary of administration in an even–numbered year before the completion of the budget under s. 16.43, the secretary of administration shall include the certified amount in the budget compilation. In any event, the joint committee on finance shall introduce in either house, in bill form, an appropriation of the amount so requested for the purpose of payment of the revenue obligation secured thereby. Recognizing its moral obligation to do so, the legislature hereby expresses its expectation and aspiration that, if ever called upon to do so, it shall make the appropriation.

SECTION 3567. 281.59 (13s) of the statutes is amended to read:

281.59 **(13s)** POWERS. The department of administration may audit, or contract for audits of, projects receiving financial assistance under ~~this section and s. 281.58~~ the clean water fund program, the safe drinking water loan program and the land recycling loan program.

SECTION 3568. 281.59 (14) of the statutes is amended to read:

281.59 **(14)** RULES. The department of administration shall promulgate rules that are necessary for the proper execution of this section and of its responsibilities under ~~s.~~ ss. 281.58, 281.60 and 281.61.

SECTION 3569. 281.60 of the statutes is created to read:

281.60 Land recycling loan program. (1) DEFINITIONS. In this section:

(a) "Eligible applicant" means an individual, corporation, partnership, association, commission or political subdivision. **Vetoed In Part**

(am) "Landfill" has the meaning given in s. 289.01 (20).

(b) "Land recycling loan program" means the program administered under this section with financial management provided under s. 281.59.

(c) "Market interest rate" means the interest at the effective rate of a revenue obligation issued by this state to fund a loan or portion of a loan for a clean water fund program project under s. 281.58.

(d) "Political subdivision" means a city, village, town or county.

(e) "Site or facility" has the meaning given in s. 292.35 (1) (f).

(2) GENERAL. The department and the department of administration may administer a program to provide financial assistance to eligible applicants for projects to remedy environmental contamination of sites or facilities at which environmental contamination has affected groundwater or surface water or threatens to affect groundwater or surface water. The department and the department of administration may provide financial assistance under this section to an eligible applicant only if the eligible applicant owns the contaminated site or facility. The department and the department of administration

may not provide financial assistance under this section to remedy environmental contamination at a site or facility that is not a landfill if the eligible applicant caused the environmental contamination.

(2r) METHODS OF PROVIDING FINANCIAL ASSISTANCE. The following methods of providing financial assistance may be used under the land recycling loan program:

(a) Making loans below the market interest rate for projects described in sub. (2).

(b) Purchasing or refinancing the obligation of an eligible applicant if the obligation was incurred to finance the cost of a project described in sub. (2) and the obligation was initially incurred after May 17, 1988.

(c) Guaranteeing, or purchasing insurance for, obligations incurred to finance the cost of projects described in sub. (2) if the guarantee or insurance will provide credit market access or reduce interest rates.

(d) Providing payments to the board of commissioners of public lands to reduce principal or interest payments, or both, on loans made to political subdivisions under subch. II of ch. 24 by the board of commissioners of public lands for projects that are eligible for financial assistance under the land recycling loan program.

(3) NOTICE OF INTENT TO APPLY. (a) An eligible applicant shall submit notice of its intent to apply for financial assistance under the land recycling loan program. An eligible applicant shall submit the notice at least 6 months before the beginning of the fiscal year in which it will request to receive funding. The notice shall be in a form prescribed by the department and the department of administration.

(b) The department may waive par. (a) upon the written request of an eligible applicant.

(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. 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.

(6) PRIORITY LIST. The department shall establish a priority list that ranks each land recycling loan program project. The department shall promulgate rules for determining project rankings based on the potential of projects to reduce environmental pollution and threats to human health and, for sites and facilities that are not landfills, the extent to which projects will prevent the development of undeveloped land by making land available for redevelopment after a cleanup is conducted. Before the department establishes the priority list, the department shall consider the recommendations of the department of administration and the department of commerce.

(7) APPROVAL OF APPLICATION. The department shall approve an application received under sub. (5) after all of the following occur:

(a) The project is ranked on the priority list under sub. (6).

(b) The department determines that the project meets the eligibility requirements under this section.

(c) The department of administration determines that the eligible applicant will meet the requirements of s. 281.59 (9) (b).

(d) The legislature has approved an amount under s. 281.59 (3m) (b) for the biennium.

(8) FUNDING LIST; ALLOCATION OF FUNDING. (a) 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:

1. The department of administration may not allocate more than 40% of the available funds in each fiscal year to projects to remedy contamination at landfills.

2. In any biennium, no eligible applicant may receive more than 25% of the amount established under s. 281.59 (3m) (b) for that biennium.

(b) In allocating subsidy under this subsection, the department of administration shall adhere to the amount approved by the legislature for each biennium under s. 281.58 (3m) (b).

(8m) CONDITIONS OF FINANCIAL ASSISTANCE. As a condition of receiving financial assistance under the land recycling loan program, an eligible applicant shall do all of the following:

(a) Establish a dedicated source of revenue for the repayment of the financial assistance.

(b) Comply with those provisions of 33 USC 1381 to 1387, this chapter, and the rules and regulations promulgated under those provisions, that the department specifies.

(c) Allow access to the project by representatives of the department for the purpose of making inspections.

(9) FINANCIAL ASSISTANCE COMMITMENTS. The department and the department of administration may, at the request of an eligible applicant, issue a notice of financial assistance commitment after the eligible applicant's application for land recycling loan program financial assistance has been approved and funding has been allocated under sub. (8) for the eligible applicant's project. The notice of financial assistance commitment shall

specify the conditions that the eligible applicant must meet to secure financial assistance and shall include the estimated repayment schedules and other terms of financial assistance.

(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 which funding is allocated, the department of administration shall release the funding allocated to the project.

(11) LOAN INTEREST RATES. The interest rate on a land recycling loan program loan shall be 55% of market interest rate.

(11m) SERVICE FEE. The department and the department of administration shall jointly charge and collect an annual service fee for reviewing and acting upon land recycling loan program applications and servicing financial assistance agreements. The fee shall be in addition to interest payments at the rate under sub. (11). For the 1997–99 fiscal biennium, the service fee shall be 0.5% of the loan balance. Fee amounts for later biennia shall be established in the biennial finance plan under s. 281.59 (3) (a) 8. The department and the department of administration shall specify in the biennial finance plan a fee designed to cover the costs of reviewing and acting upon land recycling loan program applications and servicing financial assistance agreements.

(12) SALE OF SITE OR FACILITY. (a) An eligible applicant may not sell a site or facility, or portion of a site or facility, for which the eligible applicant has received a loan under this section, while the loan is outstanding, for less than fair market value.

(b) If an eligible applicant sells a site or facility, or portion of a site or facility, for which the eligible applicant has received a loan under this section, the eligible applicant shall do the following:

1. If the sale proceeds are less than or equal to the remaining loan balance, pay the sale proceeds to the department of administration to repay all or a portion of the loan.

2. If the sale proceeds are greater than the remaining loan balance but less than or equal to the cost of the land plus the cost of the cleanup, pay an amount equal to the remaining loan balance to the department of administration and retain the remainder of the sale proceeds.

3. If the sale proceeds are greater than the cost of the land plus the cost of the cleanup, pay to the department of administration an amount equal to the remaining loan balance plus the lesser of 75% of the amount by which the sale proceeds exceed the cost of the land plus the cost of the cleanup or the amount of subsidy incurred for the project and retain the remainder of the sale proceeds.

(13) DUTIES OF THE DEPARTMENT. The department shall do all of the following:

(a) Seek approval of the federal environmental protection agency for the use of funds under 33 USC 1381 to 1387 for the land recycling loan program.

(b) Promulgate rules establishing eligibility criteria for applicants and projects under this section.

(c) Promulgate rules that are necessary for the execution of its responsibilities under the land recycling loan program.

(d) Cooperate with the department of administration in administering the land recycling loan program.

(e) Submit a biennial budget request under s. 16.42 for the land recycling loan program.

(f) Have the lead role with the federal environmental protection agency concerning the land recycling loan program.

(g) Have the lead role with eligible applicants in providing land recycling loan program information, and cooperate with the department of administration in providing that information to eligible applicants.

(h) Periodically inspect land recycling loan program projects to determine project compliance with the requirements of this section.

(i) By May 1 of each even–numbered year, prepare and submit to the department of administration a biennial needs list that includes all of the following information:

1. A list of land recycling loan program projects that the department estimates will apply for financial assistance under the land recycling loan program during the next biennium.

2. The estimated cost and estimated construction schedule of each project on the list under subd. 1., and the total of the estimated costs of all projects on the list under subd. 1.

3. The estimated rank of each project on the priority list under sub. (6).

SECTION 3570. 281.61 of the statutes is created to read:

281.61 Safe drinking water loan program. (1) DEFINITIONS. In this section:

(a) "Local governmental unit" means a city, village, town, county, town sanitary district, public inland lake protection and rehabilitation district or municipal water district.

(b) "Market interest rate" means the interest at the effective rate of a revenue obligation issued by this state to fund a loan or portion of a loan for a clean water fund program project under s. 281.58.

(c) "Public water system" means a water system providing piped water to the public for human consumption if the water system has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days each year.

(d) "Safe drinking water loan program" means the program administered under this section, with financial management provided under s. 281.59.

(2) GENERAL. The department and the department of administration shall administer a program to provide financial assistance to local governmental units for projects for the planning, designing, construction or modifi-

cation of public water systems, if the projects will facilitate compliance with national primary drinking water regulations under 42 USC 300g−1 or otherwise significantly further the health protection objectives of the Safe Drinking Water Act, 42 USC 300f to 300j−26.

(2g) INELIGIBLE PROJECTS. A local governmental unit is not eligible for financial assistance under this section if the local governmental unit does not have the technical, managerial or financial capacity to ensure compliance with the Safe Drinking Water Act, 42 USC 300f to 300j−26, or the public water system operated by the local governmental unit is in significant noncompliance with any requirement of a primary drinking water regulation or variance under 42 USC 300g−1 unless the financial assistance will ensure compliance with the Safe Drinking Water Act.

(2r) METHODS OF PROVIDING FINANCIAL ASSISTANCE. The following methods of providing financial assistance may be used under the safe drinking water loan program:

(a) Making loans below the market interest rate for projects described in sub. (2).

(b) Purchasing or refinancing the obligation of a local governmental unit if the obligation was incurred to finance the cost of a project described in sub. (2) and the obligation was initially incurred after July 1, 1993.

(c) Guaranteeing, or purchasing insurance for, obligations incurred to finance the cost of projects described in sub. (2) if the guarantee or insurance will provide credit market access or reduce interest rates.

(d) Providing payments to the board of commissioners of public lands to reduce principal or interest payments, or both, on loans made to local governmental units under subch. II of ch. 24 by the board of commissioners of public lands for projects that are eligible for financial assistance under the safe drinking water loan program.

Vetoed In Part (e) Making grants as provided in sub. (8e).

(3) NOTICE OF INTENT TO APPLY. (a) A local governmental unit shall submit notice of its intent to apply for financial assistance under the safe drinking water loan program at least 6 months before the beginning of the fiscal year in which it intends to receive the financial assistance. The notice shall be in a form prescribed by the department and the department of administration.

(b) If a local governmental unit does not apply for financial assistance by April 30 of the 2nd year following the year in which it submitted notice under par. (a), the local governmental unit shall submit a new notice under par. (a).

(c) The department may waive par. (a) or (b) upon the written request of a local governmental unit.

(4) ENGINEERING REPORT. A local governmental unit seeking financial assistance for a project under this section shall submit an engineering report, as required by the department by rule.

(5) APPLICATION. After the department approves a local governmental unit's engineering report submitted under sub. (4), the local governmental unit shall submit an application for safe drinking water financial assistance to the department. The applicant shall submit the application before the April 30 preceding the beginning of the fiscal year in which the applicant wishes to receive the financial assistance. The application shall be in the form and include the information required by the department and the department of administration and shall include plans and specifications that are approvable by the department under this section. An applicant may not submit more than one application per project per year.

(6) PRIORITY LIST. The department shall establish a priority list that ranks each safe drinking water loan program project. The department shall promulgate rules for determining project rankings that, to the extent possible, give priority to projects that address the most serious risks to human health, that are necessary to ensure compliance with the Safe Drinking Water Act, 42 USC 300f to 300j−26, and that assist local governmental units that are most in need on a per household basis, according to affordability criteria specified in the rules.

(7) APPROVAL OF APPLICATION. The department shall approve an application received under sub. (5) after all of the following occur:

(a) The project is ranked on the priority list under sub. (6).

(b) The department determines that the project meets the eligibility requirements under this section.

(c) The department of administration determines that the local governmental unit will meet the requirements of s. 281.59 (9) (b).

(d) The legislature has approved an amount under s. 281.59 (3s) (b) 1. for the biennium.

(8) FUNDING LIST; ALLOCATION OF FUNDING. (a) The department shall establish a funding list for each fiscal year that ranks projects of local governmental units that submit approvable applications under sub. (5) 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:

1. The department of administration shall allocate to projects for public water systems that regularly serve fewer than 10,000 persons 15% of the available funds in each fiscal year or such lesser amount that fully funds the eligible projects for those public water systems.

2. In any biennium, no local governmental unit may receive more than 25% of the amount established under s. 281.59 (3s) (b) for that biennium.

(b) In allocating subsidy under this subsection, the department of administration shall adhere to the amount approved by the legislature for each biennium under s. 281.59 (3s) (b).

Vetoed In Part

(8e) GRANTS FOR CERTAIN PROJECTS. When the department of administration allocates funding to a project under sub. (8), it shall allocate a portion of the funding as a grant for the project equal to up to 20% of the project costs if all of the following apply.

(a) The project is for a public water system that regularly serves fewer than 10,000 persons.

(b) The local governmental unit applying for financial assistance meets the financial eligibility criteria established by the department of natural resources by rule for the purpose of sub. (11) (a).

(c) The department of administration has not allocated more than 5% of the available funds in the fiscal year in which it allocates funds to the project for grants under this subsection.

(8m) CONDITIONS OF FINANCIAL ASSISTANCE. As a condition of receiving financial assistance under the safe drinking water loan program, a local governmental unit shall do all of the following:

(a) Establish a dedicated source of revenue for the repayment of the financial assistance.

(b) Comply with those provisions of 42 USC 300f to 300j−26 and this chapter and the regulations and rules promulgated under those provisions that the department specifies.

(c) Develop and adopt a program of water conservation as required by the department.

(d) Develop and adopt a program of systemwide operation and maintenance of the public water system, including the training of personnel, as required by the department.

(e) Develop and adopt a user fee system.

(9) FINANCIAL ASSISTANCE COMMITMENTS. The department and the department of administration may, at the request of a local governmental unit, issue a notice of financial assistance commitment after the local governmental unit's application for safe drinking water financial assistance has been approved under sub. (7) and funding has been allocated under sub. (8) for the local governmental unit's project. The notice of financial assistance commitment shall specify the conditions that the local governmental unit must meet to secure financial assistance and shall include the estimated repayment schedules and other terms of the financial assistance.

(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 which funding is allocated, the department of administration shall release the funding allocated to the project.

(11) LOAN INTEREST RATES. (a) Except as provided under par. (b), the interest rate on a safe drinking water loan program loan shall be as follows:

1. For a local governmental unit that does not meet financial eligibility criteria established by the department by rule, 55% of market interest rate.

2. For a local governmental unit that meets financial eligibility criteria established by the department by rule, 33% of market interest rate.

(b) The department and the department of administration jointly may request the joint committee on finance to take action under s. 13.101 (11) to modify the percentage of market interest rate under par. (a) 1. or 2.

(12) DUTIES OF THE DEPARTMENT. The department shall do all of the following:

(a) Promulgate rules establishing eligibility criteria for applicants and projects under this section.

(b) Promulgate rules that are necessary for the execution of its responsibilities under the safe drinking water loan program.

(c) Cooperate with the department of administration in administering the safe drinking water loan program.

(d) By May 1 of each even−numbered year, prepare and submit to the department of administration a biennial needs list that includes all of the following information:

1. A list of drinking water projects that the department estimates will apply for financial assistance under the safe drinking water loan program during the next biennium.

2. The estimated cost and estimated construction schedule of each project on the list, and the total of the estimated costs of all projects on the list.

3. The estimated rank of each project on the priority list under sub. (6).

(e) Submit a biennial budget request under s. 16.42 for the safe drinking water loan program.

(f) Have the lead state role with the federal environmental protection agency concerning the safe drinking water loan program.

(g) Have the lead state role with local governmental units in providing safe drinking water loan program information, and cooperate with the department of administration in providing that information to local governmental units.

(h) Inspect periodically safe drinking water loan program project construction to determine project compliance with construction plans and specifications approved by the department and the requirements of the safe drinking water loan program.

(13) CAPITALIZATION GRANT. The department may enter into an agreement under 42 USC 300j−12 (a), with the federal environmental protection agency to receive a capitalization grant for the safe drinking water loan program.

SECTION 3571. 281.62 of the statutes is created to read:

281.62 Other drinking water quality activities. (1) In this section:

(a) "Community water system" means a public water system that serves at least 15 service connections used by year−round residents of the area served by the public

water system or that regularly serves at least 25 year–round residents.

(b) "Noncommunity water system" means a public water system that is not a community water system.

(c) "Public water system" has the meaning given in s. 281.61 (1) (c).

(2) (a) With the approval of the department of administration, the department may expend funds from the appropriation accounts under s. 20.320 (2) (s) and (x) for any of the following:

1. Providing a loan to the owner of a community water system or a nonprofit noncommunity water system to acquire land or a conservation easement from a willing seller or grantor to protect the source water of the water system from contamination and to ensure compliance with national primary drinking water regulations under 42 USC 300g–1.

2. Providing a loan to the owner of a community water system to do any of the following:

a. Implement voluntary source water protection measures in areas delineated as provided in 42 USC 300j–13 in order to facilitate compliance with national primary drinking water regulations under 42 USC 300g–1 or otherwise significantly further the health protection objectives of the Safe Drinking Water Act, 42 USC 300f to 300j–26.

b. Implement a program for source water quality protection partnerships as provided in 42 USC 300j–14.

3. Assisting the owner of a public water system to develop the technical, managerial and financial capacity to comply with national primary drinking water regulations under 42 USC 300g–1.

4. Delineating or assessing source water protection areas as provided under 42 USC 300j–13.

5. Protecting wellhead areas from contamination as provided in 42 USC 300h–7.

(b) In any fiscal year, the department may not expend under par. (a) more than 15% of the funds provided under 42 USC 300j–12 in that fiscal year. In any fiscal year, the department may not expend under par. (a) 1., 2., 3., 4. or 5. more than 10% of the funds provided under 42 USC 300j–12 in that fiscal year.

(3) (a) With the approval of the department of administration, the department may expend funds from the appropriation accounts under s. 20.320 (2) (s) and (x) for any of the following:

1. Public water system supervision as provided in 42 USC 300j–2 (a).

2. Technical assistance concerning source water protection.

3. Developing and implementing a capacity development strategy required under 42 USC 300g–9 (c).

4. Operator certification required under 42 USC 300g–8.

(b) In any fiscal year, the department may not expend under par. (a) more than 10% of the funds provided under 42 USC 300j–12 in that fiscal year.

(4) With the approval of the department of administration, the department may expend funds from the appropriation accounts under s. 20.320 (2) (s) and (x) to provide technical assistance to public water systems serving 10,000 or fewer persons. In any fiscal year, the department may not expend under this subsection more than 2% of the funds provided under 42 USC 300j–12 in that fiscal year.

SECTION 3572. 281.625 of the statutes is created to read:

281.625 Drinking water loan guarantee program. **(1)** In this section:

(a) "Community water system" means a public water system that serves at least 15 service connections used by year–round residents or that regularly serves at least 25 year–round residents.

(b) "Local governmental unit" has the meaning given in s. 281.61 (1) (a).

(c) "Noncommunity water system" means a public water system that is not a community water system.

(d) "Public water system" has the meaning given in s. 281.61 (1) (c).

(2) The department, in consultation with the department of administration, shall promulgate rules for determining whether a loan is an eligible loan under s. 234.86 (3) for a loan guarantee under s. 234.86. The rules shall be consistent with 42 USC 300j–12.

(3) The department shall determine whether a loan to the owner of a community water system or the nonprofit owner of a noncommunity water system is an eligible loan under s. 234.86 (3) for the purposes of the loan guarantee program under s. 234.86.

(4) With the approval of the department of administration, the department of natural resources may transfer funds from the appropriation accounts under s. 20.320 (2) (s) and (x) to the Wisconsin drinking water reserve fund under s. 234.933 to guarantee loans under s. 234.86.

(5) The department may contract with the Wisconsin Housing and Economic Development Authority for the administration of the program under this section and s. 234.86.

SECTION 3573. 281.65 (1) (d) of the statutes is amended to read:

281.65 **(1)** (d) Focus limited technical and financial resources in critical geographic locations through the selection of priority lakes ~~identified under sub. (4) (cd)~~ and priority watersheds where nonpoint source related water quality problems are the most severe and control is most feasible.

SECTION 3574. 281.65 (2) (a) of the statutes is amended to read:

281.65 **(2)** (a) "Best management practices" means practices, techniques or measures, except for ~~dredgings~~ dredging, identified in areawide water quality management plans, which are determined to be ~~the most~~ effective means of preventing or reducing pollutants generated from nonpoint sources, or from the sediments of inland lakes polluted by nonpoint sources, to a level compatible with water quality objectives established under this section and which do not have an adverse impact on fish and wildlife habitat. The practices, techniques or measures include land acquisition, storm sewer rerouting and the removal of structures necessary to install structural urban best management practices, facilities for the handling and treatment of milkhouse wastewater, repair of fences built using grants under this section and measures to prevent or reduce pollutants generated from mine tailings disposal sites for which the department has not approved a plan of operation under s. 289.30.

SECTION 3575. 281.65 (2) (be) of the statutes is amended to read:

281.65 **(2)** (be) "Priority lake" means any lake or group of lakes that are identified under sub. (3) (am) ~~or (4) (cm)~~.

SECTION 3576. 281.65 (3) (a) of the statutes is amended to read:

281.65 **(3)** (a) Review the lists submitted under sub. (4) (c) and (cd) and reports submitted under sub. (4) (c)~~, (cd)~~ and (cg).

SECTION 3577. 281.65 (3) (am) of the statutes is amended to read:

281.65 **(3)** (am) ~~Designate~~ Identify priority watersheds and priority lakes ~~based on reports submitted under sub. (4) (c) and (cd)~~ as provided in sub. (3m).

SECTION 3578. 281.65 (3m) of the statutes is created to read:

281.65 **(3m)** (a) 1. No later than July 1, 1998, the board shall identify priority watersheds based on the list submitted under sub. (4) (c) and recommendations by the department and the department of agriculture, trade and consumer protection without regard to any priority watershed designations made before the board acts under this subdivision, except for priority watershed designations under sub. (4) (cm). The department and the department of agriculture, trade and consumer protection shall limit the number of watersheds that they recommend to the board to the number that they determine will enable the department to comply with sub. (4) (g) 9., assuming that the level of funding for the program under this section remains the same as on the effective date of this subdivision .... [revisor inserts date].

2. If a watershed is designated as a priority watershed before the board acts under subd. 1. and the board does not identify the watershed as a priority watershed under subd. 1., the board shall terminate the watershed's designation as a priority watershed. This subdivision does not apply to priority watershed designations made under sub. (4) (cm).

(b) 1. No later than July 1, 1998, the board shall identify priority lakes based on the list submitted under sub. (4) (cd) and recommendations by the department and the department of agriculture, trade and consumer protection without regard to any priority lake designations made before the board acts under this subdivision.

2. If a lake is designated as a priority lake before the board acts under subd. 1. and the board does not identify the lake as a priority lake under subd. 1., the board shall terminate the lake's designation as a priority lake.

(c) If the board terminates a priority watershed or priority lake designation under this subsection, the board shall direct the department to eliminate funding for the project in the former priority watershed or priority lake area.

(d) 1. If a watershed is designated as a priority watershed before the board acts under par. (a) 1. and the board identifies the watershed as a priority watershed under par. (a) 1., the board shall direct the department to continue funding for the project in the priority watershed.

2. If a lake is designated as a priority lake before the board acts under par. (b) 1. and the board identifies the lake as a priority lake under par. (b) 1., the board shall direct the department to continue funding for the project in the priority lake area.

SECTION 3579. 281.65 (4) (c) of the statutes is repealed and recreated to read:

281.65 **(4)** (c) Prepare a list of the watersheds in this state in order of the level of impairment of the waters in each watershed caused by nonpoint source pollution, taking into consideration the location of impaired water bodies that the department has identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A), and submit the list to the board no later than January 1, 1998.

SECTION 3580. 281.65 (4) (cd) of the statutes is repealed and recreated to read:

281.65 **(4)** (cd) Prepare a list of the lakes in this state in order of the level of impairment of the waters in the lakes caused by nonpoint source pollution, taking into consideration the location of impaired water bodies that the department has identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A), and submit the list to the board no later than January 1, 1998.

SECTION 3581. 281.65 (4) (dm) of the statutes is amended to read:

281.65 **(4)** (dm) Establish water quality objectives for each water basin and for each priority watershed and priority lake and identify the best management practices to achieve the water quality objectives.

SECTION 3582. 281.65 (4) (e) of the statutes is amended to read:

281.65 **(4)** (e) Promulgate rules, in consultation with the department of agriculture, trade and consumer protection, as are necessary for the proper execution and administration of the program under this section. Before promulgating rules under this paragraph, the department shall submit the rules to the land and water conservation board for review under sub. (3) (at). The rules shall include standards and specifications concerning best management practices which are required for eligibility for cost−sharing grants under this section. The standards and specifications shall be consistent with the performance standards, prohibitions, conservation practices and technical standards under s. 281.16. The department may waive the standards and specifications in exceptional cases. The rules shall specify which best management practices are cost−effective best management practices. Only persons involved in the administration of the program under this section, persons who are grant recipients or applicants and persons who receive notices of intent to issue orders under s. 281.20 (1) (b) are subject to the rules promulgated under this paragraph. Any rule promulgated under this paragraph which relates or pertains to agricultural practices relating to animal waste handling and treatment is subject to s. 13.565.

SECTION 3583. 281.65 (4) (em) of the statutes is created to read:

281.65 **(4)** (em) In identifying best management practices under pars. (dm) and (g) 4., identify cost−effective best management practices, as specified under par. (e), except in situations in which the use of a cost−effective best management practice will not contribute to water quality improvement or will cause a water body to continue to be impaired as identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

SECTION 3583m. 281.65 (4) (f) of the statutes is amended to read:

281.65 **(4)** (f) Administer the distribution of grants and aids to governmental units for local administration and implementation of the program under this section. A grant awarded under this section may be used for technical assistance, educational and training assistance, ordinance development and administration, cost−sharing for management practices and capital improvements, plan preparation under par. (g), easements or other activities determined by the department to satisfy the requirements of this section. A grant may not be used for promotional items, except for promotional items that are used for informational purposes, such as brochures or videos.

SECTION 3584. 281.65 (4) (g) (intro.) of the statutes is amended to read:

281.65 **(4)** (g) (intro.) In cooperation with the department of agriculture, trade and consumer protection and the appropriate governmental unit, prepare priority watershed and priority lakes plans to implement nonpoint source water pollution abatement projects and storm water control activities described in sub. (8c) in priority watersheds and priority lake areas~~, as designated under sub. (3) (am) or (4) (cm)~~. In preparing the plans, the department shall:

SECTION 3585. 281.65 (4) (L) of the statutes is created to read:

281.65 **(4)** (L) Before September 1 of each year, in consultation with the department of agriculture, trade and consumer protection, submit a budget report to the board that includes anticipated expenditures for projects under this section during the next year, criteria for ending projects under this section and, if anticipated expenditures exceed anticipated funding, a plan for reducing expenditures.

SECTION 3585m. 281.65 (4) (r) of the statutes is repealed.

SECTION 3586. 281.65 (4c) of the statutes is created to read:

281.65 **(4c)** (a) Beginning on July 1, 1998, a governmental unit may request funding for a priority watershed project, a priority lake project or a nonpoint source water pollution abatement project that is not in a priority watershed or a priority lake area by submitting an application to the board. An application shall be submitted before July 15 to be considered for initial funding in the following year.

(b) The department, in consultation with the department of agriculture, trade and consumer protection, shall use the system approved under par. (e) to determine the score of each project for which the board receives an application under par. (a) and shall inform the board of the scores no later than September 1 of each year.

(c) After receiving project scores under par. (b) and before November 1 of each year, the board shall select projects for funding under this section in the following year. To the extent practicable, within the requirements of this section, the board shall select projects so that projects are distributed evenly around this state.

(d) No later than April 1, 1998, the department, in consultation with the department of agriculture, trade and consumer protection, shall propose to the board a scoring system for ranking nonpoint source water pollution abatement projects for which applications are submitted under par. (a). The criteria on which the scoring system is based shall include all of the following:

1. The extent to which the application proposes to use the cost−effective and appropriate best management practices to achieve water quality goals.

2. The existence in the project area of an impaired water body that the department has identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

3. The extent to which the project will result in the attainment of established water quality objectives.

4. The local interest in and commitment to the project.

5. The inclusion of a strategy to evaluate the progress toward reaching project goals, including the monitoring of water quality improvements resulting from project activities.

6. The extent to which the application proposes to use available federal funding.

7. The extent to which the project is necessary to enable the city of Racine to control storm water discharges as required under 33 USC 1342 (p).

(e) The board shall review the scoring system proposed under par. (d) and shall approve the system as submitted or shall modify and approve the system. The board shall review the system at least once every 2 years and may require the department to submit a revised system after a review.

SECTION 3586g. 281.65 (4e) of the statutes is created to read:

281.65 **(4e)** The department of natural resources and the department of agriculture, trade and consumer protection, jointly, shall prepare a plan to allocate funding from the program under this section for staff in every county as funds become available from the completion or termination of projects under this section. The departments shall submit the plan to the land and water conservation board by July 1, 1998. The department of natural resources shall implement the plan upon the approval of the land and water conservation board.

SECTION 3587. 281.65 (4g) of the statutes is amended to read:

281.65 **(4g)** The department may contract with any person from the ~~appropriations~~ appropriation account under s. 20.370 ~~(6) (aa) and~~ (4) (at) for services to administer or implement this section, including information and education and training services. The department shall allocate $500,000 in each fiscal year from the appropriation account under s. 20.370 (4) (at) for contracts for educational and technical assistance related to the program under this section provided by the University of Wisconsin−Extension.

SECTION 3588. 281.65 (5) (b) of the statutes is amended to read:

281.65 **(5)** (b) Prepare sections of the priority watershed or priority lake plan relating to farm−specific implementation schedules, requirements under ss. 92.104 and 92.105, animal waste management and selection of agriculturally related best management practices and submit those sections to the department for inclusion under sub. (4m) (b). The best management practices shall be cost−effective best management practices, as specified under sub. (4) (e), except in situations in which the use of a cost−effective best management practice will not contribute to water quality improvement or will cause a water body to continue to be impaired as identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

SECTION 3588c. 281.65 (5) (c) of the statutes is repealed.

SECTION 3588s. 281.65 (7m) of the statutes is created to read:

281.65 **(7m)** The state share of a grant for local administration under this section may not exceed 70% of the cost of the activities for which the grant is provided if the department first provides a grant to fund those activities after June 30, 1998.

SECTION 3589. 281.65 (8) (cm) of the statutes is amended to read:

281.65 **(8)** (cm) Grants may be provided ~~from the appropriations under s. 20.370 (6) (aa) and (aq)~~ to applicants for projects affecting priority lakes if the projects are in conformance with areawide water quality management plans and the purposes specified under sub. (1).

SECTION 3590. 281.65 (8) (e) of the statutes is amended to read:

281.65 **(8)** (e) Except as provided in sub. (8c), grants may only be used for implementing best management practices. Grants for implementing best management practices may only be used for implementing cost−effective best management practices specified under sub. (4) (e) unless an applicant demonstrates that the use of a cost−effective best management practice will not contribute to water quality improvement or will cause a water body to continue to be impaired as identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

SECTION 3591. 281.65 (8) (f) of the statutes is repealed and recreated to read:

281.65 **(8)** (f) A cost−sharing grant shall equal the percentage of the cost of implementing the best management practice that is determined by the governmental unit submitting the application under sub. (4c) (a) and is approved by the board, except as provided under pars. (gm) and (jm) and except that a cost−sharing grant may not exceed 70% of the cost of implementing the best management practice.

SECTION 3592. 281.65 (8) (g) of the statutes is repealed.

SECTION 3593b. 281.65 (8) (gm) of the statutes is amended to read:

281.65 **(8)** (gm) The ~~department~~ governmental unit submitting the application under sub. (4c) (a) shall exceed the limit under par. ~~(g) and any limit imposed by rule on the total amount of a grant~~ (f) in cases of economic hardship, as defined by the department by rule.

SECTION 3594. 281.65 (8) (h) of the statutes is repealed.

SECTION 3595. 281.65 (8) (hm) of the statutes is repealed.

SECTION 3596. 281.65 (8) (i) of the statutes is repealed.

SECTION 3597. 281.65 (8) (j) of the statutes is repealed.

SECTION 3598. 281.65 (8) (jm) of the statutes is amended to read:

281.65 **(8)** (jm) Notwithstanding ~~pars.~~ par. (f) ~~to (h)~~, after cost−sharing grants have been available in a priority watershed or priority lake area for 36 months only a reduced grant, which may not exceed a percentage established by the department by rule of the cost of implementing the best management practice, may be provided to the owner or operator of a site designated as a critical site in a priority watershed plan under sub. (5m) or in a modification to such a plan under sub. (5s).

SECTION 3599. 281.65 (8) (m) of the statutes is amended to read:

281.65 **(8)** (m) The department may recognize the value of a conservation easement created under s. 700.40 (2) and donated to the department, or to any person approved by the department, as constituting all or a portion of the landowner's or operator's share of a cost−sharing grant as determined under ~~pars.~~ par. (f) ~~to (h)~~.

SECTION 3599am. 281.65 (11) of the statutes is created to read:

281.65 **(11)** Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay River is a priority watershed for the period ending on June 30, 2001. Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and (e), the department, in consultation with the local units of government involved with the priority watershed project, shall establish guidelines for the types of nonpoint source water pollution abatement practices to be eligible for cost−sharing grants in the watershed. Notwithstanding sub. (8) (f), the amount of a cost−sharing grant in the watershed may be based on the amount of pollution reduction achieved rather than on the cost of the practices installed, using guidelines developed by the department, in consultation with the local units of government involved with the priority watershed project. The department and the local governmental staff involved with the priority watershed project shall evaluate the cost effectiveness of the project and the reduction in nonpoint source water pollution associated with the project.

SECTION 3599b. 281.69 (title) of the statutes is amended to read:

281.69 (title) **Lake management and classification grants.**

SECTION 3599c. 281.69 (1) of the statutes is renumbered 281.69 (1) (intro.) and amended to read:

281.69 **(1)** (title) TYPES OF PROJECTS. (intro.) The department shall develop and administer a financial assistance program to provide grants for ~~lake~~ the following 3 types of projects:

(a) Lake management projects that will improve or protect the quality of water in lakes or the natural ecosystems of lakes.

SECTION 3599d. 281.69 (1) (b) of the statutes is created to read:

281.69 **(1)** (b) Lake classification projects that will classify lakes by use and implement protection activities for the lakes based on their classification.

SECTION 3599dm. 281.69 (1) (c) of the statutes is created to read:

281.69 **(1)** (c) Lake classification technical assistance projects conducted by nonprofit corporations that will provide educational and technical assistance.

SECTION 3599e. 281.69 (2) (title) of the statutes is created to read:

281.69 **(2)** (title) AMOUNTS OF GRANTS.

SECTION 3599f. 281.69 (2) of the statutes is renumbered 281.69 (2) (a) and amended to read:

281.69 **(2)** (a) ~~The department may provide a grant under this section~~ A grant for a lake management project may be made for up to 75% of the cost of ~~a lake management~~ the project but may not provide more than $200,000 per grant.

SECTION 3599g. 281.69 (2) (b) of the statutes is created to read:

281.69 **(2)** (b) A grant for a lake classification project may be made for up to 75% of the cost of the project but may not exceed $50,000 per grant.

SECTION 3599h. 281.69 (2) (c) of the statutes is created to read:

281.69 **(2)** (c) A grant for a lake classification technical assistance project may not exceed $200,000.

SECTION 3599k. 281.69 (3) (intro.) of the statutes is amended to read:

281.69 **(3)** (title) RULES FOR LAKE MANAGEMENT PROJECT GRANTS. (intro.) The department shall promulgate rules to administer and to determine eligibility for ~~the program under this section~~ grants for lake management projects. The rules shall include all of the following:

SECTION 3599m. 281.69 (3) (c) of the statutes is renumbered 281.69 (7).

SECTION 3599n. 281.69 (4) (title) of the statutes is created to read:

281.69 **(4)** (title) LAKE MANAGEMENT PROJECT GRANTS; PURCHASES.

SECTION 3599p. 281.69 (4) (b) (intro.) of the statutes is amended to read:

281.69 **(4)** (b) (intro.) The recipient of the grant used for a purchase under sub. (3) (b) 1. may subsequently sell or transfer the acquired property to a 3rd party other than a creditor of the recipient if all of the following apply:

SECTION 3599q. 281.69 (4) (c) of the statutes is amended to read:

281.69 **(4)** (c) The recipient of the grant used for a purchase under sub. (3) (b) 1. may subsequently sell or transfer the acquired property to satisfy a debt or other obligation if the department approves the sale or transfer.

SECTION 3599r. 281.69 (5) of the statutes is created to read:

281.69 **(5)** LAKE CLASSIFICATION PROJECT GRANTS. (a) The department shall promulgate rules to administer and to determine eligibility for grants for lake classification projects.

(b) The rules under par. (a) shall include guidelines to be used for lake classification. The guidelines shall require that certain factors be used in classifying each lake by use. The factors shall include all of the following:

1. The size, depth and shape of the lake.
2. The size of the lake's watershed.
3. The quality of the water in the lake.
4. The potential of the lake to be overused for recreational purposes.
5. The potential for the development of land surrounding the lake.
6. The potential of the lake to suffer from nonpoint source water pollution.
7. The type and size of the fish and wildlife population in and around the lake.

(c) The rules under par. (a) shall designate which classification and protection activities are eligible for lake classification grants.

(d) The department may award lake classification grants only to counties.

SECTION 3599s. 281.69 (6) of the statutes is created to read:

281.69 **(6)** LAKE CLASSIFICATION TECHNICAL ASSISTANCE GRANTS. (a) The department shall promulgate rules to administer and determine eligibility for lake classification technical assistance grants to be awarded to nonprofit corporations.

(b) A nonprofit corporation receiving a lake classification technical assistance grant shall use the grant to provide educational and technical assistance to local units of government and lake management organizations that will participate in a lake classification project.

SECTION 3599t. 281.69 (7) (title) of the statutes is created to read:

281.69 **(7)** (title) PROHIBITED ACTIVITIES.

Vetoed In Part

SECTION 3599v. 281.70 of the statutes is created to read:

281.70 Assistance to watershed groups. (1) DEFINITIONS. In this section:

(a) "Local watershed group" means a group that is formed for the purpose of protecting or improving the water quality of a specific watershed.

(b) "Nonprofit organization" means a nonprofit corporation, a charitable trust or other nonprofit association whose purposes include protecting or improving water quality in watersheds and that is described in section 501 (c) (3) of the Internal Revenue Code and is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

(2) EDUCATION AND INFORMATION. From the appropriation under s. 20.370 (6) (au), the department shall provide funding to a nonprofit organization to do all of the following:

(a) Establish a center to encourage and facilitate the formation and development of local watershed groups.

(b) Serve as an educational and informational clearinghouse regarding information on protecting and improving water quality in watersheds.

(c) Provide technical assistance to local watershed groups.

(d) Administer the grant program under sub. (3).

(3) GRANT PROGRAM. (a) The nonprofit organization receiving funding under sub. (2) shall award grants from this funding to local watershed groups to assist them in their formation and development.

(b) A grant awarded under this subsection may not exceed $5,000.

(c) For purposes of determining which local watershed groups will receive the grants under this program, the nonprofit organization shall establish a committee to award the grants. The committee shall have members that represent any local–level and state–level groups, including state agencies, that have an interest in protecting or improving watersheds.

(4) RULES. The department shall promulgate rules to administer and implement this section, including eligibility requirements for the grants under sub. (3) and membership requirements for the committee established under sub. (3) (c).

(5) APPLICABILITY. This section does not apply after June 30, 2001.

SECTION 3600. 281.75 (16) (d) of the statutes is amended to read:

281.75 **(16)** (d) The state is subrogated to the rights of a claimant who obtains an award under this section in an amount equal to the award. All moneys recovered under this paragraph shall be credited to the environmental fund for environmental ~~repair~~ management.

SECTION 3601. 281.85 (intro.) of the statutes is amended to read:

281.85 Great Lakes protection fund share. (intro.) The department may use moneys from the appropriation under s. 20.370 ~~(2)~~ (4) (ah) for any of the following purposes:

SECTION 3602. 281.98 of the statutes is amended to read:

281.98 Penalties. (1) Except as provided in ss. 281.47 (1) (d) ~~and~~, 281.75 (19) and 281.99 (2), any person who violates this chapter or any rule promulgated or any plan approval, license or special order issued under this chapter shall forfeit not less than $10 nor more than $5,000 for each violation. Each day of continued violation is a separate offense. While an order is suspended, stayed or enjoined, this penalty does not accrue.

Vetoed In Part

(2) In addition to the penalties provided under sub. (1) or s. 281.99 (2), the court may award the department

of justice the reasonable and necessary expenses of the investigation and prosecution of ~~the~~ a violation of this chapter, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

SECTION 3603. 281.99 of the statutes is created to read:

281.99 Administrative forfeitures for safe drinking water violations. (1) (a) The department may directly assess forfeitures in the amounts provided under sub. (2) for violations of safe drinking water program rules promulgated under s. 281.17 (8) or (9).

(b) 1. Subject to subd. 2., if the department proposes to assess a forfeiture for a particular violation, it shall first provide written notice of the alleged violation to the water system owner or operator. The notice shall state the amount of the proposed forfeiture, an explanation of how the amount of the proposed forfeiture was determined under sub. (2) (b) and a proposed order under par. (c). After providing the notice, the department shall attempt to negotiate with the water system owner or operator to remedy the alleged violation. If the water system owner or operator corrects the alleged violation, or if the department and the water system owner or operator reach a compliance agreement, before an order is issued under par. (c), the department may not assess a forfeiture for the alleged violation.

2. The department may directly assess a forfeiture by issuing an order under par. (c) without first providing notice if the alleged violation either creates an acute risk to public health or safety or is part of a documented pattern of noncompliance with one or more rules promulgated under s. 281.17 (8) or (9).

(c) If the department determines that a forfeiture should be assessed for a particular violation, it shall issue an order under s. 281.19 (2) (a) to the water system owner or operator alleged to have committed the violation. Except as provided in par. (b) 2., the department may not issue the order until at least 60 days after the day on which it provided notice under par. (b) 1. The order shall specify the amount of the forfeiture assessed, the violation and the rule alleged to have been violated and shall inform the licensee of the right to contest the order under sub. (3).

(2) (a) The amount of forfeitures that the department may assess under this section are as follows:

1. For water systems that serve a population of more than 10,000 persons, not less than $10 and not more than $1,000 for each day of violation, but not more than $25,000 in one order.

2. For water systems that serve a population of 10,000 persons or less, not less than $10 and not more than $500 for each day of violation, but not more than $25,000 in one order.

(b) The department, in determining the amount of forfeiture that it assesses under this section, shall consider the following factors, as appropriate:

1. The gravity of the violation, including the probability of harm to persons served by the water system.

2. Good faith exercised by the water system owner or operator, including past or ongoing efforts to correct problems or achieve compliance with the safe drinking water program.

3. Any previous violations committed by the water system owner or operator at the same water system.

4. The financial benefit to the water system owner or operator of continuing the violation.

5. Any other relevant factors.

(c) While an order issued under this section is contested, suspended, stayed or enjoined, any forfeiture under this section does not accrue.

(3) A water system owner or operator may contest the issuance of an order and the assessment of a forfeiture under this section using the procedure under ch. 227 or s. 281.19 (8). A water system owner or operator that timely requests a hearing under ch. 227 is entitled to a contested case hearing.

(4) All forfeitures shall be paid to the department within 60 days after receipt of the order or according to a schedule agreed to by the department and the water system owner or operator or, if the forfeiture is contested under sub. (3), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order. The department shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

(5) The attorney general may bring an action as provided in s. 281.19 (2) (a) in the name of the state to collect any forfeiture imposed under this section if the forfeiture has not been paid following the exhaustion of all administrative and judicial reviews.

(6) Section 893.80 does not apply to actions commenced under this section.

SECTION 3604. 283.31 (7) of the statutes is amended to read:

283.31 **(7)** The holder of a permit under this section shall pay $100 to the department as a groundwater fee on January 1 if the permittee discharges effluent on land or if the permittee produces sludge from a treatment work which is disposed of on land. If the permittee discharges effluent on land and disposes of sludge from a treatment work on land, the permittee shall pay $200 to the department as a groundwater fee on January 1. The moneys collected under this subsection shall be credited to the envi-

ronmental fund for ~~groundwater~~ environmental management.

SECTION 3605. 283.33 (9) (c) of the statutes is amended to read:

283.33 **(9)** (c) All moneys collected under par. (a) shall be credited to the appropriation under s. 20.370 ~~(2)~~ (4) (bj).

SECTION 3606. 283.84 of the statutes is created to read:

283.84 Trading of water pollution credits. (1) The department shall administer at least one pilot project to evaluate the trading of water pollution credits. The department may only administer a pilot project if the pilot project is consistent with the federal Water Pollution Control Act, 33 USC 1251 to 1387. Subject to sub. (1m), a pilot project may authorize a person required to obtain a permit to increase the discharge of pollutants above levels that would otherwise be authorized in the permit if the person does one of the following:

(a) Reaches an agreement with another person who is required to obtain a permit under which the other person agrees to reduce the discharge of pollutants in the project area below the levels that would otherwise be authorized in the other person's permit.

(b) Reaches an agreement with another person who is not required to obtain a permit under which the other person agrees to reduce the amount of water pollution that it causes in the project area below the levels of water pollution that it causes in the project area when the agreement is reached.

(c) Reaches an agreement with the department or a local governmental unit, as defined in s. 16.97 (7), under which the person pays money to the department or local governmental unit and the department or local governmental unit uses the money to reduce water pollution in the project area.

(1m) A pilot project may authorize a person to increase a discharge of pollutants above levels that would otherwise be authorized in the permit only if all of the following apply:

(a) The agreement under sub. (1) (a), (b) or (c) results in an improvement in water quality.

(b) The authorized increase in pollutants and the reduction in pollution provided for in the agreement under sub. (1) (a), (b) or (c) involve the same pollutant or the same water quality standard.

(c) The term of the agreement under sub. (1) (a), (b) or (c) is not more than 5 years.

(2) The department may select an area as a project area under this section only if all of the following apply:

(a) The area is the watershed or a portion of the watershed of an impaired water body that the department has identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

(b) The area includes both agricultural and municipal sources of water pollution and both point sources and nonpoint sources.

(c) Potential participants located in the area exhibit an interest in participating in a pilot project.

(3) (a) The department shall appoint a local committee for each pilot project to advise the department concerning the pilot project. The local committee shall include representatives of persons in the project area who hold permits.

(b) A committee appointed under s. 281.65 (4) (dr) satisfies the requirement under par. (a) if it includes the members required under par. (a).

(3m) A person engaged in mining, as defined in s. 293.01 (9), prospecting, as defined in s. 293.01 (18), or nonmetallic mining, as defined in s.295.11 (3), may not enter into an agreement under sub. (1) (a), (b) or (c).

(4) The department shall amend the permits of persons entering into agreements under sub. (1) to enable the agreements to be implemented.

(4m) The department may not begin to administer a pilot project under this section after June 30, 1999. **Vetoed In Part**

(5) Beginning no later than September 1, 1998, and annually thereafter, the department shall report to the governor, the secretary of administration and the land and water conservation board on the progress and status of each pilot project in achieving water quality goals and coordinating state and local efforts to improve water quality.

SECTION 3606pm. 285.30 (5) (b) of the statutes is amended to read:

285.30 **(5)** (b) A motor vehicle with a gross vehicle weight rating exceeding ~~14,000~~ 10,000 pounds, as determined by the manufacturer of the vehicle.

SECTION 3607. 285.30 (5) (i) of the statutes is amended to read:

285.30 **(5)** (i) A farm truck as defined in s. 340.01 (18) (a). ~~This paragraph does not apply after June 30, 1996.~~

SECTION 3608. 285.31 (5) of the statutes is repealed.

SECTION 3609. 285.59 (1) of the statutes is renumbered 285.59 (1) (intro.) and amended to read:

285.59 **(1)** (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section~~, "ozone-depleting:~~

(a) "Ozone-depleting refrigerant" has the meaning given in s. 100.45 (1) (d).

SECTION 3610. 285.59 (1) (b) of the statutes is created to read:

285.59 **(1)** (b) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin

Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority and the Wisconsin Health and Educational Facilities Authority.

SECTION 3611. 285.59 (2) (intro.) of the statutes is amended to read:

285.59 **(2)** SALVAGING REFRIGERATION EQUIPMENT. (intro.) After June 30, 1992, except as provided in sub. (3), no person, including a state agency, ~~as defined in s. 234.75 (10),~~ may perform salvaging or dismantling of mechanical vapor compression refrigeration equipment in the course of which ozone−depleting refrigerant is or may be released or removed unless the person certifies all of the following to the department:

SECTION 3612. 285.69 (2) (c) (intro.) of the statutes is amended to read:

285.69 **(2)** (c) (intro.) The fees collected under par. (a) shall be credited to the appropriations under s. 20.370 (2) (bg) ~~and~~, (3) (bg), (8) (mg) and (9) (mh) for the following:

SECTION 3613. 285.69 (3) of the statutes is amended to read:

285.69 **(3)** ASBESTOS INSPECTION FEES. The department may promulgate rules for the payment and collection of fees for inspecting nonresidential asbestos demolition and renovation projects regulated by the department. The fees under this subsection may not exceed $200 per project. The fees collected under this subsection shall be credited to the appropriation under s. 20.370 (2) ~~(ei)~~ (bi) for the direct and indirect costs of conducting inspections of nonresidential asbestos demolition and inspection projects regulated by the department.

SECTION 3613g. 287.07 (7) (a) of the statutes is amended to read:

287.07 **(7)** (a) The prohibitions in subs. (3) and (4) do not apply with respect to solid waste, except medical waste, as defined in par. (c) 1. cg., that is generated in a region that has an effective recycling program, as determined under s. 287.11~~, and, if the region is not in this state, the region is located in a state that has an effective siting program, as determined under s. 287.12~~. This paragraph does not apply to solid waste that is separated for recycling as part of an effective recycling program under s. 287.11.

SECTION 3613gg. 287.07 (7) (b) 3. of the statutes is created to read:

287.07 **(7)** (b) 3. The prohibitions in subs. (3) and (4) do not apply to a person who converts into fuel or burns at an operating solid waste treatment facility any material identified in those subsections if the person converted into fuel or burned the material at the operating solid waste treatment facility during April, 1990, and the material is generated outside of this state.

SECTION 3613m. 287.07 (7) (d) of the statutes is amended to read:

287.07 **(7)** (d) The department may grant, to a responsible unit or out−of−state unit, an exception to a prohibition in sub. (3) or (4) for up to one year for a material identified in sub. (3) or (4) in the event of an unexpected emergency condition.

SECTION 3614. 287.09 (3) (b) of the statutes is amended to read:

287.09 **(3)** (b) Adopt an ordinance to enforce the program established under sub. (2) (a). The ordinance may include a schedule of forfeitures to be imposed for violations of that ordinance. The ordinance may authorize the responsible unit or person designated under par. (a) to refuse to accept solid waste at the recycling facility or site if the solid waste is a container for an industrial pesticide, as defined in s. 94.681 (1) (b), or a nonhousehold pesticide, as defined in s. ~~94.68 (3) (a) 2.~~ 94.681 (1) (c), is contaminated or is otherwise in a condition that makes recycling infeasible. The ordinance may require a person to use a facility for the recycling of solid waste or for the recovery of resources from solid waste, as defined in s. 287.13 (1) (d), only as provided under s. 287.13.

SECTION 3614gc. 287.11 (1) of the statutes is amended to read:

287.11 **(1)** DEPARTMENT REVIEW. Upon request of a responsible unit or an out−of−state unit, the department shall review documentation of the responsible unit's solid waste management program created under s. 287.09 (2) (a) or the out−of−state unit's solid waste management program and determine whether the program is an effective recycling program. The department shall complete its review and make a determination within 90 days after receiving the documentation. ~~The department shall promulgate, by rule, its determination that an out−of−state unit's solid waste management program is an effective recycling program.~~

SECTION 3614ge. 287.11 (2) (b), (c) (intro.), (d) (intro.) and (i) of the statutes are amended to read:

287.11 **(2)** (b) A requirement that the occupants of single−family residences, buildings containing 2 or more dwelling units and commercial, retail, industrial and governmental facilities in the region ~~either~~ separate the materials identified in s. 287.07 (3) and (4) from postconsumer waste generated in the region ~~or treat that postconsumer waste at a facility that will recover those materials from solid waste in as pure a form as is technically feasible~~.

(c) (intro.) A requirement that owners of buildings containing 5 or more dwelling units in the region do all of the following ~~if postconsumer waste generated in those buildings is not treated at a facility that will separate the materials identified in s. 287.07 (3) and (4) from that postconsumer waste~~:

(d) (intro.) A requirement that owners of commercial, retail, industrial and governmental facilities in the region do all of the following ~~if postconsumer waste generated in those buildings is not treated at a facility that~~

~~will separate the materials identified in s. 287.07 (3) and (4) from that postconsumer waste~~:

(i) A reasonable effort, through the implementation of pars. (a) to (h), as applicable, to reduce to the maximum extent feasible the amount, by weight, of each material specified in s. 287.07 (3) and (4) that is generated as solid waste within the region and disposed of in a solid waste disposal facility or converted into fuel or burned without energy recovery in a solid waste treatment facility.

SECTION 3614gg. 287.11 (2e) (a) of the statutes is renumbered 287.11 (2e) and amended to read:

287.11 **(2e)** EFFECTIVE PROGRAM CRITERIA FOR OUT–OF–STATE UNITS. An out–of–state unit's solid waste management program is an effective recycling program if it ~~is in compliance with all recycling requirements imposed by the state in which the out–of–state unit is located and~~ has all of the components under sub. (2) (a) to (em) and (f) to (i) and applies those components, as appropriate, to materials that are to be disposed of, converted into fuel or burned in this state and to persons who generate those waste materials.

SECTION 3614gk. 287.11 (2e) (b) of the statutes is repealed.

SECTION 3614gm. 287.11 (2m) (b) (intro.) of the statutes is amended to read:

287.11 **(2m)** (b) (intro.) The department shall, at the request of a responsible unit or out–of–state unit that has been determined to have an effective recycling program under this section, grant a variance to the applicable requirements in sub. (2) (b) and (er) for up to one year for a material identified in s. 287.07 (3) or (4) that is generated in the responsible unit's or out–of–state unit's region if the department determines that the cost of selling processed material exceeds any of the following:

SECTION 3614gp. 287.11 (2m) (c) of the statutes is amended to read:

287.11 **(2m)** (c) The department may on its own initiative grant, to one or more responsible units or out–of–state units that have been determined to have effective recycling programs under this section, a variance to the applicable requirements in sub. (2) (b) and (er) for up to one year for a material identified in s. 287.07 (3) or (4) that is generated in the responsible units' or out–of–state units' regions if the department determines that the cost of selling processed material exceeds the amount under par. (b) 1. or 2.

SECTION 3614gr. 287.11 (2p) (c) of the statutes is amended to read:

287.11 **(2p)** (c) The department may grant a responsible unit or an out–of–state unit an exception to ~~a~~ an applicable requirement in sub. (2) (b) or (er) for up to one year for a material that is subject to an exception under s. 287.07 (7) (d).

SECTION 3614gt. 287.12 of the statutes is repealed.

SECTION 3614mg. 287.23 (1m) of the statutes is created to read:

287.23 **(1m)** FINANCIAL ASSISTANCE AFTER THE YEAR 2000. No later than September 1, 1998, the department shall submit a proposal to the legislature that if enacted will carry out the intent of the legislature that this state continue at least through the year 2004 its practice of providing state financial assistance to municipalities, counties, other units of government, including federally recognized Indian tribes and bands in this state, and solid waste management systems for expenses relating to programs for the recycling of postconsumer waste.

Vetoed In Part

SECTION 3615. 287.23 (5) (c) 1. of the statutes is repealed.

SECTION 3616. 287.23 (5) (c) 2. of the statutes is amended to read:

287.23 **(5)** (c) 2. Except as provided in subd. 5. or sub. (5e), for all other responsible units, the amount of the grant for 1993 through ~~1997~~ 1999 equals either 66% of the difference between eligible expenses and avoided disposal costs or $8 times the population of the responsible unit, whichever is less.

SECTION 3617. 287.23 (5) (c) 3. of the statutes is repealed.

SECTION 3618. 287.23 (5) (c) 4. of the statutes is repealed.

SECTION 3619. 287.23 (5) (c) 5. of the statutes is amended to read:

287.23 **(5)** (c) 5. If the amount calculated under subd. ~~1.,~~ 2.~~, 3. or 4.~~ is less than 33% of eligible expenses, the grant equals 33% of eligible expenses.

SECTION 3620. 287.23 (5e) of the statutes is amended to read:

287.23 **(5e)** PRORATION. If available funds are insufficient, under sub. (5) (c) 2., ~~3. or 4.,~~ to pay $8 times the population of all of the responsible units that are entitled to that amount, the department shall distribute the funds so that each responsible unit that would be entitled to $6 times its population if the per person amount in sub. (5) (c) 2.~~, 3. or 4.~~ were $6 receives $6 times its population and shall prorate the remaining funds.

SECTION 3620m. Subchapter III of chapter 287 [precedes 287.40] of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 3620s. 287.41 (1) (a) of the statutes is amended to read:

287.41 **(1)** (a) Identification of priority recovered materials that will be the focus of market development efforts by the board. The board shall focus its efforts on the reuse of materials recovered from solid waste as well as on the recycling of those materials.

SECTION 3621. 287.41 (3) of the statutes is amended to read:

287.41 **(3)** The board shall submit quarterly progress reports to the appropriate standing committees of the leg-

islature, as determined by the presiding officer of each house, under s. 13.172 (3), describing the board's progress in implementing the strategic plan and how the board's technical assistance, awarding of financial assistance and other activities conform to the strategic plan.

SECTION 3621c. 287.41 (4) of the statutes is created to read:

287.41 **(4)** The department of commerce shall use the strategic plan prepared and revised under this section to guide the activities of the board.

SECTION 3622. 287.42 (2s) of the statutes is repealed.

SECTION 3622m. 287.42 (3m) of the statutes is created to read:

287.42 **(3m)** Contract with, and provide sufficient funding for, an existing materials exchange program to operate a statewide materials exchange program until December 31, 1999.

SECTION 3623. 287.42 (5) of the statutes is amended to read:

287.42 **(5)** In consultation with the council on recycling, annually establish a list of materials recovered from solid waste for which financial assistance may be provided under this subchapter, which shall include the materials specified in s. 287.07 (3), based on the board's analysis of current and future markets for materials recovered from solid waste. The list shall give priority to materials specified in s. 287.07 (3) that will support community recycling efforts.

SECTION 3624. 287.44 (1) of the statutes is amended to read:

287.44 **(1)** ~~Provide~~ Award financial assistance under s. 287.46.

SECTION 3625. 287.44 (2) of the statutes is amended to read:

287.44 **(2)** ~~Fund~~ Award funding for research concerning markets for recovered materials and the development of markets for recovered materials to maintain present markets or to create new or expanded markets.

SECTION 3626. 287.44 (3) of the statutes is amended to read:

287.44 **(3)** ~~Fund~~ Award funding for research to improve the recovery, processing or distribution of a recovered material.

SECTION 3627. 287.46 (1) of the statutes is amended to read:

287.46 **(1)** The board may ~~provide~~ award financial assistance, directly or in cooperation with another person, to a governmental entity or a business entity to assist waste generators in the marketing of recovered materials or to develop markets for recovered materials. Forms of financial assistance ~~provided~~ awarded by the board, and by a recipient of financial assistance ~~from~~ awarded by the board, may include grants, loans and manufacturing rebates.

Vetoed In Part

SECTION 3628. 287.46 (3) of the statutes is amended to read:

287.46 **(3)** If the board awards assistance under sub. (1) that results in a loan being made by the recipient to another person, the board may direct that the repayments of the loan's principal and any interest either be repaid to the recipient for use in a revolving loan fund or ~~returned to the board~~ be repaid to the department of commerce. The ~~board~~ department of commerce shall credit any funds received under this subsection to the appropriation account under s. 20.143 (1) (L).

SECTION 3629. 287.46 (4) of the statutes is renumbered 287.46 (4) (b) and amended to read:

287.46 **(4)** (b) In any biennium, the ~~board~~ department of commerce may not expend more than 10% of the amount appropriated under s. 20.143 (1) (tm) for that biennium for contracts with and financial assistance to responsible units and other local units of government.

SECTION 3630. 287.46 (4) (a) of the statutes is created to read:

287.46 **(4)** (a) From the appropriations under s. 20.143 (1) (L) and (tm), the department of commerce shall provide financial assistance awarded by the board under this subchapter. Subject to par. (b), from the appropriation under s. 20.143 (1) (tm), the department of commerce shall pay contracts entered into by the board under s. 287.42 (3).

SECTION 3631d. 287.48 of the statutes is amended to read:

287.48 Executive director for the board. The ~~governor shall nominate, and with the advice and consent of the senate appoint,~~ secretary of commerce shall appoint an executive director of the board outside of the classified service, to serve at the pleasure of the ~~governor~~ secretary of commerce.

SECTION 3632. 287.49 of the statutes is repealed.

SECTION 3636m. 289.05 (2) of the statutes is amended to read:

Vetoed In Part

289.05 **(2)** ~~With the advice and comment of the metallic mining council, the~~ The department shall promulgate rules for the identification and regulation of metallic mining wastes. The rules promulgated to identify metallic mining wastes and to regulate the location, design, construction, operation and maintenance of facilities for the disposal of metallic mining wastes shall be in accordance with any or all of the provisions under this chapter and chs. 30 and 283. The rules shall take into consideration the special requirements of metallic mining operations in the location, design, construction, operation and maintenance of facilities for the disposal of metallic mining wastes as well as any special environmental concerns that will arise as a result of the disposal of metallic mining wastes. In promulgating the rules, the department shall give consideration to research, studies, data and recommendations of the U.S. environmental protection agency on the subject of metallic mining wastes arising from the agency's efforts to implement the resource conservation and recovery act.

SECTION 3636p. 289.08 of the statutes is repealed.

SECTION 3637. 289.43 (7) (e) 3. of the statutes is amended to read:

289.43 **(7)** (e) 3. All fees collected under this paragraph shall be credited to the ~~appropriation~~ appropriations under s. 20.370 (2) (dg) and (9) (mj).

SECTION 3637m. 289.55 (1) (b) of the statutes is amended to read:

289.55 **(1)** (b) "Tire dump" means any location that is used for storing or disposing of waste tires or solid waste resulting from manufacturing tires.

SECTION 3637n. 289.55 (2) of the statutes is amended to read:

289.55 **(2)** DEPARTMENT AUTHORITY; ABATEMENT. If the department determines that a tire dump is a nuisance, it shall notify the person responsible for the nuisance and request that the waste tires or the solid waste resulting from manufacturing tires be processed or removed within a specified period. If the person fails to take the requested action within the specified period, the department shall order the person to abate the nuisance within a specified period. If the person responsible for the nuisance is not the owner of the property on which the tire dump is located, the department may order the property owner to permit abatement of the nuisance. If the person responsible for the nuisance fails to comply with the order, the department may take any action necessary to abate the nuisance, including entering the property where the tire dump is located and confiscating the waste tires or the solid waste resulting from manufacturing tires, or arranging to have the waste tires or the solid waste resulting from manufacturing tires processed or removed.

SECTION 3638. 289.62 (1) (g) of the statutes is amended to read:

289.62 **(1)** (g) *Use of tonnage fees.* Tonnage fees paid by a nonapproved facility shall be paid into the environmental fund for environmental ~~repair~~ management.

SECTION 3638m. 289.63 (title), (1) and (2) of the statutes are amended to read:

289.63 (title) **Groundwater~~, solid waste capacity~~ and well compensation fees. (1)** (title) IMPOSITION OF GROUNDWATER~~, SOLID WASTE CAPACITY~~ AND WELL COMPENSATION FEES ON GENERATORS. Except as provided under sub. (6), a generator of solid or hazardous waste shall pay separate groundwater~~, solid waste capacity~~ and well compensation fees for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the groundwater~~, solid waste capacity~~ and well compensation fees to the licensed solid or hazardous waste disposal facility or to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives groundwater~~, solid waste capacity~~ and well compensation fees under this subsection shall pay the fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

(2) COLLECTION. The owner or operator of a licensed solid or hazardous waste disposal facility shall collect the groundwater~~, solid waste capacity~~ and well compensation fees from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of the fees required to be collected according to the amount of solid or hazardous waste received and disposed of at the facility during the preceding reporting period.

SECTION 3638mg. 289.63 (3) (title) of the statutes is amended to read:

289.63 **(3)** (title) AMOUNT OF GROUNDWATER~~, SOLID WASTE CAPACITY~~ AND WELL COMPENSATION FEES.

SECTION 3639. 289.63 (3) (b) of the statutes is amended to read:

289.63 **(3)** (b) The well compensation fee imposed under sub. (1) for solid waste or hazardous waste, excluding prospecting or mining waste, is ~~one cent~~ 4 cents per ton.

SECTION 3640gc. 289.63 (3) (c) and (d) of the statutes are repealed.

SECTION 3640ge. 289.63 (5), (6), (7), (8) and (9) (title) and (a) of the statutes are amended to read:

289.63 **(5)** IN ADDITION TO OTHER FEES. The groundwater~~, solid waste capacity~~ and well compensation fees collected and paid under sub. (2) are in addition to the tonnage fee imposed under s. 289.62 (1), the environmental repair base fee imposed under s. 289.67 (3) and the environmental repair surcharge imposed under s. 289.67 (4).

(6) (title) EXEMPTION FROM GROUNDWATER~~, SOLID WASTE CAPACITY~~ AND WELL COMPENSATION FEES; CERTAIN MATERIALS USED IN OPERATION OF THE FACILITY. Solid waste materials approved by the department for lining, daily cover or capping or for constructing berms, dikes or roads within a solid waste disposal facility are not subject to the groundwater~~, solid waste capacity~~ and well compensation fees imposed under sub. (1), except that foundry sands or shredder fluff approved for use under s. 289.30 (5) or 289.31 (9) are subject to groundwater and well compensation fees.

(7) REPORTING PERIOD. The reporting period under this section is the same as the reporting period under s. 289.62 (1). The owner or operator of any licensed solid or hazardous waste disposal facility shall pay groundwater~~, solid waste capacity~~ and well compensation fees required to be collected under sub. (2) at the same time as any tonnage fees under s. 289.62 (1) are paid.

(8) (title) USE OF GROUNDWATER~~, SOLID WASTE CAPACITY~~ AND WELL COMPENSATION FEES. The groundwater fees collected under sub. (2) shall be credited to the environ-

mental fund for ~~groundwater~~ environmental management. The well compensation ~~and solid waste capacity~~ fees collected under sub. (2) shall be credited to the environmental fund for environmental ~~repair~~ management.

(9) (title) FAILURE TO PAY GROUNDWATER~~, SOLID WASTE CAPACITY~~ AND WELL COMPENSATION FEES. (a) If a person required under sub. (1) to pay groundwater~~, solid waste capacity~~ and well compensation fees to a licensed solid or hazardous waste disposal facility fails to pay the fees, the owner or operator of the licensed solid or hazardous waste disposal facility shall submit to the department with the payment required under sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with sub. (1).

SECTION 3640gg. 289.65 of the statutes is repealed.

SECTION 3640gk. 289.66 of the statutes is repealed.

SECTION 3640gm. 289.67 (1) (e) of the statutes is amended to read:

289.67 **(1)** (e) *In addition to other fees.* The environmental repair fee collected and paid under par. (b) is in addition to the base fee imposed under sub. (2), the surcharge imposed under sub. (3), the tonnage fee imposed under s. 289.62 (1) and the groundwater~~, solid waste capacity~~ and well compensation fees imposed under s. 289.63.

SECTION 3641. 289.67 (1) (h) of the statutes is amended to read:

289.67 **(1)** (h) *Use of environmental repair fee.* The fees collected under par. (b) shall be credited to the environmental fund for environmental ~~repair~~ management.

SECTION 3642. 289.67 (2) (c) 5. of the statutes is created to read:

289.67 **(2)** (c) 5. Hazardous wastes that are collected by a county under a program for the collection and disposal of chemicals that are used for agricultural purposes, including pesticides, as defined in s. 94.67 (25).

SECTION 3643. 289.67 (2) (e) of the statutes is amended to read:

289.67 **(2)** (e) All moneys received under this subsection shall be credited to the environmental fund for environmental ~~repair~~ management.

SECTION 3644. 289.67 (3) (c) of the statutes is amended to read:

289.67 **(3)** (c) *Use of environmental repair base fees.* Environmental repair base fees shall be credited to the environmental fund for environmental ~~repair~~ management.

SECTION 3645. 289.67 (4) (c) of the statutes is amended to read:

289.67 **(4)** (c) *Use of environmental repair surcharge.* Environmental repair surcharges shall be credited to the environmental fund for environmental ~~repair~~ management.

SECTION 3649. 292.01 (18) of the statutes is amended to read:

292.01 **(18)** "Site or facility" means, except in ~~ss.~~ s. 292.35 ~~and 292.61~~, an approved facility, an approved mining facility, a nonapproved facility or a waste site.

SECTION 3650. 292.11 (6) (c) 1. of the statutes is amended to read:

292.11 **(6)** (c) 1. Reimbursements to the department under sub. (7) (b) shall be credited to the environmental fund for environmental ~~repair~~ management.

SECTION 3651. 292.11 (7) (d) of the statutes is created to read:

292.11 **(7)** (d) 1. The department may negotiate and enter into an agreement containing a schedule for conducting nonemergency actions required under sub. (3) with a person who possesses or controls a hazardous substance that was discharged or who caused the discharge of a hazardous substance if the discharge does not endanger public health.

2. The department may charge fees, in accordance with rules that it promulgates, to offset the costs of negotiating and entering into an agreement under subd. 1.

SECTION 3652. 292.11 (7) (e) of the statutes is created to read:

292.11 **(7)** (e) If a person violates an order under par. (c) or an agreement under par. (d), the department may refer the matter to the department of justice for enforcement under s. 299.95.

SECTION 3654. 292.11 (9) (e) 1. of the statutes is repealed and recreated to read:

292.11 **(9)** (e) 1. "Local governmental unit" means a municipality, a redevelopment authority created under s. 66.431, a public body designated by a municipality under s. 66.435 (4) or a housing authority.

SECTION 3655. 292.11 (9) (e) 1m. (intro.) of the statutes is amended to read:

292.11 **(9)** (e) 1m. (intro.) A ~~municipality~~ local governmental unit is exempt from subs. (3), (4) and (7) (b) and (c) with respect to property acquired by the ~~municipality before, on or after May 13, 1994, in~~ local government unit if any of the following ~~ways~~ applies:

SECTION 3655m. 292.11 (9) (e) 1m. a. of the statutes is amended to read:

292.11 **(9)** (e) 1m. a. ~~Through~~ The local governmental unit acquired the property through tax delinquency proceedings or as the result of an order by a bankruptcy court.

SECTION 3656. 292.11 (9) (e) 1m. b. of the statutes is amended to read:

292.11 **(9)** (e) 1m. b. ~~From a municipality~~ The local governmental unit acquired the property from a local governmental unit that acquired the property under a method described in subd. 1m. a.

SECTION 3656e. 292.11 (9) (e) 1m. c. and d. of the statutes are created to read:

292.11 **(9)** (e) 1m. c. The local governmental unit acquired the property through condemnation or other proceeding under ch. 32.

d. The local governmental unit acquired the property for the purpose of slum clearance or blight elimination.

SECTION 3657. 292.11 (9) (e) 1s. of the statutes is created to read:

292.11 **(9)** (e) 1s. An economic development corporation described in section 501 (c) of the Internal Revenue Code, as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a) of the Internal Revenue Code, or an entity wholly owned and operated by such a corporation, is exempt from subs. (3), (4) and (7) (b) and (c) with respect to property acquired before, on or after the effective date of this subdivision .... [revisor inserts date], if the property is acquired to further the economic development purposes that qualify the corporation as exempt from federal taxation.

SECTION 3658. 292.11 (9) (e) 2. of the statutes is amended to read:

292.11 **(9)** (e) 2. ~~Subdivision 1. does~~ Subdivisions 1m. and 1s. do not apply to a discharge of a hazardous substance caused by any of the following:

a. An action taken by the ~~municipality~~ local governmental unit or corporation.

b. A failure of the ~~municipality~~ local governmental unit or corporation to take appropriate action to restrict access to the property in order to minimize costs or damages that may result from unauthorized persons entering the property.

c. A failure of the ~~municipality~~ local governmental unit or corporation to sample and analyze unidentified substances in containers stored aboveground on the property.

d. A failure of the ~~municipality~~ local governmental unit or corporation to remove and properly dispose of, or to place in a different container and properly store, any hazardous substance stored aboveground on the property in a container that is leaking or is likely to leak.

SECTION 3659. 292.11 (9) (e) 3. of the statutes is created to read:

292.11 **(9)** (e) 3. Subdivisions 1m. and 1s. do not apply if the discharge is a discharge of a hazardous substance from an underground storage tank that is regulated under 42 USC 6991 to 6991i.

SECTION 3660. 292.11 (9) (e) 4. of the statutes is created to read:

292.11 **(9)** (e) 4. Subdivisions 1m. and 1s. do not apply if, after considering the intended development and use of the property, the department determines that action is necessary to reduce to acceptable levels any substantial threat to public health or safety when the property is developed or put to that intended use, the department directs the local governmental unit or corporation to take that necessary action and the local governmental unit or corporation does not take that action as directed.

SECTION 3660c. 292.11 (9) (e) 5. of the statutes is created to read:

292.11 **(9)** (e) 5. Subdivision 1s. does not apply if the corporation fails to do any of the following:

a. Respond to a discharge of a hazardous substance that poses an imminent threat to public health, safety or welfare or to the environment, on or off of the property.

b. Enter into an agreement with the department to conduct any necessary investigation and remediation activities at the property no later than 3 years after acquiring the property.

c. Allow the department, any authorized representatives of the department, any party that possessed or controlled the hazardous substance or caused the discharge of the hazardous substance and any consultant or contractor of such a party to enter the property to take necessary action to respond to the discharge.

SECTION 3660g. 292.11 (9) (g) of the statutes is created to read: **Vetoed In Part**

292.11 **(9)** (g) 1. In this paragraph, "petroleum contaminated soil" means soil that is contaminated with materials derived from petroleum, natural gas or asphalt, including gasoline, diesel and heating fuels, liquified petroleum gases, lubricants, waxes, greases and petrochemicals.

2. A person is exempted from sub. (7) (b) and from the penalty requirements of this section if all of the following apply:

a. The person's act or omission was taken while performing services under contract with the department of transportation.

b. The act or omission involving the petroleum contaminated soil was consistent with the contract described in subd. 2. a. or was directed by the department of transportation.

3. Subd. 2. does not apply to any person:

a. Who brought petroleum contaminated soil onto the property or caused the soil to become petroleum contaminated soil.

b. Who is under a previous contract with a state agency other than the department of transportation to remove a hazardous substance from the property, or to treat a hazardous substance on the property.

c. Whose act or omission constitutes gross negligence or involves reckless, wanton or intentional misconduct.

SECTION 3661. 292.13 of the statutes is created to read:

292.13 Property affected by off–site discharge. (1) EXEMPTION FROM LIABILITY FOR GROUNDWATER CONTAMINATION. A person, other than a state agency, is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence of a hazardous substance in the groundwater on property possessed or controlled by the person if all of the following apply:

(a) The discharge of the hazardous substance originated from a source on property that is not possessed or controlled by the person.

(b) The person did not possess or control the hazardous substance on the property on which the discharge originated or cause the original discharge.

(c) The person conducts an investigation or submits other information, that the department determines is adequate, to substantiate that pars. (a) and (b) are satisfied.

(d) The person agrees to allow the department, any authorized representatives of the department, any party that possessed or controlled the hazardous substance or caused the discharge of the hazardous substance and any consultant or contractor of such a party to enter the property to take action to respond to the discharge.

(f) The person agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.

(g) The person agrees to any other condition that the department determines is reasonable and necessary to ensure that the department or other person described in par. (d) can adequately respond to the discharge.

(1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. A person, other than a state agency, is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence of a hazardous substance in the soil on property possessed or controlled by the person if all of the following apply:

(a) The discharge of the hazardous substance originated from a source on property that is not possessed or controlled by the person.

(b) The person did not possess or control the hazardous substance on the property on which the discharge originated or cause the original discharge.

(c) The person conducts an investigation or submits other information, that the department determines is adequate, to substantiate that pars. (a) and (b) are satisfied.

(d) The person agrees to allow the department, any authorized representatives of the department, any party that possessed or controlled the hazardous substance or caused the discharge of the hazardous substance and any consultant or contractor of such a party to enter the property to take action to respond to the discharge.

(e) The person agrees to take one or more of the following actions at the direction of the department if, after the department has made a reasonable attempt to notify the party who caused the discharge of the hazardous substance about the party's responsibilities under s. 292.11, the department determines that the action or actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment:

1. Limit public access to the property.

2. Identify, monitor and mitigate fire, explosion and vapor hazards on the property.

3. Visually inspect the property and install appropriate containment barriers.

(f) The person agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.

(g) The person agrees to any other condition that the department determines is reasonable and necessary to ensure that the department or other person described in par. (d) can adequately respond to the discharge.

(2) DETERMINATIONS CONCERNING LIABILITY. The department shall, upon request, issue a written determination that a person who possesses or controls property on which a hazardous substance exists in the soil or groundwater is exempt from s. 292.11 (3), (4) and (7) (b) and (c) if the person satisfies the applicable requirements in subs. (1) and (1m). The department may revoke its determination if it determines that any of the requirements in sub. (1) or (1m) cease to be met.

(3) FEES. The department may, in accordance with rules that it promulgates, assess and collect fees to offset the costs of issuing determinations under sub. (2).

SECTION 3662. 292.15 (title) of the statutes is amended to read:

292.15 (title) ~~**Remediated property; purchaser**~~ **Voluntary party remediation and exemption from liability.**

SECTION 3663. 292.15 (1) (c) (intro.) of the statutes is repealed. **Vetoed In Part**

SECTION 3664. 292.15 (1) (c) 1. of the statutes is renumbered 292.15 (1) (f) 3. **Vetoed In Part**

SECTION 3665. 292.15 (1) (c) 2. of the statutes is repealed.

SECTION 3666. 292.15 (1) (c) 3. of the statutes is renumbered 292.15 (1) (f) 1. and amended to read:

292.15 **(1)** (f) 1. The person did not ~~otherwise~~ cause the ~~release~~ discharge of a hazardous substance on the property.

SECTION 3667. 292.15 (1) (f) (intro.) of the statutes is created to read:

292.15 **(1)** (f) (intro.) "Voluntary party" means a person to whom all of the following apply:

SECTION 3667bg. 292.15 (1) (f) 1m. of the statutes is created to read:

292.15 **(1)** (f) 1m. The person did not intentionally or recklessly cause the release of a hazardous substance on the property.

SECTION 3668. 292.15 (1) (f) 2. of the statutes is created to read: **Vetoed In Part**

292.15 **(1)** (f) 2. The person did not control, prior to its discharge, a hazardous substance that was discharged on the property.

SECTION 3669. 292.15 (2) (a) of the statutes is amended to read:

292.15 **(2)** (a) ~~A purchaser~~ Except as provided in sub. (6), a voluntary party is exempt from the provisions of ~~s.~~ 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 ~~the release of which occurred prior to the date of acquisition of the property~~, if all of the following occur at any time before or after the date of acquisition:

1. ~~The purchaser conducts a thorough~~ An environmental investigation of the property is conducted that is approved by the department ~~or the person from whom the purchaser acquires the property conducts a thorough environmental investigation of the property under a contract with the purchaser and the investigation is approved by the department~~.

2. Except as provided in sub. (4), the ~~purchaser cleans up the~~ property is cleaned up by restoring the environment to the extent practicable and minimizing the harmful effects from a ~~release~~ discharge of ~~a~~ the hazardous substance in accordance with rules promulgated by the department and any contract entered into under those rules.

3. The ~~purchaser~~ voluntary party obtains a ~~certification~~ certificate of completion from the department that the property has been satisfactorily restored to the extent practicable and that the harmful effects from a ~~release~~ discharge of a hazardous substance have been minimized.

4. The ~~purchaser~~ voluntary party maintains and monitors the property as required under rules promulgated by the department and any contract entered into under those rules.

5. The ~~purchaser~~ voluntary party does not engage in activities that are inconsistent with the maintenance of the property.

6. The ~~purchaser~~ voluntary party has not obtained the certification under subd. 3. by fraud or misrepresentation, by the knowing failure to disclose material information or under circumstances in which the ~~purchaser~~ voluntary party knew or should have known about more ~~environmental pollution~~ discharges of hazardous substances than ~~was~~ were revealed by the investigation conducted under subd. 1.

SECTION 3670. 292.15 (2) (am) of the statutes is created to read:

292.15 **(2)** (am) The department may approve a partial cleanup and issue a certificate of completion as provided in par. (a) that states that not all of the property has been satisfactorily restored or that not all of the harmful effects from a discharge of a hazardous substance have been minimized. Approval of a partial cleanup exempts a voluntary party from ss. 291.37 (2) and 292.11 (3), (4) and (7) (b) and (c) with respect to the portion of the property or hazardous substances cleaned up under this paragraph. In addition to meeting the requirements of par. (a), a certificate for a partial cleanup under this paragraph may be issued only if:

1. Public health, safety or the environment will not be endangered by any hazardous substances remaining on or originating from the property after the partial cleanup, given the manner in which the property will be developed and used and any other factors that the department considers relevant to the endangerment of public health, safety or the environment.

2. The activities associated with any proposed use or development of the property will not aggravate or contribute to the discharge of a hazardous substance and will not unduly interfere with, or increase the costs of, restoring the property and minimizing the harmful effects of the discharge of a hazardous substance.

3. The owner of the property agrees to cooperate with the department to address problems caused by hazardous substances remaining on the property. Such cooperation shall include allowing access to the property or allowing the department or its authorized representatives to undertake activities on the property, including placement of borings, equipment and structures on the property.

SECTION 3671. 292.15 (2) (ar) of the statutes is created to read:

292.15 **(2)** (ar) The department may require the owner of the property to grant an easement or other interest in the property for any of the purposes specified in par. (am) as a condition of issuing a certificate under par. (am).

SECTION 3672. 292.15 (2) (b) (intro.) of the statutes is amended to read:

292.15 **(2)** (b) (intro.) The ~~exemption~~ exemptions provided in ~~par.~~ pars. (a) ~~continues~~ and (am) continue to apply after the date of certification by the department under par. (a) 3., or approval by the department under par. (am), notwithstanding the occurrence of any of the following:

SECTION 3673. 292.15 (2) (b) 1. to 3. of the statutes are amended to read:

292.15 **(2)** (b) 1. Statutes, rules or regulations are created or amended that would impose greater responsibilities on the ~~purchaser~~ voluntary party than those imposed under par. (a) 2.

2. The ~~purchaser~~ voluntary party fully complies with the rules promulgated by the department and any contract entered into under those rules under par. (a) 2. but it is discovered that the cleanup fails to fully restore the environment and minimize the effects from a ~~release~~ discharge of a hazardous substance.

3. The contamination from a hazardous substance that is the subject of the cleanup under par. (a) 2. is discovered to be more extensive than anticipated by the ~~purchaser~~ voluntary party and the department.

SECTION 3674. 292.15 (2) (c) of the statutes is amended to read:

292.15 **(2)** (c) The department of justice may not commence an action under 42 USC 9607 against any ~~purchaser~~ voluntary party meeting the criteria of this subsection to recover costs for which the ~~purchaser~~ voluntary party is exempt under pars. (a), (am) and (b).

SECTION 3675. 292.15 (2) (d) of the statutes is created to read:

292.15 **(2)** (d) This subsection does not apply to a municipal waste landfill, as defined in s. 289.01 (22), or to an approved facility.

SECTION 3676. 292.15 (3) of the statutes is amended to read:

292.15 **(3)** SUCCESSORS AND ASSIGNS. The exemption provided in sub. (2) applies to any successor or assignee of the ~~purchaser~~ voluntary party who qualifies as a voluntary party and who complies with the provisions of sub. (2) (a) 4. and 5. unless the successor or assignee knows that a ~~certification~~ certificate under sub. (2) (a) 3. or (am) was obtained by any of the means or under any of the circumstances specified in sub. (2) (a) 6.

SECTION 3677. 292.15 (4) of the statutes is amended to read:

292.15 **(4)** LIMITED RESPONSIBILITY. The responsibility of a ~~purchaser~~ voluntary party under sub. (2) (a) 2. may be monetarily limited by agreement between the ~~purchaser~~ voluntary party and the department if the ~~purchaser~~ voluntary party purchased the property from a municipality that acquired the property in a way described in s. 292.11 (9) (e) 1m. a. or b. The agreement shall stipulate all of the following:

(a) That the ~~purchaser~~ voluntary party may cease the cleanup when the cost of the cleanup equals 125% of the anticipated expense of the cleanup.

(b) That the ~~purchaser~~ voluntary party will continue to receive the benefit of the exemption under sub. (2) (a) after cessation of the cleanup if the ~~purchaser~~ voluntary party complies with sub. (2) (a) 4. and 5.

(c) That, if the ~~purchaser~~ voluntary party ceases the cleanup, the ~~purchaser~~ voluntary party shall use reasonable efforts to sell the property in accordance with rules of the department that define "reasonable efforts" in a manner substantively equivalent to 40 CFR 300.1100 (d) (2) (i).

SECTION 3678. 292.15 (5) of the statutes is amended to read:

292.15 **(5)** FEES. The department may, in accordance with rules that it promulgates, assess and collect fees from a ~~purchaser~~ voluntary party to offset the cost of the department's activities under subs. (2) and (4). The fees may include an advance deposit, from which the department shall return the amount in excess of the cost of the department's activities under subs. (2) and (4).

SECTION 3678m. 292.15 (5m) of the statutes is created to read:

292.15 **(5m)** PROSPECTIVE PURCHASER ASSURANCE LETTERS. The department, in accordance with rules promulgated by the department, may issue to a prospective purchaser of property a letter certifying that the prospective purchaser is entitled to the exemptions described under sub. (2). The department may condition the entitlement to the exemptions upon the prospective purchaser's taking action as provided in this section and in a manner considered satisfactory to the department. Notwithstanding sub. (1) (f), a person to whom the department issues a letter under this subsection shall be considered to be a voluntary party under this section. Any letter issued under this subsection is void if the letter was obtained by fraud or misrepresentation.

SECTION 3679. 292.15 (6) of the statutes is created to read:

292.15 **(6)** LIENS. This section does not exempt property from any lien filed under s. 292.81 (3) for costs incurred by the department prior to the date that certification is issued under sub. (2) (a) 3.

SECTION 3679m. 292.15 (7) of the statutes is created to read:

292.15 **(7)** APPLICABILITY. This section does not apply to any of the following:

(a) A hazardous waste treatment, storage or disposal facility that first begins operation after the date on which the voluntary party acquired the property.

(b) A licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property and that is operated after the date on which the voluntary party acquired the property.

(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 the effective date of this paragraph .... [revisor inserts date].

SECTION 3679p. 292.16 of the statutes is created to read:

292.16 Responsibility of certain municipalities acquiring closed landfills. (1) DEFINITION. In this section:

(a) "Generator" has the meaning given in s. 292.35 (1) (b).

(b) "Transporter" has the meaning given in s. 292.35 (1) (g).

(2) APPLICATION. A municipality may apply to the department for an exemption from liability with respect to property that contains a closed landfill and that is acquired by the municipality before, on or after the effective date of this subsection.

(3) CONDITIONS FOR APPROVAL. The department shall approve an application under sub. (2) if all of the following apply:

(a) The landfill is closed when the municipality acquires the property.

(b) The landfill closure complies with all rules of the department at the time of the application under sub. (2).

(c) The municipality did not have an ownership interest in the landfill while the landfill was in operation.

(d) The municipality enters into an agreement with the department that contains requirements for the municipality to maintain the property.

(e) The department determines that an exemption from liability under this section is in the public interest.

(f) The landfill was privately owned while it was in operation.

(g) The landfill has caused groundwater contamination.

(h) A steering committee of local public and private representatives was formed to address the contamination caused by the landfill in a cooperative effort with the department that prevented the landfill from being listed on the national priority list under 42 USC 9605 (a) (8) (B).

(i) The remedial action approved by the department authorized a recreational use for the property and was completed by December 31, 1995.

(4) SCOPE OF EXEMPTION. An approval by the department under sub. (3) exempts the municipality from liability imposed under ss. 289.05, 289.41, 289.46, 289.95, 291.37, 291.85 (2), 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, based on the municipality's ownership of the property. The exemption does not apply to any liability based on hazardous substances for which the municipality is responsible as a generator or transporter.

(5) REQUIREMENTS. If the department approves a municipality's application under sub. (3), the municipality shall do all of the following:

(a) Obtain the prior approval of the department for any proposed uses of the property, for any physical disturbance of the soil and for any construction on the property.

(b) Allow access to the property by any person who is required to conduct monitoring, to operate and maintain equipment or to undertake remedial action in connection with the closed landfill.

SECTION 3680. 292.19 of the statutes is created to read:

292.19 Responsibility of persons conducting investigations. (1) For purposes of this chapter, a person who conducts an investigation of property to determine the existence of, or to obtain information about, a discharge of a hazardous substance does not possess or control the hazardous substance or cause the discharge of the hazardous substance as the result of conducting the investigation.

(2) If the person who conducts the investigation physically causes a discharge, sub. (1) does not apply with respect to the portion of the property on which the person causes the discharge.

SECTION 3681. 292.21 (1) (c) 1. d. of the statutes is amended to read:

292.21 **(1)** (c) 1. d. The lender conducts an environmental assessment of the real property in accordance with subd. 2. at any time, but not more than 90 days after the date the lender acquires title to, or possession or control of, the real property ~~and files~~. The lender shall file a complete copy of the environmental assessment with the department not more than 180 days after the date the lender acquires title to, or possession or control of, the real property. If an environmental assessment is conducted more than one year before the date on which the lender acquires title to, or possession or control of, the real property, the exemption under this subd. 1. d. applies only if the lender does all of the following: visually inspects the property in accordance with subd. 2. a. and b. after the date on which the lender acquires title to, or possession or control of, the real property to verify the environmental assessment; submits a complete copy of the environmental assessment and the results of the visual inspection to the department not later than 90 days after the lender acquires title to, or possession or control of, the real property; receives notice from the department that the department determines that the environmental assessment is adequate or that the department directs the lender to address any inadequacies in the environmental assessment; corrects, to the satisfaction of the department, any inadequacies of an environmental assessment; and reimburses the department for the cost to the department of reviewing materials submitted under this subd. 1. d.

SECTION 3683g. 292.26 of the statutes is created to read:

292.26 Civil immunity; local governmental units. (1) In this section, "local governmental unit" has the meaning given in s. 292.11 (9) (e) 1.

(2) Except as provided in sub. (3), a local governmental unit is immune from civil liability related to the discharge of a hazardous substance on or from property formerly owned or controlled by the local governmental unit if the property is no longer owned by the local governmental unit at the time that the discharge is discovered and if any of the following applies:

(a) The local governmental unit acquired the property through tax delinquency proceedings or as the result of an order by a bankruptcy court.

(b) The local governmental unit acquired the property from a local governmental unit that acquired the property under a method described in par. (a).

(c) The local governmental unit acquired the property through condemnation or other proceeding under ch. 32.

(d) The local governmental unit acquired the property for the purpose of slum clearance or blight elimination.

(3) Subsection (2) does not apply with respect to a discharge of a hazardous substance caused by an activity conducted by the local governmental unit while the local governmental unit owned or controlled the property.

SECTION 3684. 292.31 (2) (f) of the statutes is repealed.

SECTION 3685. 292.31 (7) (c) 4. of the statutes is amended to read:

292.31 **(7)** (c) 4. All moneys received under this paragraph shall be credited to the environmental fund for environmental ~~repair~~ management.

SECTION 3686. 292.31 (8) (g) of the statutes is amended to read:

292.31 **(8)** (g) *Disposition of funds.* If the original expenditure was made from the environmental repair fund, under s. 25.46, 1987 stats., or the environmental fund, the net proceeds of the recovery shall be paid into the environmental fund for environmental ~~repair~~ management. If the original expenditure was made from the investment and local impact fund, the net proceeds of the recovery shall be paid into the investment and local impact fund.

SECTION 3687. 292.35 (title) of the statutes is amended to read:

292.35 (title) **~~Political subdivision~~ Local governmental unit negotiation and cost recovery.**

SECTION 3688. 292.35 (1) (bm) of the statutes is created to read:

292.35 **(1)** (bm) "Local governmental unit" means a municipality, a redevelopment authority created under s. 66.431 or a public body designated by a municipality under s. 66.435 (4).

SECTION 3689. 292.35 (1) (d) of the statutes is repealed.

SECTION 3690. 292.35 (1) (f) of the statutes is amended to read:

292.35 **(1)** (f) "Site or facility" ~~has the meaning given in s. 292.61 (1) (b)~~ means an approved facility, an approved mining facility, a nonapproved facility, a waste site or any site where a hazardous substance is discharged on or after May 21, 1978.

SECTION 3691. 292.35 (2) of the statutes is amended to read:

292.35 **(2)** APPLICABILITY. This section only applies to a site or facility if the site or facility is owned by a ~~political subdivision~~ local governmental unit. This section does not apply to a landfill until January 1, 1996.

SECTION 3692. 292.35 (2g) (a) of the statutes is amended to read:

292.35 **(2g)** (a) A ~~political subdivision~~ local governmental unit that intends to use the cost recovery procedures in this section shall attempt to identify all responsible parties. All information obtained by the ~~political subdivision~~ local governmental unit regarding responsible parties is a public record and may be inspected and copied under s. 19.35.

SECTION 3693. 292.35 (2g) (b) (intro.) of the statutes is amended to read:

292.35 **(2g)** (b) (intro.) Upon the request of an employe or authorized representative of the ~~political subdivision~~ local governmental unit, or pursuant to a special inspection warrant under s. 66.122, any person who generated, transported, treated, stored or disposed of a hazardous substance that may have been disposed of or discharged at the site or facility or who is or was an owner or operator shall provide the employe or authorized representative access to any records or documents in that person's custody, possession or control that relate to all of the following:

SECTION 3694. 292.35 (2g) (c) of the statutes is amended to read:

292.35 **(2g)** (c) The ~~political subdivision~~ local governmental unit shall maintain a single repository that is readily accessible to the public for all documents related to responsible parties, the investigation, the remedial action and plans for redevelopment of the property.

SECTION 3695. 292.35 (2r) (a) of the statutes is amended to read:

292.35 **(2r)** (a) The ~~political subdivision~~ local governmental unit shall, in consultation with the department, prepare a draft remedial action plan.

SECTION 3696. 292.35 (2r) (b) of the statutes is amended to read:

292.35 **(2r)** (b) Upon completion of the draft remedial action plan, the ~~political subdivision~~ local governmental unit shall send written notice to all responsible parties identified by the ~~political subdivision~~ local governmental unit, provide public notice and conduct a public hearing on the draft remedial action plan. The notice to responsible parties shall offer the person receiving the notice an opportunity to provide information regarding the status of that person or any other person as a responsible party, notice and a description of the public hearing and a description of the procedures in this section. At the public hearing, the ~~political subdivision~~ local governmental unit shall solicit testimony on whether the draft remedial action plan is the least costly method of meeting the standards for remedial action promulgated by the department by rule. The ~~political subdivision~~ local governmental unit shall accept written comments for at least 30 days after the close of the public hearing.

SECTION 3697. 292.35 (2r) (c) of the statutes is amended to read:

292.35 **(2r)** (c) Upon the conclusion of the period for written comment, the ~~political subdivision~~ local governmental unit shall prepare a preliminary remedial action plan, taking into account the written comments and comments received at the public hearing and shall submit the preliminary remedial action plan to the department for approval. The department may approve the preliminary remedial action plan as submitted or require modifications.

SECTION 3698. 292.35 (3) (a) (intro.) of the statutes is amended to read:

292.35 **(3)** (a) (intro.) Upon receiving the department's approval of the preliminary remedial action plan, the ~~political subdivision~~ local governmental unit shall serve an offer to settle regarding the contribution of funds for investigation and remedial action at the site or facility on each of the responsible parties identified by the ~~political subdivision~~ local governmental unit, using the procedure for service of a summons under s. 801.11 and shall

notify the department that the offer to settle has been served. The ~~political subdivision~~ local governmental unit shall include in the offer to settle all of the following information:

SECTION 3699. 292.35 (3) (a) 2. of the statutes is amended to read:

292.35 **(3)** (a) 2. The names, addresses and contact persons, to the extent known, for all of the responsible parties identified by the ~~political subdivision~~ local governmental unit.

SECTION 3700. 292.35 (3) (a) 3. of the statutes is amended to read:

292.35 **(3)** (a) 3. The location and availability of documents that support the claim of the ~~political subdivision~~ local governmental unit against the responsible party.

SECTION 3701. 292.35 (3) (b) of the statutes is amended to read:

292.35 **(3)** (b) The department shall maintain a list of competent and disinterested umpires qualified to perform the duties under subs. (4) to (6). None of the umpires may be employes of the department. Upon receiving notice from a ~~political subdivision~~ local governmental unit under par. (a), the secretary or his or her designee shall select an umpire from the list and inform the ~~political subdivision~~ local governmental unit and responsible parties of the person selected.

SECTION 3702. 292.35 (3) (c) of the statutes is amended to read:

292.35 **(3)** (c) Within 10 days after receiving notice of the umpire selected by the department under par. (b), the ~~political subdivision~~ local governmental unit may notify the department that the umpire selected is unacceptable. Within 10 days after receiving notice of the umpire selected by the department under par. (b), a responsible party may notify the department that the umpire selected is unacceptable or that the responsible party does not intend to participate in the negotiation. Failure to notify the department that the umpire is unacceptable shall be considered acceptance. If all responsible parties identified by the ~~political subdivision~~ local governmental unit indicate that they do not intend to participate in the negotiation, the department shall inform the ~~political subdivision~~ local governmental unit and the ~~political subdivision~~ local governmental unit shall cease further action under this section.

SECTION 3703. 292.35 (3) (d) of the statutes is amended to read:

292.35 **(3)** (d) Upon receiving notice under par. (c) that the selected umpire is unacceptable, the secretary or his or her designee shall select 5 additional umpires from the list and inform the ~~political subdivision~~ local governmental unit and responsible parties of the persons selected.

SECTION 3704. 292.35 (3) (e) of the statutes is amended to read:

292.35 **(3)** (e) Within 10 days after receiving notice of the umpires selected by the department under par. (d), the ~~political subdivision~~ local governmental unit or a responsible party may notify the department that one or more of the umpires selected are unacceptable. Failure to notify the department shall be considered acceptance. The secretary or his or her designee shall select an umpire from among those umpires not identified as unacceptable by the ~~political subdivision~~ local governmental unit or a responsible party or, if all umpires are identified as unacceptable, the secretary or his or her designee shall designate a person to be umpire for the negotiation.

SECTION 3705. 292.35 (4) (a) of the statutes is amended to read:

292.35 **(4)** (a) The umpire, immediately upon being appointed, shall contact the department, the ~~political subdivision~~ local governmental unit and the responsible parties that received the offer to settle and shall schedule the negotiating sessions. The umpire shall schedule the first negotiating session no later than 20 days after being appointed. The umpire may meet with all parties to the negotiation, individual parties or groups of parties. The umpire shall facilitate a discussion between the ~~political subdivision~~ local governmental unit and the responsible parties to attempt to reach an agreement on the design and implementation of the remedial action plan and the contribution of funds by the ~~political subdivision~~ local governmental unit and responsible parties.

SECTION 3706. 292.35 (4) (d) of the statutes is amended to read:

292.35 **(4)** (d) The ~~political subdivision~~ local governmental unit and the responsible parties that participate in negotiations shall pay for the costs of the umpire, whether or not an agreement among the parties is reached under sub. (5) or the parties accept the recommendation of the umpire under sub. (6). The umpire shall determine an equitable manner of paying for the costs of the umpire, which is binding.

SECTION 3707. 292.35 (5) of the statutes is amended to read:

292.35 **(5)** AGREEMENT IN NEGOTIATION. The ~~political subdivision~~ local governmental unit and any of the responsible parties may enter into any agreement in negotiation regarding the design and implementation of the remedial action plan and the contribution of funds by the ~~political subdivision~~ local governmental unit and responsible parties for the investigation and remedial action. The portion of the agreement containing the design and implementation of the remedial action plan shall be submitted to the department for approval. The department may approve that portion of the agreement as submitted or require modifications.

SECTION 3708. 292.35 (6) (a) of the statutes is amended to read:

292.35 **(6)** (a) If the ~~political subdivision~~ local governmental unit and any responsible parties are unable to reach an agreement under sub. (5) by the end of the period of negotiation, the umpire shall make a recommendation regarding the design and implementation of the remedial action plan and the contribution of funds for investigation and remedial action by the ~~political subdivision~~ local governmental unit and all responsible parties that were identified by the ~~political subdivision~~ local governmental unit and that did not reach an agreement under sub. (5), whether or not the responsible parties participated in negotiations under sub. (4). The umpire shall submit the recommendation to the department for its approval within 20 days after the end of the period of negotiation under sub. (4) (c). The department may approve the recommendation as submitted or require modifications. The umpire shall distribute a copy of the approved recommendation to the ~~political subdivision~~ local governmental unit and all responsible parties identified by the ~~political subdivision~~ local governmental unit.

SECTION 3709. 292.35 (6) (b) of the statutes is amended to read:

292.35 **(6)** (b) The ~~political subdivision~~ local governmental unit and the responsible parties that did not reach an agreement under sub. (5) shall accept or reject the umpire's recommendation within 60 days after receiving it. Failure to accept or reject the recommendation within 60 days shall be considered rejection of the recommendation. If the ~~political subdivision~~ local governmental unit rejects the recommendation with respect to any responsible party, the recommendation does not apply to that responsible party. If a responsible party rejects the recommendation, it does not apply to that responsible party.

SECTION 3710. 292.35 (7) of the statutes is amended to read:

292.35 **(7)** RESPONSIBLE PARTIES SUBJECT TO AN AGREEMENT OR RECOMMENDATION. A responsible party that enters into an agreement under sub. (5) with a ~~political subdivision~~ local governmental unit or that accepts the umpire's recommendation under sub. (6), if the ~~political subdivision~~ local governmental unit does not reject the recommendation, is required to comply with the agreement or recommendation. When the responsible party has complied with the agreement or recommendation, the responsible party is not liable to the state, including under s. 292.11 (7) (b) or 292.31 (8), or to the ~~political subdivision~~ local governmental unit for any additional costs of the investigation or remedial action; the responsible party is not liable to any other responsible party for contribution to costs incurred by any other responsible party for the investigation or remedial action; and the responsible party is not subject to an order under s. 292.11 (7) (c) for the discharge that is the subject of the agreement or recommendation.

SECTION 3711. 292.35 (8) (b) (intro.) of the statutes is amended to read:

292.35 **(8)** (b) (intro.) A ~~political subdivision~~ local governmental unit is entitled to recover litigation expenses and interest on the judgment against a responsible party if any of the following occurs:

SECTION 3712. 292.35 (8) (b) 1. of the statutes is amended to read:

292.35 **(8)** (b) 1. The ~~political subdivision~~ local governmental unit accepts the recommendation of an umpire under sub. (6), the responsible party rejects it and the ~~political subdivision~~ local governmental unit recovers a judgment under sub. (9) against that responsible party that equals or exceeds the amount of the umpire's recommendation.

SECTION 3713. 292.35 (8) (b) 2. of the statutes is amended to read:

292.35 **(8)** (b) 2. The ~~political subdivision~~ local governmental unit and the responsible party enter into an agreement under sub. (5) or accept the umpire's recommendation under sub. (6), the responsible party does not comply with the requirements of the agreement or recommendation and the ~~political subdivision~~ local governmental unit recovers a judgment against that responsible party based on the agreement or recommendation.

SECTION 3714. 292.35 (8) (c) of the statutes is amended to read:

292.35 **(8)** (c) A responsible party is entitled to recover litigation expenses from a ~~political subdivision~~ local governmental unit if the responsible party accepts the recommendation of an umpire under sub. (6), the ~~political subdivision~~ local governmental unit rejects the recommendation of the umpire under sub. (6) with respect to the responsible party, the ~~political subdivision~~ local governmental unit institutes an action under sub. (9) against the responsible party and the ~~political subdivision~~ local governmental unit recovers a judgment under sub. (9) against the responsible party that is equal to or less than the amount of the umpire's recommendation.

SECTION 3715. 292.35 (9) (b) 1. of the statutes is renumbered 292.35 (9) (b) and amended to read:

292.35 **(9)** (b) Except as provided in pars. (bm), (br) and (e), sub. (7) and s. 292.21, a responsible party is liable for a portion of the costs, as determined under pars. (c) to (e), incurred by a ~~political subdivision~~ local governmental unit for remedial action in an agreement under sub. (5) or a recommendation under sub. (6) and for any related investigation. A right of action shall accrue to a ~~political subdivision~~ local governmental unit against the responsible party for costs listed in this ~~subdivision~~ paragraph.

SECTION 3716. 292.35 (9) (b) 2. of the statutes is repealed.

SECTION 3717. 292.41 (6) (c) of the statutes is amended to read:

292.41 **(6)** (c) The department is entitled to recover moneys expended under this section from any person who caused the containers to be abandoned or is responsible for the containers. The funds recovered under this

paragraph shall be deposited into the environmental fund for environmental ~~repair~~ management.

SECTION 3718. 292.41 (6) (d) of the statutes is repealed.

SECTION 3719. 292.51 (2) of the statutes is amended to read:

292.51 **(2)** The department may seek and receive voluntary contributions of funds from a municipality or any other public or private source for all or part of the costs of remedying environmental contamination if the activities being funded are part of a cooperative effort, by the department and the person providing the funds, to remedy that environmental contamination. All contributions received under this subsection shall be deposited in the environmental fund.

SECTION 3720. 292.55 of the statutes is created to read:

292.55 Requests for liability clarification and technical assistance. (1) (a) The department may, upon request, assist a person to determine whether the person is or may become liable for the environmental pollution of a property.

(b) The department may, upon request, assist in, or provide comments on, the planning and implementation of an environmental investigation of a property or the environmental cleanup of a property.

(c) The department may determine whether further action is necessary to remedy environmental pollution of a property.

(d) The department may issue a letter to a person seeking assistance under this subsection concerning any of the following:

1. The liability of a person owning or leasing a property for environmental pollution of the property.

2. The type and extent of environmental pollution of a property.

3. The adequacy of an environmental investigation.

4. Any other matter related to the request for assistance under this subsection.

(2) The department may assess and collect fees from a person to offset the costs of providing assistance under sub. (1). 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 3721. 292.61 of the statutes is repealed.

SECTION 3721e. 292.65 of the statutes is created to read:

292.65 Dry cleaner environmental response program. (1) DEFINITIONS. In this section and s. 292.66:

Vetoed In Part (a) "Bodily injury" does not include those liabilities that are excluded from coverage in liability insurance policies for bodily injury other than liabilities excluded because they are caused by a dry cleaning solvent discharge from a dry cleaning facility.

(b) "Case closure letter" means a letter provided by the department that states that, based on information available to the department, no further remedial action is necessary with respect to a dry cleaning solvent discharge.

(d) "Dry cleaning facility" means a facility for dry cleaning apparel or household fabrics for the general public other than a facility that is one of the following:

1. A coin–operated facility.

2. A facility that is located on a U.S. military installation.

3. An industrial laundry.

4. A commercial laundry.

5. A linen supply facility.

6. A facility that is located at a prison or other penal institution.

7. A facility that is located at a nonprofit hospital or at another nonprofit health care institution.

8. A facility that is located on property that is owned by the federal government or by this state or that is located on property that was owned by the federal government or by this state when the facility was operating.

(e) "Dry cleaning solvent" means a chlorine–based or hydrocarbon–based formulation or product that is used as a primary cleaning agent in dry cleaning facilities.

(g) "Groundwater" has the meaning given in s. 281.75 (1) (c).

(gm) "Immediate action" means a remedial action that is taken within a short time after a discharge of dry cleaning solvent occurs, or after the discovery of a discharge of dry cleaning solvent, to halt the discharge, contain or remove discharged dry cleaning solvent or remove contaminated soil or water in order to restore the environment to the extent practicable and to minimize the harmful effects of the discharge to air, lands and waters of the state and to eliminate any imminent threat to public health, safety or welfare.

(h) "Operator" means any of the following:

1. A person who holds the license under s. 77.9961 (2) for a dry cleaning facility.

2. A subsidiary or parent corporation of the person specified under subd. 1.

(i) "Owner" means any of the following:

1. A person who owns, or has possession or control of, a dry cleaning facility, or who receives direct or indirect consideration from the operation of a dry cleaning facility regardless of whether the dry cleaning facility remains in operation and regardless of whether the person owns or receives consideration at the time that environmental pollution occurs.

2. A subsidiary or parent corporation of the person specified under subd. 1.

(j) "Program year" means the period beginning on July 1, and ending on the following June 30. **Vetoed In Part**

Vetoed In Part (k) "Property damage" does not include those liabilities that are excluded from coverage in liability insurance policies for property damage, other than liability for remedial action associated with dry cleaning solvent discharges from affected dry cleaning facilities. "Property damage" does not include the loss of fair market value resulting from a discharge.

(L) "Service provider" means a consultant, testing laboratory, monitoring well installer, soil boring contractor, other contractor, lender or any other person who provides a product or service for which an application for reimbursement has been or will be filed under this section, or a subcontractor of such a person.

(m) "Subsidiary or parent corporation" means a business entity, including a subsidiary, parent corporation or other business arrangement, that has elements of common ownership or control or that uses a long–term contractual arrangement with a person to avoid direct responsibility for conditions at a dry cleaning facility.

Vetoed In Part **(2)** RULES CONCERNING 3RD–PARTY COMPENSATION. The commissioner of insurance shall promulgate rules defining "liabilities that are excluded from coverage in liability insurance policies for bodily injury" and "liabilities that are excluded from coverage in liability insurance policies for property damage" for the purposes of sub. (1) (a) and (k). The definitions shall be consistent with standard insurance industry practices.

(3) DUTIES OF THE DEPARTMENT. (a) The department shall promulgate rules for the administration of the program under this section.

(am) 1. The department shall establish a method for determining the order in which it pays awards under this section. Except as provided in subds. 2. and 3., the method shall be based on environmental factors and on the order in which applications are received.

2. The department shall pay an award for immediate action activities within 2 working days of receipt of the application. For the purposes of this subdivision, removal of contaminated soils and recovery of free dry cleaning solvent are not considered immediate action activities. Vetoed In Part

3. After awards for immediate action activities, the department shall give highest priority to paying awards for eligible costs incurred before the effective date of this subdivision .... [revisor inserts date].

(b) The department shall promote the program under this section to persons who may be eligible for awards.

(c) The department shall allocate 9.7% of the funds appropriated under s. 20.370 (6) (eq) in each fiscal year for awards for immediate action activities and applications that exceed the amount anticipated.

Vetoed In Part (cm) 1. If the department determines that immediate action is necessary in response to a discharge of dry cleaning solvent, the owner or operator of the dry cleaning facility conducts the immediate action and is eligible for an award under this section and the amounts appropriated under s. 20.370 (6) (eq) are not sufficient to pay the award, the department shall pay the award using funds under s. 20.370 (2) (dv). Awards under this subdivision have priority over other payments under s. 20.370 (2) (dv) except for payments under s. 292.31 (4) and (5).

2. Whenever the department of natural resources pays an award under subd. 1., it shall provide a notice to the department of revenue stating the amount of the award.

(d) The department shall keep records and statistics on the program under this section and shall periodically evaluate the effectiveness of the program.

(e) No later than January 1, 2002, the department shall complete a review of the program under this section and shall submit a report on the results of the review to the joint committee on finance and to the appropriate standing committees of the legislature, as determined by the speaker of the house and the president of the senate, under s. 13.172 (3). The report shall include the department's recommendations for changes to the program. The review shall include consideration of whether the program should be expanded or ended, whether the program should be incorporated into a broader program of financial assistance for the remediation of environmental contamination and whether private insurance coverage should be required for any dry cleaning facilities.

(4) PROCESS; ELIGIBILITY. (a) *General requirements.* To be eligible for an award under this section, the owner or operator of a dry cleaning facility shall comply with pars. (b), (c), (e), (f) and (j) and the other requirements of this section applicable to the owner or operator.

(b) *Report.* An owner or operator shall report a dry cleaning solvent discharge to the department in a timely manner, as provided in s. 292.11.

(c) *Notification of potential claim.* 1. An owner or operator shall notify the department, before conducting a site investigation or any remedial action activity, of the potential for submitting an application for an award under this section, except as provided in subd. 2.

2. Subdivision 1. does not apply to an owner or operator who began a site investigation or remedial action activity before the effective date of this subdivision .... [revisor inserts date].

(d) *Information from department.* When an owner or operator notifies the department under par. (c) 1., the department shall provide the owner or operator with information on the program under this section and the department's estimate of the eligibility of the owner or operator for an award under this section.

(e) *Investigation.* After notifying the department under par. (c) 1., if applicable, and before conducting remedial action activities, an owner or operator shall complete an investigation to determine the extent of environmental impact of the dry cleaning solvent discharge, except as provided in pars. (g) and (h).

(f) *Remedial action plan.* After completing the investigation under par. (e) and before conducting remedial Vetoed In Part

action activities, an owner or operator shall prepare a remedial action plan, based on the investigation under par. (e), that identifies specific remedial action activities proposed to be conducted, except as provided in pars. (g) and (h).

(g) *Immediate action.* An owner or operator is not required to complete an investigation or prepare a remedial action plan before conducting an immediate action activity if the department determines that an immediate action is necessary.

(h) *Interim remedial equipment.* An owner or operator may install interim remedial equipment for which the owner or operator would be eligible for reimbursement under s. 292.66 before completing a site investigation or remedial action plan.

(i) *Review of site investigation and remedial action plan.* The department shall, at the request of an owner or operator, review the site investigation results and the remedial action plan and advise the owner or operator on the adequacy of the proposed remedial action activities in meeting the requirements of this section. The department shall complete the review of the site investigation and remedial action plan within 45 days. The department shall also provide an estimate of when funding will be available to pay an award for remedial action conducted in response to the dry cleaning solvent discharge.

(j) *Remedial action.* The owner or operator shall conduct all remedial action activities that are required under this section in response to the dry cleaning solvent discharge, including all of the following:

1. Recovering any recoverable dry cleaning solvent from the environment.

2. Managing any residual solid or hazardous waste in a manner consistent with local, state and federal law.

3. Restoring groundwater according to the standards promulgated by the department under ss. 160.07 and 160.09.

(k) *Agents.* An owner or operator may enter into a written agreement with another person under which that other person acts as an agent for the owner or operator in conducting the activities required under par. (j). The owner or operator and the agent shall jointly submit the application for an award under this section.

(L) *Awards for dry cleaning facilities on tribal trust lands.* The owner or operator of a dry cleaning facility located on trust lands of an American Indian tribe may be eligible for an award under this section if the owner or operator otherwise satisfies the requirements of this subsection and complies with the rules promulgated under this section and any other rules promulgated by the department concerning dry cleaning facilities.

(5) ENHANCED POLLUTION PREVENTION MEASURES. (a) 1. The owner or operator of a dry cleaning facility on which construction begins after the effective date of this subdivision .... [revisor inserts date], is not eligible for an award under this section unless the owner or operator has implemented the enhanced pollution prevention measures described in par. (b).

2. The owner or operator of a dry cleaning facility on which construction began on or before the effective date of this subdivision .... [revisor inserts date], is ineligible for an award under this section with respect to a discharge that occurs on or after the 91st day after the day on which the department issues a case closure letter with respect to an earlier discharge of dry cleaning solvent from the dry cleaning facility, unless the owner or operator has implemented the enhanced pollution prevention measures described in par. (b).

(b) An owner or operator who is required to implement enhanced pollution prevention measures shall demonstrate all of the following:

1. That the owner or operator manages all wastes that are generated at the dry cleaning facility and that contain dry cleaning solvent as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

2. That the dry cleaning facility does not discharge dry cleaning solvent or wastewater from dry cleaning machines into any sanitary sewer or septic tank or into the waters of this state.

3. That each machine or other piece of equipment in which dry cleaning solvent is used, or the entire area in which those machines or pieces of equipment are located, is surrounded by a containment dike or other containment structure that is able to contain any leak, spill or other release of dry cleaning solvent from the machines or other pieces of equipment.

4. That the floor within any area surrounded by a dike or other containment structure under subd. 3. is sealed or is otherwise impervious to dry cleaning solvent.

5. That all dry cleaning solvent is delivered to the dry cleaning facility by means of a closed, direct−coupled delivery system.

(6) ADDITIONAL REQUIREMENT FOR CLOSED FACILITIES. (a) To be eligible for an award under this section, the owner or operator of a dry cleaning facility that has ceased operating at the time that the owner or operator applies under sub. (8) (a) shall agree to pay all of the following each year for 30 years after the department issues the award:

1. An amount equal to the average annual license fee paid under s. 77.9961 (1) for that year.

2. An amount equal to the total amount collected under s. 77.9962 for that year divided by the number of dry cleaning facilities in operation during that year.

(b) An owner or operator to whom par. (a) applies shall guarantee payment under par. (a) by executing a note and mortgage on the site of the dry cleaning facility and a payment bond acceptable to the department.

(c) All funds paid under this subsection shall be deposited in the dry cleaner environmental response fund.

(7) ELIGIBLE COSTS. (a) *General.* Subject to pars. (c), (ce), (cm) and (d), eligible costs for an award under this

section include reasonable and necessary costs paid for the following items only:

1. Removal of dry cleaning solvents from surface waters, groundwater or soil.

2. Investigation and assessment of contamination caused by a dry cleaning solvent discharge from a dry cleaning facility.

3. Preparation of remedial action plans.

4. Removal of contaminated soils.

5. Soil and groundwater treatment and disposal.

6. Environmental monitoring.

7. Laboratory services.

8. Maintenance of equipment for dry cleaning solvent recovery performed as part of remedial action activities.

9. Restoration or replacement of a private or public potable water supply.

10. Restoration of environmental quality.

11. Contractor costs for remedial action activities.

12. Inspection and supervision.

13. Those costs of purchase and installation of interim remedial equipment that qualify for reimbursement under s. 292.66 for which reimbursement was not received under s. 292.66.

14. Other costs identified by the department as reasonable and necessary for proper investigation, remedial action planning and remedial action activities to meet the requirements of s. 292.11.

Vetoed In Part 15. Compensation to 3rd parties for bodily injury and property damage caused by a dry cleaning solvent discharge from a dry cleaning facility.

16. Financing for eligible activities under this paragraph as provided in par. (b).

Vetoed In Part (b) *Financing costs.* 1. Except as provided in subd. 2., eligible costs for an award under this section include the following costs of financing activities eligible for reimbursement under par. (a):

Vetoed In Part a. Loan origination fees of up to 1% of the loan principal.

b. Interest on a loan at no more than the prime rate as determined under rules promulgated by the department.

Vetoed In Part 2. Costs of financing activities that are undertaken after the effective date of this subdivision .... [revisor inserts date], and that are undertaken without the department's advance written approval are not eligible costs.

(c) *Exclusions from eligible costs.* Eligible costs for an award under this section do not include the following:

1. Costs incurred before January 1, 1991.

2. Costs of retrofitting or replacing dry cleaning equipment.

3. Other costs that the department determines to be associated with, but not integral to, the investigation and remediation of a dry cleaning solvent discharge from a dry cleaning facility.

4. Costs, other than costs for compensating 3rd parties for bodily injury and property damage, that the department determines to be unreasonable or unnecessary to carry out the remedial action activities as specified in the remedial action plan.

5. Costs for investigations or remedial action activities conducted outside this state.

(ce) *Usual and customary costs.* The department may establish a schedule of usual and customary costs for any items under par. (a) and may use that schedule to determine the amount of an applicant's eligible costs.

(cm) *Eligible cost; service providers.* The department may promulgate rules under which the department selects service providers to provide investigation or remedial action services in specified areas. The rules may provide that the costs of a service for which the department has selected a service provider in an area are not eligible costs under par. (a), or that eligible costs are limited to the amount that the selected service provider would have charged, if an owner or operator of a dry cleaning facility located in that area uses a service provider other than the service provider selected by the department to perform the services. If the department selects service providers under this paragraph, it shall regularly update the list of service providers that it selects.

(d) *Discharges from multiple activities.* If hazardous substances are discharged at a dry cleaning facility as a result of dry cleaning operations and as a result of other activities, eligible costs under this section are limited to activities necessitated by the discharge of dry cleaning solvent.

(8) AWARDS. (a) *Application.* An owner or operator shall submit an application on a form provided by the department. An owner or operator may not submit an application before September 1, 1998. An owner or operator may not submit an application after August 30, 2003, if the application relates to a dry cleaning facility that ceased to operate before September 1, 1998. An owner or operator may not submit an application after August 20, 2008, if the application relates to any other dry cleaning facility. The department shall authorize owners and operators to apply for awards at stages in the process under sub. (4) that the department specifies by rule. An application shall include all of the following documentation of activities, plans and expenditures associated with the eligible costs incurred because of a dry cleaning solvent discharge from a dry cleaning facility:

1. A record of investigation results and data interpretation.

2. A remedial action plan.

3. Contracts for eligible costs incurred because of the discharge and records of the contract negotiations.

4. Accounts, invoices, sales receipts or other records documenting actual eligible costs incurred because of the discharge.

5. Other records and statements that the department determines to be necessary to complete the application. **Vetoed In Part**

(b) *Acknowledgement.* The department shall acknowledge, in writing, the receipt of an application under par. (a).

(c) *Approval.* Subject to par. (d), if the department finds that an applicant meets the requirements of this section and rules promulgated under this section, the department shall make an award as provided in this subsection to reimburse the applicant for eligible costs paid. The department may not make an award for an investigation before it approves the investigation. The department may not make an award for remedial action activities before it approves the remedial action activities.

(d) *Denial of applications.* The department shall deny an application under this section if any of the following applies:

1. The application is not within the scope of this section.

2. The applicant submits a fraudulent application.

3. The applicant has been grossly negligent in the maintenance of the dry cleaning facility.

4. The applicant intentionally damaged the dry cleaning equipment.

5. The applicant falsified records.

6. The applicant willfully failed to comply with laws or rules of this state concerning the use or disposal of dry cleaning solvents.

7. The applicant has not paid all of the fees under ss. 77.9961, 77.9962 and 77.9963.

8. The dry cleaning solvent discharge was caused by a person who provided services or products to the owner or operator or to a prior owner or operator of the dry cleaning facility.

(e) *Deductible.* 1. The department may reimburse the owner or operator of a dry cleaning facility that is operating at the time that the owner or operator applies under par. (a) only for eligible costs incurred at each dry cleaning facility that exceed the following deductible:

a. If eligible costs are $200,000 or less, $10,000.

b. If eligible costs exceed $200,000 but do not exceed $400,000, $10,000 plus 8% of the amount by which eligible costs exceed $200,000.

c. If eligible costs exceed $400,000, $26,000 plus 10% of the amount by which eligible costs exceed $400,000, but the maximum deductible is $46,000. **Vetoed In Part**

3. The department may reimburse the owner or operator of a dry cleaning facility that has ceased operation before the owner or operator applies under par. (a) only for eligible costs that exceed the sum of the following:

a. Ten thousand dollars.

b. For each year in which the owner or operator has not paid the annual license fee under s. 77.9961 (1) for the dry cleaning facility, an amount equal to the average annual license fee paid under s. 77.9961 (1) for that year.

c. For each year in which the dry cleaning solvents fee under s. 77.9962 was imposed and the dry cleaning facility was not in operation, an amount equal to the total amount collected under s. 77.9962 for that year divided by the number of dry cleaning facilities in operation during that year.

d. If the owner or operator did not pay the inventory fee under s. 77.9963 with respect to the dry cleaning facility, an amount equal to the total amount collected under s. 77.9963 divided by the number of dry cleaning facilities paying the inventory fee.

(f) *Maximum awards.* 1. The department may not issue financial assistance under this section that exceeds $600,000 for reimbursement for costs incurred at a single dry cleaning facility. **Vetoed In Part**

2. The department may not issue financial assistance under this section to an owner or operator in one program year that totals more than the following: **Vetoed In Part**

a. For an owner or operator of 10 or fewer dry cleaning facilities, $250,000. **Vetoed In Part**

b. For an owner or operator of more than 10 dry cleaning facilities, $500,000. **Vetoed In Part**

(g) *Waiver of deductible.* Notwithstanding par. (e), the department may waive the requirement that an owner or operator pay the deductible amount if the department determines that the owner or operator is unable to pay. If the department waives the requirement that an owner or operator pay the deductible, the department shall record a statement of lien with the register of deeds of the county in which the dry cleaning facility is located. If the department records the statement of lien, the department has a lien on the property on which the dry cleaning facility is located in the amount of the deductible that was waived. The property remains subject to the lien until that amount is paid in full.

(h) *Contributory negligence.* The department may not diminish or deny an award under this section as a result of negligence attributable to the applicant or any person who is entitled to submit an application, except as provided in par. (d) 3.

(i) *Assignment of awards.* The filing by an applicant with the department of an assignment of an award under this section to a person who loans money to the applicant for the purpose of conducting activities required under sub. (4) creates and perfects a lien in favor of the assignee in the proceeds of the award. The lien secures all principal, interest, fees, costs and expenses of the assignee related to the loan. The lien under this paragraph has priority over any previously existing or subsequently created lien, assignment, security interest or other interest in the proceeds of the award.

(j) *Reduction of awards.* 1. If an owner or operator prepares and submits an application that includes ineligible costs that are identified under subd. 3., the department shall calculate the award by determining the amount that the award would otherwise be under pars. (e) and (f) based only on the eligible costs and then by reducing that amount by 50% of the ineligible costs under subd. 2. that are included in the application.

2. If a consultant prepares an application that is submitted by an owner or operator and that includes ineligible costs that are identified under subd. 3., the consultant shall pay to the department an amount equal to 50% of the ineligible costs identified under subd. 3. that are included in the application. A consultant may not charge the owner or operator for any amount that the consultant is required to pay under this subdivision. Payments made under this subdivision shall be deposited in the dry cleaner environmental response fund.

3. The department shall promulgate a rule identifying the ineligible costs to which subds. 1. and 2. apply.

(9) RECOVERY OF AWARDS. (a) *Right of action.* A right of action under this section shall accrue to the state against an owner or operator only if the owner or operator submits a fraudulent application or does not meet the requirements under this section and if an award is issued under this section to the owner or operator for eligible costs under this section.

(b) *Action to recover awards.* The attorney general shall take appropriate actions to recover awards to which the state is entitled under par. (a). The department shall request that the attorney general take action if the department discovers a fraudulent application after an award is issued.

(c) *Disposition of funds.* The net proceeds of the recovery under par. (b) shall be paid into the dry cleaner environmental response fund.

(10) LIABILITY. (a) No common law liability, and no statutory liability that is provided in a statute other than this section, for damages resulting from a dry cleaning facility is affected by this section. Except as provided in par. (b), the authority, power and remedies provided in this section are in addition to any authority, power or remedy provided in any statute other than this section or provided at common law.

(b) An award under this section is the exclusive method for the recovery of the amount of eligible costs equal to the amount of the award that may be issued under this section.

(c) If a person conducts a remedial action activity for a discharge at a dry cleaning facility site, whether or not the person files an application under this section, the remedial action activity conducted and any application filed under this section are not evidence of liability or an admission of liability for any potential or actual environmental pollution.

Vetoed In Part

(11) INTERVENTION IN 3RD–PARTY ACTIONS. An owner or operator of a dry cleaning facility shall notify the department of any action by a 3rd party against the owner or operator for compensation for bodily injury or property damage caused by a dry cleaning solvent discharge from the dry cleaning facility if the owner or operator may be eligible for an award under this section. The department may intervene in any action by a 3rd party against an owner or operator for compensation for bodily injury or property damage caused by a dry cleaning solvent discharge from a dry cleaning facility if the owner or operator may be eligible for an award under this section for compensation awarded in the action.

(12) RECORDS. (a) The department shall promulgate rules prescribing requirements for the records to be maintained by an owner, operator or service provider and the periods for which they must retain those records.

(b) The department may inspect any document in the possession of an owner, operator or service provider or any other person if the document is relevant to an application for reimbursement under this section.

(13) COUNCIL. The dry cleaner environmental response council shall advise the department concerning the programs under this section and s. 292.66. The dry cleaner environmental response council shall evaluate the program under this section at least every 5 years, using criteria developed by the council.

(14) SUNSET. This section does not apply after June 30, 2032.

SECTION 3721m. 292.66 of the statutes is created to read:

292.66 Assistance for purchase and installation of interim remedial equipment at dry cleaning facilities. **(1)** The department shall allocate 46% of the funds appropriated under s. 20.370 (6) (eq) in each fiscal year for awards to reimburse owners and operators for costs of preliminary site screening and the purchase and installation of equipment to begin the cleanup of discharges of dry cleaning solvent from dry cleaning facilities before the completion of full site investigations and remedial action plans. The department may not make an award under this section before September 1, 1998, or after June 30, 2002.

(2) The owner or operator of a dry cleaning facility is eligible for an award under this section if all of the following apply:

(a) The owner or operator reports the dry cleaning solvent discharge to the department in a timely manner, as provided in s. 292.11.

(b) The owner or operator conducts a preliminary site screening, including an onsite mobile laboratory analysis of any soil and groundwater affected by the discharge to determine the location for installation of the interim remedial equipment.

(c) Immediate action is not necessary at the affected dry cleaning facility.

(d) The owner or operator installs equipment that is approved by the department to begin the cleanup of the discharge of dry cleaning solvent.

(e) The dry cleaning facility is operating at the time that the owner or operator applies for assistance under this section. **Vetoed In Part**

(f) The owner or operator submits an application for reimbursement in a form and manner specified by the

department and complies with any inspection requirements established by the department.

(3) An award under this section may not exceed $15,000, of which not more than $2,500 may be for the cost of conducting the preliminary site screening.

(4) The department may promulgate rules for determining the usual and customary costs for items for which it may make awards under this section and may use the rules to determine the amount of an applicant's eligible costs.

(5) (a) Notwithstanding s. 292.11 (3) and (7), if an owner or operator applies and is eligible under sub. (2) for an award under this section and also applies for an award under s. 292.65, the owner or operator and any person who caused the discharge of dry cleaning solvent is not required to conduct a site investigation or proceed with other remedial action until the department informs the owner or operator that funding is available for an award to the owner or operator under s. 292.65.

(b) Paragraph (a) does not apply if the department determines that immediate action is necessary because of the discharge of dry cleaning solvent.

SECTION 3723. 292.81 (2) (a) (intro.) of the statutes is amended to read:

292.81 **(2)** (a) (intro.) Before incurring expenses under s. 292.11~~,~~ or 292.31 (1), (3) or (7) ~~or 292.41 (4)~~ with respect to a property, the department shall provide to the current owner of the property and to any mortgagees of record a notice containing all of the following:

SECTION 3724. 292.81 (2) (a) 1. of the statutes is amended to read:

292.81 **(2)** (a) 1. A brief description of the property for which the department expects to incur expenses under s. 292.11~~,~~ or 292.31 (1), (3) or (7) ~~or 292.41 (4)~~.

SECTION 3725. 292.81 (2) (a) 2. of the statutes is amended to read:

292.81 **(2)** (a) 2. A brief description of the types of activities that the department expects may be conducted at the property under s. 292.11~~,~~ or 292.31 (1), (3) or (7) ~~or 292.41 (4)~~.

SECTION 3726. 292.81 (2) (d) of the statutes is amended to read:

292.81 **(2)** (d) No notice under this subsection is necessary in circumstances in which entry onto the property without prior notice is authorized under s. 292.11 (8) ~~or under s. 292.41 (5)~~.

SECTION 3727. 292.81 (3) of the statutes is amended to read:

292.81 **(3)** Any expenditures made by the department under s. 292.11 or 292.31 (1), (3) or (7) ~~or, subject to s. 292.41 (6) (d), under s. 292.41 (4)~~ shall constitute a lien upon the property for which expenses are incurred if the department files the lien with the register of deeds in the county in which the property is located. A lien under this section shall be superior to all other liens that are or have been filed against the property, except that if the property is residential property, as defined in s. 895.52 (1) (i), the lien may not affect any valid prior lien on that residential property.

Vetoed In Part

SECTION 3727g. 292.85 of the statutes is created to read:

Vetoed In Part

292.85 Certified remediation professionals. (1) DEFINITIONS. In this section:

(a) "Certificate" means a remediation professional certificate issued under this section.

(b) "Covered activity" means corrective action under s. 94.73, petroleum storage tank remedial action under s. 101.143 or 101.144, hazardous waste facility closure under s. 291.29, corrective action under s. 291.37, a response to a discharge of a hazardous substance under s. 292.11, remedial action under s. 292.15 (2), an environmental assessment under s. 292.21 (1) (c) 2., environmental repair under s. 292.31 (3), an abandoned container response under s. 292.41 or any other environmental remedial action specified by the department by rule, except that "covered activity" does not include an emergency response under s. 292.11, 292.31 (3) or 292.41.

(c) "Report" means a report of a site investigation, a report of interim actions prior to remedial action, a report of the design of a proposed remedial action plan, a report of a site closure or any other report designated by the department of natural resources, the department of commerce or the department of agriculture, trade and consumer protection by rule.

(2) RULES. The department shall promulgate rules necessary to implement this section. The department shall develop the rules in consultation with all state agencies that have oversight responsibility for programs related to environmental remediation and with other interested persons. The rules shall include requirements for education, continuing education, training, experience and standards of professional conduct for certified remediation professionals. The requirements and standards shall be sufficiently stringent so that covered activities conducted by or under the direction or supervision of a certified remediation professional and all reports related to covered activities that are prepared by or under the direction or supervision of certified remediation professionals are rendered in a manner that protects public health, safety, welfare and the environment and that is consistent with applicable statutes and rules.

(3) CERTIFICATE REQUIRED FOR CERTAIN ACTIVITIES. (a) Beginning on the effective date of this paragraph .... [revisor inserts date], a person may not submit a report to the department of natural resources, the department of commerce or the department of agriculture, trade and consumer protection with respect to a covered activity unless the report is prepared by, or under the direction or supervision of, a certified remediation professional, except as provided in sub. (6).

(b) Beginning on the effective date of this paragraph .... [revisor inserts date], a person may not conduct a cov-

ered activity unless the person is, or is under the direction or supervision of, a certified remediation professional, except as provided in sub. (6).

(4) DEPARTMENT MAY CERTIFY. (a) An individual may apply for a remediation professional certificate. Each application for an initial or renewal certificate shall be accompanied by a fee in an amount established by the department by rule that is sufficient to cover all costs of administering and enforcing this section.

(b) The department may issue a certificate under this section only to an individual. A certificate issued under this section may not be transferred.

(c) The department shall periodically publish notice of each application for a certificate, approval or denial of a certificate, revocation of a certificate and termination of a certificate. The department may not approve an application for an initial certificate or a renewal certificate until at least 30 days after the notice of application for the initial certificate or renewal certificate has been published. The department shall promulgate rules for the periodic publication of notice under this paragraph.

(d) The department of natural resources may grant an initial certificate or renew a certificate only if the department of natural resources determines that the applicant or the holder of the certificate is in compliance with all requirements under this section and under rules promulgated by the department of natural resources, the department of commerce and the department of agriculture, trade and consumer protection. The department of natural resources shall suspend or revoke a certificate if it determines, or the department of commerce or the department of agriculture, trade or consumer protection determines, that the individual holding the certificate fails to comply with all requirements under this section and under rules promulgated by the department of natural resources, the department of commerce and the department of agriculture, trade and consumer protection.

(e) The department may bar an individual whose application for an initial certificate or a renewal certificate is denied, or whose certificate is revoked, from applying for a certificate for a period determined by the department. If the department revokes a certificate, it may permanently bar the individual from applying for a certificate.

(f) A certified remediation professional shall obtain and maintain insurance against loss, expense and liability, including loss, expense and liability caused by pollution, resulting from errors, omissions or neglect in the performance of any professional service in an amount of at least $1,000,000 per claim and $1,000,000 in annual aggregate claims, with a deductible of no more than $100,000 per claim. **Vetoed In Part**

(5) PROHIBITION. No person may advertise or otherwise hold himself or herself out to be a certified remediation professional unless that person possesses a valid certificate issued by the department.

(6) EXEMPTION. Subsection (3) does not apply to a report prepared, or an activity performed, by an employe of this state acting within the scope of his or her employment.

(7) DEPARTMENTS MAY INVESTIGATE. (a) Employes or agents of the department of natural resources, the department of commerce or the department of agriculture, trade and consumer protection may at any reasonable time enter any site or building for the purpose of investigating, sampling or inspecting any condition, equipment, practice or property relating to a covered activity conducted, supervised or directed by a certified remediation professional.

(b) Employes or agents of the department of natural resources, the department of commerce or the department of agriculture, trade and consumer protection may seek a special inspection warrant under s. 66.122 authorizing entry to a site or building under par. (a) if permission to enter is denied or if one of those departments determines that entry without prior notice is necessary to enforce this section.

(c) A certified remediation professional shall provide any information requested by the department of natural resources, the department of commerce or the department of agriculture, trade and consumer protection relating to his or her activities as a certified remediation professional. If one of those departments has reason to suspect that a violation of any statute or rule related to a covered activity has occurred or may occur, it may issue to a certified remediation professional an order requiring the production or analysis of samples, requiring the production of records or requiring any action by the certified remediation professional that may be necessary to prevent or eliminate the violation.

(8) MEMORANDUM OF UNDERSTANDING. The department of natural resources, the department of commerce and the department of agriculture, trade and consumer protection shall enter into a memorandum of understanding with respect to common areas of responsibility that relate to this section. A memorandum of understanding under this subsection does not take effect until it is approved by the secretary of administration.

(9) APPEALS. Any person aggrieved by a determination or order of the department under this section may request a contested case hearing under ch. 227.

SECTION 3730m. 293.13 (1) (b) of the statutes is amended to read: **Vetoed In Part**

293.13 **(1)** (b) Establish by rule ~~after consulting with the metallic mining council~~ minimum qualifications for applicants for prospecting and mining permits. Such minimum qualifications shall ensure that each operator in the state is competent to conduct mining and reclamation and each prospector in the state is competent to conduct prospecting in a fashion consistent with the purposes of this chapter. The department shall also consider such other relevant factors bearing upon minimum qualifica- **Vetoed In Part**

tions, including but not limited to, any past forfeitures of bonds posted pursuant to mining activities in any state.

SECTION 3730p. 293.13 (2) (a) of the statutes is amended to read:

293.13 **(2)** (a) The department by rule ~~after consulting with the metallic mining council~~ shall adopt minimum standards for exploration, prospecting, mining and reclamation to ensure that such activities in this state will be conducted in a manner consistent with the purposes and intent of this chapter. The minimum standards may classify exploration, prospecting and mining activities according to type of minerals involved and stage of progression in the operation.

SECTION 3731. 295.11 (4) of the statutes is amended to read:

295.11 **(4)** "Nonmetallic mining reclamation" means the rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, ~~establishment~~ reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution~~, construction of fences where necessary~~ and, if practical, restoration of plant, fish and wildlife habitat.

SECTION 3732. 295.11 (5) of the statutes is amended to read:

295.11 **(5)** "Nonmetallic mining refuse" means waste soil, rock, mineral~~, liquid and vegetation~~ and other ~~waste~~ natural material resulting from nonmetallic mining. This term does not include ~~merchantable~~ marketable by–products resulting directly from or displaced by the nonmetallic mining.

SECTION 3733. 295.11 (6) (intro.), (a), (b), (c) and (d) of the statutes are renumbered 295.11 (6) (a) (intro.), 1., 2., 3. and 4., and 295.11 (6) (a) (intro.), 1. and 2., as renumbered, are amended to read:

295.11 **(6)** (a) (intro.) "Nonmetallic mining site" means all of the following, except as provided in par. (b):

1. The location where nonmetallic mining is proposed or conducted~~, including all surface areas from which materials have been or will be removed~~.

2. Storage and processing areas ~~related to the~~ that are in or contiguous to areas excavated for nonmetallic mining.

SECTION 3734. 295.11 (6) (a) 5. of the statutes is created to read:

295.11 **(6)** (a) 5. Areas where grading or regrading is necessary to conduct nonmetallic mining or to achieve a land use specified in an approved nonmetallic mining reclamation plan.

SECTION 3735. 295.11 (6) (b) of the statutes is created to read:

295.11 **(6)** (b) "Nonmetallic mining site" does not include any area described in par. (a) 1. to 5. that is not used for nonmetallic mining or for purposes related to nonmetallic mining on or after the effective date of this paragraph .... [revisor inserts date].

SECTION 3736. 295.11 (6) (e) of the statutes is repealed.

SECTION 3737. 295.11 (9) of the statutes is amended to read:

295.11 **(9)** "Replacement of topsoil" means the replacement of the topsoil that was removed or disturbed by nonmetallic mining, or the provision of ~~soil that is at least as adequate as~~ material to substitute for the topsoil that was removed or disturbed, for the purposes of providing adequate vegetative cover and stabilization of soil conditions to achieve a land use specified in an approved nonmetallic mining reclamation plan.

SECTION 3738. 295.12 (1) (c) of the statutes is amended to read:

295.12 **(1)** (c) Uniform statewide ~~standards~~ requirements and procedures for the administration of a nonmetallic mining reclamation ~~ordinance~~ program by any county, city, village or town.

SECTION 3739. 295.12 (1) (d) of the statutes is repealed.

SECTION 3740. 295.12 (2) (a) of the statutes is amended to read:

295.12 **(2)** (a) The department shall establish nonmetallic mining reclamation standards under sub. (1) (a) that are applicable to activities related to nonmetallic mining reclamation both during nonmetallic mining and after the termination of nonmetallic mining.

SECTION 3741. 295.12 (2) (b) and (c) of the statutes are repealed.

SECTION 3742. 295.12 (2) (d) of the statutes is amended to read:

295.12 **(2)** (d) ~~Standards for those portions of a nonmetallic mining site that are mined on or after the effective date of the ordinance~~ Nonmetallic mining reclamation standards under sub. (1) (a) shall be designed to encourage the development and reclamation of nonmetallic mining sites in existence on the effective date of this paragraph .... [revisor inserts date], and shall include requirements necessary to achieve a land use specified in an approved nonmetallic mining reclamation plan, including requirements related to the removal or reuse of nonmetallic mining refuse, removal of roads no longer in use, stabilization of soil conditions, grading the nonmetallic mining site, replacement of topsoil, establishment of vegetative cover, control of surface water flow and groundwater withdrawal, prevention of environmental pollution~~, construction of fences where necessary~~ and, if practical, protection or restoration of plant, fish and wildlife habitat.

SECTION 3743. 295.12 (2) (e) of the statutes is repealed.

SECTION 3744. 295.12 (3) (intro.) of the statutes is amended to read:

295.12 **(3)** (title) ~~TEXT OF ORDINANCE~~ PROGRAM REQUIREMENTS. (intro.) The ~~text of the nonmetallic mining reclamation ordinance under~~ rules required by sub. (1) ~~(d)~~ (c) shall include all of the following:

SECTION 3745. 295.12 (3) (a) and (b) of the statutes are repealed.

SECTION 3746. 295.12 (3) (c) of the statutes is amended to read:

295.12 **(3)** (c) A requirement for the operator to submit a nonmetallic mining reclamation plan including maps, information about the nonmetallic mining site, a proposed land use for which the nonmetallic mining site will be rehabilitated after the nonmetallic mining is completed, a description of the proposed nonmetallic mining reclamation including methods and procedures to be used and a proposed timetable for completion of various stages of the nonmetallic mining reclamation. The reclamation plan shall be designed to ensure successful nonmetallic mining reclamation consistent with the standards under sub. (1) (a), to minimize the costs of nonmetallic mining reclamation and, to the extent practicable, to minimize the area disturbed by nonmetallic mining at one time and provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

SECTION 3747. 295.12 (3) (d) of the statutes is amended to read:

295.12 **(3)** (d) A requirement for the operator to obtain a nonmetallic mining reclamation permit in order to engage in nonmetallic mining or in nonmetallic mining reclamation; a requirement for a ~~5−year~~ permit term ~~unless a shorter permit term is requested by the applicant; standards~~ equal to the period during which nonmetallic mining is conducted; procedures for the issuance, ~~renewal,~~ modification, suspension or revocation of the reclamation permit; a requirement for public notice and an opportunity for a public informational hearing before issuance~~, renewal, modification, suspension or revocation of the~~ or modification of a reclamation permit~~; a requirement to conduct a public hearing on the issuance, renewal or modification of a permit, if requested within 30 days after receipt of the nonmetallic mining operation and reclamation plan;~~ for a nonmetallic mine that is not in operation before the date specified under par. (dm); notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), a right for any person who meets the requirements of s. 227.42 (1) to ~~obtain~~ a contested case hearing under ~~ch. 68~~ s. 68.11 on the issuance, ~~renewal,~~ modification~~, suspension or revocation~~ or denial of a reclamation permit and for a person holding a reclamation permit to a contested case hearing under s. 68.11 to contest an order issued under s. 295.19 (1); a requirement for cooperative issuance of a single reclamation permit if more than one county or municipality has jurisdiction over the nonmetallic mining site; ~~a requirement for issuance of a single permit for all nonmetallic mining sites operated by the same person in a county or municipality, with nonmetallic mining sites to be added or deleted by permit modification and with separate permit conditions, fees and financial assurance for each nonmetallic mining site;~~ and a requirement that action approving, denying or conditionally approving a reclamation permit be taken within 90 days after receipt of the ~~mining operation and mining~~ reclamation ~~plans~~ plan or, if a public informational hearing is held, within 60 days after the close of the public hearing.

SECTION 3748. 295.12 (3) (de) of the statutes is created to read:

295.12 **(3)** (de) Except as provided in par. (dm), a prohibition on issuance of a reclamation permit before approval of the nonmetallic mining reclamation plan under par. (c) by the county, city, village or town operating the program.

SECTION 3749. 295.12 (3) (dm) of the statutes is created to read:

295.12 **(3)** (dm) A requirement that, when an operator submits an application for a reclamation permit for a nonmetallic mine that is operating before a date specified by the department in the rule, the county, city, village or town issue the permit on the condition that the operator submit a nonmetallic mining reclamation plan under par. (c) that complies with the rules under par. (c) by a deadline established by the county, city, village or town. The deadline shall be from 1 to 3 years after the date of application.

SECTION 3750. 295.12 (3) (ds) of the statutes is created to read:

295.12 **(3)** (ds) A requirement that the county, city, village or town issue a reclamation permit on the condition that the operator submit proof of financial responsibility in accordance with par. (g) within a time specified by the rule.

SECTION 3751. 295.12 (3) (e) of the statutes is renumbered 295.12 (3) (e) 1., and 295.12 (3) (e) 1. a. and b., as renumbered, are amended to read:

295.12 **(3)** (e) 1. a. The examination and approval of ~~operation plans and~~ nonmetallic mining reclamation plans.

b. The inspection of ~~nonmetallic mining and~~ nonmetallic mining reclamation.

SECTION 3752. 295.12 (3) (e) 2. of the statutes is created to read:

295.12 **(3)** (e) 2. A prohibition on basing the fees under subd. 1. on any portion of a nonmetallic mining site that has been reclaimed when the fees are imposed.

SECTION 3753. 295.12 (3) (g) of the statutes is amended to read:

295.12 **(3)** (g) A requirement for the operator to provide a bond, deposit of funds, established escrow account, letter of credit, demonstration of financial responsibility by meeting net worth requirements or other form

of financial assurance conditioned on the faithful performance of all of the requirements of ~~the nonmetallic mining reclamation ordinance~~ rules promulgated under this section. The rules shall authorize a county, city, village or town to reduce the amount of financial assurance that an operator is required to provide based on nonmetallic mining reclamation that the operator performs while the nonmetallic mine continues to operate.

SECTION 3754. 295.12 (3) (h) of the statutes is amended to read:

295.12 **(3)** (h) Provisions to restrict ~~nonmetallic mining or restrict~~, regulate or require certain activities in connection with ~~nonmetallic mining or~~ nonmetallic mining reclamation in order to ensure compliance with nonmetallic mining reclamation standards, ~~operation plans,~~ nonmetallic mining reclamation plans, ~~licensing standards,~~ financial assurance requirements and other requirements of the ~~nonmetallic mining reclamation ordinance. These restrictions, regulations and requirements may include requirements for separations between excavations and property boundaries, for depth of excavations and for segregation of topsoil~~ rules promulgated under this section.

SECTION 3755. 295.12 (3) (i) of the statutes is amended to read:

295.12 **(3)** (i) A prohibition on nonmetallic mining if a proposed nonmetallic mining site~~, other than a nonmetallic mining site in existence before the effective date of the ordinance,~~ cannot be reclaimed in compliance with the nonmetallic mining reclamation standards ~~in the ordinance~~ under sub. (1) (a).

SECTION 3756. 295.12 (3) (j) of the statutes is repealed.

SECTION 3757. 295.12 (3) (k) of the statutes is amended to read:

295.12 **(3)** (k) A provision for orders and penalties consistent with s. 295.19 ~~(3)~~.

SECTION 3758. 295.12 (3) (L) of the statutes is amended to read:

295.12 **(3)** (L) ~~Standards~~ Criteria and procedures for ~~granting exemptions and variances from~~ approving alternatives to the requirements of the nonmetallic mining reclamation ~~ordinance~~ standards under sub. (1) (a).

SECTION 3759. 295.13 of the statutes is amended to read:

295.13 (title) **Mandatory enactment and administration of ordinance by counties. (1)** MANDATORY ENACTMENT AND ADMINISTRATION OF ORDINANCE. (a) *Requirement to enact and administer ordinance.* Within 6 months after the effective date of the rules under s. 295.12 (1), each county shall enact and begin to administer a nonmetallic mining reclamation ordinance~~, the text of which is in strict conformity with the text of the ordinance established under s. 295.12 (1) (d)~~ that complies with those rules, except as provided in ~~sub.~~ subs. (2) and (2m). This ordinance may be enacted separately from an ordinance enacted under s. 59.69.

(2) PREEXISTING COUNTY ORDINANCES. Any county with a nonmetallic mining reclamation ordinance in effect on June 1, 1993, may maintain and administer that ordinance if the department reviews the existing ordinance and determines that it is at least as restrictive as the ~~ordinance established~~ rules under s. 295.12 (1) ~~(d)~~. If the department determines that any part of the existing ordinance is not as restrictive as the ~~ordinance established~~ rules under s. 295.12 (1) ~~(d)~~, the county may amend the ordinance and submit the amended ordinance to the department for ~~approval~~ a determination of whether the amended ordinance is as restrictive as those rules. After obtaining the ~~approval~~ determination of the department ~~under this subsection~~ that an ordinance is as restrictive as the rules under s. 295.12 (1), the county may not amend the ordinance to make it more restrictive. ~~After obtaining the approval of the department under this subsection, the~~ A county may not amend ~~the~~ a nonmetallic mining reclamation ordinance to make it less restrictive than the ~~ordinance established~~ requirements in the rules under s. 295.12 (1) ~~(d)~~.

(3) APPLICABILITY OF COUNTY ORDINANCE. ~~The~~ An ordinance under sub. (1) or (2) applies to the entire area of the county, except for cities, villages and towns that enact and administer a nonmetallic mining reclamation ordinance under s. 295.14.

SECTION 3760. 295.13 (2m) of the statutes is created to read:

295.13 **(2m)** OPTION FOR CERTAIN COUNTIES. In a county with a population of 700,000 or more, if every city, village and town that contains a nonmetallic mining site has enacted an ordinance under s. 295.14 by the first day of the 4th month beginning after the effective date of the rules promulgated under s. 295.12 (1), the county is not required to enact an ordinance under this section.

SECTION 3761. 295.14 of the statutes is amended to read:

295.14 Authority to enact and administer ordinance. (1) AUTHORITY TO ENACT AND ADMINISTER ORDINANCE. A city, village or town may enact and administer a nonmetallic mining reclamation ordinance, ~~the text of which is in strict conformity with the text of the ordinance~~ that complies with the rules under s. 295.12 (1) ~~(d)~~. Except as provided in sub. (2), a city, village or town may not administer a nonmetallic mining reclamation ordinance~~, the text of which is not in strict conformity with the text of the ordinance~~ that does not comply with the rules under s. 295.12 (1) ~~(d)~~.

(2) PREEXISTING MUNICIPAL ORDINANCES. A city, village or town with a nonmetallic mining reclamation ordinance in effect on June 1, 1993, may maintain and administer that ordinance if the department reviews the existing ordinance and determines that it is at least as

restrictive as the ~~ordinance established~~ rules under s. 295.12 (1) ~~(d)~~. If the department determines that any part of the existing ordinance is not as restrictive as the ~~ordinance established~~ rules under s. 295.12 (1) ~~(d)~~, the city, village or town may amend the ordinance and submit the amended ordinance to the department for ~~approval~~ a determination of whether the amended ordinance is as restrictive as those rules. After obtaining the ~~approval~~ determination of the department ~~under this subsection~~ that an ordinance is as restrictive as the rules under s. 295.12 (1), the city, village or town may not amend the ordinance to make it more restrictive. ~~After obtaining the approval of the department under this subsection, the~~ A city, village or town may not amend ~~the~~ a nonmetallic mining reclamation ordinance to make it less restrictive than the ~~ordinance established~~ rules under s. 295.12 (1) ~~(d)~~.

SECTION 3762. 295.16 (title) of the statutes is amended to read:

295.16 (title) **Applicability of ~~ordinance and standards~~ nonmetallic mining reclamation requirements.**

SECTION 3763. 295.16 (1) of the statutes is repealed and recreated to read:

295.16 **(1)** NONMETALLIC MINING FOR TRANSPORTATION PURPOSES. (a) Notwithstanding par. (b), any requirements of the department of transportation concerning the restoration of a nonmetallic mining site shall be consistent with the nonmetallic mining reclamation standards established under s. 295.12 (1) (a).

(b) A nonmetallic mining ordinance and the rules promulgated under s. 295.12 (1) do not apply to nonmetallic mining to obtain stone, soil, sand or gravel for the construction, maintenance or repair of a highway, railroad, airport facility or any other transportation facility, if the nonmetallic mining is subject to the requirements of the department of transportation concerning the restoration of the nonmetallic mining site.

SECTION 3764. 295.16 (2) of the statutes is amended to read:

295.16 **(2)** NONMETALLIC MINING IN OR NEAR NAVIGABLE WATERWAYS. A nonmetallic mining reclamation ordinance, and requirements of this subchapter other than the standards established under s. 295.12 (1) (a), do not apply to any nonmetallic mining site or portion of a nonmetallic mining site that is subject to permit and reclamation requirements of the department under ss. 30.19, 30.195, 30.20, 30.30 and 30.31. The nonmetallic mining standards established under s. 295.12 (1) (a) do apply to a nonmetallic mining site that is subject to permit and reclamation requirements of the department under ss. 30.19, 30.195, 30.20, 30.30 and 30.31.

SECTION 3765. 295.16 (4) (b) of the statutes is amended to read:

295.16 **(4)** (b) Excavations or grading conducted for ~~highway~~ the construction ~~purposes within the highway right-of-way~~, reconstruction, maintenance or repair of a highway, railroad, airport facility or any other transportation facility if the excavation or grading is within the property boundaries of the transportation facility.

SECTION 3766. 295.16 (4) (g) of the statutes is amended to read:

295.16 **(4)** (g) Any activities ~~conducted at a solid waste or hazardous waste disposal site~~ required to prepare, operate or close a solid waste disposal facility under subchs. II to IV of ch. 289 or a hazardous waste disposal facility under ch. 291 that are conducted on the property on which the facility is located, but a nonmetallic mining reclamation ordinance and the standards established under s. 295.12 (1) (a) apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not ~~part of~~ on the property on which the solid waste or hazardous waste disposal facility is located such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

SECTION 3767. 295.16 (4) (h) of the statutes is repealed.

SECTION 3768. 295.17 (1) of the statutes is amended to read:

295.17 **(1)** An agent of a county, city, village or town that has a ~~valid~~ nonmetallic mining reclamation ordinance that complies with s. 295.13 or 295.14 may enter a nonmetallic mining site in the performance of his or her official duties at any reasonable time in order to inspect those premises and to ascertain compliance with ~~the nonmetallic mining reclamation ordinance~~ this subchapter. No person may refuse entry or access to an agent of the county, city, village or town who requests entry for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with the inspection. The county, city, village or town shall furnish to the operator any report prepared by the county, city, village or town regarding the inspection.

SECTION 3769. 295.18 (1) (intro.) of the statutes is amended to read:

295.18 **(1)** REVIEW. (intro.) The department shall periodically review the nonmetallic mining reclamation program under this subchapter of each county and each city, village or town that exercises jurisdiction under this subchapter to ascertain compliance with this subchapter and the rules promulgated under this subchapter. This review shall include all of the following:

SECTION 3770. 295.18 (1) (c) of the statutes is amended to read:

295.18 **(1)** (c) A written determination by the department, issued ~~every 3~~ at least once every 10 years, of whether ~~or not~~ the county, city, village or town is in compliance with this subchapter and rules promulgated under this subchapter.

SECTION 3771. 295.18 (2) of the statutes is amended to read:

295.18 **(2)** NONCOMPLIANCE; HEARING. If the department determines under sub. (1) that a county, city, village

or town is not in compliance with this subchapter and rules promulgated under this subchapter, the department shall notify the county, city, village or town of that determination. If the department decides to pursue the matter, it shall conduct a hearing, after 30 days' notice, in the county, city, village or town. As soon as practicable after the hearing, the department shall issue a written decision regarding compliance with this subchapter and rules promulgated under this subchapter.

SECTION 3772. 295.18 (4) of the statutes is amended to read:

295.18 **(4)** COUNTY NONCOMPLIANCE; CONSEQUENCES. If the department ~~determines~~ issues a written decision under sub. (2) that a county is not in compliance with this subchapter and rules promulgated under this subchapter, the department shall administer the nonmetallic mining reclamation program in that county, including the collection of fees, review and approval of plans, inspection of nonmetallic mining sites and enforcement, except that the department may not administer the nonmetallic mining reclamation program in a city, village or town that enacted an ordinance that complies with s. 295.14 before the department made its determination under sub. (2) and is administering that ordinance. The county may apply to the department at any time to resume administration of the nonmetallic mining reclamation program. The department, after a hearing, may approve the county request to administer the nonmetallic mining reclamation program if the county demonstrates the capacity to comply with this subchapter and rules promulgated under this subchapter. No city, village or town may enact an ordinance ~~under s. 295.14~~ for and begin to implement a nonmetallic mining reclamation program during the time that the department administers the nonmetallic mining reclamation program in the county in which the city, village or town is located.

SECTION 3773. 295.19 (1) (intro.), (a), (b) and (c) of the statutes are amended to read:

295.19 **(1)** ORDERS; ENFORCEMENT. (intro.) The governing body of a county, city, village or town that has a ~~valid~~ nonmetallic mining reclamation ordinance that complies with s. 295.13 or 295.14, or an agent designated by that governing body, may do any of the following:

(a) Issue ~~a compliance order, suspension order or termination~~ an order ~~as authorized in~~ requiring an operator to comply with, or to cease violating, this subchapter, rules promulgated under this subchapter, the nonmetallic mining reclamation ordinance, a nonmetallic mining reclamation permit or an approved nonmetallic mining reclamation plan.

(b) ~~Modify, suspend or revoke~~ Issue an order suspending or revoking a nonmetallic mining reclamation permit as authorized in the nonmetallic mining reclamation ordinance.

(c) Issue ~~a special~~ an order directing ~~the immediate cessation of~~ an operator to immediately cease an activity regulated under this subchapter, under rules promulgated under this subchapter or under the nonmetallic mining reclamation ordinance until the necessary nonmetallic mining reclamation plan approval is obtained ~~or until the nonmetallic mining site complies with the nonmetallic mining reclamation ordinance~~.

SECTION 3774. 295.19 (2) of the statutes is amended to read:

295.19 **(2)** DEPARTMENT ORDERS. The department may issue ~~a special~~ an order directing the immediate cessation of an activity regulated under this subchapter until the nonmetallic mining site complies with the nonmetallic mining reclamation standards established under s. 295.12 (1) (a).

SECTION 3775. 295.19 (3) (b) 1. of the statutes is amended to read:

295.19 **(3)** (b) 1. Except for the violations enumerated in par. (a), any person who violates this subchapter or any rule promulgated or any plan approval~~, license or special~~ order issued under this subchapter shall forfeit not less than $10 nor more than $5,000 for each violation. Each day of continued violation is a separate offense. While ~~the~~ an order is suspended, stayed or enjoined, this penalty does not accrue.

SECTION 3776. 295.20 (title) of the statutes is amended to read:

295.20 (title) **Preservation of ~~certain~~ marketable nonmetallic mineral deposits.**

SECTION 3777. 295.20 (1) of the statutes is renumbered 295.20 (1) (a) (intro.) and amended to read:

295.20 **(1)** (a) (intro.) Beginning on ~~June 1, 1994~~ the effective date of this paragraph .... [revisor inserts date], a landowner may register land owned by that person ~~with each county in which the land is located if the~~ under this section if all of the following apply:

1. The land has ~~an economically viable~~ a marketable nonmetallic mineral deposit, as evidenced by the certification of a professional geologist registered under s. 443.037 or a professional engineer registered under s. 443.04 and by any other information required under sub. (4).

(c) The registration shall delineate the nonmetallic mineral deposit and ~~the necessary buffer areas under the nonmetallic mining reclamation ordinance. The landowner, as a condition of registration, shall submit evidence that a notation of the registration has been~~ is valid only if recorded in the office of the register of deeds in each county in which the nonmetallic mineral deposit ~~or buffer area~~ is located. ~~A~~

(d) Except as provided under sub. (4) (d), a registration under this subsection ~~may not be rescinded by the county or the landowner or his or her successors or assigns~~ lasts for 10 years and may be renewed as provided in the rules under sub. (4) (e).

SECTION 3778. 295.20 (1) (a) 2. and 3. of the statutes are created to read:

295.20 **(1)** (a) 2. The landowner notifies each county, city, village and town that has authority to zone the land of his or her intent to register the marketable nonmetallic mineral deposit. The notification shall include the evidence required under subd. 1.

3. Nonmetallic mining is a permitted or conditional use for the land that is proposed to be registered under any zoning that is in effect on the day on which the landowner makes the notification under subd. 2.

SECTION 3779. 295.20 (1) (b) of the statutes is created to read:

295.20 **(1)** (b) A governmental unit that receives notification under par. (a) 2. may contest registration under this subsection, in the circuit court for a county in which the land is located, on the grounds that there is not a marketable nonmetallic mineral deposit on the land or that par. (a) 3. is not satisfied. The governmental unit has the burden of proving, by a preponderance of the evidence, that one of those grounds exists.

SECTION 3780. 295.20 (1m) of the statutes is created to read:

295.20 **(1m)** PREVIOUSLY REGISTERED DEPOSITS. Land registered under sub. (1) before the effective date of this subsection .... [revisor inserts date], shall remain registered for 10 years after the initial date of registration. The registration may be renewed as provided under sub. (4) (f).

SECTION 3781. 295.20 (2) of the statutes is renumbered 295.20 (2) (a) and amended to read:

295.20 **(2)** (a) A county, city, village or town may not by zoning, rezoning, granting a variance, or other official action or inaction, permit the erection of permanent structures upon, or otherwise permit the use of, any ~~registered nonmetallic mineral deposit or registered buffer area~~ land, while a registration under this section is in effect for that land, in a manner that would permanently interfere with the present or future extraction of the nonmetallic mineral deposit ~~or maintenance of the buffer area~~ that is located on the land.

SECTION 3782. 295.20 (2) (b) of the statutes is created to read:

295.20 **(2)** (b) 1. A county, city, village or town may enact an ordinance changing the zoning of land that is registered under this section if mining has not begun on any portion of the registered land and the ordinance is necessary to implement a master plan, comprehensive plan or land use plan that was adopted at least one year before the rezoning.

2. A zoning change authorized by subd. 1. does not apply to the registered land during the registration period in effect when the zoning ordinance takes effect or during the 10−year renewal period under sub. (4) (e) or (f) if the land is eligible for that renewal.

3. A zoning change authorized by subd. 1. prevents the registration of the land after the period under subd. 2.

SECTION 3783. 295.20 (3) (a) and (b) of the statutes are amended to read:

295.20 **(3)** (a) A use of land permissible under a zoning ordinance in effect on the day before a mineral deposit ~~or buffer area~~ is registered under sub. (1).

(b) Acquisition of a registered nonmetallic mineral deposit or registered buffer area by a county, city, village or town or other governmental unit for a public purpose ~~if the use of the land does not permanently interfere with the extraction of nonmetallic minerals or maintenance of the buffer area~~.

SECTION 3784. 295.20 (4) of the statutes is created to read:

295.20 **(4)** RULES. The department shall promulgate rules that contain all of the following:

(a) A definition of "marketable nonmetallic mineral deposit".

(b) Procedures and requirements for registering land containing a marketable nonmetallic mineral deposit under sub. (1).

(c) Procedures and criteria for objecting to the proposed registration of land containing a nonmetallic mineral deposit.

(d) Procedures for terminating the registration of land under this section when there is no longer a marketable nonmetallic mineral deposit on the land.

(e) Procedures and criteria for renewing the registration of land under sub. (1). The rules shall allow renewal for one 10−year period without review of the marketability of the deposit or the zoning of the land, except that, if mining has begun on any portion of the registered land, the rules shall allow the person to renew the registration for an unlimited number of 10−year periods as long as active mining continues.

(f) Procedures and criteria for renewing the registration of land under sub. (1m).

(g) Criteria under which contiguous parcels of land owned by the same person and containing the same marketable nonmetallic mineral deposit may be included in one registration.

SECTION 3785. 299.05 of the statutes is created to read:

299.05 Permit guarantee program. (1) The department shall promulgate rules under which the department refunds fees paid by an applicant for a license or approval that is of a type specified in sub. (2) if the department fails to make a determination on the application within the time limit specified in the rule for that type of license or approval. The rules under this subsection do not apply to an applicant for a license or other approval related to mining, as defined in s. 293.01 (9), prospecting, as defined in s. 293.01 (18), or nonmetallic mining, as defined in s. 295.11 (3).

(2) The department shall specify time limits for the following types of licenses and approvals in the rules under sub. (1):

(b) Approvals under s. 281.17 (1).

(e) Licenses under subch. III of ch. 289.

(f) Licenses issued under subch. IV of ch. 291.

SECTION 3786f. 299.13 (1) (bm) of the statutes is repealed.

SECTION 3786h. 299.13 (1m) (intro.) of the statutes is amended to read:

299.13 **(1m)** PROMOTION OF HAZARDOUS POLLUTION PREVENTION. (intro.) In carrying out the duties under this section and ss. 36.25 (30) and 560.19 ~~and this section~~, the department, the department of commerce~~, the council~~ and the program shall promote all of the following techniques for hazardous pollution prevention:

SECTION 3786j. 299.13 (2) (b) of the statutes is amended to read:

299.13 **(2)** (b) Identify all department requirements for reporting on hazardous pollution prevention and, to the extent possible and practical, standardize, coordinate and consolidate the reporting in order to minimize duplication and provide useful information on hazardous pollution prevention to the ~~council, the~~ legislature and the public.

SECTION 3786L. 299.13 (2) (e) of the statutes is repealed.

SECTION 3787e. 299.15 (3) (cm) 1. of the statutes is repealed.

SECTION 3787g. 299.15 (3) (cm) 2. of the statutes is amended to read:

299.15 **(3)** (cm) 2. In any fiscal year ~~after fiscal year 1992−93~~, the department may not charge total fees under par. (am) that exceed ~~the total fees that it charges under par. (am) for fiscal year 1992−93~~ $7,450,000.

SECTION 3789. 299.80 of the statutes is created to read:

299.80 Environmental cooperation pilot program. (1) DEFINITIONS. In this section:

(a) "Approval" means a permit, license or other approval issued by the department under chs. 280 to 295.

(b) "Cooperative agreement" means an agreement entered into under sub. (6).

(c) "Environmental management system" means an organized set of procedures implemented by the owner or operator of a facility to evaluate the environmental performance of the facility and to achieve measurable or noticeable improvements in that environmental performance through planning and changes in the facility's operations.

(d) "Environmental performance" means the effects, whether regulated under chs. 280 to 295 or unregulated, of a facility on air, water, land, natural resources and human health.

(e) "Facility" means all buildings, equipment and structures located on a single parcel or on adjacent parcels that are owned or operated by the same person.

(f) "Interested person" means a person who is or may be affected by the activities at a facility that is covered or proposed to be covered by a cooperative agreement or a representative of such a person.

(g) "Performance evaluation" means a systematic, documented and objective review, conducted by or on behalf of the owner or operator of a facility, of the environmental performance of the facility, including an evaluation of compliance with the cooperative agreement covering the facility, approvals that are not replaced by the cooperative agreement and the provisions of chs. 280 to 295 and rules promulgated under those chapters for which a variance is not granted under sub. (4).

(h) "Pollutant" means any of the following:

1. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt or industrial, municipal or agricultural waste discharged into water or onto land.

2. Any dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas, odorous substances or any combination of those things emitted into the air, but not uncombined water vapor.

(i) "Violation" means a violation of a cooperative agreement, of an approval that is not replaced by the cooperative agreement or of a provision of chs. 280 to 295 and rules promulgated under those chapters for which a participant has not received a variance under sub. (4).

(2) PILOT PROGRAM. The department shall administer a pilot program under which it enters into not more than 10 cooperative agreements to evaluate innovative environmental regulatory methods. In administering the program, the department shall do all of the following:

(a) Provide at least the same level of protection of public health and the environment as provided by the environmental regulatory methods under chs. 280 to 295.

(b) Encourage facility owners and operators to systematically assess the pollution that they cause, directly and indirectly, to the air, water and land.

(c) Encourage facility owners and operators to implement efficient and cost− effective pollution reduction strategies for their facilities, while complying with verifiable and enforceable pollution limits.

(d) Encourage facility owners and operators to achieve superior environmental performance, both with respect to the effects of a facility that are regulated under chs. 280 to 295 and those effects that are unregulated, to reduce usage of natural resources, to minimize transfers of waste discharges among air, water and land and to

reduce waste generation, while achieving a balance among the economic, social and environmental impacts of these efforts that is acceptable to the community in which the facility is located.

(e) Recognize and reward facility owners and operators who have demonstrated excellence and leadership in environmental stewardship or pollution prevention and who can achieve reductions in emissions and waste generation through implementation of innovative measures.

(f) Encourage the transfer of information about methods for improving environmental performance and the adoption of these methods by others.

(g) Consolidate into a cooperative agreement environmental requirements relating to a facility owned or operated by a participant that are otherwise included in separate approvals to the extent that consolidation is practical and efficient.

(h) Grant the owners and operators of facilities greater flexibility than would otherwise be allowed under chs. 280 to 295 and rules promulgated under those chapters.

(i) Seek to reduce the time and money spent by government and owners and operators of facilities on paperwork and other administrative tasks that do not result in benefits to the environment.

(j) Encourage public participation, and consensus among interested persons, in the development of innovative environmental regulatory methods and in monitoring the environmental performance of projects under this section.

(k) Seek to improve the provision of useful information to the public about the environmental and human health impacts of facilities on communities.

(L) Provide public access to information about performance evaluations conducted by participants in the program under this section.

(m) Encourage facility owners and operators and communities to work together to reduce pollution to levels below the levels required under chs. 280 to 295.

(n) Seek to increase trust among government, facility owners and operators and the public through open communication and support of early and credible resolution of conflicts over issues concerning the environment and environmental regulation.

(3) CONTENT OF COOPERATIVE AGREEMENTS. A cooperative agreement shall do all of the following:

(a) Identify the facility or facilities, the activities and the pollutants that are covered by the cooperative agreement.

(b) Specify any approvals and provisions of approvals that are replaced by the cooperative agreement.

(c) Commit the participant to implement an environmental management system that is based on the standards for environmental management systems issued by the International Organization for Standardization, or an alternative environmental management system that is acceptable to the department, at the covered facilities and commit the participant to documenting the environmental management system.

(d) Commit the participant to superior environmental performance, to achieving measurable or noticeable improvements in environmental performance, to reducing natural resource usage and to reducing waste generation, while achieving a balance among the economic, social and environmental impacts of these efforts that is acceptable to the community in which the facility is located.

(e) Specify waste reduction goals in measurable and verifiable terms.

(f) Identify changes in raw materials, in the design, methods of production, distribution or uses of products or in the reuse, recycling or disposal of materials that the participant will implement to achieve process efficiencies, to reduce the pollution of the air, water and land and to reduce water use, energy use or indoor chemical exposure.

(g) Contain pollution limits that are verifiable, enforceable and at least as stringent as the pollution limits under chs. 280 to 295 and rules promulgated under those chapters.

(h) Describe the operational flexibility granted to the participant and any variances granted under sub. (4).

(i) Contain the requirements that would be included in any approvals that are replaced by the cooperative agreement, as modified under pars. (g) and (h).

(j) Require the participant to submit a baseline performance evaluation within 180 days of the date that the cooperative agreement is entered into and to update the performance evaluation periodically.

(k) Require the participant to report any violations discovered during a performance evaluation as required in sub. (12).

(L) Ensure that members of the interested persons group, established as required under sub. (5) (b), have the opportunity to comment on the participant's environmental management system and are involved in reviewing the participant's performance under the cooperative agreement and require a process that seeks consensus between the participant and interested persons over issues concerning that performance.

(m) Require the participant to assist interested persons to understand the implementation of the cooperative agreement.

(n) Require the participant to provide information to the public about the participant's environmental performance and the results of the project, including environmental, social and economic impacts, and to meet with interested persons at least once every 6 months to discuss the implementation of the participant's environmental management system and to receive comments on the progress of the project.

(o) Describe how the participant will measure the opinions of its employes and the public concerning its participation in the program under this section.

(p) Require the participant to assess the success of the project in reducing the time and money spent by the participant on paperwork and other administrative activities that do not directly benefit the environment.

(q) Specify that the term of the agreement is 5 years with the possibility of a renewal for up to 5 years as provided in sub. (6e).

(4) VARIANCES. (a) If chs. 280 to 295 or rules promulgated under those chapters authorize the department to grant a variance from a requirement that would otherwise apply to a facility covered by a cooperative agreement and the participant qualifies under the standards provided in the statutes or rules for granting the variance, the department may grant a variance from that requirement.

(b) If a variance is not authorized under par. (a), the department may grant a participant a variance from a requirement in chs. 280 to 295 that would otherwise apply to a facility covered by a cooperative agreement if the variance results in a measurable reduction in overall levels of pollution caused by the participant and is consistent with subs. (2) and (3) (g) and does one of the following:

1. Promotes the reduction in overall levels of pollution to below the levels required under chs. 280 to 295.

2. Provides for alternative monitoring, testing, record keeping, notification or reporting requirements that reduce the administrative burden on state agencies or the participant and that provide the information needed to ensure compliance with the cooperative agreement and the provisions of chs. 280 to 295 and rules promulgated under those chapters for which the cooperative agreement does not grant a variance.

(5) APPLICATION. The department shall solicit applications for participation in the program under this section. The owner or operator of a facility that is required to be covered by at least one approval under chs. 280 to 295 may apply to participate in the pilot program by submitting all of the following:

(a) A proposed cooperative agreement that satisfies sub. (3).

(b) A description of the process used by the applicant to establish an interested persons group that includes residents of the area in which the facility proposed to be covered by the agreement is located, a list of members of the interested persons group and a description of the involvement of the interested persons group in the development of the proposed cooperative agreement.

(6) ENTERING INTO COOPERATIVE AGREEMENTS. (a) The department shall review each application submitted under sub. (5). Upon completion of that review, the department shall decide whether to enter into negotiations with the applicant. In determining whether to enter into negotiations and in selecting participants, the department shall seek to ensure participation by a variety of types, sizes and locations of facilities and shall consult with the federal environmental protection agency. A decision by the department not to enter into negotiations is not subject to review under ch. 227. If the department decides to enter into negotiations, it shall prepare a draft cooperative agreement and provide public notice of its decision in the manner provided in sub. (8) (d).

(b) During negotiations concerning a proposed cooperative agreement, the department may not modify or revoke any approval for a facility that would be replaced by the cooperative agreement if the applicant is not violating the approval.

(c) The department may terminate negotiations with an applicant concerning a proposed cooperative agreement and the decision to terminate negotiations is not subject to review under ch. 227.

(d) Except as provided in par. (e), the department may enter into a cooperative agreement with an applicant if the department determines that the applicant's efforts described under sub. (5) (b) were adequate, that the cooperative agreement complies with sub. (3) and that entering into the agreement will assist the department to comply with sub. (2). The decision by the department to enter into a cooperative agreement is not subject to review under ch. 227. A cooperative agreement is subject to review under ch. 227.

(e) The department may not enter into an initial cooperative agreement after the first day of the 60th month beginning after the effective date of this paragraph .... [revisor inserts date].

(6e) EXTENSION OF COOPERATIVE AGREEMENT. If the department determines that renewal of a cooperative agreement is consistent with sub. (2) and if the participant agrees to renewal, the department may notify the joint committee on finance that the department proposes to renew the cooperative agreement. If, within 14 working days after the date that the department submits the proposal, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal, the department may not renew the cooperative agreement until the committee approves the proposal. If the cochairpersons of the committee do not so notify the secretary, the department may renew the cooperative agreement. A cooperative agreement may be renewed for one 5−year term.

(6m) EXPIRATION OF COOPERATIVE AGREEMENT. If a participant timely submits an application for an approval that is replaced by a cooperative agreement and submits any information requested by the department to enable the department to act on the application, but the department does not issue the approval before the cooperative agreement expires, sub. (9) (a) continues to apply and the provisions of the cooperative agreement continue to apply until the approval is issued.

(7) AMENDMENT, REVOCATION OF COOPERATIVE AGREEMENT. (a) This subsection applies to the amendment or revocation of a cooperative agreement, notwithstanding any provisions of chs. 280 to 295 concerning the amendment or revocation of approvals.

(b) 1. The department may amend a cooperative agreement with the consent of the participant.

2. The department may, after an opportunity for a hearing, amend a cooperative agreement for cause, including any of the following:

a. A change in federal or state environmental laws.

b. A violation of the cooperative agreement.

c. Obtaining a cooperative agreement by misrepresentation or failure to fully disclose all relevant information.

(c) 1. The department may revoke a cooperative agreement at the request of the participant.

2. The department may, after an opportunity for a hearing, revoke a cooperative agreement if it finds any of the following:

a. That the participant is in substantial noncompliance with the cooperative agreement, with an approval that is not replaced by the cooperative agreement or with a provision of chs. 280 to 295 or rules promulgated under those chapters for which the cooperative agreement does not grant a variance.

b. That the participant has refused the department's request to amend the cooperative agreement.

c. That the participant is unable, or has shown an unwillingness, to comply with pollution reduction goals that apply to the participant under the cooperative agreement.

d. That the participant has not satisfactorily addressed a substantive issue raised by a majority of the members of the interested persons group, established under sub. (5) (b), within a reasonable time after receiving notice of the issue.

3. If the department revokes a cooperative agreement, it shall do all of the following in a written revocation decision:

a. Delay any compliance deadlines established in the cooperative agreement if a delay is necessary to provide the participant with a reasonable amount of time to obtain approvals required under chs. 280 to 295 that were replaced by the cooperative agreement.

b. Establish practical interim requirements, that do not allow pollution in excess of that allowed under chs. 280 to 295 at the time that the cooperative agreement was entered into, to replace specified requirements of the cooperative agreement until the department issues the approvals required under chs. 280 to 295 that were replaced by the cooperative agreement.

4. A participant shall comply with the department's revocation decision and with all requirements of the cooperative agreement for which the department does not establish interim requirements until the department issues the approvals required under chs. 280 to 295 that were replaced by the cooperative agreement.

(d) A final decision under par. (b) or (c) is subject to review under ch. 227.

(8) PUBLIC NOTICE; MEETINGS. (a) The department shall provide at least 30 days for public comment on the proposed issuance, amendment or revocation of a cooperative agreement.

(b) Before the start of the public comment period under par. (a), the department shall prepare a draft of the cooperative agreement, cooperative agreement amendment or notice of cooperative agreement revocation and a fact sheet that does all of the following:

1. Briefly describes the principal facts and the significant factual, legal, methodological and policy questions considered by the department.

2. Briefly describes how the proposed action is consistent with subs. (2) and (3).

3. Identifies any variances that would be granted under sub. (4) by the proposed action.

(c) The department shall prepare a public notice of a proposed action under par. (a) that does all of the following:

1. Briefly describes the facility that is the subject of the proposed action.

2. Identifies the proposed action and states whether any variances would be granted under sub. (4) by the proposed action.

3. Identifies an employe of the department and an employe of the applicant or participant who may be contacted for additional information about the proposed action.

4. States that the draft of the proposed action and the fact sheet under par. (b) are available upon request.

5. States that comments concerning the proposed action may be submitted to the department during the comment period and states the last date of the comment period.

6. Describes the procedures that the department will use to make a final decision on the proposed action, describes how persons may request public informational meetings, contested case hearings or public hearings and how persons may make requests to appear at those meetings and hearings.

(d) Before the start of the public comment period, the department shall mail the public notice under par. (c) to the applicant or participant, the federal environmental protection agency, the members of the interested persons group established under sub. (5) (b) and all persons who have asked to receive notice of proposed actions under par. (a). The department shall mail the public notice to any other person upon request. The department shall make a copy of the public notice available at the department's main office, at any other department office in the area of the facility subject to the proposed action and at public libraries in that area. The department shall circulate the public notice in the area of the facility subject to the proposed action by posting the notice in public buildings, publishing the notice in local newspapers and by

any other methods that the department determines are effective.

(e) The department shall hold a public informational meeting on a proposed action under par. (a) if the comments received during the public comment period demonstrate considerable public interest in the proposed action.

(9) EFFECT OF COOPERATIVE AGREEMENT. (a) For the purposes of chs. 280 to 295, a cooperative agreement entered into under this section is considered to be an approval that is identified under sub. (3) (b) as being replaced by the cooperative agreement.

(b) A provision of an approval that is identified under sub. (3) (b) as being replaced by a cooperative agreement is superceded by the cooperative agreement.

(10) FEES. A participant shall pay the same fees under chs. 280 to 295 that it would be required to pay if it had not entered into a cooperative agreement.

(11) REPORTING BY PARTICIPANTS. (a) Reports submitted under a cooperative agreement fulfill the reporting requirements under chs. 280 to 295 relating to the facility, activities and pollutants that are covered by the cooperative agreement, except for any requirements for immediate reporting.

(b) A participant shall notify the department before it increases the amount of the discharge or emission of a pollutant from a covered facility and before it begins to discharge or emit a pollutant that it did not discharge or emit from a covered facility when the cooperative agreement was entered into. The notification shall describe any proposed facility expansion, production increase or process modification that would result in the increased or new discharge or emission and shall state the identity and quantity of the pollutant planned to be emitted or discharged. If the increased or new discharge or emission is not authorized under the cooperative agreement, the department may amend the cooperative agreement under sub. (7) in a manner consistent with subs. (2) and (3) or require the participant to obtain an approval if an approval is required under chs. 280 to 295.

(12) REPORTS OF VIOLATIONS. A participant shall submit a report to the department within 45 days after completion of a performance evaluation if the performance evaluation reveals violations at a facility covered by a cooperative agreement. The report shall contain all of the following:

(a) A description of the performance evaluation, including who conducted the performance evaluation, when it was completed, what activities and operations were examined and what was revealed by the performance evaluation.

(b) A description of all violations revealed by the performance evaluation.

(c) A description of the actions taken or proposed to be taken to correct the violations.

(d) A commitment to correct the violations within 90 days of submitting the report or within a compliance schedule approved by the department.

(e) If the participant proposes to take more than 90 days to correct the violations, a proposed compliance schedule that contains the shortest reasonable periods for correcting the violations, a statement that justifies the proposed compliance schedule, a description of measures that the participant will take to minimize the effects of the violations during the period of the compliance schedule and proposed stipulated penalties if the participant violates the compliance schedule.

(f) A description of the measures that the participant has taken or will take to prevent future violations.

(13) COMPLIANCE SCHEDULES. (a) If the department receives a report under sub. (12) that contains a proposed compliance schedule under sub. (12) (e), the department shall review the proposed compliance schedule. The department may approve the compliance schedule as submitted or propose a different compliance schedule. If the participant does not agree to implement a compliance schedule proposed by the department, the department shall schedule a meeting with the participant to attempt to reach an agreement on a compliance schedule. If the department and the participant do not reach an agreement on a compliance schedule, the department shall initiate the procedure under sub. (7) (c) 2. to revoke the cooperative agreement. If the parties agree to a compliance schedule, the department shall amend the cooperative agreement to incorporate the compliance schedule.

(b) The department may not approve a compliance schedule that extends longer than 12 months beyond the date of approval of the compliance schedule. The department shall consider the following factors in determining whether to approve a compliance schedule:

1. The environmental and public health consequences of the violations.

2. The time needed to implement a change in raw materials or method of production if that change is an available alternative to other methods of correcting the violations.

3. The time needed to purchase any equipment or supplies that are needed to correct the violations.

(14) DEFERRED CIVIL ENFORCEMENT. (a) 1. This state may not commence a civil action to collect forfeitures for violations at a facility covered by a cooperative agreement that are disclosed in a report that meets the requirements of sub. (12) for at least 90 days after the department receives the report.

2. If the participant corrects violations that are disclosed in a report that meets the requirements of sub. (12) within 90 days after the department receives a report that meets the requirements of sub. (12), this state may not commence a civil action to collect forfeitures for the violations.

3. This state may not commence a civil action to collect forfeitures for violations covered by a compliance schedule that is approved under sub. (13) during the period of the compliance schedule if the participant is not violating the compliance schedule. If the participant violates the compliance schedule, the department may collect the stipulated penalties in the compliance schedule or may revoke the cooperative agreement. After the department revokes a cooperative agreement, this state may commence civil action to collect forfeitures for the violations.

4. If the department approves a compliance schedule under sub. (13) and the participant corrects the violations according to the compliance schedule, this state may not commence a civil action to collect forfeitures for the violations.

(b) Notwithstanding par. (a), this state may at any time commence a civil action to collect forfeitures for violations if any of the following apply:

1. The violations present an imminent threat to public health or the environment or may cause serious harm to public health or the environment.

2. The department discovers the violations before submission of a report under sub. (12).

(15) ACCESS TO RECORDS. (a) Except as provided in par. (b), the department shall make any record, report or other information obtained in the administration of this section available to the public.

(b) The department shall keep confidential any part of a record, report or other information obtained in the administration of this section, other than emission data, discharge data or information contained in a cooperative agreement, upon a showing satisfactory to the department by any person that the part of a record, report or other information would, if made public, divulge a method or process that is entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that person.

(c) If the department refuses to release information on the grounds that it is confidential under par. (b) and a person challenges that refusal, the department shall inform the applicant or participant of that challenge. Unless the applicant or participant authorizes the department to release the information, the applicant or participant shall pay the reasonable costs incurred by this state to defend the refusal to release the information.

(d) Paragraph (b) does not prevent the disclosure of any information to a representative of the department for the purpose of administering this section or to an officer, employe or authorized representative of the federal government for the purpose of administering federal law. When the department provides information that is confidential under par. (b) to the federal government, the department shall also provide a copy of the application for confidential status.

(16) REPORTS CONCERNING THE PROGRAM UNDER THIS SECTION. (a) Beginning not later than the first day of the 13th month beginning after the effective date of this paragraph .... [revisor inserts date], the secretary of natural resources shall submit an annual progress report on the program under this section to the governor, the environmental performance council and, under s. 13.172 (3), the standing committees of the legislature with jurisdiction over environmental matters.

(b) Not later than the first day of the 48th month beginning after the effective date of this paragraph .... [revisor inserts date], the secretary of natural resources shall submit a report to the governor, the environmental performance council and, under s. 13.172 (2) the legislature on the success of the program under this section. The report shall include recommendations concerning the continuation of the program under this section and any changes that should be made to the program.

SECTION 3790. 301.01 (4) of the statutes is amended to read:

301.01 **(4)** "State correctional institution" means a state prison under s. 302.01 or a secured correctional facility, as defined in s. 938.02 (15m)<u>, other than the Mendota Juvenile Treatment Center</u>.

SECTION 3790d. 301.026 of the statutes is repealed.

SECTION 3796. 301.03 (10) (d) of the statutes is amended to read:

301.03 **(10)** (d) Administer the <u>office of</u> juvenile offender review ~~program~~ in the division of juvenile corrections in the department. The ~~program~~ <u>office</u> shall be responsible for decisions regarding case planning ~~and~~<u>,</u> the release of juvenile offenders from juvenile correctional institutions to aftercare ~~and corrective sanctions~~ placements <u>and the transfer of juveniles to the Racine youthful offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d)</u>.

SECTION 3797. 301.03 (10) (e) of the statutes is amended to read:

301.03 **(10)** (e) Provide educational programs in all secured correctional facilities, as defined in s. 938.02 (15m)<u>, other than the Mendota Juvenile Treatment Center</u>.

SECTION 3798. 301.03 (10) (f) of the statutes is amended to read:

301.03 **(10)** (f) Provide health services and psychiatric services for residents of all secured correctional facilities, as defined in s. 938.02 (15m)<u>, other than the Mendota Juvenile Treatment Center</u>.

SECTION 3799. 301.03 (13) of the statutes is created to read:

301.03 **(13)** Annually notify each person who has been discharged from probation or parole and who owed any supervision fees at the time of discharge of any supervision fees owed by the person to the department.

SECTION 3817. 301.048 (7) of the statutes is amended to read:

301.048 **(7)** REIMBURSEMENT. The department shall provide reimbursement to counties and others for the

actual costs incurred under sub. (3), as authorized by the department, from the appropriations under s. 20.410 (1) (ab) and ~~(ai)~~ (b).

SECTION 3820m. 301.07 of the statutes is amended to read:

301.07 (title) **Cooperation and contracts with federal government.** The department may cooperate with the federal government in carrying out federal acts concerning adult corrections and youth corrections and may enter into contracts with the federal government under 18 USC 5003.

SECTION 3821. 301.08 (1) (c) 1. of the statutes is repealed.

SECTION 3822. 301.08 (1) (c) 2. of the statutes is amended to read:

301.08 **(1)** (c) 2. Beginning on January 1, 1996, the department may contract with public, private or voluntary vendors for the supervision or for any component of the supervision of probationers and parolees who are under minimum supervision or administrative supervision. ~~The~~

3. Except as provided in subd. 3m., a contract under subd. 2. shall authorize ~~any such~~ a vendor to charge a fee to probationers and parolees sufficient to cover the cost of supervision and administration of the contract.

4. If the department collects any moneys from a vendor under ~~the~~ a contract under subd. 2., the department shall credit those moneys to the appropriation account under s. 20.410 (1) (ge).

5. The department shall promulgate rules for fees, collections, reporting and verification regarding probationers and parolees supervised by ~~the~~ a vendor who contracts with the department under subd. 2. and shall promulgate rules defining "administrative supervision" and "minimum supervision".

SECTION 3823. 301.08 (1) (c) 3m. of the statutes is created to read:

301.08 **(1)** (c) 3m. A contract under subd. 2. shall permit the department to prohibit a vendor from charging a fee to a probationer or parolee who is supervised under the contract if the probationer or parolee demonstrates that he or she is unable to pay the fee because of any of the following:

a. The probationer or parolee is undergoing treatment approved by the department and is unable to work.

b. The probationer or parolee has a statement from a physician certifying to the department that the probationer or parolee should be excused from working for medical reasons.

SECTION 3824m. 301.08 (3) of the statutes is created to read:

301.08 **(3)** NOTIFICATION CONCERNING PLANS FOR TRANSITIONAL HOUSING. (a) In this subsection, "political subdivision" means a city, village, town or county.

(b) Before contracting under this section for transitional housing for the temporary placement of persons on parole or probation, the department shall notify all of the following of the proposed contract:

1. The police department of the political subdivision in which the transitional housing will be located.

2. The sheriff for the county in which the transitional housing will be located.

3. The chief elected official of the political subdivision in which the transitional housing will be located.

4. The newspaper designated as the official newspaper of the political subdivision in which the transitional housing will be located, or, if there is no designated official newspaper, a newspaper published or having general circulation in the political subdivision and eligible under s. 985.03 as an official newspaper.

(c) A person notified under par. (b) of a proposed contract for transitional housing shall notify the general public of the proposed contract in a manner and to the extent that the person determines is appropriate.

SECTION 3828. 301.16 (1p) of the statutes is renumbered 301.16 (1x).

SECTION 3829. 301.16 (1r) of the statutes is created to read:

301.16 **(1r)** In addition to the institutions under sub. (1), the department shall establish a medium security correctional institution for persons 15 years of age or over, but not more than 21 years of age, who have been placed in a state prison under s. 302.01. The medium security correctional institution under this subsection shall be known as the Racine Youthful Offender Correctional Facility and shall be located at the intersection of Albert Street and North Memorial Drive in the city of Racine. The department shall limit the number of prisoners who may be placed at the Racine Youthful Offender Correctional Facility to no more than 400 at any one time.

SECTION 3830. 301.18 (1) (by) of the statutes is created to read:

301.18 **(1)** (by) Provide the facilities necessary for the Racine Youthful Offender Correctional Facility under s. 301.16 (1r).

SECTION 3830e. 301.21 (title) of the statutes is amended to read:

301.21 (title) **Contracts ~~with~~ for the transfer and confinement of Wisconsin prisoners in other states.**

SECTION 3830m. 301.21 (1) to (5) of the statutes are renumbered 301.21 (1m) (a) to (e), and 301.21 (1m) (b), (d) and (e), as renumbered, are amended to read:

301.21 **(1m)** (b) Inmates from Wisconsin state prisons while in an institution in another state are subject to all provisions of law and regulation concerning the confinement of persons committed for violations of the laws of that state, except as otherwise provided for by any contract entered into under ~~sub. (1)~~ this subsection.

(d) Sections 16.75 and 301.08 (2) do not apply to contracts entered into under ~~sub. (1)~~ this subsection.

(e) The provisions of this ~~section~~ subsection are severable, as provided in s. 990.001 (11). The provisions of

any contract entered into under ~~sub. (1)~~ this subsection are severable. If any provision of such a contract is invalid, or if the application of a provision of the contract to any person or circumstance is invalid, the invalidity does not affect other provisions or applications which can be given effect without the invalid provision or application.

SECTION 3830r. 301.21 (2m) of the statutes is created to read:

301.21 **(2m)** (a) The department may enter into one or more contracts with a private person for the transfer and confinement in another state of prisoners who have been committed to the custody of the department. Any such contract shall provide for all of the following

1. A termination date.

2. Provisions concerning the costs of prisoner maintenance, extraordinary medical and dental expenses and any participation in or receipt by prisoners of rehabilitative or correctional services, facilities, programs or treatment, including those costs not reasonably included as part of normal maintenance.

3. Provisions concerning any participation in programs of prisoner employment if any, the disposition or crediting of any payments received by prisoners on account of employment, and the crediting of proceeds from or disposal of any products resulting from employment.

4. Delivery and retaking of prisoners.

5. Regular reporting procedures concerning Wisconsin prisoners by the private person with which the department is contracting.

6. Provisions concerning procedures for probation, parole and discharge.

7. The same standards of reasonable and humane care as the prisoners would receive in an appropriate Wisconsin institution.

8. Any other matters as are necessary and appropriate to fix the obligations, responsibilities and rights of Wisconsin and the private person with which the department is contracting.

(b) While in an institution in another state covered by a contract under this subsection, Wisconsin prisoners are subject to all provisions of law and regulation concerning the confinement of persons in that institution under the laws of that state.

(c) Any hearing to consider parole to which a prisoner confined under a contract under this subsection may be entitled by the laws of Wisconsin shall be conducted by the Wisconsin parole commission under rules of the department.

(e) The provisions of any contract entered into under this subsection are severable. If any provision of such a contract is invalid, or if the application of a provision of the contract to any person or circumstance is invalid, the invalidity does not affect other provisions or applications which can be given effect without the invalid provision or application.

SECTION 3834. 301.26 (3) (c) of the statutes is amended to read:

301.26 **(3)** (c) Within the limits of the appropriations under s. 20.410 (3) (cd) and ~~(oo)~~ (ko), the department shall allocate funds to each county for services under this section.

SECTION 3835. 301.26 (4) (a) of the statutes is amended to read:

301.26 **(4)** (a) Except as provided in pars. (c) and (cm), the department of corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd) for the costs of care, services and supplies purchased or provided by the department of corrections for each person receiving services under s. 48.366, 938.183 ~~(2)~~ or 938.34 or the department of health and family services for each person receiving services under s. 46.057 or 51.35 (3). The department of corrections may not bill a county for or deduct from a county's allocation the cost of care, services and supplies provided to a person subject to an order under s. 48.366 or 938.183 ~~(2)~~ after the person reaches 18 years of age. Payment shall be due within 60 days after the billing date. If any payment has not been received within 60 days, the department of corrections may withhold aid payments in the amount due from the appropriation under s. 20.410 (3) (cd).

SECTION 3836. 301.26 (4) (b) of the statutes is amended to read:

301.26 **(4)** (b) Assessment of costs under par. (a) shall be made periodically on the basis of the per person per day cost estimate specified in par. (d) ~~3m. and~~ 2. to 4. Except as provided in pars. (bm), (c) and (cm), liability shall apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising jurisdiction under chs. 48 and 938 for each person receiving services from the department of corrections under s. 48.366, 938.183 ~~(2)~~ or 938.34 or the department of health and family services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c) and (cm), in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) to the total applicable estimated costs of care, services and supplies provided by the department of corrections under ss. 48.366, 938.183 ~~(2)~~ and 938.34 and the department of health and family services under s. 46.057 or 51.35 (3).

SECTION 3837. 301.26 (4) (c) of the statutes is amended to read:

301.26 **(4)** (c) Notwithstanding pars. (a), (b) and (bm), the department of corrections shall pay, from the appropriation account under s. 20.410 (3) (hm), the costs of care, services and supplies provided for each person

receiving services under s. 46.057, 48.366, 51.35 (3), 938.183 ~~(2)~~ or 938.34 who was under the guardianship of the department of health and family services pursuant to an order under ch. 48 at the time that the person was adjudicated delinquent.

SECTION 3838. 301.26 (4) (cm) 3. of the statutes is amended to read:

301.26 **(4)** (cm) 3. The per person daily reimbursement rate for juvenile correctional services under this paragraph shall be equal to the per person daily cost assessment to counties under par. (d) ~~3m. and~~ 2. to 4. for juvenile correctional services.

SECTION 3839. 301.26 (4) (d) 1. of the statutes 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 (18) shall be ~~deposited in~~ credited to the appropriation account under s. 20.410 (3) (hm).

SECTION 3840. 301.26 (4) (d) 1m. of the statutes 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 ~~(2)~~, all payments and deductions made under this subsection and uniform fee collections made under s. 46.03 (18) shall be ~~deposited in~~ credited to the appropriation account under s. 20.410 (3) (hm).

SECTION 3841m. 301.26 (4) (d) 2. of the statutes is created to read:

301.26 **(4)** (d) 2. Beginning on July 1, 1997, and ending on December 31, 1997, the per person daily cost assessment to counties shall be $150.44 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), $150.44 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), $160.22 for care in a child caring institution, including a secured child caring institution, $111.16 for care in a group home for children, $24.78 for care in a foster home, $71.35 for care in a treatment foster home, $88.19 for departmental corrective sanctions services and $16.98 for departmental aftercare services.

SECTION 3842m. 301.26 (4) (d) 3. of the statutes is created to read:

301.26 **(4)** (d) 3. In calendar year 1998, the per person daily cost assessment to counties shall be $154.94 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), $154.94 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), $161.79 for care in a child caring institution, including a secured child caring institution, $112.25 for care in a group home for children, $25.02 for care in a foster home, $72.05 for care in a treatment foster home, $80.41 for departmental corrective sanctions services and $17.18 for departmental aftercare services.

SECTION 3843. 301.26 (4) (d) 3m. of the statutes is repealed.

SECTION 3844m. 301.26 (4) (d) 4. of the statutes is amended to read:

301.26 **(4)** (d) 4. Beginning on January 1, ~~1997~~ 1999, and ending on June 30, ~~1997~~ 1999, the per person daily cost assessment to counties shall be ~~$133.82~~ $159.46 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~$133.82~~ $159.46 for care for ~~children~~ juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~$157.08~~ $163.36 for care in a child caring institution, including a secured child caring institution, ~~$108.98~~ $113.34 for care in a group home for children, ~~$24.29~~ $25.26 for care in a foster home, ~~$69.95~~ $72.75 for care in a treatment foster home, ~~$82.11~~ $74.35 for departmental corrective sanctions services and ~~$14.95~~ $17.39 for departmental aftercare services.

SECTION 3846. 301.26 (4) (e) of the statutes is amended to read:

301.26 **(4)** (e) For foster care, treatment foster care, group home care and institutional child care to delinquent ~~children~~ 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 (18) shall be ~~deposited in~~ credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 3847. 301.26 (4) (ed) of the statutes 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 (18) shall be ~~deposited in~~ credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 3848. 301.26 (4) (eg) of the statutes 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 (18) shall be ~~deposited in~~ credited to the appropriation account under s. 20.410 (3) (hr).

SECTION 3849. 301.26 (4) (g) of the statutes 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 ~~program~~, all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the general fund and shall be treated as a nonappropriated receipt.

SECTION 3850. 301.26 (6) (a) of the statutes is amended to read:

301.26 **(6)** (a) The intent of this subsection is to develop criteria to assist the legislature in allocating funding, excluding funding for base allocations, from the appropriations under s. 20.410 (3) (cd) and ~~(oo)~~ (ko) for purposes described in this section.

SECTION 3851m. 301.26 (7) of the statutes is amended to read:

301.26 **(7)** ALLOCATIONS OF FUNDS. Within the limits of the availability of federal funds and of the appropriations under s. 20.410 (3) (cd) and ~~(oo)~~ (ko), the department shall allocate funds for community youth and family aids for the period beginning on July 1, ~~1996~~ 1997, and ending on June 30, ~~1997~~ 1999, as provided in this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

(a) For community youth and family aids under this section, amounts not to exceed ~~$37,243,500~~ $41,649,700 for the last 6 months of ~~1996 and $37,347,600~~ 1997, $82,741,700 for 1998 and $41,091,900 for the first 6 months of ~~1997~~ 1999.

(e) For emergencies related to community youth and family aids under this section, amounts not to exceed $125,000 for the last 6 months of ~~1996~~ 1997, $250,000 for 1998 and $125,000 for the first 6 months of ~~1997~~ 1999. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

(h) For counties that are participating in the corrective sanctions program under s. 938.533 (2), $1,062,400 in the last 6 months of ~~1996~~ 1997, $2,124,800 in 1998 and $1,062,400 in the first 6 months of ~~1997~~ 1999 for the provision of corrective sanctions services for children from that county. In distributing funds to counties under this paragraph, the department shall determine a county's distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the program under s. 938.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among counties as necessary to distribute funds based on the number of slots allocated to each county.

SECTION 3851p. 301.26 (8) of the statutes is amended to read:

301.26 **(8)** ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the allocations specified in sub. (7) (a), the department shall allocate $666,700 in the last 6 months of ~~1996~~ 1997, $1,333,400 in 1998 and $666,700 in the first 6 months of ~~1997~~ 1999 for alcohol and other drug abuse treatment programs.

SECTION 3855r. 301.265 (1) of the statutes is amended to read:

301.265 **(1)** From the ~~appropriation~~ appropriations under s. 20.410 (3) ~~(jk)~~ (d) and (kj), the department shall allocate ~~$250,000~~ $500,000 in each fiscal year to enter into a contract with an organization to provide services in a county having a population of 500,000 or more for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational and employment programs. Notwithstanding s. 16.75, the department may enter into a contract under this subsection without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

SECTION 3856. 301.265 (2) of the statutes is amended to read:

301.265 **(2)** From the appropriation under s. 20.410 (3) ~~(p)~~ (kp), the department ~~shall allocate~~ may not distribute more than $300,000 in each fiscal year to the organization that it has contracted with under sub. (1) for alcohol and other drug abuse education and treatment services for participants in that organization's youth diversion program.

SECTION 3856d. 301.265 (3) of the statutes is amended to read:

301.265 **(3)** From the ~~appropriation~~ appropriations under s. 20.410 (3) ~~(jk)~~ (d) and (kj), the department shall allocate ~~$100,000~~ $150,000 in each fiscal year to enter into a contract with an organization to provide services in Racine County, ~~and $100,000~~ $150,000 in each fiscal year to enter into a contract with an organization to provide services in Kenosha County, $150,000 in each fiscal year to enter into a contract with an organization that is located in ward 1 in the city of Racine to provide services in Racine County and $75,000 in each fiscal year to enter into a contract with an organization to provide services in Brown County, for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational and employment programs, and for alcohol or other drug abuse education and treatment services for participants in that organization's youth diversion program. The organization that is located in ward 1 in the city of Racine shall have a recreational facility, shall offer programs to divert youths from gang activities, may not be affiliated with any national or state association and may not have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s. 16.75, the department may enter into a contract under this subsection without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

SECTION 3857. 301.32 (1) of the statutes is amended to read:

301.32 **(1)** PROPERTY DELIVERED TO STEWARD; CREDIT AND DEBIT. All money including wages and other property delivered to an officer or employe of any institution for the benefit of a prisoner or resident shall be delivered to the steward, who shall enter the property upon his or her books to the credit of the prisoner or resident. The property may be used only under the direction and with the approval of the superintendent or warden and for the crime victim and witness assistance surcharge under s. 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the prisoner or resident. If the money remains uncalled for for one year after the prisoner's or resident's death or departure from the institution, the superintendent shall deposit it in the general fund. If any prisoner or resident

leaves property, other than money, uncalled for at an institution for one year, the superintendent shall sell the property and deposit the proceeds in the general fund. If any person satisfies the department, within 5 years after the deposit, of his or her right to the deposit, the department shall direct the department of administration to draw its warrant in favor of the claimant and it shall charge the same to the appropriation made by s. 20.913 (3) (bm).

SECTION 3860r. 301.37 (5) of the statutes is created to read:

301.37 **(5)** The department's standards and regulations under sub. (1) for secure detention facilities apply to private secure detention facilities used under s. 938.222. At least annually, the department shall inspect each such private secure detention facility with respect to safety, sanitation, adequacy and fitness, report to the county board and the private entity operating the private secure detention facility regarding any deficiency found and order the necessary work to correct it. If within 6 months thereafter the work is not commenced, or not completed within a reasonable period thereafter to the satisfaction of the department, the department shall prohibit the use of the private secure detention facility for purposes of s. 938.222 until the order is complied with.

SECTION 3877. 301.46 (4) (a) 8. of the statutes is amended to read:

301.46 **(4)** (a) 8. An agency providing child welfare services under s. 48.48 (17) (b) or 48.57 (2).

SECTION 3879m. 302.01 of the statutes, as affected by 1997 Wisconsin Act 4, is amended to read:

302.01 State prisons named and defined. The penitentiary at Waupun is named "Waupun Correctional Institution". The correctional treatment center at Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay is named "Green Bay Correctional Institution". The medium/maximum penitentiary at Portage is named "Columbia Correctional Institution". The medium security institution at Oshkosh is named "Oshkosh Correctional Institution". The medium security penitentiary near Fox Lake is named "Fox Lake Correctional Institution". The penitentiary at Taycheedah is named "Taycheedah Correctional Institution". The medium security penitentiary at Plymouth is named "Kettle Moraine Correctional Institution". The penitentiary at the village of Sturtevant in Racine county is named "Racine Correctional Institution". The medium security penitentiary at Racine is named "Racine Youthful Offender Correctional Facility". The resource facility at Oshkosh is named "Wisconsin Resource Center". The institutions named in this section, the correctional ~~institutions~~ institution authorized under s. 301.16 (1n) ~~or (1o)~~, correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional institution authorized under s. 301.046 (1), correctional institution authorized under s. 301.048 (4) (b), minimum security correctional institutions authorized under s. 301.13, and state–local shared correctional facilities when established under s. 301.14, are state prisons.

SECTION 3880. 302.02 (3t) of the statutes is amended to read:

302.02 **(3t)** (title) ~~OTHER STATES' INSTITUTIONS~~ INSTITUTIONS LOCATED IN OTHER STATES. For all purposes of discipline and for judicial proceedings, each institution ~~of~~ that is located in another state ~~or of a political subdivision of another state~~ and authorized for use under s. 301.21 and the precincts ~~thereof~~ of the institution shall be deemed to be in a county in which the institution is physically located, and the courts of that county shall have jurisdiction of any activity, wherever located, conducted by the institution.

SECTION 3909b. 303.01 (2) (em) of the statutes is amended to read:

303.01 **(2)** (em) ~~Lease~~ Subject to sub. (5m), lease space, with or without equipment, within the precincts of state prisons, as specified in s. 302.02, or within the confines of correctional institutions operated by the department for holding in secure custody persons adjudged delinquent, to not more than ~~3~~ 6 private businesses to employ prison inmates and institution residents to manufacture products or components or to provide services for sale on the open market. The department shall comply with s. 16.75 in selecting businesses under this paragraph. ~~The department may select a business or enter into a lease under this paragraph only with the approval of the joint committee on finance.~~ The department may enter into a contract under this paragraph only with the approval of the joint committee on finance. The department shall consult with appropriate trade organizations and labor unions prior to issuing requests for proposals and prior to selecting proposals under this paragraph. If the department enters into a contract that requires the department to purchase equipment for use by a private business that leases space under this paragraph, the contract shall provide that the private business purchase the equipment from the department and pay the department the full cost of the equipment, plus interest, before the end of the contract under which the private business leases space. Each such private business may conduct its operations as a private business, subject to the wage standards under sub. (4), the disposition of earnings under sub. (8), the requirements for notification and hearing under sub. (1) (c), the requirement for prison industries board approval under s. 303.015 (1) (b), the authority of the prison industries board under s. 303.015 (1) (dm) to suspend the manufacture, provision or sale of a product or service and the authority of the department to maintain security and control in its institutions. The private business and its operations are not a prison industry. Inmates employed by the private business are not subject to the requirements of inmates participating in prison industries, except as provided in this paragraph;

Vetoed In Part

Vetoed In Part

Vetoed In Part

Vetoed In Part

SECTION 3909m. 303.01 (5m) of the statutes is created to read:

303.01 **(5m)** DISPLACEMENT. (a) In this subsection, "displacement" shall have the meaning provided in rules promulgated by the department.

(b) Beginning on the effective date of this paragraph .... [revisor inserts date], the department may not enter into any contract with a private business under sub. (2) (em) if the department determines that the contract will result in the displacement of employed workers who are not prison inmates or institution residents.

SECTION 3910bb. 303.01 (8) of the statutes is repealed and recreated to read:

303.01 **(8)** DISPOSITION OF EARNINGS. (a) The department has the authority to determine how much, if any, of the earnings of an inmate or resident may be spent and for what purposes they may be spent within the confines of the prison or institution.

(b) The department shall distribute earnings of an inmate or resident, other than an inmate or resident employed under sub. (2) (em), for the crime victim and witness assistance surcharge under s. 973.045 (4), for the delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), for the deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance with s. 303.06 (2) and may distribute earnings for the support of the inmate's or resident's dependents and for other obligations either acknowledged by the inmate or resident in writing or which have been reduced to judgment that may be satisfied according to law.

(c) The department shall disburse the earnings of inmates and residents employed under sub. (2) (em) in the order stated:

1. Payment of applicable federal, state and local taxes.

2. Payment in compliance with s. 303.06 (3).

3. Payment of support ordered by a court under ch. 767.

4. The board of the inmate or resident and a reasonable room charge, as determined by the department.

5. Payment of the crime victim and witness assistance surcharge under s. 973.045 (4).

6. Payment of the delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c).

7. Payment of the deoxyribonucleic acid analysis surcharge under s. 973.046 (4).

(d) The department may disburse the earnings of inmates and residents employed under sub. (2) (em) for the support of the inmate's or resident's dependents and for the payment of an obligation other than one specified under par. (c) if the obligation is acknowledged by the inmate or resident in writing or has been reduced to judgment that may be satisfied according to law.

Vetoed In Part

(e) The department shall credit all moneys that it collects from earnings of inmates and residents employed under sub. (2) (em) to the appropriation account under s. 20.410 (1) (gi).

Vetoed In Part

SECTION 3910ce. 303.015 (1) (b) of the statutes is amended to read:

303.015 **(1)** (b) 1. The board shall develop a plan containing recommendations for the manufacture and marketing of prison industries products, the provision of prison industries services and the provision of research and development activities. Whenever feasible, the plan shall include research activities with a facility involved in the cocomposting of solid waste and sludge from wastewater treatment facilities. The plan may include, but is not limited to, recommended market research, product modifications, manufacturing techniques, pricing policies, advertising and elimination or establishment of specific industries or products.

2. No prison industry may be established, expanded, including any expansion relating to the scope of products produced or the prison industry location, or permanently closed without the approval of the board. Before approving the establishment or expansion of any prison industry, the board shall conduct a hearing. The board shall provide for a class 2 notice, under ch. 985, of the hearing in the newspaper designated as the official newspaper of the county and the city, village or town in which the affected correctional institution is located or, if there is no designated official newspaper, a newspaper published or having general circulation in the political subdivision and eligible under s. 985.02 to be an official newspaper.

SECTION 3910cf. 303.015 (1) (dm) of the statutes is created to read:

303.015 **(1)** (dm) The board may suspend the manufacture or sale of any product or component or the provision of any service by prison industries or by a private business leasing space under s. 303.01 (2) (em).

SECTION 3910d. 303.06 (3) of the statutes is amended to read:

303.06 **(3)** A private business may sell products, components or services under s. 303.01 (2) (em) in the open market. Similar products, components or services from a prison industry program from another state may be sold in the open market. The department shall collect not less than 5% nor more than 20% of the gross wages of inmates or residents earned pursuant to a contract under s. 303.01 (2) (em) to be credited to the appropriation under s. 20.455 (5) (i).

Vetoed In Part

SECTION 3910g. 303.063 of the statutes is repealed.

SECTION 3913g. 303.21 (1) (b) of the statutes is amended to read:

303.21 **(1)** (b) Inmates are included under par. (a) if they are participating in a structured work program away from the institution grounds under s. 302.15 ~~or a secure work program under s. 303.063~~. Inmates are not included under par. (a) if they are employed in a prison industry under s. 303.06 (2), participating in a work release program

under s. 303.065 (2), participating in employment with a private business under s. 303.01 (2) (em) or participating in the transitional employment program, but they are eligible for worker's compensation benefits under ch. 102. Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are eligible for worker's compensation benefits under ch. 102.

SECTION 3936. 304.073 (1) (a) of the statutes is amended to read:

304.073 **(1)** (a) "Administrative supervision" has the meaning given in rules promulgated under s. 301.08 (1) (c) ~~1. a~~.

SECTION 3937. 304.073 (1) (b) of the statutes is amended to read:

304.073 **(1)** (b) "Minimum supervision" has the meaning given in rules promulgated under s. 301.08 (1) (c) ~~1. b~~.

SECTION 3938. 304.073 (2) of the statutes is amended to read:

304.073 **(2)** Beginning on January 1, 1996, the department shall charge a fee to any probationer or parolee who is under minimum or administrative supervision and is supervised by the department. The fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c) ~~2~~. The department shall set the fee sufficient to cover the cost of supervision. The department shall collect moneys for the fee charged under this subsection and credit those moneys to the appropriation account under s. 20.410 (1) (ge).

SECTION 3939. 304.073 (2m) of the statutes is created to read:

304.073 **(2m)** (a) If a probationer or parolee who owes unpaid fees to the department under sub. (2) is discharged from probation or from his or her sentence before the department collects the unpaid fees, the department shall, at the time of discharge, issue a notice to the probationer or parolee that states that he or she owes unpaid fees under sub. (2) and that he or she is responsible for the payment of the unpaid fees. The notice under this paragraph shall be issued with the certificate of discharge required under s. 304.078 or 973.09 (5).

(b) The department may request the attorney general to bring a civil action to recover unpaid fees owed to the department under sub. (2) by a person who has been discharged from probation or from his or her sentence and who, at the time of discharge, owed the department unpaid fees under sub. (2). Before requesting the attorney general to bring a civil action under this paragraph, the department shall deduct any fees owed to the department that were inaccurately assessed against the person.

SECTION 3940. 304.073 (4) of the statutes is created to read:

304.073 **(4)** The department may decide not to charge a fee under sub. (2) to any probationer or parolee if the probationer or parolee demonstrates that he or she is unable to pay the fee because of any of the following:

(a) The probationer or parolee is undergoing treatment approved by the department and is unable to work.

(b) The probationer or parolee has a statement from a physician certifying to the department that the probationer or parolee should be excused from working for medical reasons.

SECTION 3942. 304.074 (1) (a) of the statutes is amended to read:

304.074 **(1)** (a) "Administrative supervision" has the meaning given in rules promulgated under s. 301.08 (1) (c) ~~1. a~~.

SECTION 3943. 304.074 (1) (b) of the statutes is amended to read:

304.074 **(1)** (b) "Minimum supervision" has the meaning given in rules promulgated under s. 301.08 (1) (c) ~~1. b~~.

SECTION 3948. 304.074 (4m) of the statutes is created to read:

304.074 **(4m)** (a) If a probationer or parolee who owes unpaid fees to the department under sub. (2) is discharged from probation or from his or her sentence before the department collects the unpaid fees, the department shall, at the time of discharge, issue a notice to the probationer or parolee that states that he or she owes unpaid fees under sub. (2) and that he or she is responsible for the payment of the unpaid fees. The notice under this paragraph shall be issued with the certificate of discharge required under s. 304.078 or 973.09 (5).

(b) The department may request the attorney general to bring a civil action to recover unpaid fees owed to the department under sub. (2) by a person who has been discharged from probation or from his or her sentence and who, at the time of discharge, owed the department unpaid fees under sub. (2). Before requesting the attorney general to bring a civil action under this paragraph, the department shall deduct any fees owed to the department that were inaccurately assessed against the person.

SECTION 3958. 340.01 (56) (a) 4. of the statutes is amended to read:

340.01 **(56)** (a) 4. Children as defined under s. 115.76 (2) with exceptional educational needs of a type specified under s. 115.76 (3) (a) to (L) to or from an educational program approved by the department of ~~education~~ public instruction.

SECTION 3960m. 341.01 (2) of the statutes is renumbered 341.01 (2) (intro.) and amended to read:

341.01 **(2)** (intro.) In this chapter ~~notwithstanding~~:

(a) Notwithstanding s. 340.01 (24), "implement of husbandry" means a vehicle or piece of equipment or machinery designed for agricultural purposes, used exclusively in the conduct of agricultural operations and used principally off a highway, or a trailer–mounted bulk liquid fertilizer container.

SECTION 3961m. 341.01 (2) (b) of the statutes is created to read:

341.01 **(2)** (b) Notwithstanding s. 340.01 (42), "owner" means, with respect to a vehicle that is leased to a lessee for a period of one year or more, the lessee of the vehicle for purposes of vehicle registration under this chapter.

SECTION 3961p. 341.04 (1) (intro.) of the statutes is amended to read:

341.04 **(1)** (intro.) It is unlawful for any person to operate or for an owner to consent to being operated on any highway of this state any motor vehicle, mobile home, trailer or semitrailer or any other vehicle for which a registration fee is specifically prescribed unless at the time of operation the vehicle in question either is registered in this state, or, except for registration under s. 341.30 or 341.305, a complete application for registration, including evidence of any inspection under s. 110.20 when required, accompanied by the required fee has been delivered to the department, submitted to a dealer or local police department under s. 341.09 (2m) or (2r) for transmittal to the department or deposited in the mail properly addressed with postage prepaid~~, or~~ and, if the vehicle is an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle unless the operator or owner of the vehicle produces proof that operation of the vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in question is exempt from registration.

Vetoed In Part

SECTION 3962j. 341.04 (1) (a) of the statutes is amended to read:

341.04 **(1)** (a) A vehicle may be operated by a private person after the date of purchase or commencement of the lease of such vehicle by such private person or after the date such person moved to this state if application for registration, except for registration under s. 341.30 or 341.305, and certificate of title has been made.

SECTION 3962m. 341.04 (1) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

341.04 **(1)** (a) A vehicle may be operated by a private person after the date of purchase or commencement of the lease of such vehicle by such private person or after the date such person moved to this state if application for registration, except for registration under s. 341.30 or 341.305, and certificate of title has been made and the person otherwise complies with any applicable requirements of this section.

SECTION 3963m. 341.04 (1) (c) of the statutes is created to read:

341.04 **(1)** (c) Notwithstanding any other provision of this chapter, if a vehicle is owned by a lessor of vehicles and is leased to a lessee for a period of one year or more and the vehicle was registered in the name of the lessor before the effective date of this paragraph .... [revisor inserts date], the department may renew the registration in the name of the lessor in lieu of registration of the vehicle by the lessee. This paragraph does not apply to any subsequent lease of the vehicle by a lessor.

SECTION 3964. 341.05 (19) of the statutes is amended to read:

341.05 **(19)** Is a ~~motor vehicle last previously registered in another jurisdiction or a~~ repaired salvage vehicle operated to or from a location where it is to be inspected as required by ~~ss. 342.06 (1) (g) and~~ s. 342.07, or an unregistered vehicle operated to or from a location where it is to be inspected as required by s. 110.20.

SECTION 3964m. 341.05 (24) of the statutes is amended to read:

341.05 **(24)** Is a golf cart being operated in accordance with s. 349.18 (1) (b) or (c).

SECTION 3966. 341.057 of the statutes is amended to read:

341.057 All−terrain vehicles. All−terrain vehicles are not required to be registered under this chapter but shall be registered under s. 23.33 (2) or (2g).

SECTION 3968m. 341.08 (2) (am) of the statutes is created to read:

341.08 **(2)** (am) If the owner under par. (a) is a lessee, the name of the lessor.

SECTION 3969m. 341.08 (2) (bm) of the statutes is created to read:

341.08 **(2)** (bm) If applicable, the name of the town, city or village in which the lessor resides and, if the lessor resides in a 1st or 2nd class city, the lessor's true residential or business address.

SECTION 3970m. 341.08 (2) (e) of the statutes is amended to read:

341.08 **(2)** (e) Such further information as the department may reasonably require to enable it to determine whether the vehicle is by law entitled to registration or to enable it to determine the proper applicant or registration fee for the vehicle.

SECTION 3971d. 341.08 (4m) of the statutes is amended to read:

341.08 **(4m)** At least 30 days prior to the expiration of a vehicle's registration, the department shall mail to the last−known address of the registrant ~~or, if the vehicle is subject to a lease agreement, of the lessee designated by the registrant,~~ a notice of the date upon which the registration must be renewed and an application form for renewal of registration. The application form or an accompanying document shall include a list of any unpaid citations for nonmoving traffic violations or any judgments for violation of ch. 110, 194 or 341 to 350, an administrative rule of the department, or an ordinance enacted in accordance with s. 349.06, including parking violations, entered against the registrant which remain unpaid. The list of unpaid citations for nonmoving traffic violations shall be based on information obtained under s. 345.28 (4). The list of unpaid judgments shall be based on information obtained under s. 345.47 (1) (d). If there is a citation for any nonmoving traffic violation entered

against the registrant ~~or designated lessee~~ which is unpaid, he or she shall be notified that the vehicle may not be registered until the citation is paid or the registrant ~~or designated lessee~~ appears in court to respond to the citation. If there is a judgment entered against the registrant ~~or designated lessee~~ which is unpaid, he or she shall be notified that the vehicle may not be registered until the judgment is paid.

SECTION 3971g. 341.09 (1) of the statutes is renumbered 341.09 (1) (a) and amended to read:

Vetoed In Part

341.09 **(1)** (a) The department shall issue temporary operation plates as provided under subs. (2), (2m), (2r) and (9) and may issue a temporary operation permit or plate for an unregistered vehicle ~~under any of the circumstances set forth in subs. (2) to (6). Such~~ as otherwise provided under this section. Except as provided in par. (b), the permits or plates shall contain the date of expiration and sufficient information to identify the vehicle for which and the person to whom it is issued. The department may place the information identifying the vehicle and the person to whom the permit or plate is issued on a separate form. Except as provided in subs. (3) to (5), a temporary operation plate issued under this section is valid for a period of 90 days or until the applicant receives the regular registration plates, whichever occurs first.

SECTION 3971h. 341.09 (1) (b) of the statutes is created to read:

Vetoed In Part

341.09 **(1)** (b) The department shall specify by rule the size, color, design, form and specifications of temporary operation plates issued under sub. (2m), (2r) or (9) for an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less, and the system to be used to identify the date of issuance of such plates. All temporary operation plates issued under sub. (2m), (2r) or (9) for an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less shall contain a registration number composed of letters or numbers.

SECTION 3971hb. 341.09 (1) (c) of the statutes is created to read:

Vetoed In Part

341.09 **(1)** (c) Notwithstanding subs. (2m) (a) 1. b. and (2r), a dealer or a local police department may collect a special handling fee of not more than $5 if the dealer or police department provides special assistance to a person who is applying for a temporary operation plate under sub. (2m) (a) 1. b. or (2r).

Vetoed In Part

SECTION 3971hm. 341.09 (2) (c) of the statutes is repealed.

SECTION 3971mm. 341.09 (2) (g) of the statutes is created to read:

341.09 **(2)** (g) A temporary operation plate may not be issued under this subsection to a state resident for use on an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less.

SECTION 3972df. 341.09 (2m) (a) of the statutes is amended to read:

341.09 **(2m)** (a) Upon request by a dealer licensed in this state, the department may issue any number of temporary operation plates to a dealer under sub. (2) at a fee of $3 per plate. The dealer may issue the temporary operation plate at a fee of $3 to any state resident who purchases or leases from the dealer any type of vehicle except buses, for–hire vehicles and vehicles which are subject to registration under the international registration plan if the state is a party to such plan or vehicles which are subject to registration under s. 341.41 (9). The department shall prescribe the manner in which a dealer shall keep records of temporary operation plates issued by the dealer.

SECTION 3972dg. 341.09 (2m) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 341.09 (2m) (a) 1. (intro.) and amended to read:

341.09 **(2m)** (a) 1. (intro.) Upon request by a dealer licensed in this state, the department may issue any number of temporary operation plates to a dealer under sub. (2) at a fee of $3 per plate. The dealer may issue the temporary operation plate at a fee of $3 to any of the following:

a. Except as provided in subd. 2., a state resident who purchases or leases from the dealer any type of vehicle except buses, for–hire vehicles and vehicles which are subject to registration under the international registration plan if the state is a party to such plan or vehicles which are subject to registration under s. 341.41 (9), for use on such vehicle.

3. The department shall prescribe the manner in which a dealer shall keep records of temporary operation plates issued by the dealer.

SECTION 3972dj. 341.09 (2m) (a) 1. b. of the statutes is created to read:

341.09 **(2m)** (a) 1. b. A state resident who purchases an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less from a person other than the dealer for use on such vehicle if the state resident submits to the dealer a complete application for registration of the vehicle, including evidence of any inspection under s. 110.20 when required, and for a new certificate of title for the vehicle, together with a check or money order made payable to the department for all applicable title, registration, security interest and sales tax moneys, for transmittal to the department by the dealer.

SECTION 3972dm. 341.09 (2m) (a) 2. of the statutes is created to read:

341.09 **(2m)** (a) 2. Notwithstanding subd. 1., the department shall issue a sufficient number of temporary operation plates without charge to each dealer licensed in this state for issuance under this subdivision. Each dealer shall issue a temporary operation plate without charge to any state resident who purchases from the dealer an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less, for use on such vehicle if the state resident submits to the dealer a complete

application for registration of the vehicle, including evidence of inspection under s. 110.20 when required, and for a new certificate of title for the vehicle, together with a check or money order made payable to the department for all applicable title, registration, security interest and sales tax moneys, for transmittal to the department by the dealer.

SECTION 3972h. 341.09 (2m) (b) of the statutes is repealed.

SECTION 3972j. 341.09 (2m) (c) of the statutes is repealed.

Vetoed In Part **SECTION 3972jm.** 341.09 (2r) of the statutes is created to read:

341.09 **(2r)** The department of transportation shall issue a sufficient number of temporary operation plates without charge to each local police department. The local police department shall issue a temporary operation plate without charge to a state resident for use on an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less if the state resident submits to the police department a complete application for registration of the vehicle, including evidence of any inspection under s. 110.20 when required, and for a new certificate of title for the vehicle, together with a check or money order made payable to the department of transportation for all applicable title, registration, security interest and sales tax moneys, for transmittal to the department of transportation by the police department. The department of transportation shall prescribe the manner in which a local police department shall keep records of temporary operation plates issued by the police department.

SECTION 3973c. 341.09 (4) of the statutes is amended to read:

341.09 **(4)** Upon receipt of an application and a fee of $3, the department shall register a vehicle purchased or leased in this state by a nonresident for a period not to exceed 30 days. The department shall determine the size, color, design, form and specifications of a plate issued under this subsection. The plate may be similar or identical to a plate issued under sub. (2). The department may issue the plates to dealers at a fee of $3 per plate in the manner and for the purpose provided in sub. (2m).

SECTION 3973jm. 341.09 (9) of the statutes is created to read:

341.09 **(9)** Notwithstanding any other provision of this section, the department shall issue a temporary operation plate without charge for an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less upon receipt of a complete application accompanied by the required fee for registration of the vehicle, including evidence of any inspection under s. 110.20 when required, if the department does not immediately issue the regular registration plates for the vehicle and the department determines that the applicant has not otherwise been issued a temporary operation plate under this section.

SECTION 3974m. 341.10 (1) of the statutes is amended to read:

341.10 **(1)** The required state fee and any municipal vehicle registration fee imposed by the town, village or city in which the vehicle is customarily kept has not been paid for the specific vehicle, and the department may refuse registration of a vehicle if such fees for the current period or for any previous period for which payment of a registration fee is required by law have not been paid on any other vehicles owned ~~or leased~~ by the applicant for registration.

SECTION 3975mm. 341.10 (3) of the statutes is amended to read:

341.10 **(3)** A certificate of title is a prerequisite to registration of the vehicle and, except for an applicant who is the lessee of a vehicle, the applicant does not hold a valid certificate of title and is not entitled to the issuance of a certificate of title.

SECTION 3976L. 341.10 (3) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

341.10 **(3)** A certificate of title is a prerequisite to registration of the vehicle and, except for an applicant who is the lessee of a vehicle, a valid certificate of title has not been issued to the applicant for the vehicle and the applicant is not entitled to the issuance of a certificate of title.

SECTION 3976m. 341.13 (1) (intro.) of the statutes is amended to read:

341.13 **(1)** (intro.) In addition to the matter specified in s. 341.12 (3), registration plates for automobiles registered pursuant to the ~~monthly series~~ registration system under s. 341.27, except automobiles registered under s. 341.14 (6r) or 341.145 (1) (c), shall comply with the following specifications:

SECTION 3977m. 341.14 (1q) of the statutes is amended to read:

341.14 **(1q)** If any employer who provides an automobile or station wagon, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, ~~whether owned or leased by the employer,~~ for an employe's use submits to the department a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant certified to practice in any state, from a chiropractor licensed to practice chiropractic in any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying that the employe is a person with a disability that limits or impairs the ability to walk, the department shall issue and deliver

to such employer plates of a special design in lieu of the plates which ordinarily would be issued for the vehicle, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plates. The plates shall conform to the plates required in sub. (1a).

SECTION 3978m. 341.14 (1r) (a) of the statutes is amended to read:

341.14 **(1r)** (a) If any resident of this state who is registering or has registered an automobile or station wagon, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home submits a statement once every 4 years, as determined by the department, certifying to the department that the vehicle is leased to a person who qualifies for special plates under sub. (1) or (1a) together with the information required under sub. (1) or (1a), the department shall issue and deliver to the resident, plates of the appropriate special design under sub. (1) or (1a) in lieu of the plates which ordinarily would be issued for the vehicle, and shall renew the plates. No charge in addition to the registration fee shall be made for the issuance or renewal of the plates. No plates may be issued and delivered to a resident under this paragraph on or after the effective date of this paragraph .... [revisor inserts date].

SECTION 3980m. 341.14 (4) of the statutes is amended to read:

341.14 **(4)** For antique motor vehicles as specified in s. 341.265. The special plate for an antique motorcycle under this subsection shall be the same size as the usual registration plate for a motorcycle that is not an antique motorcycle.

SECTION 3984. 341.14 (6m) (b) (intro.), 1. and 2. of the statutes are amended to read:

341.14 **(6m)** (b) (intro.) Except as provided in par. (c), if an individual in possession of special plates under this subsection or of personalized plates under s. 341.145 (1) (b) does not maintain membership in the national guard during a year which is not a plate issuance year, the individual shall do all of the following:

1. Dispose of the special plates in a manner prescribed by the department~~;~~.

2. In addition to the regular application fee, pay a $4 fee for the issuance of replacement plates~~; and~~.

SECTION 3985. 341.14 (6m) (b) 3. of the statutes is repealed.

SECTION 3987g. 341.14 (6r) (b) 3. of the statutes is amended to read:

341.14 **(6r)** (b) 3. An additional fee of $15 shall be charged for the issuance or reissuance of a plate issued on an annual basis for a special group specified under par. (f) 35. to 47. or 53. An additional fee of $15 shall be charged for the issuance or reissuance of a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47. or 53. if the plate is issued during the first year of the biennial registration period or $15 for the issuance or reissuance if the plate is issued during the 2nd year of the biennial registration period.

SECTION 3988g. 341.14 (6r) (b) 6. of the statutes is created to read:

341.14 **(6r)** (b) 6. An additional fee of $20 that is in addition to the fee under subd. 3. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 53. An additional fee of $40 that is in addition to the fee under subd. 3. shall be charged for the issuance or renewal of a plate issued on a biennial basis for the special group specified under par. (f) 53. if the plate is issued or renewed during the first year of the biennial registration period or $20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision in excess of the initial costs of data processing for the special group plate under par. (f) 53. or $35,000, whichever is less, shall be deposited in the children's trust fund. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 3988m. 341.14 (6r) (bg) 3. b. of the statutes is amended to read:

341.14 **(6r)** (bg) 3. b. ~~Credit~~ Deposit in the general fund and credit to the appropriation account under s. 20.525 (1) ~~(qr)~~ (gm) the amount, if any, by which fees received under subd. 2. during the preceding fiscal quarter exceeded the total cost computed under subd. 3. a., except that with respect to fees received during the 2nd fiscal quarter of the 1998–99 fiscal year, the department shall deposit the amount, if any, in the historical legacy trust fund.

SECTION 3989g. 341.14 (6r) (bm) of the statutes, as affected by 1995 Wisconsin Act 445, section 14, is repealed.

SECTION 3989j. 341.14 (6r) (c) of the statutes, as affected by 1995 Wisconsin Act 445, section 16, is amended to read:

341.14 **(6r)** (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the university of Wisconsin system before specifying the design for the special group plates under par. (f) 35. to 47. ~~and~~, the secretary of natural resources before specifying the design for the special

group plate under par. (f) 50. and the child abuse and neglect prevention board before specifying the design for the special group plate under par. (f) 53. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design.

SECTION 3989m. 341.14 (6r) (e) of the statutes, as affected by 1995 Wisconsin Act 445, section 18, is amended to read:

341.14 **(6r)** (e) The department shall specify one combination of colors for special group plates for groups or organizations which are not military in nature and not special group plates under par. (f) 35. to 47. and 50. The department, after consulting the president of the university of Wisconsin system, shall specify one combination of colors for special group plates under par. (f) 35. to 47. The department shall specify the word or words comprising the special group name and the symbol to be displayed upon special group plates for a group or organization which is not military in nature after consultation with the chief executive officer in this state of the group or organization, except that the department may not specify the word or words or the symbol for special group plates under par. (f) 35. to 47. unless the word or words or symbol is approved in writing by the president of the university of Wisconsin system or, with respect to endangered resources, specify the word or words or the symbol for special group plates under par. (f) 50. unless the word or words or symbol is approved in writing by the secretary of natural resources or, with respect to child abuse and neglect prevention, specify any word or words other than "Children First" or the symbol for special group plates under par. (f) 53. unless the word or words or symbol is approved in writing by the child abuse and neglect prevention board. The president may not approve the word or words or symbol for a university specified under par. (f) 35. to 47. unless the chancellor of the university approves in writing the word or words or symbol. The department shall require that the word or words and symbol for a university specified under par. (f) 35. to 47. be a registration decal or tag and affixed to the special group plate and be of the colors for a university specified under par. (f) 35. to 47. that the president of the university of Wisconsin system specifies.

SECTION 3989p. 341.14 (6r) (f) 53. of the statutes is created to read:

341.14 **(6r)** (f) 53. Persons interested in obtaining a plate with the words "Children First" on it to show their support of the prevention of child abuse and neglect.

SECTION 3990mm. 341.14 (6r) (g) (intro.) of the statutes is amended to read:

341.14 **(6r)** (g) (intro.) ~~Except as provided in par. (bm) 1., if~~ If an individual in possession of special plates under par. (f) 33., 34. or 48. or of personalized plates under s. 341.145 (1) (c) of the same color and design as special plates under par. (f) 33., 34. or 48. does not maintain membership in the applicable authorized special group during a year which is not a plate issuance year, the individual shall:

SECTION 3991m. 341.14 (6r) (g) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

341.14 **(6r)** (g) (intro.) If an individual in possession of special plates under par. (f) 33., 34. or 48. or of personalized plates under s. 341.145 (1) (c) of the same color and design as special plates under par. (f) 33., 34. or 48. does not maintain membership in the applicable authorized special group during a year which is not a plate issuance year, the individual shall do all of the following:

SECTION 3992. 341.14 (6r) (g) 1. and 2. of the statutes are amended to read:

341.14 **(6r)** (g) 1. Dispose of the special plates in a manner prescribed by the department~~;~~.

2. In addition to the regular application fee, pay a $4 fee for the issuance of replacement plates~~; and~~.

SECTION 3993. 341.14 (6r) (g) 3. of the statutes is repealed.

SECTION 3994m. 341.14 (7) of the statutes is amended to read:

341.14 **(7)** The department shall disseminate information to all applicants for registration plates under sub. (1), (1a), (1e), (1m)~~,~~ or (1q) ~~or (1r) (a)~~ relating to the parking privileges granted under s. 346.50 (2), (2a) or (3) and their right to request enforcement of s. 346.505.

SECTION 3996m. 341.145 (1g) (c) of the statutes, as created by 1995 Wisconsin Act 350, is amended to read:

341.145 **(1g)** (c) The department may issue personalized registration plates under sub. (1) (d) to a person who qualifies for special plates under s. 341.14 (1) ~~or, if in lieu of special plates under s. 341.14 (1), s. 341.14 (1r)~~.

SECTION 3997m. 341.145 (1g) (d) of the statutes, as created by 1995 Wisconsin Act 350, is amended to read:

341.145 **(1g)** (d) The department may issue personalized registration plates under sub. (1) (e) to a person who qualifies for special plates under s. 341.14 (1a), (1m) or (1q) ~~or, if in lieu of special plates under s. 341.14 (1a), s. 341.14 (1r)~~.

SECTION 3998m. 341.145 (4) of the statutes is amended to read:

341.145 **(4)** Each personalized registration plate issued shall be reserved for the recipient ~~or, in the case of a leased vehicle, for the lessee~~ in succeeding registration periods and shall not be duplicated for issuance to any other person if the recipient ~~or lessee~~ maintains the plate, unless the recipient ~~or, in the case of a leased vehicle, the lessee~~ authorizes the issuance of the plate to another person. If the recipient ~~or, in the case of a leased vehicle, the lessee~~ does not maintain the plate for 2 successive years which are not plate issuance years or if the recipient ~~or lessee~~ does not specifically request reissuance of the personalized registration plate by the end of the month in which the plate expires in a plate issuance year, the

department may issue the personalized registration plate to another applicant.

SECTION 3998q. 341.145 (4) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

341.145 **(4)** Each personalized registration plate issued shall be reserved for the recipient in succeeding registration periods and shall not be duplicated for issuance to any other person if the recipient maintains the plate, unless the recipient authorizes the issuance of the plate to another person. If the recipient does not maintain the plate for 2 successive years which are not plate issuance years or if the recipient does not specifically request reissuance of the personalized registration plate by the ~~end of the month in~~ date on which the plate expires in a plate issuance year, the department may issue the personalized registration plate to another applicant.

SECTION 3999. 341.145 (5) (intro.), (a) and (b) of the statutes are amended to read:

341.145 **(5)** (intro.) If an individual in possession of a personalized registration plate does not maintain the personalized registration plate under sub. (3) during a year which is not a plate issuance year, the individual shall do all of the following:

(a) Dispose of the personalized plate in a manner prescribed by the department~~;~~.

(b) In addition to the regular application fee, pay a $4 fee for the issuance of replacement plates~~; and~~.

SECTION 4000. 341.145 (5) (c) of the statutes is repealed.

SECTION 4000e. 341.16 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 445, section 22, is amended to read:

341.16 **(1)** (b) Upon satisfactory proof of the loss or destruction of a special plate issued under s. 341.14 (6m) (a) or (6r) (b) or a special personalized plate issued under s. 341.145 (1) (b) or (c) and upon payment of a fee of $5 for each plate or, if the plate is for a special group specified under s. 341.14 (6r) (f) 35. to 47. or 53., $6 for each plate, the department shall issue a replacement.

SECTION 4000g. 341.16 (2m) of the statutes is amended to read:

341.16 **(2m)** Upon request therefor and payment of a fee of $10, the department may issue an applicant for replacement plates for an automobile registered pursuant to the ~~monthly series~~ registration system under s. 341.27 registration plates of the design specified in s. 341.13 for the plate issuance cycle next succeeding the cycle under which the original plates were issued. The department may limit the receipt of requests under this subsection to applicants for a renewal registration of a motor vehicle.

SECTION 4000j. 341.17 (1) of the statutes is amended to read:

341.17 **(1)** At intervals selected by the department, the department shall compile a list of registrations made during that interval pursuant to the ~~monthly series~~ system of registering automobiles under s. 341.27. The list shall give the name and address of each registrant, the registration number assigned, and other identifying information as the department deems necessary.

SECTION 4000r. 341.25 (1) (a) of the statutes is amended to read:

341.25 **(1)** (a) For each automobile or station wagon, a fee of ~~$40~~ $45, except that an automobile registered in this state prior to September 1, 1947, at a fee of less than $18 shall be registered at such lesser fee plus an additional fee of $2.

SECTION 4001. 341.25 (1) (b) of the statutes is amended to read:

341.25 **(1)** (b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed vehicle under s. 341.067, which is designed for the transportation of persons rather than property, a biennial fee of ~~$20~~ $23. Registration plates issued under this paragraph expire on April 30 of even–numbered years.

SECTION 4002. 341.25 (1) (gg) of the statutes is repealed.

SECTION 4003. 341.25 (1) (i) of the statutes is amended to read:

341.25 **(1)** (i) For each mobile home ~~25 feet or less in length, a fee of $12; for each mobile home more than 25 feet in length~~, and for each camping trailer having a gross weight of more than 3,000 pounds, a fee of ~~$18~~ $15.

SECTION 4003g. 341.25 (1) (j) 1. to 7. of the statutes are amended to read:

341.25 **(1)** (j) 1. Not more than 5,000 ~~$ 45~~ $ 48.50
2. Not more than 8,000 . . . . . ~~51~~ 55
3. Not more than 12,000 . . . . . ~~63~~ 67.50
4. Not more than 16,000 . . . . . ~~75~~ 80.50
5. Not more than 20,000 . . . . . ~~87~~ 93.50
6. Not more than 26,000 . . . . . ~~99~~ 106.50
7. More than 26,000 . . . . . ~~111~~ 119.50

SECTION 4003m. 341.25 (2) (a) to (q) of the statutes are amended to read:

341.25 **(2)** (a) Not more than 4,500 ~~$ 45~~ $ 48.50
(b) Not more than 6,000 . . . . . ~~57~~ 61.50
(c) Not more than 8,000 . . . . . ~~72~~ 77.50
(cm) Not more than 10,000 . . . . . ~~111~~ 119.50
(d) Not more than 12,000 . . . . . ~~150~~ 161
(e) Not more than 16,000 . . . . . ~~203~~ 218
(f) Not more than 20,000 . . . . . ~~255~~ 274
(g) Not more than 26,000 . . . . . ~~340~~ 365.50
(h) Not more than 32,000 . . . . . ~~436~~ 468.50
(i) Not more than 38,000 . . . . . ~~552~~ 593.50
(j) Not more than 44,000 . . . . . ~~659~~ 708.50
(k) Not more than 50,000 . . . . . ~~761~~ 818
(km) Not more than 54,000 . . . . . ~~812~~ 873
(L) Not more than 56,000 . . . . . ~~865~~ 930
(m) Not more than 62,000 . . . . . ~~978~~ 1,051.50
(n) Not more than 68,000 . . . . . ~~1,104~~ 1,187
(o) Not more than 73,000 . . . . . ~~1,256~~ 1,350
(p) Not more than 76,000 . . . . . ~~1,489~~ 1,600.50

(q) Not more than 80,000 . . . . . ~~1,832~~ 1,969.50

SECTION 4003p. 341.255 (title) of the statutes is repealed and recreated to read:

341.255 (title) **Special transaction fees.**

SECTION 4003r. 341.255 (4) of the statutes is created to read:

341.255 **(4)** The department shall charge a fee of $5 for each transaction relating to a certificate of title or a registration, or both, that is transmitted electronically to the department by a financial institution, as defined in s. 705.01 (3).

SECTION 4003t. 341.255 (5) of the statutes is created to read:

341.255 **(5)** In addition to the regular registration fee specified in s. 341.25 (1) (a) or (b) or (2) (a) to (c), the department shall charge a late fee of $10 for each transaction relating to the renewal of a registration under s. 341.25 (1) (a) or (b) or (2) (a) to (c) that is filed after the date of expiration of registration.

SECTION 4004m. 341.26 (2) (m) of the statutes is amended to read:

341.26 **(2)** (m) A motor vehicle ~~leased or~~ owned and operated by a voluntary nonprofit organization and used exclusively for rescue work. In this paragraph, "rescue work" means the rendering of first aid and emergency transportation to persons in need of immediate medical attention.

SECTION 4006m. 341.26 (3) (a) 1. of the statutes is amended to read:

341.26 **(3)** (a) 1. For each farm truck having a gross weight of 12,000 pounds or less, a biennial fee of ~~$42~~ $45. Registration plates issued under this subdivision expire on the last day of February of even−numbered years.

SECTION 4007. 341.26 (3) (b) of the statutes is amended to read:

341.26 **(3)** (b) For each farm trailer not coming within the provisions of s. 341.264, an annual fee which is 25% of the fee prescribed by s. 341.25 (2) for a motor truck having the same gross weight~~, except that a farm trailer used with a farm truck tractor shall be registered at a fee of $5~~.

SECTION 4007m. 341.26 (3) (g) 1. to 17. of the statutes are amended to read:

341.26 **(3)** (g) 1. Not more than 4,500 ~~$ 24~~ $ 26
2. Not more than 6,000 . . . . . ~~34~~ 36.50
3. Not more than 8,000 . . . . . ~~40~~ 43
3m. Not more than 10,000 . . . . . ~~56~~ 60
4. Not more than 12,000 . . . . . ~~72~~ 77.50
5. Not more than 16,000 . . . . . ~~102~~ 109.50
6. Not more than 20,000 . . . . . ~~132~~ 142
7. Not more than 26,000 . . . . . ~~177~~ 190.50
8. Not more than 32,000 . . . . . ~~228~~ 245
9. Not more than 38,000 . . . . . ~~288~~ 309.50
10. Not more than 44,000 . . . . . ~~345~~ 371
11. Not more than 50,000 . . . . . ~~396~~ 425.50
11m. Not more than 54,000 . . . . . ~~424~~ 456
12. Not more than 56,000 . . . . . ~~453~~ 487
13. Not more than 62,000 . . . . . ~~513~~ 551.50
14. Not more than 68,000 . . . . . ~~579~~ 622.50
15. Not more than 73,000 . . . . . ~~660~~ 709.50
16. Not more than 76,000 . . . . . ~~780~~ 838.50
17. Not more than 80,000 . . . . . ~~960~~ 1,032

SECTION 4007p. 341.265 (1) of the statutes is amended to read:

341.265 **(1)** Any person who is a resident of this state and the owner or subsequent transferee of a motor vehicle which has a model year of 1945 or earlier and which has not been altered or modified from the original manufacturer's specifications may upon application register the same as an antique vehicle upon payment of a fee of $5, and be furnished registration plates of a distinctive design, in lieu of the usual registration plates, which shall show in addition to the registration number that the vehicle is an antique. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee. The vehicle shall only be used for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes. A motorcycle may be registered as an antique vehicle if all of the requirements for registration specified in this subsection are satisfied.

SECTION 4007r. 341.265 (1m) of the statutes is amended to read:

341.265 **(1m)** A person who registers an antique motor vehicle under sub. (1) may furnish and display on the vehicle a historical plate from or representing the model year of the vehicle if the registration and plates issued by the department are simultaneously carried in or, with respect to an antique motorcycle, with the vehicle and are available for inspection.

SECTION 4008. 341.267 (1) (b) of the statutes is amended to read:

341.267 **(1)** (b) "School" means a public or nonpublic school having an approved driver education program as certified by the department of ~~education~~ public instruction or the technical college system board.

SECTION 4009. 341.267 (1m) of the statutes is amended to read:

341.267 **(1m)** The department of ~~education~~ public instruction shall establish uniform marking standards for a motor vehicle which is used as a driver education vehicle. The markings shall be removed when the owned or leased vehicle is being operated for other than behind−the−wheel instruction or necessary maintenance and storage.

SECTION 4010. 341.267 (2) of the statutes is amended to read:

341.267 **(2)** A driver education vehicle shall be registered as provided in s. 341.26 (2). If a driver education vehicle is replaced, reassignment of the plate to a replacement driver education vehicle shall be made by the department on request without payment of an additional

fee. ~~The department shall issue plates of a distinctive design upon the registration of a driver education vehicle.~~

SECTION 4010c. 341.27 (1) of the statutes is amended to read:

341.27 **(1)** All automobiles, other than those that may be registered under s. ~~341.265,~~ 341.26 (2), 341.265, 341.266 or 341.268 or are required by s. 341.29 to be registered on a calendar−year basis, shall be registered by the department according to the ~~monthly series~~ system of registration prescribed by this section.

SECTION 4010e. 341.27 (2) of the statutes is repealed.

SECTION 4010g. 341.27 (3) (intro.) of the statutes is amended to read:

341.27 **(3)** (intro.) All automobiles subject to ~~registration under the monthly series~~ the registration system under this section shall be registered by the department for a period of ~~12 consecutive calendar months~~ one year except as follows:

SECTION 4010j. 341.27 (3) (a) of the statutes is amended to read:

341.27 **(3)** (a) Except as provided in s. 341.28 (2) (c), if the applicant holds current registration plates which were removed from an automobile which the applicant no longer owns or which has been junked, is no longer used on the highways or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street modified or homemade vehicle under s. 341.268 (2) (a), and the plates were issued under the ~~monthly series~~ system of registration prescribed by this section, the department shall register the automobile which is the subject of the application for the remainder of the unexpired registration period.

SECTION 4010m. 341.28 (1) of the statutes is amended to read:

341.28 **(1)** The applicant for registration of an automobile under the ~~monthly series~~ system of registration prescribed by s. 341.27 shall pay in full the annual registration fee prescribed by law, except as otherwise provided in this section.

SECTION 4010p. 341.28 (2) (intro.) of the statutes is amended to read:

341.28 **(2)** (intro.) If the applicant for registration holds current registration plates which were removed from an automobile which the applicant no longer owns or which has been junked, is no longer being used on the highways or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street modified or homemade vehicle under s. 341.268 (2) (a), and the plates were issued under the ~~monthly series~~ system of registration prescribed by s. 341.27, the applicant is exempt from the payment of a registration fee, except in the following cases:

SECTION 4011m. 341.28 (2) (b) of the statutes is amended to read:

341.28 **(2)** (b) If the automobile which is the subject of the application was owned by the applicant at the time of and on or before the 15th day of the month in which the transfer, termination of the consumer lease, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a) of the other automobile occurred and was not currently registered at the time of such transfer, termination of the consumer lease, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a), the applicant shall pay a fee to be computed as provided in subs. (3) to (5) but shall receive a credit for the unused portion of the current registration. The credit shall be computed on the basis of one−twelfth of the annual fee paid for the vehicle from which the plates were removed multiplied by the number of months remaining in the registration period represented by the removed plates, including the month during which the applicant transferred, discontinued to use on the highways, junked or registered under s. 341.266 (2) (a) or 341.268 (2) (a) or terminated the consumer lease of the automobile from which the plates were removed if the transfer, termination of the consumer lease, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a) occurred on or before the 15th day of the month.

SECTION 4011q. 341.28 (2) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

341.28 **(2)** (b) If the automobile which is the subject of the application was owned by the applicant at ~~the~~ any time ~~of and on or before the 15th day of~~ during the month in which the transfer, termination of the consumer lease, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a) of the other automobile occurred and was not currently registered at the time of such transfer, termination of the consumer lease, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a), the applicant shall pay a fee to be computed as provided in subs. (3) to (5) but shall receive a credit for the unused portion of the current registration. The credit shall be computed on the basis of one−twelfth of the annual fee paid for the vehicle from which the plates were removed multiplied by the number of months remaining in the registration period represented by the removed plates, including the month during which the applicant transferred, discontinued to use on the highways, junked or registered under s. 341.266 (2) (a) or 341.268 (2) (a) or terminated the consumer lease of the automobile from which the plates were removed ~~if the transfer, termination of the consumer lease, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a) occurred on or before the 15th day of the month~~.

SECTION 4012m. 341.28 (7) (a) of the statutes is amended to read:

341.28 **(7)** (a) If the first operation of an automobile under circumstances making the owner liable for its reg-

istration in this state occurs on or before the 15th day of a given month, the registration period commences on the first day of such month. If the first operation occurs on or after the 16th day of a given month, the registration period commences on the first day of the following month. "First operation" means operation of an automobile for the first time after it was transferred or leased to the applicant or after it was registered in another state or after an active service refund or after the expiration of 12 months of nonoperation since expiration of the last registration in this state or after it was no longer used on the highways.

SECTION 4012q. 341.28 (7) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

341.28 **(7)** (a) ~~If the first operation of~~ The registration period for an automobile commences when the first operation of the automobile under circumstances making the owner liable for its registration in this state occurs ~~on or before the 15th day of a given month, the registration period commences on the first day of such month. If the first operation occurs on or after the 16th day of a given month, the registration period commences on the first day of the following month. "First~~. For puposes of this paragraph, "first operation" means operation of an automobile for the first time after it was transferred or leased to the applicant or after it was registered in another state or after an active service refund or after the expiration of 12 months of nonoperation since expiration of the last registration in this state or after it was no longer used on the highways.

SECTION 4013m. 341.28 (7) (b) of the statutes is amended to read:

341.28 **(7)** (b) In the case of an automobile which has not previously been registered or which has not been registered in this state by the present owner since the owner last acquired ownership of the automobile, the department shall assume that the date of first operation within the meaning of par. (a) is the date of the bill of sale evidencing the transfer of ownership to the applicant or, with respect to a leased vehicle, the date of commencement of the lease by the applicant, unless the applicant files with the department a statement that the automobile was not so operated until a later date, specifying the date of such first operation. In the case of at least 12 months of nonoperation of an automobile previously registered by the applicant, the applicant must file with the department a statement that he or she did not operate or consent to the operation of the automobile under circumstances making it subject to registration in this state during such 12−month period and must specify the date following such period when the automobile was first so operated. The department may refuse to accept a statement which projects the date of first operation into the future.

SECTION 4014m. 341.305 (2) (bm) of the statutes is amended to read:

341.305 **(2)** (bm) A motor truck or truck tractor which is owned ~~or leased~~ by a retail lumberyard and used exclusively to transport building construction materials from that lumberyard to a building construction site.

SECTION 4015m. 341.31 (1) (b) 2. of the statutes is amended to read:

341.31 **(1)** (b) 2. The vehicle was transferred or leased to the applicant after the expiration of the last registration in this state; or

SECTION 4016m. 341.31 (1) (b) 5. of the statutes is amended to read:

341.31 **(1)** (b) 5. The vehicle is a motorcycle which has been transferred or leased to the applicant and for which current registration plates had been issued to the previous owner; or

SECTION 4017m. 341.31 (1) (b) 6. of the statutes is amended to read:

341.31 **(1)** (b) 6. The vehicle which has been transferred to or leased by the applicant is a motor home or a motor truck, dual purpose motor home or dual purpose farm truck which had been registered by the previous owner at a gross weight of 8,000 pounds or less or is a farm truck which had been registered by the previous owner at a gross weight of 12,000 pounds or less; or

SECTION 4018m. 341.31 (2) (a) of the statutes is amended to read:

341.31 **(2)** (a) For vehicles registered under the conditions in sub. (1) (a), (b) or (d), the fee for the current registration period shall be computed on the basis of one−twelfth of the annual registration fee or one twenty−fourth of the biennial registration fee prescribed for the vehicle multiplied by the number of months of the current registration period which have not fully expired on the date the vehicle first is operated by or with the consent of the applicant under circumstances making it subject to registration in this state plus, in case of a quarterly registration, $5. In the case of a vehicle which has not previously been registered or which has not been registered in this state by the present owner since the owner last acquired ownership of the vehicle, the department shall assume that the date of first operation is the date of the bill of sale evidencing transfer of ownership to the applicant or, with respect to a leased vehicle, the date of commencement of the lease by the applicant, unless he or she files with the department a statement that the vehicle was not so operated until a later date, specifying the date of such first operation. The department may refuse to accept any statement which projects the date of first operation into the future.

SECTION 4019m. 341.31 (4) (a) of the statutes is amended to read:

341.31 **(4)** (a) The transferee or lessee of a vehicle registered as provided in s. 341.29, 341.295 or 341.30 is not subject to the payment of any registration fee for the remainder of the period for which the vehicle is regis-

tered unless, by reason of his or her status or the use to which the vehicle is put, the fee prescribed by law is higher than that paid by the former owner. In such event, the fee shall be computed on the basis of one−twelfth of the difference between the 2 annual fees multiplied by the number of months of the current registration period which have not fully expired on the date, after the vehicle is acquired by the applicant, when such vehicle is first operated by him or her or with his or her consent under circumstances making it subject to registration in this state.

SECTION 4020m. 341.31 (4) (b) of the statutes is amended to read:

341.31 **(4)** (b) A person retaining a set of plates removed from a vehicle under s. 342.15 (4) (a) or 342.34 (1) (c) or (2) (c) and which was junked or transferred, is no longer leased to the person or used on the highways or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street modified or homemade vehicle under s. 341.268 (2) (a) may receive credit for the unused portion of the registration fee paid when registering a replacement vehicle of the same type and gross weight.

SECTION 4021m. 341.31 (5) of the statutes is amended to read:

341.31 **(5)** This section does not apply to vehicles registered at a fee of $5 under s. 341.26. Such vehicles, whether registered for a full period or part thereof and whether or not previously registered, shall be registered at the full fee. If a person authorized to register a vehicle at a fee of $5 under s. 341.26 transfers the vehicle to a person not so authorized or no longer leases the vehicle, the fee payable by the transferee shall be computed as for a vehicle not previously registered in this state.

SECTION 4022g. 341.33 (3) of the statutes is amended to read:

341.33 **(3)** Upon request, the department shall refund 50% of a registration fee paid for a vehicle registered on a biennial basis if the person who registered the vehicle furnishes such proof as the department requires that the person has transferred his or her interest in the vehicle or terminated leasing the vehicle before the beginning of the 2nd year of the period for which the vehicle is registered or that the vehicle will not be operated in this state after the beginning of the 2nd year of the period for which the vehicle is registered. The department may require the person to return the certificate of registration and registration plates for the vehicle to the department. Except as provided in sub. (1), the department may not refund more than 50% of the fee paid for the registration of a vehicle registered on a biennial basis.

SECTION 4022m. 341.35 (6r) of the statutes is created to read:

341.35 **(6r)** USE OF FEE PROCEEDS. Any municipality or county receiving moneys under sub. (6) shall use the moneys only for transportation related purposes.

SECTION 4023m. 341.40 (2) of the statutes is amended to read:

341.40 **(2)** If the owner of any such vehicle moves to Wisconsin or if the vehicle is purchased by or leased to a Wisconsin resident, the vehicle immediately becomes subject to the laws of this state providing for the registration of vehicles.

SECTION 4028m. 341.65 (1) (am) of the statutes is created to read:

341.65 **(1)** (am) "Owner" has the meaning given in s. 340.01 (42) and, with respect to a vehicle that is registered, or required to be registered, by a lessee of the vehicle under this chapter, includes the lessee of the vehicle.

SECTION 4029. 342.01 (2) (a) of the statutes is renumbered 342.01 (2) (am).

SECTION 4030. 342.01 (2) (ag) of the statutes is created to read:

342.01 **(2)** (ag) "Deliver" includes electronic transmission.

SECTION 4033. 342.06 (1) (intro.) of the statutes is amended to read:

342.06 **(1)** (intro.) An application for a certificate of title shall be made to the department upon a form or in an automated format prescribed by it and shall be accompanied by the required fee. Each application for certificate of title shall include the following information:

SECTION 4035. 342.06 (1) (g) of the statutes is amended to read:

342.06 **(1)** (g) If the vehicle is a used motor vehicle which was last previously registered in another jurisdiction, the applicant shall furnish any certificate of ownership issued by the other jurisdiction and a statement pertaining to the title history and ownership of such motor vehicle, such statement to be in the form the department prescribes~~, and shall furnish a certification by a person designated by the department by rule to the effect that the physical description of the motor vehicle has been checked and conforms to the description given in the application~~.

SECTION 4036. 342.06 (1) (i) of the statutes is amended to read:

342.06 **(1)** (i) A place for an applicant who is a natural person to designate that the applicant's name, street address, post−office box number and 9−digit extended zip code may not be disclosed as provided in s. 341.17 (9), a statement indicating the effect of making such a designation and a place for an applicant who has made a designation under this paragraph to reverse the designation. The department may provide for these designations and statement on an alternative form or in an automated format.

SECTION 4036g. 342.06 (1) (k) of the statutes is created to read:

342.06 **(1)** (k) If the vehicle is an automobile, station wagon or motor truck having a registered weight of 8,000

pounds or less and a temporary operation plate has been issued for the vehicle under s. 341.09 (2m) (a) 1. b. or 2. **Vetoed In Part** or (2r), the registration number of the temporary operation plate.

SECTION 4037. 342.06 (1m) of the statutes is amended to read:

342.06 **(1m)** On the form or in the automated format for application for a certificate of title, the department may show the fee under s. 342.14 (3m) separately from the fee under s. 342.14 (1) or (3).

SECTION 4042. 342.10 (6) of the statutes is created to read:

342.10 **(6)** A certificate of title may be issued by the department in an automated format.

SECTION 4043m. 342.14 (1) of the statutes is amended to read:

342.14 **(1)** For filing an application for the first certificate of title, ~~$5~~ $8.50, by the owner of the vehicle.

SECTION 4044. 342.14 (1r) of the statutes is created to read:

342.14 **(1r)** Upon filing an application under sub. (1) or (3), an environmental impact fee of $5, by the person filing the application. All moneys collected under this subsection shall be credited to the environmental fund for environmental management. This subsection does not apply after June 30, 2001.

SECTION 4044m. 342.14 (3) of the statutes is amended to read:

342.14 **(3)** For a certificate of title after a transfer, ~~$5~~ $8.50, by the owner of the vehicle.

SECTION 4044r. 342.14 (3m) of the statutes is amended to read:

342.14 **(3m)** Upon filing an application under sub. (1) or (3), a ~~nonpoint source pollution~~ supplemental title fee of $7.50 by the owner of the vehicle, except that this fee shall be waived with respect to an application under sub. (3) for transfer of a decedent's interest in a vehicle to his or her surviving spouse. The fee specified under this subsection is in addition to any other fee specified in this section.

SECTION 4046m. 342.15 (4) (a) of the statutes is amended to read:

342.15 **(4)** (a) If the vehicle being transferred is a motorcycle or an automobile or station wagon registered under ~~the monthly series system~~ s. 341.27 or a motor home or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds or a farm truck which has a gross weight of not more than 12,000 pounds, the owner shall remove the registration plates and retain and preserve them for use on any other vehicle of the same type and gross weight which may subsequently be registered in his or her name.

SECTION 4048. 342.155 (1) (b) of the statutes is amended to read:

342.155 **(1)** (b) The mileage disclosure statement required under par. (a) shall be made in the spaces provided on the certificate of title or on a form or in an automated format authorized by the department. The transferee shall print his or her name on the mileage disclosure statement, sign the statement and return a copy of the statement to the transferor. Except as authorized by rule of the department, no person may sign a mileage disclosure statement as both the transferor and transferee in the same transaction.

SECTION 4051. 342.17 (4) (b) 4. of the statutes is amended to read:

342.17 **(4)** (b) 4. The limit in subd. 3. does not apply if the surviving spouse is proceeding under s. 867.03 ~~(1)~~ (1g) and the total value of the decedent's solely owned property in the state, including the vehicles transferred under this paragraph, does not exceed $10,000.

SECTION 4052. 342.20 (1) of the statutes is amended to read:

342.20 **(1)** The owner shall immediately execute, in the space provided therefor on the certificate of title or on a separate form or in an automated format prescribed by the department, an application to name the secured party on the certificate, showing the name and address of the secured party, and cause the certificate, application and the required fee to be delivered to the secured party.

SECTION 4058gm. 342.22 (3) (a) of the statutes is amended to read:

342.22 **(3)** (a) For a mobile home, ~~16~~ 20 years.

SECTION 4058gq. 342.22 (3) (c) of the statutes is amended to read:

342.22 **(3)** (c) For any other vehicle, ~~6~~ 10 years.

SECTION 4058m. 342.30 (1) of the statutes is renumbered 342.30 (1g).

SECTION 4059m. 342.30 (1c) of the statutes is created to read:

342.30 **(1c)** In this section, "owner" includes the lessee of a vehicle if the vehicle is registered, or required to be registered, by the lessee under ch. 341.

SECTION 4059p. 342.30 (3) (a) of the statutes is amended to read:

342.30 **(3)** (a) Any person who violates sub. ~~(1)~~ (1g) may be fined not more than $5,000 or imprisoned for not more than 5 years or both.

SECTION 4059t. 342.30 (4) (a) of the statutes is amended to read:

342.30 **(4)** (a) If a law enforcement agency finds a vehicle or part of a vehicle on which the identification number has been removed, altered or obliterated or made impossible to read, the law enforcement agency may seize the vehicle or part of a vehicle. If the identification number cannot be identified, the seized vehicle or vehicle part is presumed to be contraband. If the identification number can be identified, the agency may return the vehicle to the ~~registered~~ owner. Except as provided in par. (b), the

district attorney shall institute forfeiture proceedings under s. 973.076 regarding any vehicle or vehicle part that is seized under this paragraph and not returned to the owner.

SECTION 4060f. 342.34 (1) (c) of the statutes is amended to read:

342.34 **(1)** (c) If the vehicle is a motorcycle or an automobile or station wagon registered under ~~the monthly series system~~ s. 341.27 or a motor home or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds or a farm truck which has a gross weight of not more than 12,000 pounds, the owner shall remove the registration plates and retain and preserve them for use on any other vehicle of the same type which may subsequently be registered in his or her name. If the vehicle is not a motorcycle or an automobile or station wagon registered under ~~the monthly series system~~ s. 341.27, or a motor home or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds or a farm truck which has a gross weight of not more than 12,000 pounds, he or she shall remove and destroy the plates.

SECTION 4060m. 342.40 (1) of the statutes is renumbered 342.40 (1m).

SECTION 4061m. 342.40 (1c) of the statutes is created to read:

342.40 **(1c)** In this section, "owner" includes the lessee of a vehicle if the vehicle is registered, or required to be registered, by the lessee under ch. 341.

SECTION 4062. 343.06 (1) (c) of the statutes is amended to read:

343.06 **(1)** (c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home–based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of ~~education~~ public instruction, or in technical colleges approved by the technical college system board, or in nonpublic and private schools which meet the minimum standards set by the department of ~~education~~ public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1). The department shall not issue a license to any person under the age of 18 authorizing the operation of "Class M" vehicles unless the person has successfully completed a basic rider course approved by the department. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) (c) and (2) (cm) to (e), no operator's license may be issued unless a driver's examination has been administered by the department.

SECTION 4065. 343.06 (1) (j) of the statutes is amended to read:

343.06 **(1)** (j) To any person applying for his or her first license or identification card or for a reinstated license in this state unless the person has submitted satisfactory proof of his or her name and date ~~and place~~ of birth.

SECTION 4066. 343.07 (5) of the statutes is amended to read:

343.07 **(5)** DEFINITION. In this section, "qualified instructor" means a person employed by a public or private school, holding an operator's license and meeting the teaching certification standards of the department of ~~education~~ public instruction or the technical college system board to teach driver education, or an instructor of a school licensed under s. 343.61, or a teacher or student teacher in a driver education course for teachers conducted by an institution of higher education.

SECTION 4068. 343.14 (3) (a) of the statutes is amended to read:

343.14 **(3)** (a) The department shall, as part of the application process, take a photograph of the applicant to comply with s. 343.17 (3) (a) 2. Except where specifically exempted by statute or by rule of the department, no application may be processed without the photograph being taken. In the case of renewal licenses, the photograph shall be taken once every ~~4~~ 8 years, and shall coincide with the appearance for examination which is required under s. 343.16 (3). The department may make provision for issuance of a license without a photograph if the applicant is stationed outside the state in military service and in specific situations where the department deems such action appropriate.

SECTION 4070. 343.14 (4) of the statutes is repealed.

SECTION 4076. 343.16 (1) (c) (intro.) of the statutes is amended to read:

343.16 **(1)** (c) *Driver education course.* (intro.) The department may, after consultation with the department of ~~education~~ public instruction and the technical college system board, provide for administration of and certification of the results of the test of an applicant's knowledge of the traffic laws and ability to read and understand highway signs in conjunction with a course in driver education specified in this paragraph, by an instructor in that course. The test under this paragraph does not include

that part of a driver's examination involving the actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle required for the issuance of a license other than an instruction permit. The test under this paragraph may be administered and certified by an instructor in any of the following:

SECTION 4077. 343.16 (1) (c) 1. of the statutes is amended to read:

343.16 **(1)** (c) 1. A course in driver education in public schools approved by the department of ~~education~~ public instruction.

SECTION 4078. 343.16 (1) (c) 3. of the statutes is amended to read:

343.16 **(1)** (c) 3. A course in driver education in nonpublic and private schools that meets the minimum standards set by the department of ~~education~~ public instruction.

SECTION 4080. 343.16 (3) (a) of the statutes is amended to read:

343.16 **(3)** (a) ~~The~~ Except as provided in s. 343.20 (1) (f), the department shall examine every applicant for the renewal of an operator's license once every ~~4~~ 8 years. The department may institute a method of selecting the date of renewal so that such examination shall be required for each applicant for renewal of a license to gain a uniform rate of examinations. The examination shall consist of a test of eyesight. The department shall make provisions for giving such examinations at examining stations in each county to all applicants for an operator's license. The person to be examined shall appear at the examining station nearest the person's place of residence or at such time and place as the department designates in answer to an applicant's request. In lieu of examination, the applicant may present or mail to the department a report of examination of the applicant's eyesight by an ophthalmologist, optometrist or physician licensed to practice medicine. The report shall be based on an examination made not more than 3 months prior to the date it is submitted. The report shall be on a form furnished and in the form required by the department. The department shall decide whether, in each case, the eyesight reported is sufficient to meet the current eyesight standards.

SECTION 4083. 343.17 (3) (a) 12. of the statutes is amended to read:

343.17 **(3)** (a) 12. If the person is not the legal drinking age, as defined in s. 125.02 (8m), at the time of issuance of the license, a distinctive ~~background color for the license document designated~~ appearance specified by the department that clearly identifies to the public that the person was not the legal drinking age at the time of issuance of the license.

SECTION 4084. 343.19 (1) of the statutes is amended to read:

343.19 **(1)** If a license issued under this chapter or an identification card issued under s. 343.50 is lost or destroyed or the name or address named in the license or identification card is changed or the condition specified in s. 343.17 (3) (a) 12. no longer applies, the person to whom the license or identification card was issued may obtain a duplicate thereof or substitute therefor upon furnishing proof satisfactory to the department of name~~,~~ and date ~~and place~~ of birth and that the license or identification card has been lost or destroyed or that application for a duplicate license or identification card is being made for a change of address or name or because the condition specified in s. 343.17 (3) (a) 12. no longer applies. If the original license or identification card is found it shall immediately be transmitted to the department. Duplicates of nonphoto licenses shall be issued as nonphoto licenses.

SECTION 4085. 343.20 (1) (a) of the statutes is amended to read:

343.20 **(1)** (a) Except as otherwise expressly provided in this chapter, reinstated licenses, probationary licenses issued under s. 343.085 and original licenses other than instruction permits shall expire 2 years from the date of the applicant's next birthday. All other licenses and license endorsements shall expire ~~4~~ 8 years after the date of issuance. The department may institute any system of initial license issuance which it deems advisable for the purpose of gaining a uniform rate of renewals. In order to put such a system into operation, the department may issue licenses which are valid for any period less than the ordinary effective period of such license. If the department issues a license that is valid for less than the ordinary effective period as authorized by this paragraph, the fees due under s. 343.21 (1) (a), (b) and (d) shall be prorated accordingly.

SECTION 4086. 343.20 (1) (f) of the statutes is created to read:

343.20 **(1)** (f) During the transition to the issuance of renewal licenses under par. (a) that are valid for a period of 8 years, the department may issue licenses for renewal periods of less than 8 years for the purpose of gaining a uniform rate of renewals. The department may process an application under this paragraph by mail without requiring an applicant to have his or her photograph taken under s. 343.14 (3) or to submit to an examination under s. 343.16 (3). If the department issues a license under this paragraph, any applicable fees due shall be prorated accordingly. This paragraph does not apply after December 31, 2001.

SECTION 4087. 343.21 (1) (a) of the statutes is amended to read:

343.21 **(1)** (a) For the initial issuance of a license authorizing only the operation of "Class D" motor vehicles, ~~$15~~ $18.

SECTION 4088. 343.21 (1) (am) of the statutes is amended to read:

343.21 **(1)** (am) For the renewal of a license authorizing only the operation of "Class D" motor vehicles, ~~$10~~ $24.

SECTION 4089. 343.21 (1) (b) of the statutes is amended to read:

343.21 **(1)** (b) For the initial issuance ~~or renewal~~ of authorization to operate "Class M" motor vehicles, ~~$4~~ $12 in addition to any other fees due.

SECTION 4090. 343.21 (1) (bg) of the statutes is created to read:

343.21 **(1)** (bg) For the renewal of authorization to operate "Class M" motor vehicles, $8 in addition to any other fees due.

SECTION 4091. 343.21 (1) (d) of the statutes is amended to read:

343.21 **(1)** (d) For the initial issuance or renewal of authorization to operate "Class A", "Class B" or "Class C" motor vehicles, or upgrading an existing regular license which only authorizes the operation of "Class D" motor vehicles, ~~$32~~ $64. This fee includes issuance of any "H", "N", "P", "S" or "T" endorsements or "Class D" authorization applied for at the same time for which the applicant is qualified.

SECTION 4092. 343.21 (1) (i) of the statutes is amended to read:

343.21 **(1)** (i) ~~For~~ Except as provided in par. (im), for an instruction permit, $20.

SECTION 4093. 343.21 (1) (im) of the statutes is created to read:

343.21 **(1)** (im) For an instruction permit authorizing the operation of "Class M" vehicles, $22.

SECTION 4093mg. 343.21 (1m) of the statutes is created to read:

343.21 **(1m)** In addition to the fee specified in sub. (1) (am), (b) or (d), an applicant whose application for renewal of a license or authorization under sub. (1) (am), (b) or (d) is filed after the date of expiration of the license or authorization shall pay to the department a late fee of $5.

SECTION 4099. 343.38 (2) (intro.) and (a) of the statutes are consolidated, renumbered 343.38 (2) and amended to read:

343.38 **(2)** REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked pursuant to the laws of this state is reinstated as a matter of law when the period of revocation has expired and such nonresident~~: (a) Obtains~~ obtains a valid operator's license ~~in~~ issued by the jurisdiction of the nonresident's residence~~; and~~.

SECTION 4100. 343.38 (2) (b) of the statutes is repealed.

SECTION 4101. 343.50 (3) of the statutes is amended to read:

343.50 **(3)** DESIGN AND CONTENTS OF CARD. The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY". The information on the card shall be the same as specified under s. 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i). The card shall contain the holder's photograph and, if applicable, ~~comply with the requirement of~~ shall be of the design specified under s. 343.17 (3) (a) 12.

SECTION 4103. 343.50 (5) of the statutes is amended to read:

343.50 **(5)** VALID PERIOD; FEES. The fee for an original card and for the reinstatement of an identification card after cancellation under sub. (10) shall be ~~$4~~ $9. The card shall be valid for the succeeding period of 4 years from the applicant's next birthday after the date of issuance.

SECTION 4104. 343.50 (6) of the statutes is amended to read:

343.50 **(6)** At least 30 days prior to the expiration of the card, the department shall mail a renewal application to the last−known address of each identification card holder. The department shall include with the application information, as developed by all organ procurement organizations in cooperation with the department, that promotes anatomical donations and which relates to the anatomical donation opportunity available under s. 343.175. The fee for a renewal identification card shall be ~~$4~~ $9, which card shall be valid for 4 years.

SECTION 4106. 343.50 (7) of the statutes is amended to read:

343.50 **(7)** DUPLICATE. The fee for a duplicate card is ~~$3~~ $6.

SECTION 4108m. 343.51 (1) of the statutes is amended to read:

343.51 **(1)** Any person who qualifies for registration plates of a special design under s. 341.14 (1), (1a), (1m)~~,~~ or (1q) ~~or (1r) (a)~~ or any other person with a disability that limits or impairs the ability to walk may request from the department a special identification card that will entitle any motor vehicle, other than a motorcycle, parked by, or under the direction of, the person, or a motor vehicle, other than a motorcycle, operated by or on behalf of the organization when used to transport such a person, to parking privileges under s. 346.50 (2), (2a) and (3). The department shall issue the card at a fee to be determined by the department, upon submission by the applicant, if the applicant is an individual rather than an organization, of a statement from a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant certified to practice in any state, from a chiropractor licensed to practice chiropractic in any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal that the person is a person with a disability that limits or impairs the ability to walk. The statement shall state whether the disability is permanent or temporary and, if temporary, the opinion

of the physician, advanced practice nurse, physician assistant, chiropractor or practitioner as to the duration of the disability. The department shall issue the card upon application by an organization on a form prescribed by the department if the department believes that the organization meets the requirements under this subsection.

SECTION 4109. 343.60 (1) of the statutes is amended to read:

343.60 **(1)** "Driver school" means the business of giving instruction, for compensation, in the driving of motor vehicles, except that it does not include a high school or technical college which teaches driver training as part of its regular school program and whose course of study in driver training has been approved by the department of ~~education~~ public instruction or technical college system board and it does not include an institution of higher learning which teaches driver training as part of its teacher training program.

SECTION 4113. 343.61 (3) of the statutes is amended to read:

343.61 **(3)** The required fee for any driver school license, or for any annual renewal thereof, is ~~$25~~ $75 or, for licenses issued or renewed after August 31, 1998, $95.

SECTION 4116. 343.62 (3) of the statutes is amended to read:

343.62 **(3)** The required fee for any instructor's license, or for any annual renewal thereof, is ~~$5~~ $25.

SECTION 4126m. 344.01 (2) (cm) of the statutes is created to read:

344.01 **(2)** (cm) Notwithstanding s. 340.01 (42), "owner" means, with respect to a vehicle that is registered, or is required to be registered, by a lessee of the vehicle under ch. 341, the lessee of the vehicle.

SECTION 4127m. 344.02 (1) of the statutes is amended to read:

344.02 **(1)** Whenever the department under s. 344.13 gives notice of the amount of security required to be deposited and that an order of revocation or impoundment will be made if such security is not deposited, it shall afford the person so notified an opportunity for a hearing on the proposed action, if written request for a hearing is received by the department prior to the date specified in the notice, or prior to the postponed effective date of revocation if postponement has been granted under s. 344.14 (1). Upon receipt of timely request for hearing, the department shall fix the time and place of the hearing and give notice thereof to such person by regular mail. The scope of the hearing is limited to the matter set forth in s. 344.14 (2) (k) and, subject to s. 344.14 (2m), to whether or not the person is the owner of the motor vehicle to be impounded. Any person who fails without reasonable cause to appear at the time and place specified in the notice shall forfeit the right to a hearing.

SECTION 4128m. 344.14 (2m) of the statutes is created to read:

344.14 **(2m)** A motor vehicle may not be impounded under sub. (1m) if the vehicle is registered, or is required to be registered, in the name of the lessee of the vehicle.

SECTION 4129. 344.42 of the statutes is created to read:

344.42 Submission of certifications and recertifications by insurers. If the sum of certifications and recertifications under ss. 344.31, 344.32 and 344.34 that are submitted by an insurer to the department in any year exceeds 1,000, the insurer shall pay to the department a transaction fee of $1.50 per certification or recertification that is not transmitted electronically to the department. The department shall promulgate rules establishing procedures for the collection of transaction fees under this section.

SECTION 4138. 345.26 (1) (b) 1. of the statutes 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, ~~and~~ a jail assessment, if required by s. 302.46 (1), 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 4139. 345.26 (2) (b) of the statutes is amended to read:

345.26 **(2)** (b) In addition to the amount in par. (a), the deposit shall include court costs, including any applicable fees prescribed in ch. 814, any applicable penalty assessment ~~and~~, any applicable jail assessment and any applicable crime laboratories and drug law enforcement assessment.

SECTION 4140. 345.36 (2) (b) of the statutes is amended to read:

345.36 **(2)** (b) Deem the nonappearance a plea of no contest and enter judgment accordingly. If the defendant has posted bond for appearance at that date, the court may also order the bond forfeited. The court shall promptly mail a copy of the judgment to the defendant. The judgment shall allow not less than 20 days from the date thereof for payment of any forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and costs imposed. If the defendant moves to open the judgment within 20 days after the date set for trial, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect, the court shall open the judgment, reinstate the not guilty plea and set a new trial date. The court may impose costs under s. 814.07. The court shall immediately notify the department to delete the record of conviction based upon the original judgment.

SECTION 4141. 345.37 (1) (b) of the statutes is amended to read:

345.37 **(1)** (b) Deem the nonappearance a plea of no contest and enter judgment accordingly. If the defendant has posted bond for appearance at that date, the court may also order the bond forfeited. The court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow not less than 20 days from the date thereof for payment of any forfeiture, penalty assessment, crime laboratories and drug law enforcement assessment and costs imposed. If the defendant moves to open the judgment within 6 months after the court appearance date fixed in the citation, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect, the court shall open the judgment, accept a not guilty plea and set a trial date. The court may impose costs under s. 814.07. The court shall immediately notify the department to delete the record of conviction based upon the original judgment. If the offense involved is a nonmoving traffic violation and the defendant is subject to s. 345.28 (5) (c), a default judgment may be entered and opened as provided in s. 345.28 (5) (c).

SECTION 4142. 345.37 (2) of the statutes 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, ~~and~~ a jail assessment, if required by s. 302.46 (1), 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 4143. 345.37 (5) of the statutes 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, ~~and~~ the jail assessment, if required by s. 302.46 (1), 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 4144. 345.375 (2) of the statutes is amended to read:

345.375 **(2)** Upon default of the defendant corporation or limited liability company or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, if required under s. 165.87, ~~and~~ the jail assessment, if required by s. 302.46 (1), and the crime laboratories and drug law enforcement assessment, if required under s. 165.755, shall be entered.

SECTION 4145. 345.47 (1) (intro.) of the statutes 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, ~~and~~ the jail assessment, if required by s. 302.46 (1), 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 4146. 345.47 (1) (b) of the statutes 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, ~~and~~ the jail assessment, if required by s. 302.46 (1), 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 4147. 345.47 (1) (c) of the statutes 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, ~~and~~ a jail assessment, if required by s. 302.46 (1), 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 ~~and~~, jail 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 4148. 345.47 (2) of the statutes is amended to read:

345.47 **(2)** The payment of any judgment may be suspended or deferred for not more than 60 days in the discretion of the court. In cases where a deposit has been made, any forfeitures, penalty assessments, jail assessments, crime laboratories and drug law enforcement assessments and costs shall be taken out of the deposit and the balance, if any, returned to the defendant.

SECTION 4149. 345.47 (3) of the statutes is amended to read:

345.47 **(3)** When a defendant is imprisoned for nonpayment of a forfeiture, a penalty assessment, ~~or~~ a jail assessment or a crime laboratories and drug law enforcement assessment for an action brought by a municipality located in more than one county, any commitment to a county institution shall be to the county in which the action was tried.

SECTION 4150. 345.49 (1) of the statutes 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, ~~or~~ a jail assessment, if required by s. 302.46 (1), 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 ~~or~~, jail 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 4151. 345.49 (2) of the statutes is amended to read:

345.49 **(2)** Any person who is subject to imprisonment under s. 345.47 for nonpayment of a forfeiture, penalty assessment ~~or~~, jail assessment or crime laboratories and drug law enforcement assessment may be placed on probation to some person satisfactory to the court for not more than 90 days or until the forfeiture, penalty assessment ~~or~~, jail assessment or crime laboratories and drug law enforcement assessment is paid if that is done before expiration of the 90−day period. The payment of the forfeiture, penalty assessment ~~or~~, jail assessment or crime laboratories and drug law enforcement assessment during that period shall be a condition of the probation. If the forfeiture, penalty assessment ~~or~~, jail assessment or crime laboratories and drug law enforcement assessment is not paid or the court deems that the interests of justice require, probation may be terminated and the defendant imprisoned as provided in sub. (1) or s. 345.47.

SECTION 4152. 345.61 (2) (c) of the statutes 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 ~~and~~, the jail assessment required by s. 302.46 (1) 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 4153m. 346.01 of the statutes is renumbered 346.01 (1).

SECTION 4154m. 346.01 (2) of the statutes is created to read:

346.01 **(2)** In this chapter, notwithstanding s. 340.01 (42), "owner" means, with respect to a vehicle that is registered, or is required to be registered, by a lessee of the vehicle under ch. 341, the lessee of the vehicle for purposes of vehicle owner liability under ss. 346.175, 346.195, 346.205, 346.457, 346.465, 346.485, 346.505 (3) and 346.945.

SECTION 4159m. 346.175 (1) (a) of the statutes is amended to read:

346.175 **(1)** (a) ~~The~~ Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.04 (3) for fleeing a traffic officer shall be presumed liable for the violation as provided in this section.

SECTION 4160m. 346.195 (1) of the statutes is amended to read:

346.195 **(1)** ~~The~~ Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.19 (1) for failing to yield the right−of−way to an authorized emergency vehicle shall be liable for the violation as provided in this section.

SECTION 4161m. 346.205 (1) of the statutes is amended to read:

346.205 **(1)** ~~The~~ Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.20 (1) for failing to yield the right−of−way to a funeral procession shall be liable for the violation as provided in this section.

SECTION 4162m. 346.457 (1) of the statutes is amended to read:

346.457 **(1)** ~~The~~ Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.455 (1) or (2) shall be liable for the violation as provided in this subsection.

SECTION 4163m. 346.465 (1) of the statutes is amended to read:

346.465 **(1)** ~~The~~ Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.46 (2m) shall be liable for the violation as provided in this section.

SECTION 4164m. 346.485 (1) of the statutes is amended to read:

346.485 **(1)** ~~The~~ Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.48 (1) shall be liable for the violation as provided in this section.

SECTION 4165m. 346.505 (3) (a) of the statutes is amended to read:

346.505 **(3)** (a) ~~The~~ Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of sub. (2) shall be liable for the violation as provided in this subsection.

SECTION 4165md. 346.63 (2m) of the statutes is amended to read:

346.63 **(2m)** If a person has not attained the ~~age of 19~~ legal drinking age, as defined in s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she has an alcohol concentration of more than 0.0 but not more than 0.1. One penalty for violation of this subsection is suspension of a person's operating privilege under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10 at any time. If a person arrested for a violation of this subsection refuses to take a test under s. 343.305, the refusal is a separate violation and the person is subject to revocation of the person's operating privilege under s. 343.305 (10) (em).

SECTION 4165mg. 346.65 (2m) of the statutes is renumbered 346.65 (2m) (a).

SECTION 4165mm. 346.65 (2m) (b) of the statutes is created to read:

346.65 **(2m)** (b) The court shall consider a report submitted under s. 85.53 (2) (d) when imposing a sentence under sub. (2), (2q) or (3m).

SECTION 4169. 346.655 (1) of the statutes is amended to read:

346.655 **(1)** On or after July 1, 1988, if a court imposes a fine or a forfeiture for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge in an amount of ~~$300~~ $340 in addition to the fine or forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment.

SECTION 4170. 346.655 (2) of the statutes is amended to read:

346.655 **(2)** (a) Except as provided in par. (b), the clerk of court shall collect and transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make payment of ~~29.2%~~ 37.6% of the amount to the state treasurer as provided in s. 59.25 (3) (f) 2.

(b) If the forfeiture is imposed by a municipal court, the court shall transmit the amount to the treasurer of the county, city, town or village, and that treasurer shall make payment of ~~29.2%~~ 37.6% of the amount to the state treasurer as provided in s. 66.12 (1) (b). The treasurer of the city, town or village shall transmit the remaining ~~70.8%~~ 62.4% of the amount to the treasurer of the county.

SECTION 4171m. 346.665 of the statutes is created to read:

346.665 Definition. In ss. 346.67 to 346.72, notwithstanding s. 340.01 (42), "owner" means, with respect to a vehicle that is registered, or required to be registered, by a lessee of the vehicle under ch. 341, the lessee of the vehicle.

SECTION 4176m. 346.94 (13) of the statutes is amended to read:

346.94 **(13)** ABANDONED MOTOR VEHICLES. No person may cause a motor vehicle to be abandoned, within the meaning of s. 342.40 ~~(1)~~ (1m) or (4) (b) 1., on or along any highway or on any public or private property.

SECTION 4177g. 346.945 (1) (a) of the statutes is amended to read:

346.945 **(1)** (a) ~~The~~ Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.94 (16) shall be presumed liable for the violation as provided in this section.

SECTION 4177m. 347.02 (1) (h) of the statutes is amended to read:

347.02 **(1)** (h) Golf carts operated in accordance with s. 349.18 (1) (b) or (c).

SECTION 4179jac. 348.07 (2) (c) of the statutes is amended to read:

348.07 **(2)** (c) 45 feet for mobile homes and motor buses;

SECTION 4179m. 348.21 (2) (b) of the statutes is amended to read:

348.21 **(2)** (b) If the load on any wheel, axle or group of axles does not exceed the weight prescribed in s. 348.15 (3) or 348.16 or in a declaration issued under s. 348.175 by more than ~~1,000~~ 2,000 pounds and if such excess can be reloaded within the normal load carrying areas, on any other wheel, axle or axles, so that all wheels and axles are then within the statutory limits, the operator may reload as provided in this paragraph. A total of ~~1,000~~ 2,000 pounds per vehicle or combination of vehicles may be reloaded under this subsection. If reloading is accomplished and all axles or group of axles are within the legal limits, no forfeiture may be imposed. A vehicle or combination of vehicles under this subsection which is not reloaded may continue to be operated upon the highway, but a forfeiture of $50 shall be imposed for failure to reload. This forfeiture shall be paid upon the basis of the citation issued by the official to the court named in the citation. Failure to pay shall subject the operator to the penalty in par. (a) or sub. (3) (a). Violations under this

subsection shall not be considered as violations or prior convictions under par. (a) or sub. (3) (a) or (b).

SECTION 4180. 348.26 (2) of the statutes is amended to read:

348.26 **(2)** PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as provided in sub. (4), single trip permits for oversize or overweight vehicles or loads may be issued by the department for use of the state trunk highways and by the officer in charge of maintenance of the highway to be used in the case of other highways. Such local officials also may issue such single trip permits for use of state trunk highways within the county or municipality which they represent. Every single trip permit shall designate the route to be used by the permittee. Whenever the officer or agency issuing such permit deems it necessary to have a traffic officer ~~accompany~~ escort the vehicle through the municipality or county, a reasonable ~~charge~~ fee for such traffic officer's services shall be paid by the permittee. All moneys received from fees imposed by the department under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

SECTION 4180k. 348.27 (9m) (a) 1. of the statutes is amended to read:

348.27 **(9m)** (a) 1. Raw forest products or of fruits or vegetables from field to storage or 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 highways designated as part of the national system of interstate and defense highways, except 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.

SECTION 4180m. 348.27 (9m) (a) 3. of the statutes is created 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 highways designated as part of the national system of interstate and defense highways, except 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.

Vetoed In Part

SECTION 4180p. 348.27 (9m) (b) of the statutes is amended to read:

348.27 **(9m)** (b) A permit issued under par. (a) does not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds. ~~This subsection does not apply to highways designated as part of the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.~~

SECTION 4181m. 349.13 (1) of the statutes is renumbered 349.13 (1e).

SECTION 4182m. 349.13 (1b) of the statutes is created to read:

349.13 **(1b)** In this section, "owner" includes the lessee of a vehicle if the vehicle is registered, or required to be registered, by the lessee under ch. 341.

SECTION 4183m. 349.13 (2) (intro.) of the statutes is amended to read:

349.13 **(2)** (intro.) Except as provided in this subsection, neither the department nor local authorities may extend stopping, standing or parking privileges to areas where stopping, standing or parking is prohibited by ch. 346. The department and local authorities, with respect to highways under their respective jurisdictions as described in sub. ~~(1)~~ (1e) may:

SECTION 4184m. 349.137 (1) (a) of the statutes, as created by 1995 Wisconsin Act 434, is repealed.

SECTION 4185m. 349.137 (3) (c) 2. e. of the statutes, as created by 1995 Wisconsin Act 434, is amended to read:

349.137 **(3)** (c) 2. e. That, if a parking enforcer uses an immobilization device on a motor vehicle that is not parked in violation of a restriction against unauthorized parking, the owner, lessee or operator shall not be required to pay a removal fee and the parking enforcer shall be liable to the owner ~~or~~, lessee or operator of the motor vehicle for an amount equal to the removal fee.

SECTION 4186m. 349.137 (3) (f) of the statutes, as created by 1995 Wisconsin Act 434, is amended to read:

349.137 **(3)** (f) Require that, whenever a deferral agreement is signed, the parking enforcer provide the owner, lessee or operator of the motor vehicle a copy of the signed deferral agreement.

SECTION 4187g. 349.137 (3) (h) of the statutes, as created by 1995 Wisconsin Act 434, is amended to read:

349.137 **(3)** (h) Require a parking enforcer who uses an immobilization device on a motor vehicle that is not parked in violation of a restriction against unauthorized parking to pay an amount equal to the removal fee to the owner, lessee or operator of the motor vehicle within 14 days after the determination that the immobilization device was used improperly.

SECTION 4187m. 349.18 (1) (c) of the statutes is created to read:

349.18 **(1)** (c) Regulate the operation of a golf cart to and from a golf course for a distance not to exceed one mile upon a highway under its exclusive jurisdiction. The city, village or town shall place a sign of a type approved by the department to mark any golf cart travel route designated by the ordinance.

SECTION 4189. 350.108 (2) of the statutes is amended to read:

350.108 **(2)** The department shall develop and issue an educational pamphlet on the intoxicated snowmobiling law to be distributed, beginning in 1989, to persons issued snowmobile registration certificates under s. 350.12 or 350.122.

SECTION 4189g. 350.11 (1) (a) of the statutes is amended to read:

350.11 **(1)** (a) Except as provided in par. (b) and subs. (2g), (2m) and (3), any person who violates any provision of this chapter shall forfeit not more than $250.

SECTION 4189m. 350.11 (1) (b) of the statutes is amended to read:

350.11 **(1)** (b) Except as provided in subs. (2g), (2m) and (3), any person who violates any provision of this chapter and who, within the last 3 years prior to the conviction for the current violation, was 2 or more times previously convicted for violating the same provision of this chapter shall forfeit not more than $500.

SECTION 4189r. 350.11 (2g) of the statutes is created to read:

350.11 **(2g)** Any person who violates s. 350.12 (3j) shall forfeit not more than $1,000.

SECTION 4189t. 350.12 (title) of the statutes is amended to read:

350.12 (title) **Registration of snowmobiles; trail use stickers.**

SECTION 4190. 350.12 (3) (a) (intro.) of the statutes is amended to read:

350.12 **(3)** (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person may operate and no owner may give permission for the operation of any snowmobile within this state unless the snowmobile is registered for public use or private use under this paragraph or s. 350.122 or as an antique under par. (b) and has the registration decals displayed as required ~~by~~ under sub. (5) or s. 350.122 or unless the snowmobile has a reflectorized plate attached as required under par. (c) 3. A snowmobile that is not registered as an antique under par. (b) may be registered for public use. A snowmobile that is not registered as an antique under par. (b) and that is used exclusively on private property, as defined under s. 23.33 (1) (n), may be registered for private use. A snowmobile public–use registration certificate is valid for 2 years beginning the July 1 prior to the date of application if registration is made prior to April 1 and beginning the July 1 subsequent to the date of application if registration is made after April 1 and ending on June 30, 2 years thereafter. A snowmobile private–use registration certificate is valid from the date of issuance until ownership of the snowmobile is transferred. The fee for the issuance or renewal of a public–use registration certificate is $20 except the fee is $5 if it is a snowmobile owned and operated by a political subdivision of this state. There is no fee for the issuance of a private–use registration certificate or for the issuance of a registration certificate to the state.

SECTION 4190g. 350.12 (3j) of the statutes is created to read:

350.12 **(3j)** TRAIL USE STICKERS. (a) 1. In this paragraph, "public snowmobile corridor" means a snowmobile trail or other established snowmobile corridor that is open to the public but does not include a snowmobile route.

2. Except as provided in par. (d), no person who is the owner of a snowmobile may operate, or give permission for another person to operate, a snowmobile on a public snowmobile corridor in this state unless a trail use sticker issued under this subsection is displayed on the snowmobile.

(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. A trail use sticker issued for such a snowmobile may be issued only by the department and is valid for one year.

(c) There is no fee for a trail use sticker issued for a snowmobile that is registered under s. 23.35 or 350.122. The department or Indian tribe or band shall issue a trail use sticker for such a snowmobile when it issues the registration certificate for the snowmobile. The department shall provide Indian tribes or bands that register snowmobiles under s. 23.35 or 350.122 with a supply of trail use stickers.

(d) A snowmobile that is registered under this section or that is exempt from registration under sub. (2) (a) is exempt from having a trail use sticker displayed under par. (a).

SECTION 4190r. 350.12 (3m) (title) of the statutes is amended to read:

350.12 **(3m)** (title) SNOWMOBILE REGISTRATION AND TRAIL USE STICKER RECEIPTS.

SECTION 4191. 350.12 (4) (a) (intro.) of the statutes is amended to read:

350.12 **(4)** (a) *Enforcement, administration and related costs.* (intro.) The moneys appropriated from s. 20.370 (3) (aq), (5) (es) and ~~(mw) and (8) (dq)~~ (9) (mu) and (mw) may be used for the following:

SECTION 4192. 350.12 (4) (c) of the statutes is renumbered 350.12 (4) (c) 1. and amended to read:

350.12 **(4)** (c) 1. Any moneys appropriated under s. 20.370 (1) (mq), (3) (aq)~~, (5) (mw) or (8) (dq)~~ or (9) (mw) that lapse ~~at the end of the fiscal year or that lapse after the end of the fiscal year because of the liquidation of an encumbrance~~ shall revert to the snowmobile account in the conservation fund.

SECTION 4193. 350.12 (4) (c) 2. of the statutes is created to read:

350.12 **(4)** (c) 2. If any moneys appropriated under s. 20.370 (9) (mu) lapse, a portion of those moneys shall revert to the snowmobile account in the conservation fund. The department shall calculate that portion by multiplying the total amount lapsing from the appropriation

by the same percentage the department used for the fiscal year to determine the amount to be expended under the appropriation for snowmobile registration.

SECTION 4193g. 350.12 (5) (title) of the statutes is amended to read:

350.12 **(5)** (title) REGISTRATION DECALS AND TRAIL USE STICKERS TO BE DISPLAYED.

SECTION 4193r. 350.12 (5) (a) of the statutes is amended to read:

350.12 **(5)** (a) The owner of the snowmobile shall attach the registration decals to the snowmobile in a prominent place, and shall maintain the registration decals in a legible condition at all times. Decals shall be not larger than 3 inches in height and 6 inches in width. Registration decals are to be applied on both sides of the cowling of the snowmobile. The owner of the snowmobile shall attach the trail use sticker to the snowmobile in the manner promulgated by rule by the department.

SECTION 4194. 350.122 of the statutes is created to read:

350.122 Lac du Flambeau registration program. (1) DEFINITIONS. In this section:

(a) "Band" means the Lac du Flambeau band of Lake Superior Chippewa.

(b) "Reservation" means the territory within the boundaries of the Lac du Flambeau reservation that were in existence on April 10, 1996.

(2) AUTHORIZATION FOR ISSUANCE. The band may issue registration certificates for public use or private use for snowmobiles that are equivalent to the registration certificates for public use or private use that are issued by the department. The band may not register snowmobiles as antiques and may not issue registration certificates to political subdivisions of this state. The band may renew and transfer a registration certificate that it or the department has issued. The band may issue duplicates of only those registration certificates that it issues under this section.

(3) REQUIREMENTS FOR ISSUANCE; FEES; PERIODS OF VALIDITY. (a) For issuing or renewing any registration certificate under this section, the band shall collect the same fee that would be collected for the equivalent registration certificate under s. 350.12 (3) (a). For transferring a registration certificate under this section, the band shall collect the same fee that would be collected for the transfer under s. 350.12 (3) (a) 3. For issuing a duplicate registration certificate under this section, the band shall collect the same fee that would be collected for the duplicate under s. 350.12 (3) (e).

(b) The band may not issue, renew or otherwise process registration certificates under this section in conjunction with discount coupons or as part of a promotion or other merchandising offer.

(c) For a registration certificate issued, transferred or renewed under this section, the period of validity shall be the same as it would be for the equivalent registration certificate under s. 350.12 (3) (a).

(d) The band may issue, renew or otherwise process registration certificates under this section only to persons who appear in person on the reservation.

(4) REQUIREMENTS FOR REGISTRATION: PROCEDURES, APPLICATIONS AND DECALS. (a) The band shall use registration applications and certificates that are substantially similar to those under s. 350.12 with regard to length, legibility and information content.

(b) The band shall use registration decals that are substantially similar to those under s. 350.12 with regard to color, size, legibility, information content, and placement on the snowmobile.

(c) The band shall use a sequential numbering system that includes a series of letters or initials that identify the band as the issuing authority.

(d) The band shall establish procedures that are substantially similar to the procedures specified in s. 350.12 (3) (a) 2., 3. and 4., (5) (d) and (6) and to the procedures to be used for validating applications for purposes of s. 350.12 (5) (b) and (c).

(5) REGISTRATION INFORMATION; RECORDS; TAX COLLECTION. (a) The band shall provide registration information to the state in one of the following ways:

1. By transmitting all additions, changes or deletions of registration information to persons identified in the agreement described under sub. (6), for incorporation into the registration records of this state, within one working day after the addition, change or deletion.

2. By establishing a 24−hour per day data retrieval system, consisting of either a law enforcement agency with 24−hour per day staffing or a computerized data retrieval system to which law enforcement officials of this state have access at all times.

(b) Before June 1 annually, the band shall submit a report to the department notifying it of the number of each type of registration certificate that the band issued, transferred or renewed for the period beginning on April 1 of the previous year and ending on March 31 of the year in which the report is submitted.

(c) For law enforcement purposes, the band shall make available for inspection by the department during normal business hours the band's records of all registration certificates issued, renewed or otherwise processed, including copies of all applications made for certificates.

(d) The band shall ensure that a record of each registration certificate issued, renewed or otherwise processed under this section, including a copy of each application made, is retained for at least 2 years after the date of expiration of the certificate.

(e) The band shall collect the sales and use taxes due under s. 77.61 (1) on any snowmobile registered under this section and make the report in respect to those taxes. The band shall use collection and accounting methods

approved by the department of revenue. On or before the 15th day of each month, the band shall pay to the department of revenue all taxes that the band collected in the previous month.

(6) APPLICABILITY. This section does not apply unless the department and the band have in effect a written agreement, approved by the joint committee on finance, under which the band agrees to comply with subs. (2) to (5) and that contains all of the following terms:

Vetoed In Part

(a) The manner in which the band will limit its treaty–based right to fish outside the reservation.

(b) A requirement that the fees collected by the band under sub. (3) be used only for a program for registering snowmobiles, for regulating snowmobiles and snowmobiling and for providing snowmobile trails, and snowmobile facilities.

SECTION 4195. 350.125 (1) (a) of the statutes is amended to read:

350.125 **(1)** (a) When a snowmobile dealer sells a snowmobile the dealer, at the time of sale, shall require the buyer to complete an application for a registration certificate, collect the required fee and mail the application and fee to the department no later than 5 days after the date of sale. The department shall provide combination application and receipt forms and the dealer shall furnish the buyer with a completed receipt showing that application for registration has been made. This completed receipt shall be in the possession of the user of the snowmobile until the registration certificate is received. No snowmobile dealer may charge an additional fee to the buyer for performing the service required under this subsection. No snowmobile dealer may perform this service for a registration under s. 350.122

SECTION 4196. 350.125 (1) (b) of the statutes is amended to read:

350.125 **(1)** (b) When a snowmobile dealer sells a snowmobile to a person from another state who wishes to register ~~that machine~~ the snowmobile in his or her home state or to a person who wishes to register the snowmobile under s. 350.122, the dealer shall, at the time of sale, complete an application for a registration certificate and indicate on the application that the ~~machine~~ snowmobile is to be registered in another state or under s. 350.122 and mail one copy to the department no later than 14 days after the date of sale, furnish the buyer with one copy and retain one copy for the dealer's records.

SECTION 4196d. 409.404 (1) (d) of the statutes is amended to read:

409.404 **(1)** (d) *Failure to file a termination statement.* If the affected secured party fails to file a termination statement as required by this subsection, or to send such a termination statement within 10 days after receipt of the debtor's written demand the secured party is liable to the debtor for ~~$25~~ $500, and in addition is liable for any loss caused to the debtor by such failure and for reasonable attorney fees and court costs incurred by the debtor due to such failure.

SECTION 4196e. 409.411 (title) of the statutes is repealed.

SECTION 4196m. 409.411 (1) of the statutes is repealed.

SECTION 4196s. 409.411 (2) of the statutes is renumbered 409.410 (3) and amended to read:

409.410 **(3)** The department shall establish and maintain~~, in consultation with the uniform commercial code statewide lien system council,~~ computer and any other services necessary to support the uniform commercial code statewide lien system under ~~s. 409.410~~ this section but may not maintain a central filing system, as defined in 7 USC 1631 (c) (2), for farm products, as defined in 7 USC 1631 (c) (5).

SECTION 4196u. 440.03 (3q) of the statutes is created to read:

440.03 **(3q)** Notwithstanding sub. (3m), the department of regulation and licensing shall investigate any report that it receives under s. 146.40 (4r) (am) 2. or (em).

SECTION 4197m. 440.03 (7) of the statutes is amended to read:

440.03 **(7)** The department shall establish the style, content and format of all credentials and of all forms for applying ~~to the department~~ for ~~renewal of~~ any credential issued or renewed under chs. 440 to 480. When establishing the format of credential renewal application forms, the department shall provide a place on the form for the information required under s. 440.08 (2g) (b). Upon request of any person who holds a credential and payment of a $10 fee, the department may issue a wall certificate signed by the governor.

SECTION 4198m. 440.03 (7m) of the statutes is created to read:

440.03 **(7m)** The department may promulgate rules that establish procedures for submitting an application for a credential or credential renewal by electronic transmission. Any rules promulgated under this subsection shall specify procedures for complying with any requirement that a fee be submitted with the application. The rules may also waive any requirement in chs. 440 to 480 that an application submitted to the department, an examining board or an affiliated credentialing board be executed, verified, signed, sworn or made under oath, notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1) (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1) and 480.08 (2m).

SECTION 4198n. 440.03 (12m) of the statutes is created to read:

440.03 **(12m)** The department of regulation and licensing shall cooperate with the departments of justice and health and family services in developing and maintaining a computer linkup to provide access to informa-

tion regarding the current status of a credential issued to any person by the department of regulation and licensing, including whether that credential has been restricted in any way.

SECTION 4201. 440.03 (13) of the statutes is created to read:

440.03 **(13)** The department may conduct an investigation to determine whether an applicant for a credential issued under chs. 440 to 480 satisfies any of the eligibility requirements specified for the credential, including whether the applicant does not have an arrest or conviction record. In conducting an investigation under this subsection, the department may require an applicant to provide any information that is necessary for the investigation or, for the purpose of obtaining information related to an arrest or conviction record of an applicant, to complete forms provided by the department of justice or the federal bureau of investigation. The department shall charge the applicant any fees, costs or other expenses incurred in conducting the investigation under this subsection.

SECTION 4201m. 440.035 (4) of the statutes is amended to read:

440.035 **(4)** Compile and keep current a register of the names and addresses of all persons who are credentialed to be retained by the department and which shall be available for public inspection during the times specified in s. 230.35 (4) (a). The department may also make the register available to the public by electronic transmission.

SECTION 4203. 440.05 (1) (a) of the statutes is amended to read:

440.05 **(1)** (a) Initial credential: ~~$39~~ $41. Each applicant for an initial credential shall pay the initial credential fee to the department when the application materials for the initial credential are submitted to the department.

SECTION 4207. 440.08 (2) (a) 4. of the statutes is amended to read:

440.08 **(2)** (a) 4. Acupuncturist: July 1 of each odd−numbered year; ~~$95~~ $73.

SECTION 4209. 440.08 (2) (a) 5. of the statutes is amended to read:

440.08 **(2)** (a) 5. Aesthetician: July 1 of each odd−numbered year; ~~$70~~ $77.

SECTION 4210. 440.08 (2) (a) 6. of the statutes is amended to read:

440.08 **(2)** (a) 6. Aesthetics establishment: July 1 of each odd−numbered year; ~~$116~~ $41.

SECTION 4211. 440.08 (2) (a) 7. of the statutes is amended to read:

440.08 **(2)** (a) 7. Aesthetics instructor: July 1 of each odd−numbered year; ~~$117~~ $142.

SECTION 4212. 440.08 (2) (a) 8. of the statutes is amended to read:

440.08 **(2)** (a) 8. Aesthetics school: July 1 of each odd−numbered year; ~~$74~~ $115.

SECTION 4214. 440.08 (2) (a) 11. of the statutes is amended to read:

440.08 **(2)** (a) 11. Appraiser, real estate, certified general: January 1 of each even−numbered year; ~~$82~~ $95.

SECTION 4215. 440.08 (2) (a) 11m. of the statutes is amended to read:

440.08 **(2)** (a) 11m. Appraiser, real estate, certified residential: January 1 of each even−numbered year; ~~$82~~ $101.

SECTION 4216. 440.08 (2) (a) 12. of the statutes is amended to read:

440.08 **(2)** (a) 12. Appraiser, real estate, licensed: January 1 of each even−numbered year; ~~$49~~ $72.

SECTION 4217. 440.08 (2) (a) 13. of the statutes is amended to read:

440.08 **(2)** (a) 13. Architect: August 1 of each even−numbered year; ~~$46~~ $44.

SECTION 4220. 440.08 (2) (a) 14r. of the statutes is amended to read:

440.08 **(2)** (a) 14r. Auctioneer: January 1 of each odd−numbered year; ~~$41~~ $100.

SECTION 4221. 440.08 (2) (a) 15. of the statutes is amended to read:

440.08 **(2)** (a) 15. Audiologist: February 1 of each odd−numbered year; ~~$41~~ $44.

SECTION 4223. 440.08 (2) (a) 17. of the statutes is amended to read:

440.08 **(2)** (a) 17. Barbering or cosmetology instructor: July 1 of each odd−numbered year; ~~$83~~ $139.

SECTION 4224. 440.08 (2) (a) 18. of the statutes is amended to read:

440.08 **(2)** (a) 18. Barbering or cosmetology manager: July 1 of each odd−numbered year; ~~$52~~ $61.

SECTION 4225. 440.08 (2) (a) 19. of the statutes is amended to read:

440.08 **(2)** (a) 19. Barbering or cosmetology school: July 1 of each odd−numbered year; ~~$78~~ $138.

SECTION 4226. 440.08 (2) (a) 20. of the statutes is amended to read:

440.08 **(2)** (a) 20. Barber or cosmetologist: July 1 of each odd−numbered year; ~~$48~~ $52.

SECTION 4227. 440.08 (2) (a) 21. of the statutes is amended to read:

440.08 **(2)** (a) 21. Cemetery authority: January 1 of each odd−numbered year; ~~$372~~ $343.

SECTION 4228. 440.08 (2) (a) 22. of the statutes is amended to read:

440.08 **(2)** (a) 22. Cemetery preneed seller: January 1 of each odd−numbered year; ~~$59~~ $61.

SECTION 4229. 440.08 (2) (a) 23. of the statutes is amended to read:

440.08 **(2)** (a) 23. Cemetery salesperson: January 1 of each odd−numbered year; ~~$65~~ $90.

SECTION 4230. 440.08 (2) (a) 24. of the statutes is amended to read:

440.08 **(2)** (a) 24. Chiropractor: January 1 of each odd−numbered year; ~~$151~~ $162.

SECTION 4232. 440.08 (2) (a) 26. of the statutes is amended to read:

440.08 **(2)** (a) 26. Dentist: October 1 of each odd−numbered year; ~~$96~~ $98.

SECTION 4233. 440.08 (2) (a) 27. of the statutes is amended to read:

440.08 **(2)** (a) 27. Designer of engineering systems: February 1 of each even−numbered year; ~~$41~~ $47.

SECTION 4237. 440.08 (2) (a) 30. of the statutes is amended to read:

440.08 **(2)** (a) 30. Electrologist: July 1 of each odd−numbered year; ~~$56~~ $77.

SECTION 4239. 440.08 (2) (a) 32. of the statutes is amended to read:

440.08 **(2)** (a) 32. Electrology instructor: July 1 of each odd−numbered year; ~~$73~~ $86.

SECTION 4240. 440.08 (2) (a) 33. of the statutes is amended to read:

440.08 **(2)** (a) 33. Electrology school: July 1 of each odd−numbered year; ~~$63~~ $71.

SECTION 4244. 440.08 (2) (a) 36. of the statutes is amended to read:

440.08 **(2)** (a) 36. Funeral director: January 1 of each even−numbered year; ~~$94~~ $144.

SECTION 4245m. 440.08 (2) (a) 37m. of the statutes is amended to read:

440.08 **(2)** (a) 37m. Geologist, professional: August 1 of each even−numbered year; ~~$41~~ $42.

SECTION 4246. 440.08 (2) (a) 38. of the statutes is amended to read:

440.08 **(2)** (a) 38. Hearing instrument specialist: February 1 of each even−numbered year; ~~$287~~ $200.

SECTION 4248. 440.08 (2) (a) 39. of the statutes is amended to read:

440.08 **(2)** (a) 39. Land surveyor: February 1 of each even−numbered year; ~~$73~~ $69.

SECTION 4250. 440.08 (2) (a) 43. of the statutes is amended to read:

440.08 **(2)** (a) 43. Manicuring instructor: July 1 of each odd−numbered year; ~~$138~~ $112.

SECTION 4251. 440.08 (2) (a) 44. of the statutes is amended to read:

440.08 **(2)** (a) 44. Manicuring school: July 1 of each odd−numbered year; ~~$85~~ $118.

SECTION 4253. 440.08 (2) (a) 46. of the statutes is amended to read:

440.08 **(2)** (a) 46. Manicurist: July 1 of each odd−numbered year; ~~$52~~ $78.

SECTION 4254. 440.08 (2) (a) 46m. of the statutes is amended to read:

440.08 **(2)** (a) 46m. Marriage and family therapist: July 1 of each odd−numbered year; ~~$63~~ $66.

SECTION 4255. 440.08 (2) (a) 48. of the statutes is amended to read:

440.08 **(2)** (a) 48. Nurse, licensed practical: May 1 of each odd−numbered year; ~~$49~~ $48.

SECTION 4258. 440.08 (2) (a) 51. of the statutes is amended to read:

440.08 **(2)** (a) 51. Nursing home administrator: July 1 of each even−numbered year; ~~$114~~ $102.

SECTION 4259m. 440.08 (2) (a) 53. of the statutes is amended to read:

440.08 **(2)** (a) 53. Occupational therapy assistant: November 1 of each odd−numbered year; ~~$41~~ $42.

SECTION 4260. 440.08 (2) (a) 54. of the statutes is amended to read:

440.08 **(2)** (a) 54. Optometrist: January 1 of each even−numbered year; ~~$69~~ $58.

SECTION 4261. 440.08 (2) (a) 55. of the statutes is amended to read:

440.08 **(2)** (a) 55. Pharmacist: June 1 of each even−numbered year; ~~$76~~ $75.

SECTION 4262m. 440.08 (2) (a) 57. of the statutes is amended to read:

440.08 **(2)** (a) 57. Physical therapist: November 1 of each odd−numbered year; ~~$45~~ $46.

SECTION 4263. 440.08 (2) (a) 58. of the statutes is amended to read:

440.08 **(2)** (a) 58. Physician: November 1 of each odd−numbered year; ~~$102~~ $110.

SECTION 4264. 440.08 (2) (a) 59. of the statutes is amended to read:

440.08 **(2)** (a) 59. Physician assistant: November 1 of each odd−numbered year; ~~$48~~ $51.

SECTION 4265. 440.08 (2) (a) 60. of the statutes is amended to read:

440.08 **(2)** (a) 60. Podiatrist: November 1 of each odd−numbered year; ~~$187~~ $180.

SECTION 4266. 440.08 (2) (a) 61. of the statutes is amended to read:

440.08 **(2)** (a) 61. Private detective: September 1 of each even−numbered year; ~~$212~~ $178.

SECTION 4268. 440.08 (2) (a) 63. of the statutes is amended to read:

440.08 **(2)** (a) 63. Private practice school psychologist: October 1 of each odd−numbered year; ~~$65~~ $67.

SECTION 4270. 440.08 (2) (a) 63m. of the statutes is amended to read:

440.08 **(2)** (a) 63m. Professional counselor: July 1 of each odd−numbered year; ~~$53~~ $55.

SECTION 4271. 440.08 (2) (a) 63t. of the statutes is amended to read:

440.08 **(2)** (a) 63t. Professional fund−raiser: September 1 of each even−numbered year; ~~$41~~ $61.

SECTION 4272. 440.08 (2) (a) 64. of the statutes is amended to read:

440.08 **(2)** (a) 64. Psychologist: October 1 of each odd−numbered year; ~~$124~~ $107.

SECTION 4273. 440.08 (2) (a) 65. of the statutes is amended to read:

440.08 **(2)** (a) 65. Real estate broker: January 1 of each odd–numbered year; ~~$106~~ $125.

SECTION 4274. 440.08 (2) (a) 66. of the statutes is amended to read:

440.08 **(2)** (a) 66. Real estate ~~corporation~~ business entity: January 1 of each odd–numbered year; ~~$72~~ $71.

SECTION 4275. 440.08 (2) (a) 66m. of the statutes is repealed.

SECTION 4276. 440.08 (2) (a) 67. of the statutes is amended to read:

440.08 **(2)** (a) 67. Real estate salesperson: January 1 of each odd–numbered year; ~~$70~~ $73.

SECTION 4278m. 440.08 (2) (a) 68d. of the statutes is amended to read:

440.08 **(2)** (a) 68d. Social worker: July 1 of each odd–numbered year; ~~$43~~ $44.

SECTION 4279. 440.08 (2) (a) 68h. of the statutes is amended to read:

440.08 **(2)** (a) 68h. Social worker, advanced practice: July 1 of each odd–numbered year; ~~$47~~ $46.

SECTION 4280. 440.08 (2) (a) 68p. of the statutes is amended to read:

440.08 **(2)** (a) 68p. Social worker, independent: July 1 of each odd–numbered year; ~~$41~~ $49.

SECTION 4281. 440.08 (2) (a) 68t. of the statutes is amended to read:

440.08 **(2)** (a) 68t. Social worker, independent clinical: July 1 of each odd–numbered year; ~~$50~~ $57.

SECTION 4282. 440.08 (2) (a) 68v. of the statutes is amended to read:

440.08 **(2)** (a) 68v. Speech–language pathologist: February 1 of each odd–numbered year; ~~$46~~ $44.

SECTION 4283. 440.08 (2) (a) 69. of the statutes is amended to read:

440.08 **(2)** (a) 69. Time–share salesperson: January 1 of each odd–numbered year; ~~$102~~ $61.

SECTION 4284. 440.08 (2) (a) 70. of the statutes is amended to read:

440.08 **(2)** (a) 70. Veterinarian: January 1 of each even–numbered year; ~~$80~~ $82.

SECTION 4286g. 440.08 (2g) (a) of the statutes is repealed.

SECTION 4286r. 440.08 (2g) (b) (intro.) of the statutes is amended to read:

440.08 **(2g)** (b) (intro.) The credential renewal form established under ~~par. (a)~~ s. 440.03 (7) shall require ~~the~~ an applicant to do all of the following:

SECTION 4286s. 440.08 (2g) (c) of the statutes is amended to read:

440.08 **(2g)** (c) Neither the department nor any examining board or affiliated credentialing board may disclose a social security number obtained from an applicant for credential renewal on a form established under ~~par. (a)~~ s. 440.03 (7) to any person except to the department of revenue for the sole purpose of making the determination required under sub. (2r).

SECTION 4290m. 440.11 (1) of the statutes is amended to read:

440.11 **(1)** An applicant for or recipient of a credential who changes his or her name or moves from the last address provided to the department shall notify the department ~~in writing~~ of his or her new name or address within 30 days of the change in writing or in accordance with other notification procedures approved by the department.

SECTION 4291g. 440.22 (2) of the statutes is amended to read:

440.22 **(2)** In any disciplinary proceeding against a holder of a credential in which the department or an examining board, affiliated credentialing board or board in the department orders suspension, limitation or revocation of the credential or reprimands the holder, the department, examining board, affiliated credentialing board or board may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the holder. Costs assessed under this subsection are payable to the department. Interest shall accrue on costs assessed under this subsection at a rate of 12% per year beginning on the date that payment of the costs are due as ordered by the department, examining board, affiliated credentialing board or board. Upon the request of the department of regulation and licensing, the department of justice may commence an action to recover costs assessed under this subsection and any accrued interest.

SECTION 4291r. 440.22 (3) of the statutes is amended to read:

440.22 **(3)** In addition to any other discipline imposed, if the department, examining board, affiliated credentialing board or board assesses costs of the proceeding to the holder of the credential under sub. (2), the department, examining board, affiliated credentialing board or board may not restore, renew or otherwise issue any credential to the holder until the holder has made payment to the department under sub. (2) in the full amount assessed, together with any accrued interest.

SECTION 4291t. 440.23 (2) (c) of the statutes is amended to read: **Vetoed In Part**

440.23 **(2)** (c) Pays the charge for an unpaid draft established by the ~~depository selection board~~ state treasurer under s. 20.905 (2).

SECTION 4292. 440.26 (2) (b) 1. of the statutes, as affected by 1995 Wisconsin Act 461, is renumbered 440.26 (2) (b).

SECTION 4293. 440.26 (2) (b) 2. of the statutes, as created by 1995 Wisconsin Act 461, is repealed.

SECTION 4294. 440.26 (3) of the statutes, as affected by 1995 Wisconsin Act 461, is amended to read:

440.26 **(3)** ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an application executed under sub. (2), and after any investigation that it considers necessary, the department shall, if it determines that the applicant is qualified, grant the proper license upon payment

of the fee specified in s. 440.05 (1) ~~and the costs, including the costs of record searches, incurred by the department in obtaining information related to the eligibility and qualifications of the applicant~~. No license shall be issued for a longer period than 2 years, and the license of a private detective shall expire on the renewal date of the license of the private detective agency, even if the license of the private detective has not been in effect for a full 2 years. Renewals of the original licenses issued under this section shall be issued in accordance with renewal forms prescribed by the department and shall be accompanied by the fees specified in s. 440.08. The department may not renew a license unless the applicant provides evidence that the applicant has in force at the time of renewal the bond or liability policy specified in this section.

SECTION 4296. 440.26 (5m) (a) 1. of the statutes, as created by 1995 Wisconsin Act 461, is amended to read:

440.26 **(5m)** (a) 1. The individual submits an application for a private security permit to the department on a form provided by the department. ~~The department may require that an individual provide any information which the department determines is reasonably necessary to determine whether the individual meets the requirements of this section and rules promulgated under this section or to establish the truth of the facts set forth in the application. The department may also require under this subdivision that an applicant complete forms provided by the department of justice and the federal bureau of investigation.~~

SECTION 4297. 440.26 (5m) (a) 4. of the statutes, as created by 1995 Wisconsin Act 461, is amended to read:

440.26 **(5m)** (a) 4. The individual pays to the department the fee specified in s. 440.05 (1) ~~and the costs, including the costs of record searches, incurred by the department in obtaining information related to the eligibility and qualifications of the individual~~.

SECTION 4303m. 443.06 (1) (a) of the statutes is amended to read:

443.06 **(1)** (a) Application for registration as a land surveyor or a permit to practice shall be made to the section under oath, on forms ~~prescribed by the examining board and~~ provided by the department, which shall require the applicant to submit such information as the section deems necessary. The section may require applicants to pass written or oral examinations or both. Applicants who do not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, shall be entitled to be registered or issued a permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

SECTION 4304m. 443.10 (2) (a) of the statutes is amended to read:

443.10 **(2)** (a) Applications for registration or for a certificate of record shall be on forms ~~prescribed by the examining board and~~ provided by the department and shall contain statements made under oath showing the applicant's education and detail summary of the applicant's technical work and not less than 5 references, of whom 3 or more shall have personal knowledge of the applicant's architectural, landscape architectural, geological or engineering experience in the case of an application for registration or of the applicant's technical education or engineering work in the case of an application for a certificate of record.

SECTION 4307e. 443.14 (10) of the statutes is amended to read:

443.14 **(10)** Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of ~~soil~~ land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

SECTION 4307g. 443.14 (11) of the statutes is amended to read:

443.14 **(11)** Any land surveyor registered under s. 443.06 who is engaged in the planning, design, installation or regulation of ~~soil~~ land and water conservation activities under ch. 92 or s. 281.65.

SECTION 4307m. 445.08 (4) (a) of the statutes is renumbered 445.08 (4) and amended to read:

445.08 **(4)** Applications for the examination at a time and place to be arranged and conducted by the examining board for a reciprocal funeral director's license shall be in writing and verified on a blank to be ~~prescribed and~~ furnished by the examining board, and be accompanied by such proof of compliance with the requirements for a reciprocal funeral director's license and with such other information as the examining board requires and shall be accompanied by the examination fee for each application.

SECTION 4312m. 448.05 (7) of the statutes is amended to read:

448.05 **(7)** APPLICATION. Application for any class of license or certificate shall be made as a verified statement in ~~such~~ a form provided by the department and at such time and place as the board may designate, and shall be accompanied by satisfactory evidence setting out the qualifications imposed by this section. Application for any class of license to practice medicine and surgery also shall be accompanied by a verified statement that the applicant is familiar with the state health laws and the rules of the department of health and family services as related to communicable diseases.

SECTION 4314. 448.56 (1) of the statutes is amended to read:

448.56 **(1)** WRITTEN REFERRAL. Except as provided in this subsection and s. 448.52, a person may practice physical therapy only upon the written referral of a physician, chiropractor, dentist or podiatrist. Written referral is not required if a physical therapist provides services in schools to children with exceptional educational needs pursuant to rules promulgated by the department of

~~education~~ public instruction; provides services as part of a home health care agency; provides services to a patient in a nursing home pursuant to the patient's plan of care; provides services related to athletic activities, conditioning or injury prevention; or provides services to an individual for a previously diagnosed medical condition after informing the individual's physician, chiropractor, dentist or podiatrist who made the diagnosis. The affiliated credentialing board may promulgate rules establishing additional services that are excepted from the written referral requirements of this subsection.

SECTION 4315m. 450.01 (21) of the statutes is amended to read:

450.01 **(21)** "Prescription order" means ~~a written or oral order~~ an order transmitted orally, electronically or in writing by a practitioner for a drug or device for a particular patient.

SECTION 4315p. 450.04 (3) (intro.) and (a) of the statutes are consolidated, renumbered 450.04 (3) and amended to read:

450.04 **(3)** Every candidate for examination for licensure as a pharmacist shall submit an application on a form provided by the department and pay the fee specified in s. 440.05 (1) at least 30 days before the date of examination. Every candidate shall also submit proof to the board that he or she~~: (a) Has~~ has received a professional degree from a pharmacy program approved by the board~~; and~~.

SECTION 4315r. 450.04 (3) (b) of the statutes is repealed.

SECTION 4315s. 450.045 of the statutes is repealed.

SECTION 4316. 450.10 (3) (a) 11. of the statutes is amended to read:

450.10 **(3)** (a) 11. A speech−language pathologist or audiologist licensed under subch. II of ch. 459 or a speech and language pathologist licensed by the department of ~~education~~ public instruction.

SECTION 4316d. 450.11 (1m) of the statutes is created to read:

450.11 **(1m)** ELECTRONIC TRANSMISSION. Except as provided in s. 453.068 (1) (c) 4., a practitioner may transmit a prescription order electronically only if the patient approves the transmission and the prescription order is transmitted to a pharmacy designated by the patient.

SECTION 4316e. 450.11 (2) of the statutes is amended to read:

450.11 **(2)** PRESCRIPTION ORDER FILE. Every prescription order shall be filed in a suitable book or file and preserved for at least 5 years. Subject to s. 961.38 (2), prescription orders transmitted electronically may be filed and preserved in electronic format.

SECTION 4316m. 450.11 (5) of the statutes is amended to read:

450.11 **(5)** RENEWALS. No prescription may be renewed except as designated on the prescription order. An accurate record of renewal dispensing shall be maintained showing the date and amount. No prescription may be renewed unless the requirements of sub. (1) and, if applicable, sub. (1m) have been met and ~~either~~ written ~~or oral~~, oral or electronic authorization has been given by the prescribing practitioner.

SECTION 4316p. 450.11 (7) (i) of the statutes is created to read:

450.11 **(7)** (i) No pharmacist, manufacturer, distributor, owner or operator of a pharmacy or agent of a pharmacist, manufacturer, distributor or such an owner or operator may give any compensation or anything of value to a practitioner for the purpose of providing, or inducing the practitioner to obtain, any equipment, computer software or access to a service that may be used for the electronic transmission of a prescription order.

SECTION 4316s. 450.13 (2) of the statutes is amended to read:

450.13 **(2)** EXCEPTION. A prescriber may indicate, by writing on the face of the prescription order or, with respect to a prescription order transmitted electronically, by designating in electronic format the phrase "No substitutions" or words of similar meaning or the initials "N.S.", that no substitution of the drug product prescribed may be made under sub. (1). If such indication is made, the pharmacist shall dispense the prescription with the specific drug product prescribed. No preprinted statement regarding drug product substitution may appear on the face of the prescription order.

SECTION 4316u. 452.05 (1) (d) of the statutes is amended to read:

452.05 **(1)** (d) After consultation with the council on real estate curriculum and examinations, the board, brokers and salespersons licensed under this chapter and interested members of the public, ~~establish the minimum number of hours of continuing education in each real estate related subject and~~ establish criteria for the approval of continuing educational programs and courses in real estate related subjects required for renewal under s. 452.12 (5) (c) 1. ~~The department may not require a broker or salesperson to successfully complete more than 12 classroom hours of continuing education in order to qualify for license renewal.~~

SECTION 4316v. 452.05 (1) (g) of the statutes is amended to read:

452.05 **(1)** (g) Approve continuing educational programs and courses in accordance with the criteria established under par. (d). In order to be approved, a continuing educational program or course must require brokers and salespersons ~~who attend the program or course~~ to pass an examination on the information presented at the program or course in order to successfully complete and receive continuing education credit for the program or course under s. 452.12 (5) (c) 1.

SECTION 4316w. 452.09 (2) (a) of the statutes is amended to read:

452.09 **(2)** (a) Each applicant for a salesperson's license shall submit to the department evidence satisfactory to the department of successful completion of ~~72 classroom hours of~~ educational programs approved for this purpose under s. 452.05 (1) (c). The department may waive the requirement under this paragraph upon proof that the applicant has received 10 academic credits in real estate or real estate related law courses from an accredited institution of higher education.

SECTION 4316x. 452.09 (2) (c) 2. of the statutes is amended to read:

452.09 **(2)** (c) 2. Submit to the department evidence satisfactory to the department of successful completion ~~of 36 classroom hours~~ of educational programs in business management approved for this purpose under s. 452.05 (1) (c). No ~~classroom hours~~ educational programs applied to satisfy the requirement under subd. 1. may be applied to satisfy the requirement under this subdivision.

SECTION 4317. 452.12 (2) (title) of the statutes is repealed and recreated to read:

452.12 **(2)** (title) BUSINESS ENTITIES.

SECTION 4318m. 452.12 (5) (c) 1. of the statutes is amended to read:

452.12 **(5)** (c) 1. At the time of renewal, each broker or salesperson shall submit proof of attendance at and successful completion of continuing education programs or courses approved under s. 452.05 (1) (g) ~~for the minimum number of hours and in those subjects required under s. 452.05 (1) (d)~~, except as provided in subd. 2.

SECTION 4319m. 453.02 (6m) of the statutes is amended to read:

453.02 **(6m)** "Prescription" means a written ~~or~~, oral or electronic order from a veterinarian to a pharmacist or to another veterinarian that authorizes the pharmacist or other veterinarian to dispense a drug, or from a veterinarian to a client that authorizes the client to make extra−label use of a drug.

SECTION 4319r. 453.068 (1) (c) 4. of the statutes is created to read:

453.068 **(1)** (c) 4. Transmit a prescription electronically unless the client approves the transmission and the prescription is transmitted to a pharmacist or veterinarian designated by the client.

SECTION 4320. 454.06 (1) (c) of the statutes is amended to read:

454.06 **(1)** (c) The applicant has graduated from high school or has attained high school graduation equivalency as determined by the department of ~~education~~ public instruction; is participating in a program approved by the examining board; or is at least 18 years old and meets the ability to benefit rule under 20 USC 1091 (d).

SECTION 4320m. 454.08 (4) of the statutes is amended to read:

454.08 **(4)** The examining board shall, by rule, establish minimum standards concerning the maintenance, equipment, plans and specifications for licensed establishments as they relate to the public health and safety. The examining board may not license an establishment under this section unless it meets the standards established by the examining board. A person proposing to open an establishment in a new location shall apply to the examining board for an inspection and approval of the establishment, submitting an exact description and floor plan of the proposed location of the establishment on a form ~~prescribed~~ provided by the ~~examining board~~ department.

SECTION 4322. 455.04 (4) (d) of the statutes is amended to read:

455.04 **(4)** (d) Submit written verification from the supervising psychologist or a school official or administrator that the applicant has successfully completed one year of experience or internship in school psychology under the supervision of a school psychologist licensed by the department of ~~education~~ public instruction.

SECTION 4323. 455.04 (4) (e) of the statutes is amended to read:

455.04 **(4)** (e) Hold a regular license as a school psychologist issued by the department of ~~education~~ public instruction.

SECTION 4326. 457.02 (2) of the statutes is amended to read:

457.02 **(2)** Require any individual who is licensed as a school social worker or school counselor by the department of ~~education~~ public instruction to be certified as a social worker or professional counselor under this chapter in order to use the title "school social worker" or "school counselor".

SECTION 4327. 457.02 (4) of the statutes is amended to read:

457.02 **(4)** Authorize any individual who is certified as a social worker or professional counselor under this chapter to use the title "school social worker" or "school counselor" unless the individual is licensed as a school social worker or school counselor by the department of ~~education~~ public instruction.

SECTION 4327m. 459.08 (1) of the statutes is amended to read:

459.08 **(1)** A person who holds a license shall notify the department in writing or in accordance with other notification procedures approved by the department of the regular address of the places where he or she engages or intends to engage in the practice of fitting or selling hearing aids. The licensee shall inform the board of any changes in these addresses within 30 days of the change.

SECTION 4329. 459.22 (2) (f) of the statutes is amended to read:

459.22 **(2)** (f) Require an individual to be licensed under this subchapter to engage in the practice of speech−language pathology or audiology in a position for which the department of ~~education~~ public instruction requires licensure as a speech and language pathologist.

SECTION 4331. 459.42 (2) (f) of the statutes is amended to read:

459.42 **(2)** (f) Require an individual to be registered under this subchapter to engage in the practice of speech−language pathology or audiology in a position for which the department of ~~education~~ public instruction requires licensure as a speech and language pathologist.

SECTION 4337. 560.03 (19) of the statutes is amended to read:

560.03 **(19)** Establish a ~~permit information and regulatory assistance bureau~~ business development assistance center in the department to provide services as set forth in subch. III.

SECTION 4337m. 560.03 (23) of the statutes is created to read:

560.03 **(23)** Review business plans of persons who intend to apply for a permit under s. 170.12 and who have not previously engaged in commercial log raising. If the department determines, after the review, that the business plan is viable, the department shall approve the plan.

SECTION 4338c. 560.031 of the statutes is renumbered 560.031 (1) and amended to read:

560.031 **(1)** RECYCLING MARKET DEVELOPMENT. In carrying out its responsibilities under ss. 560.03 and 560.07 the department may promulgate rules for the provision of financial assistance, from the appropriation under s. 20.143 (1) (L), for the development of markets for materials recovered from solid waste ~~if the provision of that financial assistance is a responsibility assigned to the department in a memorandum of understanding, contract or other agreement with the recycling market development board~~. The rules may provide for the provision of financial assistance, directly or in cooperation with another person, to a governmental entity or a business entity to assist waste generators in the marketing of recovered materials or to develop markets for recovered materials. The financial assistance may be in the form of grants, loans or manufacturing rebates.

SECTION 4338e. 560.031 (2) of the statutes is created to read:

560.031 **(2)** If the department determines that financial assistance is required to stimulate an activity that it determines is needed to assist responsible units, as defined in s. 287.01 (9), in the marketing of recovered materials or to develop markets for recovered materials, the department shall request proposals for that activity, unless the department determines that a request for proposals is not an effective means for distributing the financial assistance for that activity.

SECTION 4338g. 560.031 (3) of the statutes is created to read:

560.031 **(3)** If the department awards assistance under sub. (1) that results in a loan being made by the recipient to another person, the department may direct that the repayments of the loan's principal and any interest either be repaid to the recipient for use in a revolving loan fund or returned to the department.

SECTION 4338i. 560.031 (4) of the statutes is created to read:

560.031 **(4)** (a) The department shall credit any funds received under this subsection to the appropriation under s. 20.143 (1) (L).

(b) The department shall credit to the appropriation under s. 20.143 (1) (L) any funds received under s. 287.46, 1995 stats.

SECTION 4339. 560.032 (1) of the statutes is amended to read:

560.032 **(1)** (title) ~~ANNUAL ALLOCATION~~ ALLOCATION. ~~Annually no later than October 31, the~~ The department, by rule, shall establish under 26 USC 146 and administer a system for the allocation of the volume cap on the issuance of private activity bonds, as defined under 26 USC 141 (a), ~~for the next year,~~ among all municipalities, as defined in s. 67.01 (5), and any corporation formed on behalf of those municipalities, and among this state, the Wisconsin ~~health~~ Health and ~~educational facilities authority~~ Educational Facilities Authority and the Wisconsin ~~housing~~ Housing and ~~economic development authority~~ Economic Development Authority.

SECTION 4339c. 560.033 of the statutes is created to read:

560.033 Minority nonprofit organization grant. (1) DEFINITIONS. In this section:

(a) "Business incubator" means a facility designed to encourage the growth of new businesses, if at least 2 of the following apply:

1. Space in the facility is rented at a rate lower than the market rate in the community.

2. Shared business services are provided in the facility.

3. Management training and management and technical assistance are available at the facility.

4. Businesses using the facility may obtain financial capital through a direct relationship with at least one financial institution.

(b) "Minority business" has the meaning given in s. 560.036 (1) (e).

(c) "Minority group member" has the meaning given in s. 560.036 (1) (f).

(d) "Nonprofit organization" means an organization that is not a corporation and that is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code.

(2) GRANT. The department may make a grant of not more than $100,000 from the appropriation under s. 20.143 (1) (fm) to a nonprofit organization, if all of the following apply:

(a) The nonprofit organization owns and operates a business incubator.

(b) The business incubator provides services primarily to minority group members or minority businesses.

(c) The nonprofit organization submits a plan to the department detailing the project and the proposed use of the grant.

(d) If the grant is part of a project that is also funded by contributions from other sources, the nonprofit organization provides the department with the amount of those contributions or pledges for contributions that the nonprofit organization received before the grant is made.

(e) The secretary approves the plan submitted under par. (c) before awarding the grant.

(f) The nonprofit organization agrees to submit to the department, within 90 days after spending the full amount of the grant, a report detailing the actual use of the proceeds of the grant.

(3) APPLICABILITY. This section does not apply after June 30, 1999.

SECTION 4340. 560.036 (2) (a) of the statutes is amended to read:

560.036 **(2)** (a) For the purposes of ss. 16.75 (3m), 16.855 (10m), 16.87 (2), 18.16, 18.64, 18.77, 25.185, 66.911, 119.495 (2), 231.27~~, 234.65 (6) and 234.85~~ and 234.35, the department shall establish and periodically update a list of certified minority businesses, minority financial advisers and minority investment firms. Any business, financial adviser or investment firm may apply to the department for certification. For purposes of this paragraph, unless the context otherwise requires, a "business" includes a financial adviser or investment firm.

SECTION 4341c. 560.037 (3) of the statutes is amended to read:

560.037 **(3)** The department may not make grants under sub. (1) that exceed ~~$80,000~~ $125,000 in total in any year.

SECTION 4342c. 560.038 (2) (c) of the statutes is repealed.

SECTION 4342j. 560.038 (2) (d) of the statutes is repealed.

SECTION 4342m. 560.038 (3) of the statutes is repealed.

SECTION 4343c. 560.039 (2) (b) of the statutes is repealed.

SECTION 4343j. 560.039 (2) (c) of the statutes is repealed.

SECTION 4343m. 560.039 (3) of the statutes is repealed.

SECTION 4344. 560.045 of the statutes is amended to read:

560.045 Community development block grant administration. Notwithstanding s. 16.54 (2) (a), from moneys received under a community development block grant, 42 USC 5301 to 5320, the department shall contract with the department of administration for the administration of housing programs, including the housing improvement grant program and the initial rehabilitation grant program. To the extent allowed under federal law or regulation, the department shall give priority in the awarding of grants under the programs to grants for projects related to the redevelopment of brownfields, as defined in s. 560.60 (1v).

SECTION 4346. 560.06 of the statutes is created to read:

560.06 Memorandum of understanding on use of allocated moneys. The department may provide assistance to a nonprofit organization that provides assistance to organizations and individuals in urban areas. No later than December 30, 1997, the department of commerce shall enter into a memorandum of understanding with the department of administration that specifies how the department of commerce may use the moneys allocated under s. 20.143 (1) (c) for providing assistance under this section.

SECTION 4349d. 560.09 (5) of the statutes is repealed.

SECTION 4351. 560.13 of the statutes is created to read:

560.13 Brownfields grant program. (1) In this section:

(a) "Brownfields" means abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

(b) "Brownfields redevelopment" means any work or undertaking by a person, municipality or local development corporation to acquire a brownfields facility or site and to raze, demolish, remove, reconstruct, renovate or rehabilitate the facility or existing buildings, structures or other improvements at the site for the purpose of promoting the use of the facility or site for commercial, industrial or other purposes. "Brownfields redevelopment" does not include construction of new facilities on the site for any purpose other than environmental remediation activities.

(d) "Environmental remediation activities" means investigation, analysis and monitoring of a brownfields facility or site to determine the existence and extent of actual or potential environmental pollution; abating, removing or containing environmental pollution at a brownfields facility or site; or restoring soil or groundwater at a brownfields facility or site.

(e) "Local development corporation" means a nonprofit corporation organized under ch. 181 that does all of the following:

1. Operates within specific geographic boundaries.

2. Promotes economic development within the specific geographic area.

3. Demonstrates a commitment to or experience in the redevelopment of brownfields.

(f) "Municipality" means a city, village, town or county.

(g) "Person" means an individual, partnership, corporation or limited liability company.

(2) (a) Subject to subs. (4) and (5), from the appropriations under s. 20.143 (1) (br) and (qm) the department may make a grant to a person, municipality or local development corporation if all of the following apply:

1. The recipient uses the grant proceeds for brownfields redevelopment or associated environmental remediation activities.

2. All of the following are unknown, cannot be located or are financially unable to pay the cost of brownfields redevelopment or associated environmental remediation activities:

a. The party that caused the portion of the environmental contamination that is the basis for the grant request.

b. Any person who possessed or controlled the environmental contaminant that is the basis for the grant request before the contaminant was released.

3. The recipient contributes to the cost of the project as provided in par. (b).

(b) 1. The contribution required under par. (a) 3. may be in cash or in−kind. Cash contributions may be of private or public funds, excluding funds obtained under the program under s. 560.17 or under any program under subch. V or VII of this chapter. In−kind contributions shall be limited to actual remediation services.

2. For a grant that does not exceed $300,000, the recipient shall be required to contribute not less than 20% of the cost of the project. For a grant that is greater than $300,000 but that does not exceed $700,000, the recipient shall be required to contribute not less than 35% of the cost of the project. For a grant that is greater than $700,000 but that does not exceed $1,250,000, the recipient shall be required to contribute not less than 50% of the cost of the project.

(3) (a) The department shall award grants under this section on the basis of the following criteria:

1. The potential of the project to promote economic development in the area.

2. Whether the project will have a positive effect on the environment.

3. The amount and quality of the recipient's contribution to the project.

4. The innovativeness of the recipient's proposal for remediation and redevelopment.

(b) If possible, when making a determination under par. (a), the department shall accord a 50% weight to the criterion under par. (a) 1., a 25% weight to the criterion under par. (a) 2., a 15% weight to the criterion under par. (a) 3. and a 10% weight to the criterion under par. (a) 4.

(4) (a) From the appropriations under s. 20.143 (1) (br) and (qm) in fiscal year 1997−98, and from the appropriation under s. 20.143 (1) (qm) in fiscal year 1998−99, the department shall award all of the following in each of those fiscal years:

1. A total of $750,000 in grants that do not exceed $300,000.

2. A total of $1,750,000 in grants that are greater than $300,000 but that do not exceed $700,000.

3. A total of $2,500,000 in grants that are greater than $700,000 but that do not exceed $1,250,000.

(b) The department may not award a grant that exceeds $1,250,000.

(c) The department shall award at least 7 grants for projects that are located in municipalities with a population of less than 30,000.

(5) Before the department awards a grant under this section, the department shall consider the recommendations of the department of administration and the department of natural resources.

(6) The department shall promulgate rules that establish criteria, within the guidelines under subs. (2) and (3), for awarding grants under this section, including the circumstances under which grant proceeds may be used for assessment services.

(7) On or before December 31, 1998, and annually thereafter, the department shall submit a report on the effectiveness of the program under this section to the legislature under s. 13.172 (2) and to the governor and the department of administration.

SECTION 4352. 560.135 of the statutes is created to read:

560.135 Mining economic development grants and loans. (1) In this section:

(a) "Area affected by mining" means an area in which all of the following apply:

1. Public and private infrastructure are or were provided to support mining activity.

2. Public funds are or were expended for costs associated with mining activity.

3. Construction of a mine has commenced and economic diversification is necessary to reduce dependence on mining activity for the long−term economic growth and stability of the area.

(b) "Board" means the development finance board.

(c) "Business" has the meaning given in s. 560.60 (2).

(d) "Community−based organization" has the meaning given in s. 560.14 (1) (c).

(e) "Local development corporation" means any of the following:

1. The elected governing body of a federally recognized American Indian tribe or band in this state or any business created by the elected governing body.

2. A nonprofit corporation organized under ch. 181 that does all of the following:

a. Operates within specific geographic boundaries.

b. Promotes the economic development within the specific geographic area.

(f) "Mining" means metallic mineral mining.

(2) Subject to subs. (3) and (4), the board may award a grant or loan for the purpose specified to any of the following entities located in an area affected by mining:

(a) A business, to finance costs associated with start−up, maintenance or expansion in an area affected by mining.

(b) A city, village, town or county, to develop an economic diversification plan.

(c) A city, village, town, county, community−based organization or local development corporation, to establish a local revolving loan fund to finance businesses that will create long−term employment opportunities.

(d) A community−based organization or local development corporation, to conduct a local economic development project that will create long−term employment opportunities and to provide assistance to businesses or entrepreneurs.

(e) A business, to obtain professional services related to the start−up, maintenance or expansion of the business, including assistance with feasibility studies or financial and marketing plans and managerial assistance after start−up or expansion.

(3) The board may not award a grant or loan under sub. (2) if the proceeds will be used to establish or expand a business that is solely dependent on mining activity.

(4) (a) The board may not award a grant or loan under sub. (2) (a), (b) or (d) that exceeds $100,000.

(b) The board may not award a grant or loan under sub. (2) (c) that exceeds $200,000.

(c) The board may not award a grant or loan under sub. (2) (e) that exceeds $15,000.

(5) In awarding grants and loans under sub. (2), the board shall consider all of the following:

(a) The factors under s. 560.605 (2) (a) to (e).

(b) Whether the project will be located in a targeted area, as determined by the board after considering the factors under s. 560.605 (2m) (a) to (h).

(c) The extent to which the business or other entity assisted by the project is likely to provide stable, long−term employment opportunities to reduce the dependence of the area on mining.

(6) From the appropriations under s. 20.143 (1) (if) and (r), the department shall make grants and loans awarded by the board under sub. (2).

(7) The department, with the approval of the board, shall promulgate rules establishing policies and standards for awarding grants and loans under sub. (2), consistent with policies and standards established under the rules required under s. 560.602. The department shall promulgate rules regarding the application processes for grants and loans under sub. (2) and for loans made from revolving loan funds established with proceeds awarded under sub. (2) (c).

SECTION 4353. 560.14 (1) (ar) of the statutes is created to read:

560.14 **(1)** (ar) "Brownfields" has the meaning given in s. 560.60 (1v).

SECTION 4353m. 560.14 (1) (fm) of the statutes is created to read:

560.14 **(1)** (fm) "Small business" means a business that has fewer than 100 full−time employes.

SECTION 4354. 560.14 (2) (a) 1. of the statutes is amended to read:

560.14 **(2)** (a) 1. Enable a community−based organization or a political subdivision receiving a grant to develop a plan for diversifying ~~its~~ the local or regional economy, attracting new businesses and jobs and promoting economic development.

SECTION 4355. 560.14 (2) (c) (intro.) of the statutes is renumbered 560.14 (2) (c) and amended to read:

560.14 **(2)** (c) An individual grant under this subsection may not exceed ~~whichever of the following applies:~~ $30,000.

SECTION 4356. 560.14 (2) (c) 1. of the statutes is repealed.

SECTION 4357. 560.14 (2) (c) 2. of the statutes is repealed.

SECTION 4357m. 560.14 (3m) of the statutes is created to read:

560.14 **(3m)** The department may make a grant from the appropriation under s. 20.143 (1) (fg) to a community−based organization for the purpose of creating a revolving loan fund for making loans to small businesses. The department shall promulgate rules for the administration of the program under this subsection.

SECTION 4357r. 560.14 (3r) of the statutes is created to read:

560.14 **(3r)** (a) The department may make a grant from the appropriation under s. 20.143 (1) (fg) to a private, nonprofit foundation, including the National Foundation for Teaching Entrepreneurship to Handicapped and Disadvantaged Youth, or other private, nonprofit organizations if all of the following apply:

1. The foundation or organization teaches business skills to economically disadvantaged or socially at−risk children.

2. The grant proceeds will be used for costs associated with teaching the skills and developing the knowledge necessary to start and maintain a business enterprise.

(b) The department shall promulgate rules for the administration of the program under this subsection.

SECTION 4358. 560.14 (4m) of the statutes is created to read:

560.14 **(4m)** (a) Subject to par. (b), the department may make a grant under this subsection from the appropriation under s. 20.143 (1) (fg) to a community−based organization or private nonprofit organization for a venture capital development conference if all of the following apply:

1. The conference will assist entrepreneurs or businesses in the state in obtaining capital for the start−up or development of a business.

2. The conference will likely stimulate investment, promote economic development or create or retain jobs in the state.

3. The grant applicant submits a plan that describes the proposed activity, how the activity satisfies the criteria under this paragraph, how the grant will be administered, how the grant proceeds will be used to support the activity and how the activity will be coordinated with other venture capital development conferences or programs, including any conferences or programs of the department.

4. The secretary approves the plan under subd. 3.

5. The grant applicant funds at least 50% of the total cost of the conference by providing cash or in−kind contributions.

(b) The department may not award more than $75,000 in grants under this subsection in any fiscal year.

SECTION 4359. 560.14 (5) (b) of the statutes is amended to read:

560.14 **(5)** (b) ~~Promulgate~~ Subject to par. (d), promulgate rules to develop criteria for evaluating applications for grants under this section.

SECTION 4359m. 560.14 (5) (c) of the statutes is amended to read:

560.14 **(5)** (c) Consistent with subs. (2)~~, (3) and (4)~~ to (4m), award grants under this section on a competitive basis, using the criteria developed under par. (b).

SECTION 4360. 560.14 (5) (d) of the statutes is created to read:

560.14 **(5)** (d) Give priority for grants under this section for projects related to brownfields redevelopment.

SECTION 4363. 560.16 (title) of the statutes is amended to read:

560.16 (title) **Employe ownership assistance ~~loans~~ grants.**

SECTION 4364. 560.16 (1) (b) of the statutes is amended to read:

560.16 **(1)** (b) "Business" means an employe−owned business or an existing business which is the subject of an application for a ~~loan~~ grant under this section.

SECTION 4365. 560.16 (2) (title) of the statutes is amended to read:

560.16 **(2)** (title) EMPLOYE OWNERSHIP ASSISTANCE ~~LOANS~~ GRANTS.

SECTION 4366. 560.16 (2) (a) of the statutes is amended to read:

560.16 **(2)** (a) From the appropriations under s. 20.143 (1) (c) and (ie), the department may make ~~loans~~ grants to existing business groups for a feasibility study to investigate the reorganization or new incorporation of an existing business as an employe−owned business and for professional services to implement the study.

SECTION 4367. 560.16 (2) (b) of the statutes is amended to read:

560.16 **(2)** (b) The department may not make a ~~loan~~ grant under this section unless the board has approved the ~~loan~~ grant under this section or requested the department to make the grant under s. 560.61 (3).

SECTION 4368. 560.16 (2) (c) (intro.) of the statutes is amended to read:

560.16 **(2)** (c) (intro.) The board may not approve a ~~loan~~ grant under this section unless the board has considered all of the following:

SECTION 4369. 560.16 (2) (d) of the statutes is amended to read:

560.16 **(2)** (d) The board may approve a ~~loan~~ grant regardless of the number of employes laid off or to be laid off by the business or, if the business is closed, the length of time that it has been closed.

SECTION 4370. 560.16 (3) (intro.) of the statutes is amended to read:

560.16 **(3)** (title) ~~LOAN~~ GRANT APPLICATIONS. (intro.) To apply for a ~~loan~~ grant under this section, a group shall submit an application to the department which includes:

SECTION 4371. 560.16 (3) (e) of the statutes is amended to read:

560.16 **(3)** (e) A description of the group's financial assets available to match the ~~loan~~ grant and a statement indicating the group's willingness to match the ~~loan~~ grant.

SECTION 4372. 560.16 (3) (f) of the statutes is amended to read:

560.16 **(3)** (f) A written commitment from a person with the recognized expertise and experience necessary to conduct the feasibility study or provide the professional services to be financed by the ~~loan~~ grant.

SECTION 4373. 560.16 (4) (title) of the statutes is amended to read:

560.16 **(4)** (title) ~~LOAN~~ GRANT LIMITS; CONTRACT APPROVAL.

SECTION 4374. 560.16 (4) (a) of the statutes is amended to read:

560.16 **(4)** (a) A ~~loan~~ grant to a group under this section may not exceed ~~$25,000 unless the joint committee on finance, under s. 13.101 (5m), approves a specified amount exceeding $25,000~~ $15,000.

SECTION 4375. 560.16 (4) (b) of the statutes is amended to read:

560.16 **(4)** (b) As a condition of approval of a ~~loan~~ grant to a group under this section, the board shall require that the group provide matching funds for at least 25% of the cost of the project, except that the board may waive application of that requirement if the board determines that the group is subject to extreme financial hardship.

SECTION 4376. 560.16 (4) (c) of the statutes is amended to read:

560.16 **(4)** (c) Any contract for any feasibility study or professional services financed by a ~~loan~~ grant under sub. (2) (a) shall be subject to the approval of the ~~board~~ department. The ~~board~~ department may not approve such a contract unless it determines that the contractor has the expertise required to provide the necessary study or services and that the contractor's costs are consistent with existing market rates.

SECTION 4377. 560.16 (5) of the statutes is repealed.

SECTION 4378. 560.16 (6) (a) (intro.) of the statutes is amended to read:

560.16 **(6)** (a) (intro.) Any feasibility study of an existing business financed by a ~~loan~~ grant under sub. (2) (a) ~~shall~~ may include:

SECTION 4379. 560.16 (6) (b) of the statutes is amended to read:

560.16 **(6)** (b) The results of a feasibility study of an existing business financed by a ~~loan~~ grant under sub. (2) (a) shall be solely for the use of the group which received the ~~loan~~ grant, except that if the group's bid to purchase the business has been withdrawn, rejected or terminated, the group shall submit a copy of the study and the results of any professional services financed by the ~~loan~~ grant to the board and the board may provide a copy of such results to any person seeking to purchase the existing business.

SECTION 4380. 560.165 of the statutes is created to read:

560.165 Division of international and export development; fees. The division of international and export development may charge fees for services it provides to cover the costs incurred by the division in providing the services. The division shall deposit all fees collected under this section in the appropriation account under s. 20.143 (1) (g).

SECTION 4381. 560.17 (1) (am) of the statutes is created to read:

560.17 **(1)** (am) "Brownfields" has the meaning given in s. 560.60 (1v).

SECTION 4382. 560.17 (1) (bm) of the statutes is created to read:

560.17 **(1)** (bm) "Job" has the meaning given in s. 560.60 (10).

SECTION 4383. 560.17 (1) (d) 2. of the statutes is amended to read:

560.17 **(1)** (d) 2. A city, town or village with a population of ~~4,000~~ 6,000 or less.

Vetoed In Part

SECTION 4383n. 560.17 (2) (b) of the statutes is amended to read:

560.17 **(2)** (b) The department shall make the grant or loan, except for a grant under sub. (5c), from the appropriation under s. 20.143 (1) (er) or (ir). The department shall make a grant under sub. (5c) from the appropriation under s. 20.143 (1) (g).

SECTION 4384. 560.17 (3) (intro.) of the statutes is amended to read:

560.17 **(3)** (intro.) ~~The~~ Subject to sub. (4m), the board may award a grant ~~or loan~~ under this subsection to a business if all of the following apply:

SECTION 4385. 560.17 (3) (a) of the statutes is amended to read:

560.17 **(3)** (a) The amount of the grant ~~or loan~~ does not exceed ~~$30,000~~ $15,000.

SECTION 4386. 560.17 (3) (b) of the statutes is amended to read:

560.17 **(3)** (b) The business, together with any affiliate, subsidiary or parent entity, has fewer than ~~25~~ 50 employes.

SECTION 4387. 560.17 (3) (e) of the statutes is amended to read:

560.17 **(3)** (e) The proceeds of the grant ~~or loan~~ will be used by the business as provided in sub. (5).

SECTION 4387m. 560.17 (4) (intro.) of the statutes is amended to read:

560.17 **(4)** (intro.) Before awarding a grant ~~or loan~~ under sub. (3), the board shall consider all of the following:

SECTION 4388. 560.17 (4) (c) of the statutes is amended to read:

560.17 **(4)** (c) The number of new jobs created by the business in relation to the amount of the grant ~~or loan~~.

SECTION 4389. 560.17 (4) (cm) of the statutes is created to read:

560.17 **(4)** (cm) In relation to the amount of the grant, the number of existing jobs that will be retained by the business if the grant is awarded and that likely would not be retained if the grant is not awarded.

SECTION 4390. 560.17 (4) (f) of the statutes is amended to read:

560.17 **(4)** (f) Whether the business would be able to start or expand its operations without a grant ~~or loan~~.

SECTION 4391. 560.17 (4m) of the statutes is created to read:

560.17 **(4m)** Of the total amount awarded in grants in a fiscal biennium under sub. (3), the board shall award not less than 25% and not more than 50% for purposes related to an agricultural business. The board shall give priority under this subsection for grants that will be used for purposes related to a dairy farm, as defined in s. 97.22 (1) (a).

SECTION 4392. 560.17 (5) (intro.) of the statutes is amended to read:

560.17 **(5)** (intro.) A business shall use the proceeds of a grant ~~or loan~~ under sub. (3) to pay for any of the following:

SECTION 4393. 560.17 (5c) of the statutes is created to read:

560.17 **(5c)** (a) Subject to par. (b), the board may award a grant under this subsection to a person or business proposing to start up, modernize or expand in this state a dairy farm, as defined in s. 97.22 (1) (a), or other agricultural business if all of the following apply:

1. The dairy farm or other agricultural business is or will be owned by the person or business.

Vetoed In Part 2. The amount of the grant does not exceed $15,000.

3. The grant proceeds will be used to pay for services related to the start−up, modernization or expansion of the dairy farm or other agricultural business, or for management assistance, as defined in s. 560.20 (1) (cf), continuing after the completion of the start−up, modernization or expansion of the dairy farm or other agricultural business.

4. The grant is likely to result in the start−up, modernization or expansion of the dairy farm or other agricultural business.

(b) The total amount of grants awarded under this subsection in any fiscal year may not exceed $200,000.

SECTION 4394. 560.17 (5m) (a) (intro.) of the statutes is amended to read:

560.17 **(5m)** (a) (intro.) Subject to par. ~~(c)~~ (cm), the board may award a grant or loan under this subsection that does not exceed ~~$25,000~~ $100,000 to a business if all of the following apply:

SECTION 4395. 560.17 (5m) (a) 1. of the statutes is amended to read:

560.17 **(5m)** (a) 1. The business, together with any affiliate, subsidiary or parent entity, has fewer than ~~25~~ 50 employes.

SECTION 4396. 560.17 (5m) (a) 4. of the statutes is amended to read:

560.17 **(5m)** (a) 4. The business ~~received a grant or loan under sub. (3) and with the proceeds~~ successfully ~~demonstrated its~~ demonstrates the feasibility of the project.

SECTION 4397. 560.17 (5m) (b) (intro.) of the statutes is amended to read:

560.17 **(5m)** (b) (intro.) A business shall use the proceeds of a grant or loan under this subsection for any of the following:

SECTION 4398. 560.17 (5m) (bm) of the statutes is amended to read:

560.17 **(5m)** (bm) If a business receives a grant or loan under this subsection for the purpose specified in par. (b) 3., the department shall ensure that an employe of the business has the option of accepting or declining any relocation assistance that is available as a result of the grant or loan.

SECTION 4399. 560.17 (5m) (c) of the statutes is repealed.

SECTION 4400. 560.17 (5m) (cm) of the statutes is created to read:

560.17 **(5m)** (cm) Of the total amount awarded in grants and loans in a fiscal biennium under this subsection, the board shall award not less than 25% and not more than 50% for purposes related to an agricultural business. The board shall give priority under this paragraph for grants or loans that will be used for purposes related to a dairy farm, as defined in 97.22 (1) (a).

SECTION 4401. 560.17 (6m) of the statutes is repealed and recreated to read:

560.17 **(6m)** In order to receive a grant or loan under this section a person or business shall contribute cash, from a source other than the state, in an amount that equals at least 25% of the total cost of the project.

SECTION 4402. 560.17 (6r) of the statutes is created to read:

560.17 **(6r)** The board shall give priority for grants or loans under this section for projects related to brownfields redevelopment.

SECTION 4403. 560.17 (7) (a) of the statutes is amended to read:

560.17 **(7)** (a) ~~The~~ Except as provided in par. (am), the department shall designate staff to evaluate applications for grants or loans and assist the board under this section. The board shall act on an application for a grant or loan at its next regularly scheduled meeting after the department determines that the application is complete.

SECTION 4404. 560.17 (7) (am) of the statutes is created to read:

560.17 **(7)** (am) The department of commerce and the department of agriculture, trade and consumer protection shall designate staff to evaluate applications for grants or loans for purposes related to agricultural businesses and to make recommendations and assist the board with respect to those applications.

SECTION 4404m. 560.18 of the statutes is created to read:

560.18 Forestry education grant program. (1) From the appropriation under s. 20.143 (1) (t), the department may award grants to nonprofit organizations, as defined in s. 560.20 (1) (d), to develop forestry educational programs and instructional materials for use in the public schools. The department may not award a grant unless it enters into a memorandum of understanding with the grant recipient and the director of the timber management program at the University of Wisconsin−Stevens Point regarding the use of the funds.

(2) The recipient of a grant under sub. (1) shall submit the programs and materials developed with the funds to the department and the director of the timber management program at the University of Wisconsin−Stevens Point College of Natural Resources for approval. Upon request, the grant recipient shall provide approved programs and materials to school districts free of charge.

SECTION 4405. 560.183 (1) (a) of the statutes is repealed.

SECTION 4406. 560.183 (1) (ac) of the statutes is created to read:

560.183 **(1)** (ac) "Clinic hours" means hours spent working with patients in a clinic.

SECTION 4407. 560.183 (1) (ag) of the statutes is amended to read:

560.183 **(1)** (ag) "Eligible practice area" means a primary care shortage area, ~~an obstetric shortage area, a psy-~~

~~chiatric~~ a mental health shortage area, ~~a state or federal prison, an area health education center program established under 42 USC 295g–1~~, an American Indian reservation or trust lands of an American Indian tribe.

SECTION 4407j. 560.183 (1) (aj) of the statutes is created to read:

560.183 **(1)** (aj) "Health professional shortage area" means an area that is designated by the federal department of health and human services under 42 CFR part 5, appendix A, as having a shortage of medical care professionals.

SECTION 4408. 560.183 (1) (ar) of the statutes is repealed.

SECTION 4409. 560.183 (1) (b) of the statutes is amended to read:

560.183 **(1)** (b) "Physician" ~~has the meaning given in~~ means a physician, as defined in s. 448.01 (5), who specializes in family practice, general internal medicine, general pediatrics, obstetrics and gynecology, or psychiatry.

SECTION 4410. 560.183 (1) (c) of the statutes is repealed.

SECTION 4411. 560.183 (1) (cm) of the statutes is amended to read:

560.183 **(1)** (cm) "Primary care shortage area" means ~~a shortage area established under sub. (7), in which the ratio of the population to the number of physicians who provide primary care is more than 2,500 to one, or~~ an area that is in a primary care health professional shortage area as determined by the federal department of health and human services under 42 CFR part 5, appendix A, excluding a state or federal prison.

SECTION 4412. 560.183 (1) (d) of the statutes is renumbered 560.183 (1) (ap) and amended to read:

560.183 **(1)** (ap) "~~Psychiatric~~ Mental health shortage area" means an area that is designated by the federal department of health and human services under 42 CFR part 5, appendix C, as having a shortage of psychiatric ~~manpower~~ professionals, excluding a state or federal prison and a state or county mental hospital.

SECTION 4413. 560.183 (3) (a) of the statutes is amended to read:

560.183 **(3)** (a) The department shall enter into a written agreement with the physician. In the agreement, the physician shall agree to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state ~~primarily in an eligible practice area~~, except that a physician specializing ~~in obstetrics may only agree to practice obstetrics in an obstetric shortage area and a physician specializing~~ in psychiatry may only agree to practice psychiatry in a ~~psychiatric~~ mental health shortage area and a physician in the expanded loan assistance program under sub. (9) may only agree to practice at a public or private nonprofit entity in a health professional shortage area. The physician shall also agree to care for patients who are insured or for whom health benefits are payable under medicare, medical assistance or any other governmental program.

SECTION 4414. 560.183 (3) (b) of the statutes 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) ~~(fe)~~ (f) and (jm).

SECTION 4415. 560.183 (4) (a) of the statutes is amended to read:

560.183 **(4)** (a) ~~Ten percent~~ Up to 40% of the principal of the loan or ~~$5,000~~ $20,000, whichever is less, during the first year of ~~practice~~ participation in the program under this section.

SECTION 4416. 560.183 (4) (b) of the statutes is amended to read:

560.183 **(4)** (b) ~~An~~ Up to an additional ~~12.5%~~ 40% of the principal of the loan or ~~$6,250~~ $20,000, whichever is less, during the 2nd year of ~~practice~~ participation in the program under this section.

SECTION 4417. 560.183 (4) (c) of the statutes is amended to read:

560.183 **(4)** (c) ~~An~~ Up to an additional ~~15%~~ 20% of the principal of the loan or ~~$7,500~~ $10,000, whichever is less, during the 3rd year of ~~practice~~ participation in the program under this section.

SECTION 4418. 560.183 (4) (d) of the statutes is repealed.

SECTION 4419. 560.183 (4) (e) of the statutes is repealed.

SECTION 4420. 560.183 (5) (a) of the statutes 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) ~~(fe)~~ (f) and (jm).

SECTION 4421. 560.183 (5) (b) (intro.) of the statutes 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) ~~(fe)~~ (f) and (jm), the department shall establish priorities among the eligible applicants based upon the following considerations:

SECTION 4421b. 560.183 (5) (b) 1. of the statutes is amended to read:

560.183 **(5)** (b) 1. The degree to which there is an extremely high need for medical care in the eligible practice area or health professional shortage area in which the physician desires to practice.

SECTION 4421c. 560.183 (5) (b) 2. of the statutes is amended to read:

560.183 **(5)** (b) 2. The likelihood that a physician will remain in the eligible practice area or health professional

shortage area in which he or she desires to practice after the loan repayment period.

SECTION 4421d. 560.183 (5) (b) 3. of the statutes is amended to read:

560.183 **(5)** (b) 3. The per capita income of the eligible practice area or health professional shortage area in which a physician desires to practice.

SECTION 4421e. 560.183 (5) (b) 4. of the statutes is amended to read:

560.183 **(5)** (b) 4. The financial or other support for physician recruitment and retention provided by individuals, organizations, or local governments in the eligible practice area or health professional shortage area in which a physician desires to practice.

SECTION 4421f. 560.183 (5) (b) 5. of the statutes is amended to read:

560.183 **(5)** (b) 5. The geographic distribution of the physicians who have entered into loan repayment agreements under this section and the geographic distribution of the eligible practice areas or health professional shortage areas in which the eligible applicants desire to practice.

SECTION 4422. 560.183 (6m) of the statutes is created to read:

560.183 **(6m)** PENALTIES. The department shall, by rule, establish penalties to be assessed by the department against physicians who breach an agreement entered into under sub. (3) (a). The rules shall do all of the following:

(a) Specify what actions constitute a breach of the agreement.

(b) Provide specific penalty amounts for specific breaches.

(c) Provide exceptions for certain actions, including breaches resulting from death or disability.

SECTION 4423. 560.183 (7) of the statutes is repealed.

SECTION 4424. 560.183 (8) (intro.) of the statutes is amended to read:

560.183 **(8)** ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under s. 20.143 (1) ~~(fd)~~ (f), the department shall contract with the board of regents of the University of Wisconsin System for administrative services from the office of rural health of the department of professional and community development of the University of Wisconsin Medical School. Under the contract, the office of rural health shall do all of the following:

SECTION 4425. 560.183 (8) (a) of the statutes is repealed.

SECTION 4426. 560.183 (8) (b) of the statutes is amended to read:

560.183 **(8)** (b) Advise the department and rural health development council on the identification of eligible practice areas with an extremely high need for medical care.

SECTION 4426n. 560.183 (9) of the statutes is created to read:

560.183 **(9)** EXPANDED LOAN ASSISTANCE PROGRAM. The department may agree to repay loans as provided under this section on behalf of a physician under an expanded physician loan assistance program that is funded through federal funds in addition to state matching funds. To be eligible for loan repayment under the expanded physician loan assistance program, a physician must fulfill all of the requirements for loan repayment under this section, as well as all of the following:

(a) The physician must be a U.S. citizen.

(b) The physician may not have a judgment lien against his or her property for a debt to the United States.

(c) The physician must agree to do all of the following:

1. Accept medicare assignment as payment in full for services or articles provided.

2. Use a sliding fee scale or a comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the physician's services.

3. Practice at a public or private nonprofit entity in a health professional shortage area.

SECTION 4427. 560.184 (1) (a) of the statutes is renumbered 560.184 (1) (ad) and amended to read:

560.184 **(1)** (ad) "Council" ~~has the meaning given in s. 560.183 (1) (a)~~ means the rural health development council.

SECTION 4428. 560.184 (1) (ac) of the statutes is created to read:

560.184 **(1)** (ac) "Clinic hours" has the meaning given in s. 560.183 (1) (ac).

SECTION 4429. 560.184 (1) (am) of the statutes is amended to read:

560.184 **(1)** (am) "Eligible practice area" means a primary care shortage area, ~~an obstetric shortage area, a state or federal prison, an area health education center program established under 42 USC 295g–1,~~ an American Indian reservation or trust lands of an American Indian tribe.

SECTION 4429p. 560.184 (1) (bp) of the statutes is created to read:

560.184 **(1)** (bp) "Health professional shortage area" has the meaning given in s. 560.183 (1) (aj).

SECTION 4430. 560.184 (1) (c) of the statutes is repealed.

SECTION 4431. 560.184 (3) (a) of the statutes is amended to read:

560.184 **(3)** (a) The department shall enter into a written agreement with the health care provider. In the agreement, the health care provider shall agree to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state ~~primarily in an eligible practice area~~, except that a health care provider in the expanded loan assistance program under sub. (8)

may only agree to practice at a public or private nonprofit entity in a health professional shortage area.

SECTION 4432. 560.184 (3) (b) of the statutes 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) ~~(fc)~~ (f) and (jL).

SECTION 4433. 560.184 (4) (a) of the statutes is amended to read:

560.184 **(4)** (a) ~~Ten percent~~ Up to 40% of the principal of the loan or ~~$2,500~~ $10,000, whichever is less, during the first year of ~~practice~~ participation in the program under this section.

SECTION 4434. 560.184 (4) (b) of the statutes is amended to read:

560.184 **(4)** (b) ~~An~~ Up to an additional ~~12.5%~~ 40% of the principal of the loan or ~~$3,125~~ $10,000, whichever is less, during the 2nd year of ~~practice~~ participation in the program under this section.

SECTION 4435. 560.184 (4) (c) of the statutes is amended to read:

560.184 **(4)** (c) ~~An~~ Up to an additional ~~15%~~ 20% of the principal of the loan or ~~$3,750~~ $5,000, whichever is less, during the 3rd year of ~~practice~~ participation in the program under this section.

SECTION 4436. 560.184 (4) (d) of the statutes is repealed.

SECTION 4437. 560.184 (4) (e) of the statutes is repealed.

SECTION 4438. 560.184 (5) (a) of the statutes 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) ~~(fc)~~ (f) and (jL).

SECTION 4439. 560.184 (5) (b) (intro.) of the statutes 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) ~~(fc)~~ (f) and (jL), the department shall establish priorities among the eligible applicants based upon the following considerations:

SECTION 4439b. 560.184 (5) (b) 1. of the statutes is amended to read:

560.184 **(5)** (b) 1. The degree to which there is an extremely high need for medical care in the eligible practice area or health professional shortage area in which an eligible applicant desires to practice.

SECTION 4439c. 560.184 (5) (b) 2. of the statutes is amended to read:

560.184 **(5)** (b) 2. The likelihood that an eligible applicant will remain in the eligible practice area or health professional shortage area in which he or she desires to practice after the loan repayment period.

SECTION 4439d. 560.184 (5) (b) 3. of the statutes is amended to read:

560.184 **(5)** (b) 3. The per capita income of the eligible practice area or health professional shortage area in which an eligible applicant desires to practice.

SECTION 4439e. 560.184 (5) (b) 4. of the statutes is amended to read:

560.184 **(5)** (b) 4. The financial or other support for health care provider recruitment and retention provided by individuals, organizations or local governments in the eligible practice area or health professional shortage area in which an eligible applicant desires to practice.

SECTION 4439f. 560.184 (5) (b) 5. of the statutes is amended to read:

560.184 **(5)** (b) 5. The geographic distribution of the health care providers who have entered into loan repayment agreements under this section and the geographic location of the eligible practice area or health professional shortage area in which an eligible applicant desires to practice.

SECTION 4440. 560.184 (6m) of the statutes is created to read:

560.184 **(6m)** PENALTIES. The department shall, by rule, establish penalties to be assessed by the department against health care providers who breach an agreement entered into under sub. (3) (a). The rules shall do all of the following:

(a) Specify what actions constitute a breach of the agreement.

(b) Provide specific penalty amounts for specific breaches.

(c) Provide exceptions for certain actions, including breaches resulting from death or disability.

SECTION 4441. 560.184 (7) (intro.) of the statutes is amended to read:

560.184 **(7)** ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under s. 20.143 (1) ~~(fd)~~ (f), the department shall contract with the board of regents of the University of Wisconsin System for administrative services from the office of rural health of the department of professional and community development of the University of Wisconsin Medical School. Under the contract, the office of rural health shall do all of the following:

SECTION 4441n. 560.184 (8) of the statutes is created to read:

560.184 **(8)** EXPANDED LOAN ASSISTANCE PROGRAM. The department may agree to repay loans as provided under this section on behalf of a health care provider under an expanded health care provider loan assistance program that is funded through federal funds in addition to state matching funds. To be eligible for loan repayment under the expanded health care provider loan assistance program, a health care provider must fulfill all of the

requirements for loan repayment under this section, as well as all of the following:

(a) The health care provider must be a U.S. citizen.

(b) The health care provider may not have a judgment lien against his or her property for a debt to the United States.

(c) The health care provider must agree to do all of the following:

1. Accept medicare assignment as payment in full for services or articles provided.

2. Use a sliding fee scale or a comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the physician's services.

3. Practice at a public or private nonprofit entity in a health professional shortage area.

SECTION 4442. 560.185 (1) of the statutes is amended to read:

560.185 **(1)** Advise the department ~~as provided in s. 560.183 (7) and on other~~ on matters related to the physician loan assistance program under s. 560.183 and the health care provider loan assistance program under s. 560.184.

SECTION 4442c. 560.19 (1) (intro.) and (b) of the statutes are consolidated, renumbered 560.19 (1) and amended to read:

560.19 **(1)** In this section~~: (b) "Hazardous~~, "hazardous pollution prevention" has the meaning given in s. 299.13 (1) (c).

SECTION 4442e. 560.19 (1) (a) of the statutes is repealed.

SECTION 4442g. 560.19 (3) (intro.) of the statutes is repealed.

SECTION 4442i. 560.19 (3) (a) of the statutes is renumbered 560.19 (3) and amended to read:

560.19 **(3)** In coordination with the hazardous pollution prevention program under s. 36.25 (30)~~,~~ and the department of natural resources ~~and the council, conduct~~ the department shall conduct an education, environmental management and technical assistance program to promote hazardous pollution prevention among businesses in the state.

SECTION 4442k. 560.19 (3) (b) of the statutes is repealed.

SECTION 4442m. 560.19 (4) of the statutes is repealed.

SECTION 4443. Subchapter III (title) of chapter 560 [precedes 560.41] of the statutes is amended to read:

CHAPTER 560

SUBCHAPTER III

~~PERMIT INFORMATION AND REGULATORY~~ BUSINESS DEVELOPMENT: ASSISTANCE ~~BUREAU~~ CENTER

SECTION 4444. 560.41 (1) of the statutes is repealed and recreated to read:

560.41 **(1)** "Brownfields" means abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

SECTION 4445. 560.41 (1m) of the statutes is created to read:

560.41 **(1m)** "Center" means the business development assistance center in the department.

SECTION 4446. 560.42 (title) of the statutes is amended to read:

560.42 (title) **Responsibilities related to permits.**

SECTION 4447. 560.42 (1) (a) (intro.) of the statutes is amended to read:

560.42 **(1)** (a) (intro.) The ~~bureau~~ center shall expedite the process of applying for permits, of reviewing and making determinations on permit applications and of issuing permits as follows:

SECTION 4448. 560.42 (1) (a) 1. of the statutes is amended to read:

560.42 **(1)** (a) 1. The ~~bureau~~ center shall discharge its responsibilities under sub. (2) in a manner designed to expedite the process.

SECTION 4449. 560.42 (1) (a) 2. of the statutes is amended to read:

560.42 **(1)** (a) 2. Upon request by a person applying for a permit and to the extent possible, the ~~bureau~~ center shall resolve misunderstandings between the person and the appropriate regulatory agency and shall prevent or mitigate delays in the process.

SECTION 4450. 560.42 (1) (a) 3. of the statutes is amended to read:

560.42 **(1)** (a) 3. If the ~~bureau~~ center determines that it is unable to resolve misunderstandings or prevent or mitigate delays under subd. 2., the ~~bureau~~ center shall request the assistance of the secretary and the head of the appropriate regulatory agency.

SECTION 4451. 560.42 (1) (a) 4. of the statutes is amended to read:

560.42 **(1)** (a) 4. If the ~~bureau~~ center determines that the secretary and head of the appropriate regulatory agency are unable to resolve misunderstandings or prevent or mitigate delays under subd. 3., the ~~bureau~~ center shall request the assistance of the governor.

SECTION 4452. 560.42 (1) (b) of the statutes is amended to read:

560.42 **(1)** (b) The ~~bureau~~ center shall give priority to businesses new to this state and to businesses expanding within this state in providing assistance under par. (a).

SECTION 4453. 560.42 (1) (c) of the statutes is amended to read:

560.42 **(1)** (c) The ~~bureau~~ center shall maintain records identifying each person requesting assistance under par. (a) and setting forth assistance rendered and results achieved.

SECTION 4454. 560.42 (2) (a) (intro.) of the statutes is amended to read:

560.42 **(2)** (a) (intro.) The ~~bureau~~ center shall assist any person requesting information on which permits are required for a particular business activity or on the application process, including criteria applied in making a determination on a permit application and the time period within which a determination will be made. This assistance may include any of the following:

SECTION 4455. 560.42 (2) (b) of the statutes is amended to read:

560.42 **(2)** (b) If a person receives assistance under this subsection and applies for a permit and if the person requests, the ~~bureau~~ center shall monitor the status of the permit application and periodically report the status to the person.

SECTION 4456. 560.42 (2m) (intro.) of the statutes is amended to read:

560.42 **(2m)** ADVOCACY. (intro.) The ~~bureau~~ center shall provide advocacy services before regulatory agencies on behalf of permit applicants. These services shall include all of the following:

SECTION 4457. 560.42 (2r) of the statutes is amended to read:

560.42 **(2r)** MEDIATION AND DISPUTE RESOLUTION SERVICES. The ~~bureau~~ center may provide mediation or other dispute resolution services to facilitate the resolution of a dispute between a regulatory agency and a person applying for a permit. The provision of mediation or other dispute resolution services under this subsection does not affect any right that the person may have to a contested hearing under ch. 227.

SECTION 4458. 560.42 (3) (title) of the statutes is amended to read:

560.42 **(3)** (title) ASSISTANCE BY ~~BUREAU~~ CENTER.

SECTION 4459. 560.42 (3) (a) of the statutes is amended to read:

560.42 **(3)** (a) The ~~bureau~~ center may ~~not~~ charge ~~any person~~ for services provided under this subchapter. Any amount charged for services may not exceed the actual cost of the service provided, unless a specific charge for the service, or method of calculating the charge, is provided by law. All amounts received under this paragraph shall be deposited in the appropriation account under s. 20.143 (1) (gc).

SECTION 4460. 560.42 (3) (b) of the statutes is amended to read:

560.42 **(3)** (b) The ~~bureau~~ center may refer to the appropriate regulatory agency, without giving further assistance, any person seeking information or assistance on a permit under chs. 186, 215, 217, 220 to 224, 440 to 480 and 600 to 646.

SECTION 4461. 560.42 (3) (c) of the statutes is amended to read:

560.42 **(3)** (c) Advice, assistance, mediation or other dispute resolution services or information rendered by the ~~bureau~~ center under this subchapter does not relieve any person from the obligation to secure a required permit or satisfy a regulatory requirement.

SECTION 4462. 560.42 (3) (d) of the statutes is amended to read:

560.42 **(3)** (d) The ~~bureau~~ center shall not be liable for any consequences resulting from the failure of a regulatory agency to issue, or the failure of a person to seek, a permit.

SECTION 4464. 560.42 (4) (a) of the statutes is amended to read:

560.42 **(4)** (a) The ~~bureau~~ center shall maintain and publicize the availability of a toll–free telephone line available to in–state and out–of–state callers to the ~~bureau~~ center.

SECTION 4465. 560.42 (4) (b) of the statutes is amended to read:

560.42 **(4)** (b) The ~~bureau~~ center shall seek to explain, promote and publicize its services to the public and shall provide information on its services for inclusion in any public informational material on permits provided by regulatory agencies.

SECTION 4466. 560.42 (4) (c) of the statutes is amended to read:

560.42 **(4)** (c) The ~~bureau~~ center shall, in its efforts under pars. (a) and (b), clearly represent that its services are advisory, informational and facilitative only.

SECTION 4467. 560.42 (5) (a) of the statutes is amended to read:

560.42 **(5)** (a) *Report.* Annually, on or before April 1, the ~~bureau~~ center shall submit a report containing the information required under pars. (am) and (b) to the appropriate standing committees under s. 13.172 (3).

SECTION 4468. 560.42 (5) (am) (intro.) of the statutes is amended to read:

560.42 **(5)** (am) *Permit simplification.* (intro.) Based on the experience of the ~~bureau~~ center in assisting persons and discussions with regulatory agencies, the ~~bureau~~ center shall periodically submit a report containing recommendations for the legislature, governor, public records board and regulatory agencies concerning all of the following:

SECTION 4469. 560.42 (5) (b) (intro.) of the statutes is amended to read:

560.42 **(5)** (b) *Record of assistance.* (intro.) Based on the experiences of the ~~bureau~~ center in assisting persons and on reports received under s. 227.116 (4), the ~~bureau~~ center shall periodically prepare information for the legislature, governor, public records board and regulatory agencies which shall include all of the following:

SECTION 4470. 560.42 (6) of the statutes is amended to read:

560.42 **(6)** PERMIT CONSOLIDATION. In its annual reports submitted under sub. (5) (a), the ~~bureau~~ center shall include its recommendations concerning the feasibility and desirability of providing consolidated or multiple

permit application forms or consolidated hearings on consolidated or multiple permit application forms.

SECTION 4471. 560.43 (1) (a) of the statutes is amended to read:

560.43 **(1)** (a) Designate a staff person to coordinate regulatory agency cooperation with ~~bureau~~ center staff, provide information to ~~bureau~~ center staff on the permit process and direct ~~bureau~~ center staff to appropriate staff within the regulatory agency.

SECTION 4472. 560.43 (1) (b) of the statutes is amended to read:

560.43 **(1)** (b) Cooperate with ~~bureau~~ center staff and respond promptly to requests for assistance in expediting and requests for information on the permit process under s. 560.42.

SECTION 4473. 560.43 (1) (c) of the statutes is amended to read:

560.43 **(1)** (c) Include material provided by the ~~bureau~~ center under s. 560.42 (4) in any public informational material on permits that it provides.

SECTION 4474. 560.43 (1) (g) of the statutes is created to read:

560.43 **(1)** (g) Provide to the center written notification of a change to a permit, along with a copy of the new or revised permit, before the effective date of the change.

SECTION 4475. 560.43 (2) (intro.) of the statutes is amended to read:

560.43 **(2)** PREAPPLICATION MEETINGS. (intro.) Each regulatory agency shall provide an opportunity for a preapplication meeting with its staff to any person interested in applying for a permit upon request by the person or the ~~bureau~~ center, and shall comply with the following requirements:

SECTION 4476. 560.43 (2) (d) of the statutes is amended to read:

560.43 **(2)** (d) The regulatory agency shall invite participation by ~~bureau~~ center staff in preapplication meetings when appropriate.

SECTION 4477. 560.44 of the statutes is created to read:

560.44 Responsibilities related to brownfields redevelopment projects. (1) OMBUDSMAN. The center shall act as an ombudsman for brownfields redevelopment projects. As ombudsman, the center shall do all of the following:

(a) Promote brownfields redevelopment projects and related educational efforts.

(b) Coordinate interagency activities and responsibilities related to brownfields redevelopment projects.

(c) Coordinate, with the department of workforce development, training programs or activities for unemployed persons who reside in the vicinity of a brownfields redevelopment project.

(2) ADMINISTRATION OF BROWNFIELDS GRANT PROGRAM. The center shall assist in administering the grant program under s. 560.13.

SECTION 4478. 560.60 (1v) of the statutes is created to read:

560.60 **(1v)** "Brownfields" means abandoned, idle or underused industrial or commercial facilities, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

SECTION 4479. 560.60 (3) of the statutes is amended to read:

560.60 **(3)** "Consortium" means an association of a business and a higher educational institution~~, or an association of a business and the Great Lakes composites consortium, which association is subject to an agreement complying with this subchapter~~.

SECTION 4480. 560.60 (4) of the statutes is repealed and recreated to read:

560.60 **(4)** "Eligible recipient" means a governing body or a person who is eligible to receive a grant under s. 560.615, a grant or loan under s. 560.62, a grant or loan under s. 560.63 or a grant or loan under s. 560.65.

SECTION 4481. 560.60 (10) of the statutes is amended to read:

560.60 **(10)** "Job" means a regular, nonseasonal full−time position ~~providing full−time equivalent employment for one individual for one year, beginning after a project is completed~~ in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays. "Job" does not include initial training before an employment position begins.

SECTION 4482. 560.605 (1) (e) 1. of the statutes is amended to read:

560.605 **(1)** (e) 1. Except as provided under subd. ~~2.~~ 3. and s. 560.68 (6), not less than 25% of the cost of the project.

SECTION 4483. 560.605 (1) (e) 2. of the statutes is repealed.

SECTION 4483m. 560.605 (1) (e) 3. of the statutes is created 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.

SECTION 4485. 560.605 (1) (f) of the statutes is amended to read:

560.605 **(1)** (f) The project meets all criteria set forth in s. 560.615, 560.62, ~~560.625,~~ 560.63, 560.65 or 560.66, whichever is appropriate.

SECTION 4486. 560.605 (1) (g) of the statutes is amended to read:

560.605 **(1)** (g) Funds from the grant or loan under ~~ss.~~ s. 560.615, 560.62, ~~560.625,~~ 560.63, 560.65 ~~and~~ or 560.66 will not be used to pay overhead costs, except as provided in s. 560.65 (1m) (b), or to replace funds from any other source.

SECTION 4487. 560.605 (2) (intro.) of the statutes is amended to read:

560.605 **(2)** (intro.) The board shall consider all of the following before awarding a grant or loan to an eligible recipient for a project under ~~ss.~~ s. 560.615, 560.62, ~~560.625,~~ 560.63 or 560.66:

SECTION 4488. 560.605 (2m) (intro.) of the statutes is amended to read:

560.605 **(2m)** (intro.) When considering whether a project under ~~ss.~~ s. 560.615, 560.62, ~~560.625,~~ 560.63 or 560.66 will be located in a targeted area, the board shall consider all of the following:

SECTION 4489. 560.605 (6) of the statutes is created to read:

560.605 **(6)** The board shall give priority for grants or loans under this section for projects related to brownfields redevelopment.

SECTION 4490. 560.61 (1) of the statutes is amended to read:

560.61 **(1)** Make a grant or loan to an eligible recipient for a project that meets the criteria for funding under s. 560.605 (1) and (2) and under s. 560.615, 560.62, ~~560.625,~~ 560.63, 560.65 or 560.66, whichever is appropriate, from the appropriations under s. 20.143 (1) (c), (cb), (ie), (s) and (sm).

SECTION 4491. 560.61 (3) of the statutes is amended to read:

560.61 **(3)** Make a ~~loan~~ grant under s. 560.16 from the appropriations under s. 20.143 (1) (c) and (ie) if the board determines that the ~~loan~~ grant meets the requirements of s. 560.16.

SECTION 4492c. 560.615 of the statutes is created to read:

560.615 Manufacturing assessment grants. (1) The board may award a grant not exceeding $2,500 under s. 560.61 to a business operating for profit, with 500 or fewer employes, including employes of any subsidiary or affiliated organization, to fund a management assessment and plan if all of the following apply:

(a) The manufacturing assessment and plan are likely to assist the business in adopting and implementing readily available and reasonably standardized new manufacturing processes and technologies.

(b) The manufacturing assessment and plan are likely to help make the business more competitive.

(c) The business commits to adopting and implementing the manufacturing and technological changes recommended as a result of the manufacturing assessment and plan.

(2) The total amount of grants made under this section may not exceed $750,000 in a fiscal biennium.

SECTION 4493. 560.62 (1) (b) of the statutes is amended to read:

560.62 **(1)** (b) A technology development loan to a business to provide working capital or fixed asset financing for the development of the infrastructure of the business or for the initial commercialization of ~~the~~ a new industrial product or process ~~if the business received a technology development grant or loan under par. (a) and if the research that was funded by the grant or loan under par. (a) resulted in the successful development of a new, or the improvement of an existing, industrial product or process~~. A business that receives a loan under this paragraph may use the proceeds only to pay costs related to the production, marketing or sales of ~~the~~ a new or improved industrial product or process.

SECTION 4494. 560.62 (3) of the statutes is repealed.

SECTION 4495. 560.625 of the statutes is repealed.

SECTION 4496. 560.63 (1) of the statutes is amended to read:

560.63 **(1)** The board may award a grant or loan under s. 560.61 to a business to fund a labor training program that provides state residents with job training in ~~new~~ technology, industrial skills or manufacturing processes ~~or~~ that are new to the business and in which advances have been made, as determined by the board, or with job training in other employment–related skills or techniques in which advances have been made, as determined by the board, in order to meet the staffing needs of ~~a~~ the business~~,~~. The board may not award a grant or loan to fund a labor training program if the training is ~~not available~~ fairly readily available, in the board's determination, through existing federal, state or local resources except as provided in sub. (4).

SECTION 4497. 560.63 (4) of the statutes is amended to read:

560.63 **(4)** The contribution required under s. 560.605 (1) (e) ~~2.~~ may consist of funding or of in–kind contributions. Not more than 20% of the contribution of a business may consist of funding which the business receives under the federal job training partnership act, 29 USC 1501 to 1781.

SECTION 4497d. 560.65 (4) (a) of the statutes is repealed.

SECTION 4498. 560.66 (1) (intro.) of the statutes is amended to read:

560.66 **(1)** (intro.) The board may award grants and loans under s. 560.61 to eligible recipients for any project that is not eligible for a grant or loan under ~~ss.~~ s. 560.615, 560.62~~, 560.625~~ or 560.63, if the board determines that the project is a major economic development project and considers all of the following:

SECTION 4499. 560.68 (3) of the statutes is created to read:

560.68 **(3)** The department may charge a grant or loan recipient an origination fee of up to 1.5% of the grant or loan amount if the grant or loan exceeds $200,000 and is awarded under s. 560.63 or 560.66. The department shall deposit all origination fees collected under this subsection in the appropriation account under s. 20.143 (1) (gm).

SECTION 4499e. 560.68 (8) of the statutes is created to read: **Vetoed In Part**

Vetoed In Part 560.68 **(8)** At least 10 days before a grant or loan awarded under this subchapter is presented to the eligible recipient of the grant or loan, the department shall notify the senator for the senate district, and the representative to the assembly for the assembly district, in which the eligible recipient is located of the date, time and location of the presentation of the grant or loan.

SECTION 4500. 560.70 (2m) of the statutes is created to read:

560.70 **(2m)** "Full−time job" means a regular, nonseasonal full−time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays, and for which the individual receives pay that is equal to at least 150% of the federal minimum wage and benefits that are not required by federal or state law. "Full−time job" does not include initial training before an employment position begins.

SECTION 4501. 560.70 (6) of the statutes is amended to read:

560.70 **(6)** "Target population" means persons who are members of targeted groups for the purposes of the credit under ss. 71.07 ~~(2dj)~~ (2dx), 71.28 ~~(1dj)~~ (1dx) and 71.47 ~~(1dj)~~ (1dx).

SECTION 4502. 560.70 (7) of the statutes is repealed and recreated to read:

560.70 **(7)** "Tax benefits" means the development zones credit under ss. 71.07 (2dx), 71.28 (1dx) and 71.47 (1dx).

SECTION 4503. 560.71 (1m) (d) of the statutes is amended to read:

560.71 **(1m)** (d) The number of full−time jobs that are likely to be created or retained in the area as a result of its designation as a development zone.

SECTION 4504. 560.71 (1m) (e) of the statutes is amended to read:

560.71 **(1m)** (e) The number of full−time jobs that are likely to be available to the target population as a result of the designation of the area as a development zone.

SECTION 4504j. 560.71 (3) (a) of the statutes is amended to read:

560.71 **(3)** (a) Determine the number of development zones designated under sub. (1) but may not designate more than ~~18~~ 22 development zones over the life of the program.

SECTION 4505. 560.72 (2) (h) of the statutes is amended to read:

560.72 **(2)** (h) An assessment of the effect of making the area a development zone on full−time jobs available to the targeted population.

SECTION 4506. 560.73 (1) (e) of the statutes is amended to read:

560.73 **(1)** (e) The effect of making the area a development zone on full−time jobs available to the targeted population.

SECTION 4507. 560.735 (6r) of the statutes is created to read:

560.735 **(6r)** Subject to the population limit under sub. (6m), if an area that is nominated or designated as a development zone is comprised of one or more entire counties and a city, village or town is partially located in the area and partially located outside of the area, the entire city, village or town shall be part of the nominated or designated area.

SECTION 4508. 560.745 (1) (b) of the statutes is amended to read:

560.745 **(1)** (b) The local governing body may apply to the department for up to ~~3~~ 5 12−month extensions of the designation. The department shall promulgate rules establishing criteria for approving an extension of a designation of an area as a development zone under this subsection.

SECTION 4509. 560.745 (2) (a) of the statutes is amended to read:

560.745 **(2)** (a) When the department designates a development zone under s. 560.71, it shall establish a limit for tax benefits for the development zone determined by allocating to the development zone a portion of ~~$28,155,000~~ $33,155,000.

SECTION 4510. 560.745 (2) (am) of the statutes is amended to read:

560.745 **(2)** (am) Notwithstanding par. (a), the department may increase the established limit for tax benefits for a development zone ~~that was designated before April 25, 1996, by no more than $500,000~~.

SECTION 4511. 560.745 (2) (c) 1. of the statutes is amended to read:

560.745 **(2)** (c) 1. Ninety days after the day on which the department determines that the foregone tax revenues under par. (b) will equal or exceed the limit for the development zone established under par. (a) or (am).

SECTION 4512. 560.75 (8) of the statutes is amended to read:

560.75 **(8)** ~~Verify~~ Annually verify information submitted to the department under ~~ss.~~ s. 71.07 ~~(2di) (d) 2., (2dj) (e) 3., (2dL) (f) and (2ds) (d) 2.~~ (2dx), 71.28 ~~(1di) (d) 2., (1dj) (e) 3., (1dL) (f), (1ds) (d) 2. and (4) (am) and~~ (1dx) or 71.47 ~~(1di) (d) 2., (1dj) (e) 3., (1dL) (f), (1ds) (d) 2. and (4) (am)~~ (1dx).

SECTION 4513. 560.75 (9) of the statutes is repealed.

SECTION 4514. 560.765 (3) (c) of the statutes is amended to read:

560.765 **(3)** (c) The number of full−time jobs that will be created, retained or substantially upgraded as a result of the person's economic activity in relation to the amount of tax benefits estimated for the person under sub. (4).

SECTION 4515. 560.765 (3) (i) of the statutes is repealed.

SECTION 4516. 560.765 (5) (e) of the statutes is amended to read:

560.765 **(5)** (e) The estimated number of full–time jobs that will be created, retained or significantly upgraded in the development zone because of the person's business.

SECTION 4517. 560.765 (5) (f) of the statutes is amended to read:

560.765 **(5)** (f) An estimate of the number or percentage of full–time jobs described in par. (e) that are or will likely be held by members of the targeted population.

SECTION 4518. 560.768 (1) (a) of the statutes is amended to read:

560.768 **(1)** (a) The department shall establish a limit on the maximum amount of tax benefits a person certified under s. 560.765 (3) may claim while an area is designated as a development zone. ~~The limit may specify a minimum amount of the total tax benefits that may be used exclusively for the credits under ss. 71.07 (2dj), 71.28 (1dj) and 71.47 (1dj), subject to s. 560.75 (9)~~.

SECTION 4519. 560.768 (1) (b) 2. of the statutes is amended to read:

560.768 **(1)** (b) 2. Establish a limit which does not greatly exceed a recommended limit, established under rules promulgated by the department based on the cost, number and types of full–time jobs that will be created, retained or upgraded, including full–time jobs available to members of the targeted population, as a result of the economic activity of the person certified under s. 560.765 (3).

SECTION 4520. 560.78 (1) (a) of the statutes is amended to read:

560.78 **(1)** (a) Result in the direct loss of full–time jobs at another of the person's business locations in this state outside of the development zone.

SECTION 4521. 560.78 (2) (a) of the statutes is amended to read:

560.78 **(2)** (a) The total number of full–time jobs provided by the person in this state would be reduced if the person were not certified under s. 560.765 (3) or if the person's certification were revoked.

SECTION 4522. 560.78 (3) (b) of the statutes is amended to read:

560.78 **(3)** (b) Only the department may determine whether sub. (2) (a) or (b) applies to a business relocation described in par. (a) if the business relocation would likely result in the loss of full–time jobs at or transfer of employes from a business location that is in this state but outside the limits of any city, village, town or federally recognized American Indian reservation in which the development zone is located.

SECTION 4523. 560.785 of the statutes is created to read:

560.785 Rules on eligibility for tax benefits. (1) For the development zone program under ss. 560.70 to 560.78 and the enterprise development zone program under s. 560.797, the department shall promulgate rules that further define a person's eligibility for tax benefits. The rules shall do at least all of the following:

(a) Limit a person's eligibility to claim tax benefits for retaining full–time jobs to those jobs that likely would not have been retained but for the tax benefits.

(b) Allow a person to claim up to $6,500 in tax benefits during the time that an area is designated as a development zone or as an enterprise development zone for any of the following:

1. Creating a full–time job that is filled by a member of the target population.

2. Retaining a full–time job that is filled by a member of the target population.

(c) Allow a person to claim up to $4,000 in tax benefits during the time that an area is designated as a development zone or as an enterprise development zone for any of the following:

1. Creating a full–time job that is filled by an individual who is not a member of the target population.

2. Retaining a full–time job that is filled by an individual who is not a member of the target population.

(d) Require at least 25% of the tax benefits claimed by a person to be based on creating or retaining full–time jobs.

(e) Require at least one–third of the tax benefits claimed by a person that are based on creating or retaining full–time jobs to be based on creating or retaining full–time jobs that are filled by members of the target population.

(f) Specify how long a full–time job that is created or retained by a person must be maintained in order for the person to claim tax benefits for the full–time job.

(g) Generally provide incentives for the retention of employes filling full–time jobs upon which tax benefits are based.

(2) The department may by rule specify circumstances under which the department may grant exceptions to any of the following:

(a) The requirements specified under sub. (1) (d) and (e).

(b) The requirement under ss. 560.70 (2m) and 560.797 (1) (am) that an individual's pay must equal at least 150% of the federal minimum wage.

SECTION 4524. 560.795 (3) (b) 6. of the statutes is amended to read:

560.795 **(3)** (b) 6. The number of full–time jobs that will be created, retained or substantially upgraded as a result of the corporation's economic activity in relation to the amount of tax benefits estimated for the corporation.

SECTION 4525. 560.795 (3) (d) of the statutes is amended to read:

560.795 **(3)** (d) The department annually shall verify information submitted to the department under s. 71.07 (2dx), 71.28 ~~(1di) (d) 2., (1dj) (e) 3., (1dL) (f), (1ds) (d) 2. and (4) (am)~~ (1dx) or 71.47 (1dx).

SECTION 4526. 560.797 (1) (am) of the statutes is created to read:

560.797 **(1)** (am) "Full−time job" has the meaning given in s. 560.70 (2m).

SECTION 4527. 560.797 (2) (b) 4. of the statutes is amended to read:

560.797 **(2)** (b) 4. The number of full−time jobs that are likely to be created as a result of the project.

SECTION 4528. 560.797 (2) (b) 5. of the statutes is amended to read:

560.797 **(2)** (b) 5. The number of full−time jobs that are likely to be available to the target population as a result of the project.

SECTION 4529. 560.797 (3) (b) 6. of the statutes is amended to read:

560.797 **(3)** (b) 6. The estimated number of full−time jobs that will be created, retained or substantially upgraded as a result of the person's project in relation to the amount of tax benefits estimated for the person.

SECTION 4530. 560.797 (3) (b) 8. of the statutes is amended to read:

560.797 **(3)** (b) 8. The estimated number of full−time jobs that will be filled by members of the target population.

SECTION 4531. 560.797 (3) (b) 9. of the statutes is repealed.

SECTION 4532. 560.797 (4) (g) of the statutes is created to read:

560.797 **(4)** (g) The department annually shall verify information submitted to the department under s. 71.07 (2dx), 71.28 (1dx) or 71.47 (1dx).

SECTION 4532b. 560.80 (2) of the statutes is amended to read:

560.80 **(2)** "Development project" means the start−up of a business, or the expansion or acquisition of an existing business, that is or will be a minority business or the promotion of economic development and employment opportunities for minority group members or minority businesses.

SECTION 4532c. 560.80 (3m) of the statutes is created to read:

560.80 **(3m)** "Education and training project" means a business education and training program for minority group members and minority businesses that have received loans for working capital from an eligible recipient under s. 560.837 (1) (b).

Vetoed In Part **SECTION 4532g.** 560.80 (4) (a) of the statutes is renumbered 560.80 (4).

SECTION 4532m. 560.80 (4) (b) of the statutes is repealed.

SECTION 4532p. 560.80 (5) of the statutes is amended to read:

560.80 **(5)** "Eligible recipient" means a person who is eligible to receive a grant under s. 560.82 (5) or 560.837 or a grant or loan under s. 560.83 (5) or 560.835.

SECTION 4532r. 560.80 (5m) of the statutes is created to read:

560.80 **(5m)** "Finance project" means financial assistance to a minority group member or a minority business described in s. 560.837.

SECTION 4533. 560.80 (6) of the statutes is amended to read:

560.80 **(6)** "Job" means a regular, nonseasonal full−time position ~~providing full−time equivalent employment for one individual for one year, beginning after a project is completed~~ in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays. "Job" does not include initial training before an employment position begins.

SECTION 4533c. 560.80 (7) (b) 1. of the statutes is amended to read:

560.80 **(7)** (b) 1. Operates primarily within specific geographic boundaries.

SECTION 4533d. 560.80 (7) (b) 2. of the statutes is amended to read:

560.80 **(7)** (b) 2. Promotes ~~the~~ economic development and employment opportunities for minority group members or minority businesses within the specific geographic area.

SECTION 4533e. 560.80 (7) (b) 3. of the statutes is amended to read:

560.80 **(7)** (b) 3. Demonstrates a commitment to ~~and~~ or experience in promoting economic development ~~with~~ and employment opportunities for minority group members or minority businesses.

SECTION 4534. 560.80 (11) of the statutes is amended to read:

560.80 **(11)** "Project" means a development project, a recycling development project ~~or~~, an early planning project, a finance project, an education and training project or a revolving fund project.

SECTION 4534m. 560.81 (4) of the statutes is created to read:

560.81 **(4)** The board awards a grant to the eligible recipient under s. 560.837.

SECTION 4535. 560.82 (4) (a) (intro.) of the statutes is amended to read:

560.82 **(4)** (a) (intro.) Award in a fiscal biennium, for grants under sub. (1), more than ~~10%~~ 25% of the total of all of the following:

SECTION 4536. 560.83 (title) of the statutes is amended to read:

560.83 (title) **Minority business development and revolving fund grants and loans.**

SECTION 4537. 560.83 (2) (a) of the statutes is renumbered 560.83 (2) (a) (intro.) and amended to read:

560.83 **(2)** (a) (intro.) The local development corporation agrees to use the proceeds of grants or loans under this section ~~to~~ for any of the following:

1. To make grants or loans not exceeding $50,000 each to eligible recipients to fund eligible ~~project~~ development project costs.

SECTION 4538. 560.83 (2) (a) 2. of the statutes is created to read:

560.83 **(2)** (a) 2. To create, expand or continue a revolving fund program that is operated by the local development corporation and that benefits or will benefit minority businesses or minority group members who are residents of this state.

SECTION 4539. 560.83 (2) (b) of the statutes is repealed and recreated to read:

560.83 **(2)** (b) The local development corporation agrees to use factors similar to those described in s. 560.84 (1) (a) to (k) and (2) (a) to (f) when making grants or loans under par. (a) 1. or under a revolving fund program under par. (a) 2.

SECTION 4540. 560.83 (3) of the statutes is amended to read:

560.83 **(3)** The board may not award a grant or loan under sub. (1) or (2) unless the eligible recipient or the local development corporation submits an application, or other materials, in a form specified by the department by rule.

SECTION 4541. 560.83 (4) of the statutes is renumbered 560.83 (4) (a) and amended to read:

560.83 **(4)** (a) In any fiscal biennium, the board ~~or local development corporation~~ may not award, to any one eligible recipient or for any one development project, grants or loans under sub. (1) ~~or (2)~~ that total more than $100,000 in a fiscal biennium.

SECTION 4542. 560.83 (4) (b) of the statutes is created to read:

560.83 **(4)** (b) In any fiscal year, the board may not award to any one local development corporation grants or loans under sub. (2) that total more than $200,000.

SECTION 4543p. 560.837 of the statutes is created to read:

560.837 Minority business development finance and education and training grants. (1) Subject to s. 560.84, the board may award a grant under this subsection to a nonprofit organization or private financial institution, as defined in s. 234.01 (5k), whether or not for profit, to fund a finance project if all of the following apply:

(a) The financial institution or nonprofit organization uses the grant proceeds for any of the following purposes:

1. To make loans for working capital to minority group members and minority businesses.

2. To pay origination fees or other administrative costs associated with making loans for working capital to minority group members and minority businesses.

(b) The loans for working capital under par. (a) 1. do not exceed $5,000.

(2) Subject to s. 560.84, the board may award a grant under this subsection to a nonprofit organization that is a minority business to fund an education and training project.

SECTION 4544. 560.84 (1) (intro.) of the statutes is amended to read:

560.84 **(1)** (intro.) The department or board may not award a grant or loan for a project under this subchapter unless, after considering the application or other material submitted by the eligible recipient or local development corporation, the department or board determines all of the following:

SECTION 4545. 560.84 (1) (e) (intro.) of the statutes is amended to read:

560.84 **(1)** (e) (intro.) That the eligible recipient or local development corporation receiving the grant or loan will contribute, from a source or sources other than the state, whichever of the following applies:

SECTION 4546. 560.84 (1) (e) 3. of the statutes is created to read:

560.84 **(1)** (e) 3. For a grant or loan funding a revolving fund project, a cash contribution of not less than 50% of the cost of the project.

SECTION 4546c. 560.84 (1) (f) of the statutes is amended to read:

560.84 **(1)** (f) That the project meets all criteria set forth in s. 560.82, 560.83 ~~or~~, 560.835 or 560.837, whichever is appropriate.

SECTION 4546e. 560.84 (1) (im) of the statutes is created to read:

560.84 **(1)** (im) If a development project, that the project has the potential to promote economic development and employment opportunities for minority group members or minority businesses.

SECTION 4546f. 560.84 (1) (j) of the statutes is amended to read:

560.84 **(1)** (j) If a development project ~~or~~, recycling development project, finance project or education and training project, that funds from the grant or loan will not be used to refinance existing debt.

SECTION 4547. 560.84 (2) (intro.) of the statutes is amended to read:

560.84 **(2)** (intro.) The board or department shall consider all of the following before awarding a grant or loan to an eligible recipient or local development corporation for a project:

SECTION 4547m. 560.85 (3) (b) of the statutes is amended to read:

560.85 **(3)** (b) Develop procedures, with the approval of the board, to evaluate applications, monitor project performance and audit grants and loans awarded for development projects under s. 560.83 ~~and~~, recycling development projects under s. 560.835 and finance projects and education and training projects under s. 560.837.

SECTION 4549. Chapter 561 of the statutes is repealed.

SECTION 4549m. 562.01 (intro.) of the statutes is amended to read:

562.01 Definitions. (intro.) ~~In~~ Except as provided in s. 562.124, in this chapter:

SECTION 4550. 562.01 (1) of the statutes is amended to read:

562.01 **(1)** "Administrator" means the administrator of the ~~racing~~ division of gaming.

SECTION 4551. 562.01 (4) of the statutes is created to read:

562.01 **(4)** "Department" means the department of administration.

SECTION 4552. 562.01 (4m) of the statutes is created to read:

562.01 **(4m)** "Division of gaming" means the division of gaming in the department.

SECTION 4553. 562.01 (14) of the statutes is amended to read:

562.01 **(14)** "Steward" means any person appointed, contracted for or approved by the ~~board~~ department under s. 562.02 (1) (fm).

SECTION 4554. 562.017 of the statutes is created to read:

562.017 Racing security. The department may do any of the following:

(1) Provide all of the security services for the racing operations under this chapter.

(2) Monitor the regulatory compliance of racing operations under this chapter.

(3) Audit the racing operations under this chapter.

(4) Investigate suspected violations of this chapter.

(5) Report suspected gaming−related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

(6) If the division of criminal investigation in the department of justice chooses not to investigate a report under sub. (5), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

SECTION 4555. 562.02 (1) (intro.) of the statutes is amended to read:

562.02 **(1)** (intro.) The ~~board~~ department shall:

SECTION 4556. 562.02 (1) (a) of the statutes is amended to read:

562.02 **(1)** (a) Regulate racing and on−track pari−mutuel wagering in this state and shall promulgate all rules necessary to administer this chapter. The ~~board~~ department shall do everything necessary to ensure that the public interest is protected in relation to racing.

SECTION 4557. 562.02 (1) (am) (intro.) of the statutes is amended to read:

562.02 **(1)** (am) (intro.) Administer the issuance of licenses. The ~~board~~ department may not issue any license under s. 562.05 (1) (a) to (c) without a hearing. The ~~board~~ department shall determine which occupations related to racing require licensing, except that the ~~board~~ department shall require licenses for the following:

SECTION 4558. 562.02 (1) (d) of the statutes is amended to read:

562.02 **(1)** (d) Require by rule that any contract in excess of $10,000 for the provision of goods and services, including but not limited to concessions contracts, entered into by any licensee, be subject to the approval of the ~~board~~ department and that all contracts for $10,000 or less shall be filed with the ~~board~~ department.

SECTION 4559. 562.02 (1) (f) of the statutes is amended to read:

562.02 **(1)** (f) Establish, by rule, a schedule of license suspensions and revocations or forfeitures for violations of this chapter or ~~board~~ department rules which may be imposed by the ~~board~~ department under sub. (2) (f) or by the stewards under s. 562.04 (1) (b). A forfeiture under that schedule may not exceed $10,000. The rule shall include factors to be considered by stewards in acting under s. 562.04 (1) (b).

SECTION 4560. 562.02 (1) (h) of the statutes is amended to read:

562.02 **(1)** (h) By rule, specify the types of records and books to be maintained by licensees, and, for submission to the ~~board~~ department, the type of audit of those books and records to be conducted by licensees and the type of financial report to be prepared by licensees.

SECTION 4561. 562.02 (2) (intro.) of the statutes is amended to read:

562.02 **(2)** (intro.) The ~~board~~ department may:

SECTION 4562. 562.02 (2) (a) of the statutes is amended to read:

562.02 **(2)** (a) Employ the staff it deems necessary to administer this chapter, including but not limited to any chemist and veterinarian. The ~~board~~ department may not contract for the services of any veterinarian or chemist unless the veterinarian or chemist has not had a conflict of interest under s. 562.025 (2) at any time during the 12 months immediately preceding the date on which the contract for such services is entered into.

SECTION 4563. 562.02 (2) (b) of the statutes is amended to read:

562.02 **(2)** (b) Require a fidelity bond for the administrator and any other employe of the ~~racing~~ division of gaming or may purchase a bond which covers the administrator and all other employes of the ~~racing~~ division of gaming or designated employes of the ~~racing~~ division of gaming.

SECTION 4564. 562.02 (2) (e) 3. of the statutes is amended to read:

562.02 **(2)** (e) 3. Is determined by the ~~board~~ department to be a threat to the integrity of racing in this state.

SECTION 4565. 562.02 (2) (f) of the statutes is amended to read:

562.02 **(2)** (f) Suspend or revoke any license or impose a forfeiture for any violation of this chapter or ~~board~~ department rules relating to pari−mutuel racing. The

~~board~~ department may suspend or revoke an occupational license issued under s. 562.05 (1) (d) or impose a forfeiture on that licensee under this paragraph if the stewards do not hold a meeting under s. 562.04 (1) (b) or hold a meeting but do not suspend the license or impose a forfeiture. Upon appeal, the ~~board~~ department may change any action of the stewards under s. 562.04 (1) (b). Fifty percent of the moneys received under this paragraph shall be ~~deposited in~~ credited to the ~~appropriations~~ appropriation accounts under ss. ~~20.197 (1) (g) and~~ 20.455 (2) (g) and 20.505 (8) (g).

SECTION 4566. 562.02 (2) (fm) of the statutes is amended to read:

562.02 **(2)** (fm) Contract with the department of agriculture, trade and consumer protection for any services related to the duties of the ~~board~~ department in ensuring the security and humane treatment of animals.

SECTION 4567. 562.02 (2) (g) of the statutes is amended to read:

562.02 **(2)** (g) Create a 5−member advisory council, with members representing the racing industry and occupations licensed under s. 562.05 (1) (d), to advise the ~~board~~ department on the administration of its powers and duties under this chapter. No member of that council may be reimbursed for any expense incurred in the performance of his or her duties or for any service as a member of that advisory council.

SECTION 4568. 562.02 (4) of the statutes is amended to read:

562.02 **(4)** Except as provided under s. 562.05 (2m), the ~~board~~ department shall issue a license under s. 562.05 (1) (a) to any person who satisfies the requirements of this chapter for such a license.

SECTION 4569. 562.025 (1) (intro.) of the statutes is repealed and recreated to read:

562.025 **(1)** (intro.) No employe in the division of gaming who performs any duty related to racing or the executive assistant or the secretary or deputy secretary of administration and no member of such a person's immediate family, as defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2 years following the termination of his or her employment with the department after having served in such a capacity, do any of the following:

SECTION 4570. 562.025 (1) (e) of the statutes is amended to read:

562.025 **(1)** (e) Accept or agree to accept money or anything of value from anyone who holds a license or who is regulated by or holds any contract to supply goods or services to the ~~board~~ department.

SECTION 4571. 562.025 (2) (intro.) of the statutes is amended to read:

562.025 **(2)** (intro.) No person under contract with the ~~board~~ department and no employe of any person under contract with the ~~board~~ department, other than a vendor or an employe of a vendor as defined in s. 565.01 (7), may do any of the following:

SECTION 4572. 562.025 (2) (a) of the statutes is amended to read:

562.025 **(2)** (a) Hold any license, except a license covering the professional services being provided to the ~~board~~ department, or be employed by or have any direct or indirect interest in any corporation, partnership, limited liability company or association which holds a license.

SECTION 4573. 562.025 (2) (e) of the statutes is amended to read:

562.025 **(2)** (e) Accept or agree to accept money or anything of value from any person who holds a license or who is regulated by the ~~board~~ department or holds any contract to supply goods or services to the ~~board~~ department other than the contract under which the person provides professional services.

SECTION 4574. 562.03 (1) (a) of the statutes is amended to read:

562.03 **(1)** (a) The ~~board~~ department shall appoint the administrator after a nationwide search for persons with experience in public gaming management and regulation and with knowledge of animal racing and pari−mutuel wagering.

SECTION 4575. 562.03 (1) (b) of the statutes is amended to read:

562.03 **(1)** (b) Before appointing an administrator, the ~~board~~ department shall, with the assistance of the department of justice, conduct a background investigation of the proposed administrator. The ~~board~~ department shall require the proposed administrator to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining any record of his or her criminal arrests and convictions.

SECTION 4576. 562.03 (2) of the statutes is amended to read:

562.03 **(2)** The administrator may employ or provide by contract for the services of stewards, subject to the approval of the ~~board~~ department. Any steward under a contract under this subsection shall be under a contract with the ~~board~~ department.

SECTION 4577. 562.03 (3) (a) of the statutes is amended to read:

562.03 **(3)** (a) The ~~board~~ department may employ the staff it considers necessary to administer this chapter.

SECTION 4578. 562.03 (3) (b) of the statutes is amended to read:

562.03 **(3)** (b) Before making an appointment under par. (a) and sub. (4), the ~~board~~ department shall conduct a background investigation of the proposed employe and

shall require that proposed employe to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining any record of his or her criminal arrests and convictions.

SECTION 4579. 562.04 (1) (a) (intro.) of the statutes is amended to read:

562.04 **(1)** (a) (intro.) Three stewards shall preside over races conducted at a racetrack not at a fair. At least 2 of those stewards shall be employes of the ~~board~~ department or providing services to the ~~board~~ department under a professional services contract. The rate of compensation of stewards serving under contract to the ~~board~~ department shall be commensurate with the rate of compensation established for stewards employed by the ~~board~~ department, but less than the rate established for the chief steward. Stewards presiding over a racetrack shall do all of the following:

SECTION 4580. 562.04 (1) (a) 1. of the statutes is amended to read:

562.04 **(1)** (a) 1. Ensure that races are conducted under the rules of the ~~board~~ department.

SECTION 4581. 562.04 (1) (a) 5. of the statutes is amended to read:

562.04 **(1)** (a) 5. Perform any other duty assigned by the ~~board~~ department.

SECTION 4582. 562.04 (1) (b) (intro.) of the statutes is amended to read:

562.04 **(1)** (b) (intro.) If one or more stewards have reasonable cause to believe that a person holding a license under s. 562.05 (1) (d) has violated this chapter or rules of the ~~board~~ department relating to pari−mutuel racing or engaged in any other conduct which in the opinion of the stewards adversely affects the integrity of racing, the following procedures apply:

SECTION 4583. 562.04 (1) (b) 4. of the statutes is amended to read:

562.04 **(1)** (b) 4. If at least 2 stewards determine that the violation or conduct has occurred, the stewards may, under the schedule established by the ~~board~~ department under s. 562.02 (1) (f), suspend a license issued under s. 562.05 (1) (d) for a period not to exceed 90 days or impose a forfeiture not to exceed $2,000 or both; or recommend that the ~~board~~ department suspend a license for more than 90 days or impose a forfeiture exceeding $2,000 or both. Fifty percent of the moneys received under this subdivision shall be ~~deposited in~~ credited to the ~~appropriations~~ appropriation accounts under ss. ~~20.197 (1) (g) and~~ 20.455 (2) (g) and 20.505 (8) (g).

SECTION 4584. 562.04 (1) (b) 5. of the statutes is amended to read:

562.04 **(1)** (b) 5. After the meeting under subd. 1., the stewards shall submit, in writing, all findings and conclusions from that meeting to the licensee and the ~~board~~ department, including the sanctions, if any, imposed by the stewards and shall provide the licensee who is the subject of the meeting with a notice of his or her right to appeal the decision under subd. 6. Within 7 days after receiving the decision, the licensee shall pay any forfeitures imposed by the stewards, regardless of whether the decision is appealed or stayed under subd. 6.

SECTION 4585. 562.04 (1) (b) 6. of the statutes is amended to read:

562.04 **(1)** (b) 6. Any person adversely affected by a decision issued under subd. 4. may appeal that decision to the ~~board~~ department. The appeal shall be filed with the ~~board~~ department within 7 days after receipt of that written decision. An appeal does not automatically stay the decision of the stewards. Any person may request that the administrator stay that decision pending the decision of the ~~board~~ department on the appeal. If the administrator receives such a request and determines that the stay will not adversely affect public safety or welfare or the safety or welfare of an animal, the administrator shall order the stay. The procedure for the appeal under this subdivision is under ch. 227. If part or all of any forfeiture imposed under subd. 5. is refunded to the licensee under this subdivision, the refund shall include interest calculated at the rate of 9% per year on that amount. The decision of the ~~board~~ department on the appeal shall be the final administrative decision on any action of the stewards under subd. 4.

SECTION 4586. 562.04 (2) (intro.) of the statutes is amended to read:

562.04 **(2)** OTHER RACING OFFICIALS. (intro.) The ~~board~~ department shall, by rule, specify all of the following:

SECTION 4587. 562.04 (2) (d) of the statutes is amended to read:

562.04 **(2)** (d) A fee for the supervision of racing by stewards or other racing officials employed by or under contract with the ~~board~~ department. Any moneys received under this paragraph shall be ~~deposited in~~ credited to the ~~appropriations~~ appropriation accounts under ss. ~~20.197 (1) (g) and~~ 20.455 (2) (g) and 20.505 (8) (g).

SECTION 4588. 562.045 (intro.) of the statutes is amended to read:

562.045 Qualifications of administrator, other employes and stewards. (intro.) Notwithstanding s. 111.321, no person may serve as an administrator or other employe of the ~~racing~~ division of gaming or as a steward employed by the ~~board~~ department or under contract with the ~~board~~ department if any of the following apply:

SECTION 4589. 562.045 (6) of the statutes is amended to read:

562.045 **(6)** The person has knowingly violated a rule or order of the ~~board~~ department relating to pari−mutuel racing or any provision of this chapter, s. 182.020 or ch. 945.

SECTION 4590. 562.05 (1) (intro.) of the statutes is amended to read:

562.05 **(1)** (intro.) No person may engage in any of the following activities without a valid annual license issued by the ~~board~~ department:

SECTION 4591. 562.05 (1) (d) of the statutes is amended to read:

562.05 **(1)** (d) Any occupation required to be licensed under s. 562.02 (1) (am) or determined by the ~~board~~ department under s. 562.02 (1) (am) to require a license.

SECTION 4592. 562.05 (1b) of the statutes is amended to read:

562.05 **(1b)** The ~~board~~ department shall approve and conduct an examination to be administered to all applicants for a license under sub. (1) (d) to be a horse trainer. No license may be issued under sub. (1) (d) to a horse trainer unless the ~~board~~ department determines that the applicant for the license is qualified as evidenced by the applicant's performance on the examination conducted under this subsection.

SECTION 4594. 562.05 (1m) of the statutes is amended to read:

562.05 **(1m)** The ~~board~~ department may not issue a license under sub. (1) (a) to (c) except after a public hearing.

SECTION 4595. 562.05 (2) of the statutes is amended to read:

562.05 **(2)** The ~~board~~ department shall establish, by rule, the qualifications for any license required under sub. (1) and fix the fee for that license and any background investigation under sub. (7) related to that license. Any moneys received under this subsection shall be ~~deposited in~~ credited to the ~~appropriations~~ appropriation accounts under ss. ~~20.197 (1) (g) and~~ 20.455 (2) (g) and 20.505 (8) (g).

SECTION 4596. 562.05 (2m) of the statutes is amended to read:

562.05 **(2m)** In issuing a license to own and operate a racetrack not at a fair, the ~~board~~ department shall consider the competitive effects on any other licensee under sub. (1) (a) or (b). These competitive effects shall include, but not be restricted to, the impact on the economic viability of existing licensed racetracks and the jobs that have been created by such licensed racetracks.

SECTION 4597. 562.05 (3) of the statutes is amended to read:

562.05 **(3)** No person may hold more than one license issued under sub. (1) (a) and one license issued under sub. (1) (b) or (c). If the applicant for any of those licenses is a corporation, association, limited liability company or partnership, the ~~board~~ department shall determine whether the applicant is the same person as another licensee for the purpose of applying this subsection. Nothing in this subsection prohibits any person with a license under sub. (1) from contracting for services with any other person with a license under sub. (1), subject to any rules promulgated by the ~~board~~ department.

SECTION 4598. 562.05 (3m) of the statutes is amended to read:

562.05 **(3m)** The ~~board~~ department may not accept an application for a license for a race under sub. (1) (c) unless the county board of the county in which that race will be conducted has approved the applicant's sponsorship and management of that race.

SECTION 4599. 562.05 (3w) (intro.) of the statutes is amended to read:

562.05 **(3w)** (intro.) Except as provided under subs. (3) to (3r), the ~~board~~ department may issue a license under sub. (1) (a) if the ~~board~~ department determines that all of the following conditions are met:

SECTION 4600. 562.05 (3wmr) of the statutes is amended to read:

562.05 **(3wmr)** If the condition under sub. (2m) is relevant to its decision, the ~~board~~ department may consider secondary economic impacts of an applicant's proposal for a racetrack if the applicant proves by a preponderance of evidence that the alleged secondary impacts will enhance the success of the applicant's proposed racetrack and the location of the proposed racetrack would compliment existing development with the overall effect of increasing tourism and generating state revenues from out–of–state residents.

SECTION 4601. 562.05 (3wt) of the statutes is amended to read:

562.05 **(3wt)** In the first license issued to each applicant under sub. (1) (a) for each racetrack, the ~~board~~ department shall specify a date by which each of the types of racing authorized under the license shall begin at that racetrack. Upon request of the licensee, the ~~board~~ department may change a specified date to an earlier or later date pursuant to rules of the ~~board~~ department.

SECTION 4602. 562.05 (4) of the statutes is amended to read:

562.05 **(4)** Any application for a license to sponsor and manage a race shall be accompanied by a bond, in an amount determined by the ~~board~~ department, which shall be sufficient to guarantee the payment of fees, taxes and other money due, including animal owners' purses and payouts on winning wagers.

SECTION 4603. 562.05 (4m) (intro.) of the statutes is amended to read:

562.05 **(4m)** (intro.) Except as provided in sub. (4), the ~~board~~ department may issue a license under sub. (1) (b) if the ~~board~~ department determines that all of the following conditions are met:

SECTION 4604. 562.05 (5) (a) 5. of the statutes is amended to read:

562.05 **(5)** (a) 5. The person has been convicted of a violation of any law of this or another state or of the United States related to racing, pari–mutuel wagering or

of any other form of gambling which is a serious violation, as defined by the ~~board~~ department by rule.

SECTION 4605. 562.05 (5) (a) 6. of the statutes is amended to read:

562.05 **(5)** (a) 6. The person has knowingly violated a rule or order of the ~~board~~ department relating to pari−mutuel racing or any provision of this chapter or of ch. 27, 182 or 945.

SECTION 4607. 562.05 (5) (b) 4. of the statutes is amended to read:

562.05 **(5)** (b) 4. A restriction under par. (a) 2. to 8. does not apply to a partnership, limited liability company, association or corporation if the ~~board~~ department determines that the partnership, association, limited liability company or corporation has terminated its relationship with each individual whose actions directly contributed to the application of that restriction to the partnership, association, limited liability company or corporation**.**

SECTION 4608. 562.05 (5) (c) 2. of the statutes is amended to read:

562.05 **(5)** (c) 2. Except as otherwise provided in this subdivision, if after the application for a license is made or a license is issued any new officer, director, partner, member or owner subject to par. (a), as specified in par. (b), or any other new person with a present or future direct or indirect financial or management interest in the application or license joins the applicant or licensee, the applicant or licensee shall, within 5 working days, notify the ~~board~~ department of the change and provide the affidavit under subd. 1. After an application for a license under sub. (1) (a) or (b) is made or after a license under sub. (1) (a) or (b) is issued, no ownership interest or right of ownership in the applicant or licensee may be transferred unless the applicant or licensee provides the affidavit under subd. 1. for the proposed new owner and the proposed new owner is approved by the ~~board~~ department. The ~~board~~ department shall conduct the background investigations required under sub. (7) of any new officer, director, partner, member, shareholder or proposed owner of an applicant or licensee named in a notice to the ~~board~~ department under this subdivision.

SECTION 4609. 562.05 (6m) (b) (intro.) of the statutes is amended to read:

562.05 **(6m)** (b) (intro.) The ~~board~~ department may not issue an intertrack wagering license unless the ~~board~~ department determines that all of the following conditions are met:

SECTION 4610. 562.05 (6m) (b) 2. of the statutes is amended to read:

562.05 **(6m)** (b) 2. At least 250 race performances were conducted at the racetrack for which the applicant is licensed under sub. (1) (a) or (b) during the calendar year immediately preceding the year in which the applicant proposes to conduct intertrack wagering. The ~~board~~ department may waive the requirement in this subdivision if the ~~board~~ department determines that the waiver is in the public interest.

SECTION 4611. 562.05 (6m) (c) of the statutes is amended to read:

562.05 **(6m)** (c) In considering whether to grant an intertrack wagering license, the ~~board~~ department shall give due consideration to the best interests of the public and to maximizing revenue to the state.

SECTION 4612. 562.05 (6m) (d) of the statutes is amended to read:

562.05 **(6m)** (d) On each intertrack wagering license that the ~~board~~ department issues, the ~~board~~ department shall identify the racetrack at which intertrack wagering may be conducted, the times and number of days or specific dates, as determined by the ~~board~~ department, during which intertrack wagering may be conducted, and the host track from which the simulcast of each race performance on which intertrack wagering may be conducted shall originate.

SECTION 4613. 562.05 (6m) (e) (intro.) of the statutes is amended to read:

562.05 **(6m)** (e) (intro.) The ~~board~~ department shall revoke an intertrack wagering license if the ~~board~~ department determines that any of the following applies:

SECTION 4614. 562.05 (7) (a) (intro.) of the statutes is amended to read:

562.05 **(7)** (a) (intro.) Except as provided under par. (ag), before the ~~board~~ department issues a license under this section, the ~~board~~ department, with the assistance of the department of justice, shall conduct a background investigation of the applicant for the license and of any of the following related to the applicant:

SECTION 4615. 562.05 (7) (ag) (intro.) of the statutes is amended to read:

562.05 **(7)** (ag) (intro.) Paragraph (a) applies to any person required under s. 562.02 (1) (am) to have a license except for any person determined by the ~~board~~ department under s. 562.02 (1) (am) to require a license. Before the ~~board~~ department issues a license to any person determined by the ~~board~~ department under s. 562.02 (1) (am) to require a license, the ~~board~~ department may, with the assistance of the department of justice, conduct a background investigation of the applicant for that license and of any of the following related to the applicant:

SECTION 4617. 562.05 (7) (b) of the statutes is amended to read:

562.05 **(7)** (b) The ~~board~~ department shall require any person subject to an investigation under par. (a) to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of that person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of that person and obtaining any record of that person's criminal arrests and convictions.

SECTION 4618. 562.05 (7) (bg) of the statutes is amended to read:

562.05 **(7)** (bg) The ~~board~~ department may require any person subject to an investigation under par. (ag) to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of that person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of that person and obtaining any record of that person's criminal arrests and convictions.

SECTION 4619. 562.05 (8) (a) of the statutes is amended to read:

562.05 **(8)** (a) The ~~board~~ department may revoke or suspend a license for good cause after notice and hearing under s. 227.44.

SECTION 4620. 562.05 (8) (b) of the statutes is amended to read:

562.05 **(8)** (b) The ~~board~~ department shall permanently revoke the license of any licensee whom the ~~board~~ department determines under par. (a) has administered a medication or foreign substance to an animal in violation of s. 562.09 (1).

SECTION 4621. 562.05 (8) (c) of the statutes is amended to read:

562.05 **(8)** (c) The ~~board~~ department shall permanently revoke the license of any licensee who violates s. 562.105.

SECTION 4624. 562.05 (9) (a) of the statutes is amended to read:

562.05 **(9)** (a) Every license issued under sub. (1) (b) or (c) shall set forth the time and number of days, or the specific dates, during which racing may be conducted under that license, as determined by the ~~board~~ department.

SECTION 4625. 562.05 (9) (b) of the statutes is amended to read:

562.05 **(9)** (b) A license under sub. (1) (c) may authorize horse races on days on which the fair is conducted and for 2 additional periods not to exceed 5 days each. Either or both of the additional periods may be consecutive with the days on which the fair is conducted. In assigning race days and race times under this paragraph, the ~~board~~ department shall consider the competitive effects on licensees under sub. (1) (a) and (b).

SECTION 4626. 562.05 (10) of the statutes is amended to read:

562.05 **(10)** The ~~board~~ department shall revoke the license issued under sub. (1) (a) of any person who accepts any public money to construct or operate a racetrack in Wisconsin. This subsection does not apply to any racetrack operated in conjunction with a county fair.

SECTION 4627. 562.057 (1) of the statutes is amended to read:

562.057 **(1)** An intertrack wagering licensee may accept wagers on races that are conducted at 2 or more host tracks during the same race day with the approval of the ~~board~~ department.

SECTION 4628. 562.057 (4) of the statutes is amended to read:

562.057 **(4)** Subject to sub. (4m), the ~~board~~ department may permit a licensee under s. 562.05 (1) (b) to receive simulcast races from out–of–state racetracks, to conduct pari–mutuel wagering on those races and to commingle the licensee's wagering pools on those races with those of any out–of–state racetrack from which the licensee is permitted to receive simulcast races. The ~~board~~ department may permit a licensee under s. 562.05 (1) (b) to simulcast races to any out–of–state legal wagering entity, and to commingle the licensee's wagering pools on those races with those of any out–of–state legal wagering entity to which the licensee is permitted to simulcast those races.

SECTION 4629. 562.057 (4m) (intro.) of the statutes is amended to read:

562.057 **(4m)** (intro.) The ~~board~~ department may not permit a licensee under s. 562.05 (1) (b) to receive simulcast races under sub. (4) unless the ~~board~~ department determines that all of the following conditions are met:

SECTION 4630. 562.057 (5) of the statutes is amended to read:

562.057 **(5)** The ~~board~~ department shall promulgate rules administering sub. (4).

SECTION 4631. 562.065 (1) of the statutes is amended to read:

562.065 **(1)** TYPES OF POOLS; PURSES. The ~~board~~ department shall promulgate rules governing types of pari–mutuel pools that are permitted on races and the payment and allocation of purses for races.

SECTION 4632. 562.065 (3) (a) of the statutes is amended to read:

562.065 **(3)** (a) *Deduction.* From the total amount wagered on all animals selected to win, place or show in a race, a licensee under s. 562.05 (1) (b) and (c) shall deduct 17% or an amount approved by the ~~board~~ department under s. 562.02 (1) (k) up to 20% and pay the balance, minus breakage, to winning ticket holders, except that for a multiple pool, the licensee shall deduct 23% or an amount approved by the ~~board~~ department under s. 562.02 (1) (k) up to 25% and pay the balance, minus breakage, to winning ticket holders. Nothing in this paragraph prohibits the licensee from retaining amounts wagered in multiple pools which are required to be paid to winning ticket holders if there are no winning ticket holders, for the sole purpose of paying these amounts to winning ticket holders of subsequent races.

SECTION 4633. 562.065 (3) (c) 1. (intro.) of the statutes is amended to read:

562.065 **(3)** (c) 1. (intro.) For horse races, from the total amount deducted under par. (a) on each race day, a

licensee under s. 562.05 (1) (b) shall deposit with the ~~board~~ department the following amounts:

SECTION 4634. 562.065 (3) (c) 2. of the statutes is repealed.

SECTION 4635. 562.065 (3) (c) 2g. (intro.) of the statutes is amended to read:

562.065 **(3)** (c) 2g. (intro.) For dog races, from the total amount deducted under par. (a) on each race day that is on or after January 1, 1993, a licensee under s. 562.05 (1) (b) shall deposit with the ~~board~~ department the following amounts:

SECTION 4636. 562.065 (3) (c) 4. of the statutes is amended to read:

562.065 **(3)** (c) 4. Annually, not later than February 15, a licensee under s. 562.05 (1) (b) shall file with the ~~board~~ department a statement computing the total amount paid to the ~~board~~ department under subd. 1. during the immediately preceding year and the total amount wagered at races sponsored and managed by the licensee during that year. If the total amount paid to the ~~board~~ department under subd. 1. exceeds the amount due under subd. 1. the ~~board~~ department shall refund the difference to the licensee. If the total amount paid is less than the amount due the licensee shall remit the difference to the ~~board~~ department.

SECTION 4637. 562.065 (3) (d) 1. of the statutes is amended to read:

562.065 **(3)** (d) 1. From the total amount deducted under par. (a) on each race day, a licensee under s. 562.05 (1) (b) shall deposit with the ~~board~~ department an amount equal to 0.75% of the total amount wagered on that race day.

SECTION 4638. 562.065 (3) (d) 2. of the statutes is amended to read:

562.065 **(3)** (d) 2. The ~~board~~ department shall ~~deposit~~ credit the money received under subd. 1. ~~in~~ to the ~~appropriations~~ appropriation accounts under ss. ~~20.197 (1) (g) and~~ 20.455 (2) (g) and 20.505 (8) (g).

SECTION 4639. 562.065 (3m) (c) 1. of the statutes is amended to read:

562.065 **(3m)** (c) 1. From the total amount of the deduction under par. (a) remaining after the payment of purses under par. (b), the licensee under s. 562.05 (1) (c) shall retain an amount equal to the licensee's costs related to pari–mutuel racing and wagering conducted under the license. The ~~board~~ department shall, by rule, determine the costs which may be included under this subdivision and require auditing of these costs.

SECTION 4640. 562.065 (3m) (c) 2. of the statutes is amended to read:

562.065 **(3m)** (c) 2. The licensee may retain 50% of the amount of the deduction under par. (a) remaining after the payment of purses under par. (b), and the payment of the licensee's cost under subd. 1. The licensee shall deposit the remaining 50% of that amount with the ~~board~~ department. The ~~board~~ department shall ~~deposit~~ credit moneys received under this subdivision ~~in~~ to the appropriation account under s. ~~20.197 (3)~~ 20.505 (8) (i).

SECTION 4641. 562.065 (3r) of the statutes is amended to read:

562.065 **(3r)** PERIOD FOR DEPOSIT BY LICENSEE. The licensee shall make the deposits required under subs. (3) (c) 1. ~~to~~ and 2g. and (d) 1. and (3m) (c) 2. no later than 48 hours after the close of the race day or, if the 48–hour period does not include a business day, on the first business day immediately following the close of the race day.

SECTION 4642. 562.065 (4) of the statutes is amended to read:

562.065 **(4)** UNCLAIMED PRIZES. Any winnings on a race which are not claimed within 90 days after the end of the period authorized for racing in that year under s. 562.05 (9) shall be paid to the ~~board~~ department. The ~~board~~ department shall ~~deposit~~ credit moneys received under this subsection ~~in~~ to the ~~appropriations~~ appropriation accounts under ss. ~~20.197 (1) (g) and~~ 20.455 (2) (g) and 20.505 (8) (g).

SECTION 4643. 562.075 (1) of the statutes is amended to read:

562.075 **(1)** HORSES FOALED IN THIS STATE. Every licensee to sponsor and manage horse races under s. 562.05 (1) (b) or (c) shall hold at least one race on every race day which is limited to horses foaled in this state, except that another race may be substituted if the licensee is unable, with reasonable effort, to attract sufficient competition for such a race. The ~~board~~ department shall define, by rule, the term "foaled in this state".

SECTION 4644. 562.077 of the statutes is amended to read:

562.077 County fair advancement grants. From the appropriation under s. ~~20.197 (3)~~ 20.505 (8) (i), the ~~board~~ department shall provide grants to the Wisconsin association of fairs for use for the advancement of county fairs throughout the state. The ~~board~~ department shall approve the program for which any grant under this section is used prior to making the grant.

SECTION 4645. 562.08 (3) of the statutes is amended to read:

562.08 **(3)** Each county, city, village and town receiving moneys under sub. (2) shall use at least part of the moneys to defray the costs of law enforcement, traffic control and other municipal expenditures incidental to the conduct of racing in that county, city, village or town and shall submit annually a report to the ~~board~~ department showing how it has expended those moneys.

SECTION 4646. 562.09 (1) (title) of the statutes is amended to read:

562.09 **(1)** (title) ~~BOARD~~ DEPARTMENT RULES.

SECTION 4647. 562.09 (1) (a) of the statutes is amended to read:

562.09 **(1)** (a) The ~~board~~ department shall promulgate and enforce rules governing the administration of medication and foreign substances to animals at race-

tracks where there is racing and medical testing of those animals. The rules shall provide that no medication or foreign substance, as defined by the ~~board~~ department, may be administered to an animal within 48 hours prior to its entry in a race and that no animal participating in a race may carry any medication or foreign substance in its body, except as provided in this paragraph. The rules may permit specified levels of the following medications or foreign substances to be present in the body of an animal participating in a race if it is determined by the ~~board~~ department that the medication or foreign substance entered the body of the animal through the food chain: procaine and its metabolites; sulfa drugs and their metabolites; polyethylene glycol; and any other medication or foreign substance that may enter the body of an animal through the food chain and that the ~~board~~ department determines will not affect the integrity of the race or will not be relevant to the wagering public if the medication or foreign substance is present in an animal participating in a race. The rules shall specify the permissible levels of those medications or foreign substances consistent with levels resulting from food ingestion and in a manner that enables the levels to be detected in a urine sample of the animal.

SECTION 4648. 562.09 (1) (b) of the statutes is amended to read:

562.09 **(1)** (b) The ~~board~~ department shall establish, by rule, the qualifications for any laboratory which the ~~board~~ department uses for testing under this section.

SECTION 4649. 562.09 (2) (a) of the statutes is amended to read:

562.09 **(2)** (a) The owner or the agent or employe of the owner of any animal on a racetrack shall permit any member, steward, employe or other agent of the ~~board~~ department to make any test which the ~~board~~ department determines to be proper to determine if a medication or foreign substance has been administered to that animal in violation of sub. (1).

SECTION 4650. 562.09 (2) (b) 1. of the statutes is amended to read:

562.09 **(2)** (b) 1. The ~~board~~ department shall require, by rule, that every horse entered in a race be tested before the race to determine if a medication or foreign substance has been administered to the horse in violation of sub. (1). The rule shall require that every horse entered in a race shall be detained from the time the prerace test is administered until the horse leaves the detention area to proceed to the start of the race. The rules shall limit the persons who may be present when samples are taken for the tests and who may be present in the detention area and shall identify who those persons may be.

SECTION 4651. 562.09 (2) (b) 2. of the statutes is amended to read:

562.09 **(2)** (b) 2. The ~~board~~ department shall require, by rule, that immediately after every race at least one animal, as identified by the ~~board~~ department rule, be tested to determine if a medication or foreign substance has been administered to the animal in violation of sub. (1). A steward or veterinarian employed by, under contract with or approved by the ~~board~~ department may designate additional animals to be tested to determine whether a violation of sub. (1) has occurred.

SECTION 4652. 562.09 (2) (bm) of the statutes is amended to read:

562.09 **(2)** (bm) The rules which the ~~board~~ department applies at racetracks at fairs under pars. (a) and (b) and sub. (1) may differ from the rules which the ~~board~~ department applies under pars. (a) and (b) and sub. (1) at other racetracks.

SECTION 4653. 562.09 (2) (c) of the statutes is amended to read:

562.09 **(2)** (c) Any finding by the ~~board~~ department that a medication or foreign substance has been administered to an animal in violation of sub. (1) is prima facie evidence of a violation of sub. (1).

SECTION 4654. 562.09 (2) (d) of the statutes is amended to read:

562.09 **(2)** (d) The results of any test under this subsection shall be kept on file by the ~~board~~ department for at least one year following the test.

SECTION 4655. 562.09 (2) (e) of the statutes is amended to read:

562.09 **(2)** (e) The ~~board~~ department shall establish, by rule, and charge fees for testing under this subsection. Fees received under this paragraph shall be ~~deposited in~~ credited to the ~~appropriations~~ appropriation accounts under ss. ~~20.197 (1) (g) and~~ 20.455 (2) (g) and 20.505 (8) (g).

SECTION 4656. 562.09 (3) (c) 2. of the statutes is amended to read:

562.09 **(3)** (c) 2. That the animal was not properly made available for any test or inspection required by the ~~board~~ department.

SECTION 4657. 562.09 (3) (em) of the statutes is amended to read:

562.09 **(3)** (em) Unless the person is a veterinarian, have in his or her possession on a racetrack or track located at a fair where there is racing any equipment for the hypodermic injection of an animal or any substance for hypodermic injection of an animal. The ~~board~~ department may, by rule, permit the possession of an injectable substance or hypodermic equipment for the person's personal use.

SECTION 4658. 562.09 (3) (f) of the statutes is amended to read:

562.09 **(3)** (f) Have in his or her possession on a racetrack any appliance which can be used to stimulate or affect the speed of an animal except a whip authorized by the ~~board~~ department by rule or a spur authorized by the ~~board~~ department by rule.

SECTION 4659. 562.105 of the statutes is amended to read:

562.105 Humane killing of dogs. No person may kill or cause to be killed any dog which races in this state or was bred, whelped or trained in this state for racing, except by a humane chemical method, specified by the ~~board~~ department by rule, which normally causes dogs to be rendered insensible to pain, is rapid and effective and is administered by a veterinarian.

SECTION 4660. 562.12 (1) of the statutes is amended to read:

562.12 **(1)** Race an animal under a name other than its registered name or out of the animal's proper class, as determined by the ~~board~~ department by rule.

SECTION 4661. 562.12 (3) of the statutes is amended to read:

562.12 **(3)** Bribe or extort, or attempt to bribe or extort, any member, employe or agent of the ~~board~~ department or any other person having charge of or access to an animal on a racetrack.

SECTION 4663e. 562.124 (1) of the statutes is renumbered 562.124 (1m) and amended to read:

562.124 **(1m)** The ~~board~~ department may authorize on−track pari−mutuel wagering on snowmobile racing at times and places, as determined by the ~~board~~ department, that do not conflict with ~~other~~ animal racing authorized by this chapter.

SECTION 4663m. 562.124 (1g) of the statutes is created to read:

562.124 **(1g)** In this section, "pari−mutuel" means a wagering system in which all persons who wager on any snowmobile that finishes in any position for which wagers are taken in a race share the total amount wagered on the race minus any deductions from the wagers on that race required under rules promulgated under sub. (2).

SECTION 4663r. 562.124 (2) of the statutes is amended to read:

562.124 **(2)** If the ~~board~~ department authorizes on−track pari−mutuel wagering on snowmobile racing under sub. ~~(1)~~ (1m), the ~~board~~ department shall regulate the pari−mutuel wagering and shall promulgate all rules necessary to administer this section. The department may promulgate rules that require persons who conduct snowmobile racing to be licensed by the department and the department may charge a fee to any person licensed under this subsection to cover the costs of the department in regulating on−track pari−mutuel wagering on snowmobile racing. Through its rules, the ~~board~~ department shall do everything necessary to ensure the public interest and protect the integrity of the sport of snowmobile racing. If the department charges a fee to a person licensed under this subsection, the department shall deposit the moneys received in the appropriation account under s. 20.505 (8) (g).

SECTION 4664. 563.03 (5) of the statutes is created to read:

563.03 **(5)** "Department" means the department of administration.

SECTION 4665. 563.03 (5m) of the statutes is created to read:

563.03 **(5m)** "Division of gaming" means the division of gaming in the department.

SECTION 4666. Subchapter II (title) of chapter 563 [precedes 563.04] of the statutes is repealed and recreated to read:

CHAPTER 563

SUBCHAPTER II

DUTIES AND POWERS

SECTION 4667. 563.04 (intro.) of the statutes is amended to read:

563.04 (title) **General duties of the ~~board~~ department.** (intro.) The ~~board~~ department shall:

SECTION 4668. 563.05 (title) of the statutes is amended to read:

563.05 (title) **Powers and duties of ~~board~~ department.**

SECTION 4669. 563.05 (2) of the statutes is amended to read:

563.05 **(2)** The ~~board~~ department may promulgate rules requiring holders of licenses issued under this chapter to post a notice in a conspicuous place where a bingo occasion or raffle drawing is conducted describing the procedures for filing a complaint against the holder.

SECTION 4670. 563.05 (3) of the statutes is amended to read:

563.05 **(3)** The ~~board~~ department may promulgate rules specifying the number of business days within which the ~~board~~ department must review and make a determination on an application for a permit, as defined in s. 560.41 (2), that is issued under this chapter.

SECTION 4671. 563.05 (4) of the statutes is amended to read:

563.05 **(4)** The ~~board~~ department may promulgate rules defining procedures to be used by the ~~board~~ department for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conducting hearings under this chapter.

SECTION 4672. 563.05 (5) (intro.) of the statutes is repealed and recreated to read:

563.05 **(5)** (intro.) No employe in the division of gaming who performs any duty related to bingo or raffles or the executive assistant or the secretary or deputy secretary of administration and no member of such a person's immediate family, as defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2 years following the termination of his or her employment with the department after having served in such a capacity, do any of the following:

SECTION 4673. 563.05 (6) of the statutes is amended to read:

563.05 **(6)** The ~~board~~ department shall ~~deposit~~ credit all moneys received by the ~~board~~ department under this chapter, except s. 563.80, ~~in~~ to the appropriation account under s. ~~20.197 (1)~~ 20.505 (8) (j) .

SECTION 4674. 563.051 of the statutes is created to read:

563.051 Bingo and raffle security. The department may do any of the following:

(1) Provide all of the security services for the bingo and raffle operations under this chapter.

(2) Monitor the regulatory compliance of bingo and raffle operations under this chapter.

(3) Audit the bingo and raffle operations under this chapter.

(4) Investigate suspected violations of this chapter.

(5) Report suspected gaming–related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

(6) If the division of criminal investigation in the department of justice chooses not to investigate a report under sub. (5), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

SECTION 4675m. 563.052 of the statutes is repealed.

SECTION 4676. 563.055 (1) of the statutes is amended to read:

563.055 **(1)** If the holder of a license issued under this chapter pays a fee required under s. 563.13 (4), 563.22 (2) or 563.92 (2) by check and the check is not paid by the bank upon which the check is drawn, the ~~board~~ department may cancel the license on or after the 60th day after the ~~board~~ department receives the notice from the bank, subject to sub. (2).

SECTION 4677. 563.055 (2) (intro.) of the statutes is amended to read:

563.055 **(2)** (intro.) At least 20 days before canceling a license, the ~~board~~ department shall mail a notice to the holder that informs the holder that the check was not paid by the bank and that the holder's license may be canceled on the date determined under sub. (1) unless the holder does all of the following before that date:

Vetoed In Part

SECTION 4677m. 563.055 (2) (b) of the statutes is amended to read:

563.055 **(2)** (b) Pays the charge for an unpaid draft established by the ~~depository selection board~~ state treasurer under s. 20.905 (2).

SECTION 4678. 563.055 (3) of the statutes is amended to read:

563.055 **(3)** Nothing in sub. (1) or (2) prohibits the ~~board~~ department from extending the date for cancellation to allow the holder additional time to comply with sub. (2) (a) and (b).

SECTION 4679. 563.055 (5) of the statutes is amended to read:

563.055 **(5)** The ~~board~~ department may reinstate a license that has been canceled under this section only if the previous holder complies with sub. (2) (a) and (b) and pays a $30 reinstatement fee.

SECTION 4680. 563.10 of the statutes is amended to read:

563.10 Rules governing commingling of receipts restricted. Notwithstanding ss. 227.11 (2), 227.24 (1) (a) and 563.04 (3), the ~~board~~ department may not promulgate any emergency rule relating to the commingling of bingo and raffle receipts unless it can clearly establish that commingling will occur without such rule and that the rule will effectively prevent commingling. The ~~board~~ department shall set forth any such finding in its proposed rule. If upon review under s. 227.40, the court finds that the finding of fact upon which any emergency rule relating to such commingling is based is unsupported by clear and convincing evidence, the rule is invalid.

SECTION 4681. 563.12 (intro.) of the statutes is amended to read:

563.12 Bingo license application. (intro.) Each applicant for a license to conduct bingo shall file with the ~~board~~ department an application on a form prescribed by the ~~board~~ department. Except as provided in s. 563.135, the application shall include:

SECTION 4682. 563.12 (2) of the statutes is amended to read:

563.12 **(2)** Sufficient facts relating to the incorporation or organization of the applicant to enable the ~~board~~ department to determine if the applicant is eligible for a license under this subchapter.

SECTION 4683. 563.14 (intro.) of the statutes is amended to read:

563.14 (title) **~~Board~~ Department determinations.** (intro.) Upon receipt of an application for a license to conduct bingo, the ~~board~~ department shall investigate the qualifications of the applicant and the merits of the application and before issuing a license shall determine that:

SECTION 4685. 563.15 (1) of the statutes is amended to read:

563.15 **(1)** After making the determinations under s. 563.14, the ~~board~~ department shall either notify the applicant organization in writing why a license is not being issued or issue a license to such applicant organization authorizing it to conduct bingo at the times and places set forth in the license. Except as provided in sub. (1m), a license issued under this subsection shall be effective for one year from the first day of the month of the first occasion listed on the license and may be renewed annually, except that an applicant organization may request that the license expire on the first day of any month within the one–year licensure period.

SECTION 4686. 563.15 (1m) of the statutes is amended to read:

563.15 **(1m)** A license issued under sub. (1) to an organization listed under s. 563.11 (1) (b) to (d) shall remain in effect unless it is canceled, suspended or revoked by the ~~board~~ department or withdrawn by the organization.

SECTION 4687. 563.16 of the statutes is amended to read:

563.16 Amendment of license to conduct bingo. Upon application by a licensed organization, a license may be amended, if the subject matter of the amendment properly and lawfully could have been included in the original license. An application for an amendment to a license shall be filed and processed in the same manner as an original application. An application for the amendment of a license shall be accompanied by a $3 fee. If any application for amendment seeks approval of additional bingo occasions or designates a new member responsible for the proper utilization of gross receipts, the appropriate fee under s. 563.13 (4) also shall be paid. If the ~~board~~ department approves an application for an amendment to a license, a copy of the amendment shall be sent to the applicant who shall attach it to the original license.

SECTION 4688. 563.17 of the statutes is amended to read:

563.17 Denial of application; hearing. If the ~~board~~ department denies a license to conduct bingo, within 30 days after receiving written notification of such denial, an applicant may demand in writing a hearing before the ~~board~~ department upon the applicant's qualifications and the merit of the application. At the hearing, the burden of proof shall be on the applicant to establish his or her eligibility for a license. If, after the hearing, the ~~board~~ department enters an order denying the application, the order shall set forth in detail the reasons for the denial. Upon entry of such an order or upon the expiration of the 30−day period during which a hearing may be demanded, the applicant's license fee shall be refunded less reasonable administrative costs. If the ~~board~~ department approves the application, the ~~board~~ department shall issue the license within 14 days after approval.

SECTION 4689. 563.18 (1) of the statutes is amended to read:

563.18 **(1)** Proceedings to suspend or revoke a supplier's license or a license to conduct bingo shall be initiated by the ~~board~~ department pursuant to the rules promulgated under s. 563.05 (4).

SECTION 4690. 563.18 (3) of the statutes is amended to read:

563.18 **(3)** The ~~board's~~ department's decision under this section is subject to judicial review under ch. 227.

SECTION 4691. 563.18 (4) of the statutes is amended to read:

563.18 **(4)** When a license under this subchapter is suspended or revoked by the ~~board~~ department, the licensee shall immediately surrender the license to the ~~board~~ department. A licensee whose license has been revoked may reapply for a license one year after the effective date of the revocation. If a license has been suspended under sub. (3), the ~~board~~ department shall reinstate the license at the end of the period of suspension.

SECTION 4692. 563.21 of the statutes is amended to read:

563.21 Supplier's license. Any person intending to sell or distribute bingo supplies or equipment to a licensed organization shall apply to the ~~board~~ department for a supplier's license.

SECTION 4693. 563.22 (1) (intro.) of the statutes is amended to read:

563.22 **(1)** (intro.) An application for a supplier's license shall be filed with the ~~board~~ department on a form prescribed by the ~~board~~ department. The application shall include:

SECTION 4694. 563.22 (1) (g) of the statutes is amended to read:

563.22 **(1)** (g) If the applicant business is organized outside of this state, the name and address of a resident agent who is authorized to be served legal documents and receive notices, orders and directives of the ~~board~~ department.

SECTION 4695. 563.24 of the statutes is amended to read:

563.24 Issuance of supplier's license. Upon receiving an application for a supplier's license, the ~~board~~ department may require the applicant, or if the applicant is a corporation, limited liability company or partnership, its officers, directors, stockholders and members, to appear and testify under oath on the contents of the application. If the ~~board~~ department determines that the supplier's license applicant possesses the requisite qualifications, a license shall be issued to the bingo supplier. A license issued under this section shall be effective for one year from the first day of the month of its issuance, and may be renewed annually. If the application is not approved, the department shall notify the applicant in writing of such action. Within 10 days after receipt of such notification, the applicant may demand a hearing before the ~~board~~ department. At the hearing, the burden of proof shall be on the applicant to establish his or her qualifications and the merit of the application. The fee, less reasonable administrative costs, shall be refunded to the applicant upon entry of an order denying an application after hearing, or upon expiration of the period during which a hearing may be demanded.

SECTION 4696. 563.25 of the statutes is amended to read:

563.25 (title) **Supplier to notify ~~board~~ department of changes.** During the pendency of an application for a supplier's license, the applicant shall immediately notify the ~~board~~ department in writing of any change in the facts set forth in the application, including any change in any item in the application, in the organization, structure or mode of operation of the supplier's business and in the identity of persons named or required to be named in the application or the nature or extent of their interests. Within 10 days after any such change which occurs after the issuance of the license, the change shall be reported to the ~~board~~ department. Failure to notify the ~~board~~ department

of such change shall constitute sufficient cause for denial of a pending license application or for suspension or revocation of a license which has been granted.

SECTION 4697. 563.26 of the statutes is amended to read:

563.26 Maintenance of supplier's books and records. Each licensed supplier shall maintain his or her books and records in such manner as to enable the ~~board~~ department to determine the gross sales of bingo supplies and equipment to licensed organizations. Invoices for the sale of bingo supplies and equipment shall include the name and license number of the organization to which the supplies were sold, the date and amount of the sale and an enumeration of the items sold. Each licensed supplier and formerly licensed supplier shall maintain his or her books and records for not less than 4 years and shall make them available at reasonable times for examination by the ~~board~~ department or its authorized representatives.

SECTION 4700. 563.29 (3) of the statutes is amended to read:

563.29 **(3)** No licensed supplier shall sell or distribute to a licensed organization any card unless it is identified in the standard set of bingo cards prescribed by the ~~board~~ department.

SECTION 4702. 563.53 (1) of the statutes is amended to read:

563.53 **(1)** All special bingo cards shall be in a form approved by the ~~board~~ department.

SECTION 4703. 563.61 (1) (intro.) of the statutes is amended to read:

563.61 **(1)** (intro.) Each licensed organization shall file with the ~~board~~ department , on a form prescribed by the ~~board~~ department, a semiannual report of bingo operations for each 6–month period beginning on the date on which the organization's license is issued. The report is due on the 60th day after the last day of the reporting period. The report shall be accompanied by the payment of the gross receipts tax due. The licensed organization shall retain a copy of the report for its permanent records. The report shall include:

SECTION 4704. 563.61 (3) of the statutes is amended to read:

563.61 **(3)** If no bingo games are held on a date when a license authorizes them to be held, a report to that effect shall be filed with the ~~board~~ department.

SECTION 4705. 563.62 (1) of the statutes is amended to read:

563.62 **(1)** The ~~board~~ department may refuse to renew a license of an organization found to be delinquent in filing its financial statement or found to have filed an incomplete statement of bingo operations.

SECTION 4706. 563.62 (2) of the statutes is amended to read:

563.62 **(2)** If a licensed organization fails to file a financial statement of bingo operations within 5 days after notification by the ~~board~~ department of the delinquency, the ~~board~~ department may suspend the license, pending the filing of the financial statement.

SECTION 4707. 563.62 (3) of the statutes is amended to read:

563.62 **(3)** If the financial statement filed by a licensed organization is not fully, accurately and truthfully completed, the ~~board~~ department may refuse to renew a license or may suspend a license until such time as a statement in proper form has been filed.

SECTION 4708. 563.64 (2) of the statutes is amended to read:

563.64 **(2)** The columnar book, deposit books, canceled checks, records of share drafts, check books, records of share accounts, records of negotiable orders of withdrawal, deposit slips, bank statements and copies of financial statements of bingo operations and all other books and accounts shall be maintained for not less than 4 years and shall be available at reasonable times for examination by the ~~board~~ department or its authorized representative. The ~~board~~ department may require the licensed organization to obtain microfilm copies of share drafts to the extent necessary for examination purposes. All documents supporting the entries made in the books of accounts shall be kept by the licensed organization for a period of not less than 4 years. Such documents shall include, but are not limited to, bank statements, canceled checks, records of share drafts, deposit slips and invoices for all expenditures.

SECTION 4709. 563.65 of the statutes is amended to read:

563.65 Proper and legitimate expenditures; reimbursement and waiver. If a financial audit of a licensed organization shows that an expenditure of bingo funds was not a proper and legitimate expenditure and the ~~board~~ department requests that the licensed organization reimburse the appropriate bingo account in an amount equal to the amount so expended, the licensed organization may appeal the request to the ~~board~~ department. The ~~board~~ department may waive or reduce the amount of any such reimbursement if the licensed organization presents evidence satisfactory to the ~~board~~ department that the licensed organization acted in good faith and by mistake or inadvertently in so expending the funds.

SECTION 4710. 563.68 (2) of the statutes is amended to read:

563.68 **(2)** In accordance with a plan of expenditure approved in advance by the ~~board~~ department.

SECTION 4711. 563.72 of the statutes is amended to read:

563.72 Inspection for enforcement. Any peace officer or district attorney, within their respective jurisdictions, or an authorized employe of the ~~board~~ department, may, at all reasonable hours, enter the premises where a bingo occasion is being conducted and examine the books, papers and records of the licensed organization to determine if all proper taxes or fees imposed have been

paid. Any refusal to permit such examination of the premises by the licensed organization, its agent or an employe or the person in charge of the premises to which the bingo license relates, constitutes sufficient grounds for the suspension or revocation of a license, and is punishable under s. 563.73 (2). In addition, such refusal constitutes sufficient grounds for any peace officer or other persons authorized under this section within their respective jurisdictions or authority to employ whatever reasonable action is necessary to conduct inspections permitted by this section.

SECTION 4712. 563.73 (4) of the statutes is amended to read:

563.73 **(4)** The department of justice, the ~~board~~ department or the district attorney of a county of an actual or potential violation, after informing the department of justice, may commence an action in the circuit court in the name of the state to restrain any violation of any provision of this chapter. The court may, prior to entry of final judgment, make such an order or judgment as necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the violation, provided proof thereof is submitted to the court. The department of justice may subpoena persons, require the production of books and other documents and request the ~~board~~ department to exercise its authority to aid in the investigation of alleged violations of this section.

SECTION 4713. 563.90 of the statutes is amended to read:

563.90 Qualified organizations. Any local religious, charitable, service, fraternal or veterans organization or any organization to which contributions are deductible for federal income tax purposes or state income or franchise tax purposes, which has been in existence for one year immediately preceding its application for a license or which is chartered by a state or national organization which has been in existence for at least 3 years, may conduct a raffle upon receiving a license for the raffle event from the ~~board~~ department. No other person may conduct a raffle in this state.

SECTION 4714. 563.92 (1m) of the statutes is amended to read:

563.92 **(1m)** The ~~board~~ department may issue a Class A license for the conduct of a raffle in which some or all of the tickets for that raffle are sold on days other than the same day as the raffle drawing. The ~~board~~ department may issue a Class B license for the conduct of a raffle in which all of the tickets for that raffle are sold on the same day as the raffle drawing.

SECTION 4715. 563.92 (2) of the statutes is amended to read:

563.92 **(2)** The fee for a raffle license shall be $25 and shall be remitted with the application. A raffle license shall be valid for 12 months and may be renewed as provided in s. 563.98 (1g). The ~~board~~ department shall issue the license within 30 days after the filing of an application if the applicant qualifies under s. 563.90 and has not exceeded the limits of s. 563.91.

SECTION 4716. 563.92 (4) of the statutes is amended to read:

563.92 **(4)** Proceedings to suspend or revoke a license to conduct raffles shall be initiated by the ~~board~~ department pursuant to the rules promulgated under s. 563.05 (4).

SECTION 4717. 563.93 (1) (a) of the statutes is amended to read:

563.93 **(1)** (a) The number of the license issued by the ~~board~~ department.

SECTION 4718. 563.935 (6) (a) of the statutes is amended to read:

563.935 **(6)** (a) Except as provided in par. (b), the purchaser of a ticket must be present at the drawing to win a prize, unless the purchaser gives the ticket to another person who may claim the prize on behalf of the purchaser, but only if that other person is present at the drawing. If the purchaser of the ticket gives the ticket to another person to claim a prize on behalf of the purchaser, the organization conducting the raffle and the ~~commission~~ department shall not be held responsible or liable in any dispute regarding the ownership of the ticket.

SECTION 4719. 563.95 of the statutes is amended to read:

563.95 Denial of application; hearing. Within 30 days after receiving written notification of a denial by the ~~board~~ department of a license to conduct a raffle, an applicant may demand in writing a hearing before the ~~board~~ department upon the applicant's qualifications and the merit of the application. At the hearing, the burden of proof shall be on the applicant to establish eligibility for a license. If, after the hearing, the ~~board~~ department enters an order denying the application, the order shall set forth in detail the reasons for the denial. Upon entry of such an order or upon expiration of the 30−day period during which a hearing may be demanded, the applicant's license fee shall be refunded. If the ~~board~~ department approves the application, the ~~board~~ department shall issue the license within 14 days after approval.

SECTION 4720. 563.97 of the statutes is amended to read:

563.97 Records. Each organization licensed to conduct raffles shall maintain a list of the names and addresses of all persons winning prizes with a retail value of $100 or more, and the prizes won, for at least 12 months after each raffle is conducted. The list shall be available at reasonable times for public examination and shall be provided to the ~~board~~ department upon request.

SECTION 4721. 563.98 (1) (intro.) of the statutes is amended to read:

563.98 **(1)** (intro.) Each organization licensed under this subchapter shall, on or before the last day of the 12th month beginning after the date on which the license is issued and on or before that same date in each subsequent

year, report the following information in writing to the ~~board~~ department regarding the raffles which it has conducted:

SECTION 4722. 563.98 (1c) of the statutes is amended to read:

563.98 **(1c)** Upon request of any organization that conducts a raffle during the month in which the report under sub. (1) is due, the ~~board~~ department may extend by not more than 30 days the deadline for submitting the report.

SECTION 4723. 563.98 (1m) of the statutes is amended to read:

563.98 **(1m)** Any organization that reports to the ~~board~~ department under sub. (1) and that had total receipts from the conduct of raffles of more than $50,000 during the reporting period shall include in its report a list of the names and addresses of all persons winning prizes with a retail value of $100 or more, and the prizes won, during the reporting period.

SECTION 4724. 563.98 (2) of the statutes is amended to read:

563.98 **(2)** If a copy of the financial report is not filed or is not fully, accurately and truthfully completed, or if the fee specified in sub. (1g) is not paid, the ~~board~~ department may refuse to renew a license or may suspend a license until the report in proper form has been filed or the fee is paid.

SECTION 4725. 564.02 (1) (ac) of the statutes is created to read:

564.02 **(1)** (ac) "Department" means the department of administration.

SECTION 4726. 564.02 (1) (ag) of the statutes is created to read:

564.02 **(1)** (ag) "Division of gaming" means the division of gaming in the department.

SECTION 4727. 564.02 (1m) of the statutes is created to read:

564.02 **(1m)** The department may do any of the following:

(a) Provide all of the security services for the crane game operations under this chapter.

(b) Monitor the regulatory compliance of crane game operations under this chapter.

(c) Audit the crane game operations under this chapter.

(d) Investigate suspected violations of this chapter.

(e) Report suspected gaming–related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

(f) If the division of criminal investigation in the department of justice chooses not to investigate a report under par. (e), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

SECTION 4728. 564.02 (2) (a) of the statutes is amended to read:

564.02 **(2)** (a) No person in this state who owns a crane game may set up for the purposes of play, permit a crane game to be set up for the purposes of play or collect the proceeds of a crane game which is set up for the purposes of play unless the person is registered by the ~~board~~ department and unless an identification number issued by the ~~board~~ department is affixed to each such crane game owned by the person.

SECTION 4729. 564.02 (2) (b) (intro.) of the statutes is amended to read:

564.02 **(2)** (b) (intro.) Every person specified under par. (a) shall file with the ~~board~~ department, on application forms prescribed by the ~~board~~ department and signed by the person, all of the following information:

SECTION 4730. 564.02 (2) (d) of the statutes is amended to read:

564.02 **(2)** (d) Upon receipt of the application and fee under pars. (b) and (c), the ~~board~~ department shall, if the ~~board~~ department considers the applicant qualified, issue a certificate of registration for the applicant and an identification number for each crane game for which registration is requested.

SECTION 4731. 564.02 (2) (e) of the statutes is amended to read:

564.02 **(2)** (e) The registration issued under par. (d) shall remain in effect unless it is canceled by the ~~board~~ department with the advice and consent of the department of justice or unless it is withdrawn by the registered person.

SECTION 4732. 564.02 (2) (f) of the statutes is amended to read:

564.02 **(2)** (f) Every person registered under this section shall notify the ~~board~~ department of any change in the information required to be furnished by the person under par. (b), within 10 days following the change.

SECTION 4733. 564.02 (2) (g) of the statutes is amended to read:

564.02 **(2)** (g) The ~~board~~ department shall ~~deposit~~ credit all moneys received by the ~~board~~ department under this subsection ~~in~~ to the appropriation account under s. ~~20.197 (1)~~ 20.505 (8) (j).

SECTION 4734. 564.02 (2m) (intro.) of the statutes is repealed and recreated to read:

564.02 **(2m)** CONFLICTS OF INTEREST. (intro.) No employe in the division of gaming who performs any duty related to crane games or the executive assistant or the secretary or deputy secretary of administration and no member of such a person's immediate family, as defined in s. 19.42 (7), may, while that person is employed in such a capacity or for 2 years following the termination of his or her employment with the department, do any of the following:

SECTION 4735. 564.02 (3) (c) of the statutes is amended to read:

564.02 **(3)** (c) The ~~board~~ department shall reimburse the department of justice for the services of the department of justice under this subsection.

SECTION 4736. 564.02 (4) of the statutes is amended to read:

564.02 **(4)** SEIZURE AND SALE. The department of justice may seize any crane game owned by a person who is convicted under sub. (5) and may sell the crane game in the name of the state. The department of justice and its agents are exempt from all liability to the owner of the crane game for the seizure or sale of the crane game. The ~~board~~ department shall reimburse the department of justice for the services of the department of justice under this subsection.

SECTION 4737. 565.01 (4f) of the statutes is created to read:

565.01 **(4f)** "Multijurisdictional" means pertaining to another state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States of America or the government of Canada or any province thereof.

SECTION 4738. 565.01 (4r) (a) of the statutes is amended to read:

565.01 **(4r)** (a) The fact that this state has a state lottery or participates in a ~~multistate~~ multijurisdictional lottery.

SECTION 4739. 565.01 (6m) (a) (intro.) of the statutes is amended to read:

565.01 **(6m)** (a) (intro.) "The state lottery" means an enterprise, including a ~~multistate~~ multijurisdictional lottery in which the state participates, in which the player, by purchasing a ticket, is entitled to participate in a game of chance in which any of the following applies:

SECTION 4741. 565.02 (1) (b) 4. of the statutes is amended to read:

565.02 **(1)** (b) 4. A violation of a provision of this chapter or rule of the ~~board~~ department relating to the state lottery.

SECTION 4742. 565.02 (2) (b) of the statutes is amended to read:

565.02 **(2)** (b) The administrator shall appoint and supervise employes, as specified by the ~~board~~ department by rule under sub. (3) (a), as necessary to carry out the duties of the administrator.

SECTION 4743. 565.02 (2) (c) 3. of the statutes is amended to read:

565.02 **(2)** (c) 3. A violation of a provision of this chapter or rule of the ~~board~~ department relating to the state lottery.

SECTION 4744. 565.02 (3) (intro.) of the statutes is amended to read:

565.02 **(3)** (intro.) The ~~board~~ department shall promulgate all of the following rules:

SECTION 4745m. 565.02 (3) (b) 6. of the statutes is amended to read:

565.02 **(3)** (b) 6. Qualifications for retailers, in addition to those under this section, as determined by the ~~board~~ department.

SECTION 4746. 565.02 (4) (intro.) of the statutes is amended to read:

565.02 **(4)** (intro.) The ~~board~~ department may promulgate all of the following rules:

SECTION 4747. 565.02 (4) (e) of the statutes is amended to read:

565.02 **(4)** (e) Establishing requirements for advertising of the state lottery, and any ~~multistate~~ multijurisdictional lotteries in which the state participates, that are in addition to those specified under s. 565.32.

SECTION 4748. 565.02 (4) (f) of the statutes is amended to read:

565.02 **(4)** (f) Providing for payment of a rate of compensation that is higher than ~~5%~~ the basic compensation under s. 565.10 (14) (b) for retailers that are nonprofit organizations.

SECTION 4750. 565.02 (8) of the statutes is created to read:

565.02 **(8)** The department shall do all of the following:

(a) Subject to s. 565.25, provide all of the security services for the gaming operations under this chapter.

(b) Monitor the regulatory compliance of gaming operations under this chapter.

(c) Audit the gaming operations under this chapter.

(d) Investigate suspected violations of this chapter.

(e) Report suspected gaming−related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

(f) If the division of criminal investigation in the department of justice chooses not to investigate a report under par. (e), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

SECTION 4751. 565.05 (1) (intro.) of the statutes is repealed and recreated to read:

565.05 **(1)** (intro.) No employe 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 4752. 565.05 (1) (a) of the statutes is repealed and recreated 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 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 4754. 565.10 (1) of the statutes is amended to read:

565.10 **(1)** SELECTION OF RETAILERS; RETAILER CONTRACT. Under rules promulgated by the ~~board~~ department under s. 565.02 (3) (b) and (4) (a), the administrator may contract with a person for the retail sale of lottery tickets or lottery shares. Retailers shall be selected for contract so as to provide adequate and convenient availability of lottery tickets and lottery shares to prospective buyers.

SECTION 4755. 565.10 (7) (b) of the statutes is amended to read:

565.10 **(7)** (b) The administrator may, under rules promulgated by the ~~board~~ department, contract for a period that is shorter than 3 years in order to stagger lottery retailer contract expiration dates throughout a 3–year period.

SECTION 4756. 565.10 (8) of the statutes is amended to read:

565.10 **(8)** CONTRACT FEES. A contract entered into under this section may require payment of a nonrefundable initial application fee or a nonrefundable annual fee for continuation, or both, in an amount promulgated by the ~~board~~ department by rule under s. 565.02 (4) (b). A separate nonrefundable fee, in an amount specified in rules promulgated under s. 565.02 (4) (b), may be required for each certificate of authority issued under sub. (11).

SECTION 4757. 565.10 (13) of the statutes is amended to read:

565.10 **(13)** BOND. The ~~commission~~ department may by rule under s. 565.02 (4) (d) require fidelity bonds from retailers. In lieu of a bond, the ~~commission~~ department may purchase blanket bonds covering all or selected retailers or may allow a retailer to deposit and maintain with the ~~commission~~ department interest–bearing or interest–accruing securities approved by the ~~commission~~ department. Such securities shall be held in trust by the ~~commission~~ department and shall have at all times a market value at least equal to the amount required by the ~~commission~~ department.

SECTION 4758. 565.10 (14) (b) of the statutes is amended to read:

565.10 **(14)** (b) The basic compensation to be paid to a retailer is 5.5% of the retail price of lottery tickets or lottery shares sold by the retailer. The ~~board~~ department may, in the rules promulgated under s. 565.02 (4) (f), provide for the payment of a higher rate of compensation to nonprofit organizations making sales under a contract issued on a temporary basis than the rate of compensation paid to other retailers.

SECTION 4759. 565.10 (14) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

565.10 **(14)** (b) 1. The basic compensation to be paid to a retailer for the sale of a lottery ticket or lottery share described under s. 565.01 (6m) (a) 2. is 5.5% of the retail price of lottery tickets or lottery shares sold by the retailer.

2. The basic compensation to be paid to a retailer for the sale of a lottery ticket or lottery share described under s. 565.01 (6m) (a) 1. is 6.25% of the retail price of lottery tickets or lottery shares sold by the retailer. **Vetoed In Part**

4. The department may, in the rules promulgated under s. 565.02 (4) (f), provide for the payment of a higher rate of compensation to nonprofit organizations making sales under a contract issued on a temporary basis than the rate of compensation paid to other retailers.

SECTION 4760. 565.10 (15) of the statutes is amended to read:

565.10 **(15)** REMITTING PROCEEDS. A retailer shall, on a daily basis, unless another basis, but not less than weekly, is provided by the ~~board~~ department by rule, remit to the department the lottery proceeds from the sale of lottery tickets or lottery shares. The amount of compensation deducted by the retailer, if any, shall be indicated as a deduction from the total remitted.

SECTION 4761. 565.12 (2) of the statutes is amended to read:

565.12 **(2)** If the administrator determines that the immediate suspension or termination of a lottery retailer contract entered into under s. 565.10 is necessary to protect the public interest or the security, integrity or fiscal responsibility of the lottery, the administrator may, without prior notice or hearing, suspend for a specified period or terminate the lottery retailer contract by mailing to the retailer a notice of suspension or termination that includes a statement of the facts or conduct that warrant the suspension or termination and a notice that the retailer may, within 30 days after the date on which the notice of suspension or termination is mailed, have the suspension or termination reconsidered by the administrator. If, upon reconsideration, the administrator affirms the determination to suspend or terminate the lottery retailer contract, the retailer shall be afforded an opportunity for a hearing before the ~~board~~ department to review the determination of the administrator.

SECTION 4762. 565.12 (3) of the statutes is amended to read:

565.12 **(3)** The ~~board~~ department shall render the final decisions under s. 227.47 for all terminations and suspensions under subs. (1) and (2).

SECTION 4763. 565.17 (5) (title) of the statutes is amended to read:

565.17 **(5)** (title) ~~BOARD MEMBERS AND EMPLOYES; CERTAIN~~ CERTAIN DEPARTMENT EMPLOYES.

SECTION 4764. 565.17 (5) (a) of the statutes is repealed and recreated to read:

565.17 **(5)** (a) No employe 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 4765. 565.25 (1m) of the statutes is amended to read:

565.25 **(1m)** SCOPE OF AUTHORITY. Subject to approval by the ~~board~~ secretary of revenue, the administrator may determine whether lottery functions shall be performed by department of revenue employes or by one or more persons under contract with the department of administration, except that no contract may provide for the entire management of the lottery or for the entire operation of the lottery by any private person. The department of administration may contract for management consultation services to assist in the management or operation of the lottery. The department of administration may not contract for financial auditing or security monitoring services, except that, if the department of administration delegates under s. 16.71 (1) to the department of revenue the authority to make a major procurement, the department of revenue may contract with the department of administration for warehouse and building protection services relating to the state lottery. If the department of administration delegates under s. 16.71 (1) to the department of revenue the authority to make a major procurement, the department of revenue shall assume the powers and duties of the department of administration and the administrator shall assume the powers and duties of the secretary of administration under this section and ss. 16.70 to 16.77, except under ss. 16.72 (4) (a), 16.76 (1) and 16.77 (1).

SECTION 4766. 565.25 (2) (a) 6. of the statutes is amended to read:

565.25 **(2)** (a) 6. If the department of administration delegates under s. 16.71 (1) to the department of revenue the authority to make a major procurement, the award of the major procurement contract is subject to ~~approval by the board and to~~ the requirements in ss. 16.72 (4) (a) and 16.76 (1). Copies of requisitions and contracts for major procurements shall be maintained by the administrator and shall be subject to inspection and copying under subch. II of ch. 19.

SECTION 4767. 565.25 (2) (c) of the statutes is amended to read:

565.25 **(2)** (c) A major procurement contract under this subsection may be for any term deemed to be in the best interests of the state lottery or the ~~multistate~~ multijurisdictional lottery in which the state participates, but the term and any provisions for renewal or extension shall be incorporated in the bid specifications or proposal solicitation and the contract document.

SECTION 4768. 565.27 (1) (intro.) of the statutes is amended to read:

565.27 **(1)** GAME FEATURES AND PROCEDURES. (intro.) Subject to this section, the rules promulgated under s. 565.02 (3) (d) and (4) (a) and ~~board~~ approval by the secretary of revenue, the administrator shall determine the particular features of and procedures for each lottery game offered. ~~The administrator shall recommend to the board for promulgation by rule under s. 565.02 (3) (d) the types of state or multistate lottery games to be offered.~~ The features and procedures shall be in writing, shall be accessible to the public and shall include all of the following:

SECTION 4769m. 565.27 (2) (a) of the statutes is amended to read:

565.27 **(2)** (a) The actual selection of any winning lottery ticket or lottery share may not be performed by an elected or appointed official~~,~~ or an employe of the lottery division in the department ~~or a member or employe of the board~~.

SECTION 4770. 565.27 (2) (b) 4. of the statutes is amended to read:

565.27 **(2)** (b) 4. Any equipment used for the drawing must be inspected by a certified public accountant and a department employe before and after the drawing, except that a department employe is not required to inspect the equipment if the drawing is used for a multijurisdictional lottery.

SECTION 4771. 565.30 (1) of the statutes is amended to read:

565.30 **(1)** PAYMENT OF PRIZES. The administrator shall direct the payment of a prize to the holder of the winning lottery ticket or lottery share or to a person designated under sub. (2), except that a prize may be paid to another person under a court order or to the estate of a deceased prize winner. The ~~board,~~ department, administrator, state and any contractor for materials, equipment or services of the game in which the prize is won are discharged of all liability upon payment of the prize to the holder of a winning lottery ticket or lottery share.

SECTION 4772. 565.30 (3) (b) of the statutes is amended to read:

565.30 **(3)** (b) *Retailer bonuses.* Any bonuses offered by the ~~board~~ department to retailers who sell winning lottery tickets or lottery shares shall be paid to the retailer regardless of whether the prize is claimed if the retailer can be identified as the seller of the winning ticket or share.

SECTION 4774. 565.30 (5) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

565.30 **(5)** WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS OWED THE STATE. The administrator shall report the name, address and social security number of each winner of a lottery prize equal to or greater than $1,000 to the department of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court–ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the department of revenue shall first ascertain based on certifications by the department of workforce development or its designee under s. 49.855 ~~(2)~~ (1) whether any person named in the report is currently delinquent in court–ordered payment of child support and shall next certify to the administrator whether any person

named in the report is delinquent in court–ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is delinquent both in payments for state taxes and in court–ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

SECTION 4776. 565.32 (1) of the statutes is amended to read:

565.32 **(1)** PROMOTIONAL ADVERTISING PROHIBITION. The expenditure by the ~~board,~~ department or any other state agency of public funds or of revenues derived from lottery operations to engage in promotional advertising of the state lottery or any ~~multistate~~ multijurisdictional lottery is prohibited.

SECTION 4777. 565.32 (2) (a) of the statutes is amended to read:

565.32 **(2)** (a) A retailer or a combination of retailers, a vendor or a combination of vendors or a combination of retailers and vendors may engage in promotional advertising of the state lottery or any ~~multistate~~ multijurisdictional lottery in which the state participates.

SECTION 4778. 565.32 (3) (a) (intro.) of the statutes is amended to read:

565.32 **(3)** (a) (intro.) Any advertising, as defined by the ~~board~~ department by rule under s. 565.02 (3) (f), of the lottery which describes a specific lottery game and each lottery ticket and lottery share shall include:

SECTION 4779. 565.37 (1) of the statutes is amended to read:

565.37 **(1)** FINANCIAL AND PERFORMANCE AUDITS. The department shall annually contract with the legislative audit bureau to conduct a financial audit of the transactions and accounts of the state lottery, and, to the extent of the department's participation, of any ~~multistate~~ multijurisdictional lotteries in which the state participates, for the preceding fiscal year and shall biennially contract with the legislative audit bureau for a performance audit of the state lottery and, to the extent of the department's participation, of those ~~multistate~~ multijurisdictional lotteries.

SECTION 4780. 565.37 (2) of the statutes is amended to read:

565.37 **(2)** INDEPENDENT POSTAUDIT. At no less than 3–year intervals, the department may retain an independent certified public accountant to conduct a postaudit of all the lottery division's accounts and transactions. The department shall provide copies of each such postaudit to the legislative audit bureau~~, the board~~ and the department of justice.

SECTION 4781. 565.37 (3) of the statutes is amended to read:

565.37 **(3)** DEPARTMENT REPORT. The department shall submit quarterly reports on the operation of the lottery to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2) and to the governor, attorney general, state treasurer, secretary of state~~, board~~ and state auditor.

SECTION 4782m. 565.37 (4) of the statutes is amended to read:

565.37 **(4)** ADMINISTRATOR REPORT. The administrator shall submit monthly financial reports to the ~~board~~ secretary of revenue.

SECTION 4783. 565.40 (1) of the statutes is amended to read:

565.40 **(1)** INVESTIGATIONS. The department of justice may investigate any activities by ~~the board,~~ vendors~~,~~ or employes in the department, which affect the operation or administration of the state lottery or any ~~multistate~~ multijurisdictional lottery in which the state participates, and shall report suspected violations of state or federal law to the appropriate prosecuting authority.

SECTION 4784. 565.45 of the statutes is amended to read:

565.45 Report on expense limitation. Before January 1, 1992, and every 2 years thereafter, the department shall submit a report to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), on the effects on the operation of the lottery of the ~~15%~~ 10% expense limitation under s. 25.75 (3) (b).

SECTION 4785. 565.46 of the statutes is amended to read:

565.46 Minority advertising, procurements, retailers and hiring. The ~~board~~ department shall promulgate rules establishing goals that attempt to increase the total amount of expenditures by the department for advertising, public relations and other procurements that are directed to minority businesses, the number of retailers that are minority businesses and the number of employes of the lottery division in the department who are minority group members.

SECTION 4786. 569.01 (1) of the statutes is renumbered 569.01 (1g).

SECTION 4787. 569.01 (1e) of the statutes is created to read:

569.01 **(1e)** "Department" means the department of administration.

SECTION 4788. 569.015 of the statutes is created to read:

569.015 Indian gaming. (1) The secretary of administration shall appoint a director of Indian gaming, who shall advise the secretary on matters relating to Indian gaming and who shall assist the department in performing the functions of the department under this chapter. The director of Indian gaming shall serve at the pleasure of the secretary of administration.

(2) The secretary of administration shall appoint an attorney, whose duties shall include advising the secretary of administration and the governor on any Indian gaming compacts that may be entered into under s. 14.035. The attorney shall serve at the pleasure of the secretary of administration.

SECTION 4789. 569.02 (intro.) of the statutes is amended to read:

569.02 (title) **Indian gaming; general duties ~~of board~~.** (intro.) Under the direction of the ~~board~~ secretary of administration, the ~~separate subunit established in the board under s. 561.14~~ director of Indian gaming shall do all of the following:

SECTION 4790. 569.03 of the statutes is created to read:

569.03 Indian gaming security. The department may do any of the following:

(1) Provide all of the security services for the Indian gaming operations under this chapter.

(2) Monitor the regulatory compliance of Indian gaming operations under this chapter and under any Indian gaming compact entered into under s. 14.035.

(3) Audit the Indian gaming operations under this chapter.

(4) Investigate suspected violations of this chapter.

(5) Report suspected gaming−related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

(6) If the division of criminal investigation in the department of justice chooses not to investigate a report under sub. (5), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

SECTION 4791. 569.04 (1) of the statutes is amended to read:

569.04 **(1)** In accordance with an Indian gaming compact or with the regulations of or an agreement with the national Indian gaming commission, the ~~board~~ department shall certify and conduct background investigations of a person proposing to be an Indian gaming vendor and of employes of Indian tribes who are engaged in the conduct of gaming.

SECTION 4792. 569.04 (2) of the statutes is amended to read:

569.04 **(2)** The ~~board~~ department shall require the persons who are subject to the background investigations under sub. (1) to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. Notwithstanding ss. 111.321, 111.322 and 111.335, the department of justice may submit the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

SECTION 4793. 569.06 of the statutes is amended to read:

569.06 Indian gaming receipts. Indian gaming receipts shall be credited to the appropriation accounts under ss. ~~20.197 (1) (h) and~~ 20.455 (2) (gc) and 20.505 (8) (h) as specified under ss. ~~20.197 (1) (h) and~~ 20.455 (2) (gc) and 20.505 (8) (h).

SECTION 4794. 600.01 (1) (b) 8. of the statutes is amended to read:

600.01 **(1)** (b) 8. Guarantees of the Wisconsin ~~housing and economic development authority~~ Housing and Economic Development Authority under ~~ss. 234.67, 234.68, 234.69, 234.765, 234.82,~~ s. 234.68, 1995 stats., s. 234.69, 1995 stats., s. 234.765, 1995 stats., s. 234.82, 1995 stats., s. 234.87, 1995 stats., and ss. 234.67, 234.83, 234.84, ~~234.87~~ 234.88, 234.90, 234.905, 234.907 and 234.91.

SECTION 4794c. 600.01 (1) (b) 9. of the statutes is created to read:

600.01 **(1)** (b) 9. The publication and clearinghouse activities described in subd. 9. c., the association undertaking those activities, with respect to those activities, and the association's periodic publication resulting from and furthering those activities if all of the following apply:

a. The publication and clearinghouse activities are undertaken by an association that is organized not for profit for religious and charitable purposes.

b. The publication activities of the association are limited to subscribers who are members of the same church or religious denomination.

c. The publication activities of the association function as an organizational clearinghouse that matches subscribers to the publications of the association who have financial, physical or medical needs and subscribers to the publications of the association who desire to financially assist with those needs and who have a present ability to pay.

d. Although the association, through its publications, may suggest voluntary payment levels between subscribers described in subd. 9. c., the association and the subscribers do not assume any risk or make any promise of payment by the association or any subscribers.

e. The association provides to each subscriber a written monthly statement that lists the total dollar amount of qualified needs submitted for publication in the previous month and the total dollar amount of qualified needs submitted that were actually published and assigned for payment.

f. On or accompanying all written materials distributed by or on behalf of the association, including applications, guidelines, promotional or informational materials and periodic publications, the association provides the following written disclaimer:

ATTENTION

This publication is not issued by an insurance company, nor is it offered through an insurance company. This publication does not guarantee or promise that your medical bills will be published or assigned to others for payment. Whether anyone chooses to pay your medical bills is entirely voluntary. This publication should never be considered a substitute for an insurance policy. Whether or not you receive any payments for medical expenses, and whether or not this publication continues to operate, you are responsible for the payment of your own medical bills.

g. No payments between subscribers described in subd. 9. c. are made through the association.

SECTION 4794m. 600.01 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 289, is amended to read:

600.01 **(2)** (b) Group or blanket insurance described in sub. (1) (b) 3. and 4. is not exempt from ~~s.~~ ss. 632.745~~, 632.747 or~~ to 632.749 or ch. 633 or 635.

SECTION 4795. 601.41 (1) of the statutes is amended to read:

601.41 **(1)** DUTIES. The commissioner shall administer and enforce chs. ~~153 and~~ 600 to 655 and ss. 59.52 (11) (c), 66.184 and 120.13 (2) (b) to (g) and shall act as promptly as possible under the circumstances on all matters placed before the commissioner.

SECTION 4796. 601.41 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

601.41 **(1)** DUTIES. The commissioner shall administer and enforce chs. 600 to 655 and ss. 59.52 (11) (c), 66.184 ~~and~~, 120.13 (2) (b) to (g), 149.13 and 149.144 and shall act as promptly as possible under the circumstances on all matters placed before the commissioner.

SECTION 4796m. 601.415 (4) of the statutes is repealed.

SECTION 4797. 601.415 (12) of the statutes is created to read:

601.415 **(12)** HEALTH INSURANCE RISK–SHARING PLAN. The commissioner shall perform the duties specified to be performed by the commissioner in ss. 149.13 and 149.144. The commissioner, or his or her designee, shall serve as a member of the board under s. 149.15.

SECTION 4798. 601.429 of the statutes is repealed.

SECTION 4801. 601.64 (1) of the statutes is amended to read:

601.64 **(1)** INJUNCTIONS AND RESTRAINING ORDERS. The commissioner may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction or by temporary restraining order any violation of chs. 600 to 655, s. 149.13 or 149.144, any rule promulgated under chs. 600 to 655 or any order issued under s. 601.41 (4). Except as provided in s. 641.20, the commissioner need not show irreparable harm or lack of an adequate remedy at law in an action commenced under this subsection.

SECTION 4802. 601.64 (3) (a) of the statutes is amended to read:

601.64 **(3)** (a) *Restitutionary forfeiture.* Whoever violates an effective order issued under s. 601.41 (4) ~~or~~, any insurance statute or rule or s. 149.13 or 149.144 shall forfeit to the state twice the amount of any profit gained from the violation, in addition to any other forfeiture or penalty imposed.

SECTION 4803. 601.64 (3) (c) of the statutes is amended to read:

601.64 **(3)** (c) *Forfeiture for violation of statute or rule.* Whoever violates an insurance statute or rule or s. 149.13 or 149.144, intentionally aids a person in violating an insurance statute or rule or s. 149.13 or 149.144 or knowingly permits a person over whom he or she has authority to violate an insurance statute or rule or s. 149.13 or 149.144 shall forfeit to the state not more than $1,000 for each violation. If the statute or rule imposes a duty to make a report to the commissioner, each week of delay in complying with the duty is a new violation.

SECTION 4804. 601.64 (4) of the statutes is amended to read:

601.64 **(4)** CRIMINAL PENALTY. Whoever intentionally violates or intentionally permits any person over whom he or she has authority to violate or intentionally aids any person in violating any insurance statute or rule of this state, s. 149.13 or 149.144 or any effective order issued under s. 601.41 (4) may, unless a specific penalty is provided elsewhere in the statutes, be fined not more than $10,000 if a corporation or if a natural person be fined not more than $5,000 or imprisoned for not to exceed 3 years or both. Intent has the meaning expressed under s. 939.23.

SECTION 4804b. 609.77 of the statutes is created to read:

609.77 Coverage of breast reconstruction. Health maintenance organizations, limited service health organizations and preferred provider plans are subject to s. 632.895 (13).

SECTION 4804c. 609.78 of the statutes is created to read:

609.78 Coverage of treatment for the correction of temporomandibular disorders. Health maintenance organizations, limited service health organizations and preferred provider plans are subject to s. 632.895 (11).

SECTION 4804e. 609.79 of the statutes is created to read:

609.79 Coverage of hospital and ambulatory surgery center charges and anesthetics for dental care. Health maintenance organizations, limited service health organizations and preferred provider plans are subject to s. 632.895 (12).

SECTION 4808. 613.03 (3) of the statutes is amended to read:

613.03 **(3)** APPLICABILITY OF INSURANCE LAWS. Except as otherwise specifically provided, service insurance corporations organized or operating under this chapter are subject to ~~subch. II of ch. 619 and~~ ss. 610.01, 610.11, 610.21, 610.23 and 610.24 and chs. 600, 601, 609, 617, 620, 623, 625, 627, 628, 631, 632, 635 and 645 and to no other insurance laws.

SECTION 4809. 613.03 (4) of the statutes is created to read:

613.03 **(4)** MANDATORY HEALTH INSURANCE RISK–SHARING PLAN. Service insurance corporations organized or operating under this chapter are subject to ch. 149.

SECTION 4810. 614.05 (1) of the statutes is amended to read:

614.05 **(1)** CHAPTERS 611 AND 619. No section of ch. 611 or ~~subch. I of ch.~~ 619 applies to fraternals unless it is specifically made applicable by this chapter.

SECTION 4811. Subchapter I of chapter 619 [precedes 619.001] of the statutes is renumbered chapter 619 [precedes 619.001].

SECTION 4812. Subchapter I (title) of chapter 619 [precedes 619.01] of the statutes is repealed.

SECTION 4813. Subchapter II (title) of chapter 619 [precedes 619.10] of the statutes is repealed.

SECTION 4814. 619.10 (intro.) of the statutes is renumbered 149.10 (intro.) and amended to read:

149.10 Definitions. (intro.) In this ~~subchapter~~ chapter:

SECTION 4815. 619.10 (1) of the statutes is repealed.

SECTION 4816. 619.10 (1m) of the statutes is repealed.

SECTION 4817. 619.10 (2) of the statutes is renumbered 149.10 (2) and amended to read:

149.10 **(2)** "Board" means the board of governors established under s. ~~619.15~~ 149.15.

SECTION 4817b. 619.10 (2c) of the statutes is created to read:

619.10 **(2c)** "Church plan" has the meaning given in section 3 (33) of the federal Employee Retirement Income Security Act of 1974.

SECTION 4817bm. 619.10 (2c) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.10 (2c).

SECTION 4817c. 619.10 (2j) of the statutes is created to read:

619.10 **(2j)** (a) Except as provided in par. (b), "creditable coverage" means coverage under any of the following:

1. A group health plan.
2. Health insurance.
3. Part A or part B of title XVIII of the federal Social Security Act.
4. Title XIX of the federal Social Security Act, except for coverage consisting solely of benefits under section 1928 of that act.
5. Chapter 55 of title 10 of the United States Code.
6. A medical care program of the federal Indian health service or of an American Indian tribal organization.
7. A state health benefits risk pool.
8. A health plan offered under chapter 89 of title 5 of the United States Code.
9. A public health plan.
10. A health coverage plan under section 5 (e) of the federal Peace Corps Act, 22 USC 2504 (e).

(b) "Creditable coverage" does not include coverage consisting solely of coverage of excepted benefits, as defined in section 2791 (c) of P.L. 104−191.

SECTION 4817cm. 619.10 (2j) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.10 (2j).

SECTION 4817m. 619.10 (2t) of the statutes is created to read:

619.10 **(2t)** "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 creditable coverage and is not eligible for coverage under a group health plan, part A or part B of title XVIII of the federal Social Security Act 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 par. (e).

SECTION 4817mm. 619.10 (2t) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.10 (2t).

SECTION 4818. 619.10 (3) of the statutes is renumbered 149.10 (3) and amended to read:

149.10 **(3)** "Eligible person" means a resident of this state who qualifies under s. ~~619.12~~ 149.12 whether or not the person is legally responsible for the payment of medical expenses incurred on the person's behalf.

SECTION 4818c. 619.10 (3c) of the statutes is created to read:

619.10 **(3c)** "Federal continuation provision" means any of the following:

(a) Section 4980B of the Internal Revenue Code of 1986, except for section 4980B (f) (1) of that code insofar as it relates to pediatric vaccines.

(b) Part 6 of subtitle B of title I of the federal Employee Retirement Income Security Act of 1974, except for section 609 of that act.

(c) Title XXII of P.L. 104–191.

SECTION 4818cm. 619.10 (3c) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.10 (3c).

SECTION 4818d. 619.10 (3d) of the statutes is created to read:

619.10 **(3d)** "Federal governmental plan" means a benefit program established or maintained for its employes by the government of the United States or by any agency or instrumentality of the government of the United States.

SECTION 4818dm. 619.10 (3d) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.10 (3d).

SECTION 4818g. 619.10 (3g) of the statutes is created to read:

619.10 **(3g)** "Governmental plan" has the meaning given under section 3 (32) of the federal Employee Retirement Income Security Act of 1974.

SECTION 4818gm. 619.10 (3g) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.10 (3g).

SECTION 4818j. 619.10 (3j) of the statutes is created to read:

619.10 **(3j)** "Group health plan" means any of the following:

(a) An employe welfare plan, as defined in section 3 (1) of the federal Employee Retirement Security Act of 1974, to the extent that the employe welfare plan provides medical care, including items and services paid for as medical care, to employes or to their dependents, as defined under the terms of the employe welfare plan, directly or through insurance, reimbursement or otherwise.

(b) Any program that would not otherwise be an employe welfare benefit plan and that is established or maintained by a partnership, to the extent that the program provides medical care, including items and services paid for as medical care, to present or former partners of the partnership or to their dependents, as defined under the terms of the program, directly or through insurance, reimbursement or otherwise.

SECTION 4818jm. 619.10 (3j) of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.10 (3j).

SECTION 4819. 619.10 (3m) and (4) of the statutes are renumbered 149.10 (3m) and (4).

SECTION 4820. 619.10 (4m) of the statutes is renumbered 149.10 (4m).

SECTION 4821. 619.10 (5) of the statutes is renumbered 149.10 (5) and amended to read:

149.10 **(5)** "Insurer" means any person or association of persons, including a health maintenance organization, limited service health organization or preferred provider plan offering or insuring health services on a prepaid basis, including, but not limited to, policies of health insurance issued by a currently licensed insurer, as defined in s. 600.03 (27), nonprofit hospital or medical service plans under ch. 613, cooperative medical service plans under s. 185.981, or other entity whose primary function is to provide diagnostic, therapeutic or preventive services to a defined population in return for a premium paid on a periodic basis. "Insurer" includes any person providing health services coverage for individuals on a self–insurance basis without the intervention of other entities, as well as any person providing health insurance coverage under a medical reimbursement plan to persons. "Insurer" does not include a plan under ch. 613 which offers only dental care.

SECTION 4822. 619.10 (6) and (7) of the statutes are renumbered 149.10 (6) and (7).

SECTION 4823. 619.10 (8) of the statutes is renumbered 149.10 (8) and amended to read:

149.10 **(8)** "Plan" means the health care insurance plan established and administered under this ~~subchapter~~ chapter.

SECTION 4824. 619.10 (9) of the statutes is renumbered 149.10 (9) and amended to read:

149.10 **(9)** "Resident" means a person who has been legally domiciled in this state for a period of at least 30 days or, with respect to an eligible individual, an individual who resides in this state. For purposes of this ~~subchapter~~ chapter, legal domicile is established by living in this state and obtaining a Wisconsin motor vehicle operator's license, registering to vote in Wisconsin or filing a Wisconsin income tax return. A child is legally domiciled in this state if the child lives in this state and if at least one of the child's parents or the child's guardian is legally domiciled in this state. A person with a developmental disability or another disability which prevents the person from obtaining a Wisconsin motor vehicle operator's license, registering to vote in Wisconsin, or filing a Wisconsin income tax return, is legally domiciled in this state by living in this state ~~for 30 days~~.

SECTION 4825. 619.11 of the statutes is renumbered 149.11 and amended to read:

149.11 (title) ~~Establishment~~ Operation of plan. The ~~commissioner~~ department shall promulgate rules ~~establishing~~ for the operation of a plan of health insurance coverage for an eligible person which satisfies the requirements of this chapter.

SECTION 4825c. 619.115 of the statutes is created to read:

619.115 Rules relating to creditable coverage. The commissioner shall promulgate rules that specify how creditable coverage is to be aggregated for purposes of s. 619.10 (2t) (a) and that determine the creditable coverage to which s. 619.10 (2t) (b) and (d) applies. The rules shall comply with section 2701 (c) of P.L. 104−191.

SECTION 4825f. 619.115 of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.115 and 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. ~~619.10~~ 149.10 (2t) (a) and that determine the creditable coverage to which s. ~~619.10~~ 149.10 (2t) (b) and (d) applies. The rules shall comply with section 2701 (c) of P.L. 104−191.

SECTION 4826. 619.12 (title) of the statutes is renumbered 149.12 (title).

SECTION 4827. 619.12 (1) of the statutes is renumbered 149.12 (1), and 149.12 (1) (intro.), as renumbered, is amended to read:

149.12 **(1)** (intro.) Except as provided in subs. (1m) and (2), the board or ~~administering carrier~~ plan administrator shall certify as eligible a person who is covered by medicare because he or she is disabled under 42 USC 423, a person who submits evidence that he or she has tested positive for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV, a person who is an eligible individual, and any person who receives and submits any of the following based wholly or partially on medical underwriting considerations within 9 months prior to making application for coverage by the plan:

SECTION 4828. 619.12 (1m) (intro) and (a) of the statutes are consolidated, renumbered 149.12 (1m) and amended to read:

149.12 **(1m)** The board or ~~administering carrier~~ plan administrator may not certify a person as eligible under circumstances requiring notice under sub. (1) (a) to (d) if the required notices were issued by ~~one of the following: (a) An~~ an insurance intermediary who is not acting as an administrator, as defined in s. 633.01.

SECTION 4829. 619.12 (1m) (b) of the statutes is repealed.

SECTION 4830b. 619.12 (2) (b) of the statutes is renumbered 149.12 (2) (b) and amended to read:

149.12 **(2)** (b) 1. Except as provided in subd. 2., no person who is covered under the plan and who voluntarily terminates the coverage under the plan~~,~~ is again eligible for coverage unless 12 months have elapsed since the person's latest voluntary termination of coverage under the plan.

2. Subdivision 1. does not apply to any person who is an eligible individual or to any person who terminates coverage under the plan because he or she ~~is receiving, or~~ is eligible to receive~~,~~ medical assistance benefits.

SECTION 4830c. 619.12 (2) (c) of the statutes is renumbered 149.12 (2) (c) and amended to read:

149.12 **(2)** (c) No person on whose behalf the plan has paid out ~~$500,000~~ $1,000,000 or more is eligible for coverage under the plan.

SECTION 4830d. 619.12 (2) (d) of the statutes is renumbered 149.12 (2) (d) and amended to read:

149.12 **(2)** (d) ~~No~~ Except for a person who is an eligible individual, no person who is 65 years of age or older is eligible for coverage under the plan.

SECTION 4830ec. 619.12 (2) (e) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 149.12 (2) (e) and amended to read:

149.12 **(2)** (e) No person who is eligible for ~~health care benefits~~ creditable coverage, other than those benefits specified in s. 632.745 (11) (b) 1. to 12., that ~~are~~ is provided by an employer on a self−insured basis or through health insurance is eligible for coverage under the plan.

SECTION 4830em. 619.12 (2) (e) 1. of the statutes is renumbered 619.12 (2) (e) and amended to read:

619.12 **(2)** (e) ~~Except as provided in subd. 2., no~~ No person who is eligible for health care benefits, other than those benefits specified in s. 632.745 (11) (b) 1. to 12., that are provided by an employer on a self−insured basis or through health insurance is eligible for coverage under the plan.

SECTION 4830f. 619.12 (2) (e) 2. of the statutes is repealed.

SECTION 4830g. 619.12 (2) (e) 3. of the statutes is repealed.

SECTION 4831. 619.12 (3) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 149.12 (3), and 149.12 (3) (c), as renumbered, is amended to read:

149.12 **(3)** (c) The ~~commissioner, in consultation with the board,~~ department may promulgate rules specifying other deductible or coinsurance amounts that, if paid or reimbursed for persons, will not make the persons ineligible for coverage under the plan.

SECTION 4831c. 619.12 (3) (a) of the statutes is amended to read:

619.12 **(3)** (a) Except as provided in pars. (b) ~~and~~ to (c), no person is eligible for coverage under the plan for whom a premium, deductible or coinsurance amount is paid or reimbursed by a federal, state, county or municipal government or agency as of the first day of any term for which a premium amount is paid or reimbursed and as of the day after the last day of any term during which a deductible or coinsurance amount is paid or reimbursed.

SECTION 4831e. 619.12 (3) (bm) of the statutes is created to read:

619.12 **(3)** (bm) Persons for whom premium costs for health insurance coverage are subsidized under s. 252.16

are not ineligible for coverage under the plan by reason of such payments.

SECTION 4832b. 619.123 of the statutes is repealed.

SECTION 4833. 619.125 of the statutes is renumbered 149.125 and amended to read:

149.125 Health insurance risk–sharing plan fund. There is created a health insurance risk–sharing plan fund, under the management of the ~~board~~ department, to fund administrative expenses.

SECTION 4834. 619.13 (title) of the statutes is renumbered 149.13 (title).

SECTION 4835. 619.13 (1) (a) of the statutes is renumbered 149.13 (1) and amended to read:

149.13 **(1)** Every insurer shall participate in the cost of administering the plan, except the commissioner may by rule exempt as a class those insurers whose share as determined under ~~par. (b)~~ sub. (2) would be so minimal as to not exceed the estimated cost of levying the assessment. The commissioner shall advise the department of the insurers participating in the cost of administering the plan.

SECTION 4836. 619.13 (1) (b) of the statutes is renumbered 149.13 (2) and amended to read:

149.13 **(2)** ~~Except as provided by a rule promulgated under s. 619.145 (4), every~~ Every participating insurer shall share in the operating, administrative and subsidy expenses of the plan in proportion to the ratio of the insurer's total health care coverage revenue for residents of this state during the preceding calendar year to the aggregate health care coverage revenue of all participating insurers for residents of this state during the preceding calendar year, as determined by the commissioner.

SECTION 4837. 619.13 (1) (c) of the statutes is repealed.

SECTION 4838. 619.13 (1) (d) of the statutes is renumbered 149.13 (3) and amended to read:

149.13 **(3)** (a) Each insurer's proportion of participation under ~~par. (b)~~ sub. (2) shall be determined annually by the commissioner based on annual statements and other reports filed by the insurer with the commissioner. The commissioner shall assess an insurer for the insurer's proportion of participation based on the total assessments estimated by the department under s. 149.143 (2) (a) 3.

(b) If the department or the commissioner finds that the commissioner's authority to require insurers to report under chs. 600 to 646 and 655 is not adequate to permit the department, the commissioner or the board to carry out the department's, commissioner's or ~~the~~ board's responsibilities under this ~~subchapter~~ chapter, the commissioner ~~may~~ shall promulgate rules requiring insurers to report the information necessary for the department, commissioner and ~~the~~ board to make the determinations required under this ~~subchapter~~ chapter.

SECTION 4839c. 619.13 (2) of the statutes is repealed.

SECTION 4840c. 619.135 (title) of the statutes is renumbered 149.144 (title) and amended to read:

149.144 (title) ~~**Insurer**~~ **Adjustments to insurer assessments and provider payment rates for premium and deductible reductions.**

SECTION 4841c. 619.135 (1) of the statutes is repealed.

SECTION 4845c. 619.135 (2) of the statutes is renumbered 149.144 and amended to read:

149.144 If the moneys under s. ~~20.145 (7) (a) and (g)~~ 20.435 (5) (ah) are insufficient to reimburse the plan for premium reductions under s. ~~619.165~~ 149.165 and deductible reductions under s. ~~619.14~~ 149.14 (5) (a), or the ~~commissioner~~ department determines that the moneys under s. ~~20.145 (7) (a) and (g)~~ 20.435 (5) (ah) will be insufficient to reimburse the plan for premium reductions under s. ~~619.165~~ 149.165 and deductible reductions under s. ~~619.14~~ 149.14 (5) (a), the ~~commissioner~~ department shall, by rule, ~~increase~~ adjust in equal proportions the amount of the assessment ~~under sub. (1) (a) or levy an assessment against every insurer, or a combination of both,~~ set under s. 149.143 (2) (a) 3. and the provider payment rate set under s. 149.143 (2) (a) 4., subject to s. 149.143 (1) (b) 1., sufficient to reimburse the plan for premium reductions under s. ~~619.165~~ 149.165 and deductible reductions under s. ~~619.14~~ 149.14 (5) (a). The department shall notify the commissioner so that the commissioner may levy any increase in insurer assessments.

SECTION 4846b. 619.135 (3) of the statutes is repealed.

SECTION 4847. 619.14 (title) of the statutes is renumbered 149.14 (title).

SECTION 4848. 619.14 (1) of the statutes is renumbered 149.14 (1), and 149.14 (1) (b), as renumbered, is amended to read:

149.14 **(1)** (b) If an individual terminates medical assistance coverage and applies for coverage under the plan within 45 days after the termination and is subsequently found to be eligible under s. ~~619.12~~ 149.12, the effective date of coverage for the eligible person under the plan shall be the date of termination of medical assistance coverage.

SECTION 4849. 619.14 (2) of the statutes is renumbered 149.14 (2), and 149.14 (2) (a), as renumbered, is amended to read:

149.14 **(2)** (a) The plan shall provide every eligible person who is not eligible for medicare with major medical expense coverage. Major medical expense coverage offered under the plan under this section shall pay an eligible person's covered expenses, subject to sub. (3) and deductible and coinsurance payments authorized under sub. (5), up to a lifetime limit of ~~$500,000~~ $1,000,000 per covered individual. The maximum limit under this para-

graph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.

SECTION 4850. 619.14 (3) of the statutes is renumbered 149.14 (3), and 149.14 (3) (intro.) and (c) 3., as renumbered, are amended to read:

149.14 **(3)** COVERED EXPENSES. (intro.) Except as restricted by cost containment provisions under s. ~~619.17~~ 149.17 (4) and except as reduced by the board under s. ~~619.15~~ 149.15 (3) (e) or by the department under s. 149.143 or 149.144, covered expenses for the coverage under this section shall be the usual and customary charges for the services provided by persons licensed under ch. 446 and certified under s. 49.45 (2) (a) 11. Except as restricted by cost containment provisions under s. ~~619.17~~ 149.17 (4) and except as reduced by the board under s. ~~619.15~~ 149.15 (3) (e) or by the department under s. 149.143 or 149.144, covered expenses for the coverage under this section shall also be the usual and customary charges for the following services and articles ~~when~~ if the service or article is prescribed by a physician who is licensed under ch. 448 or in another state and who is certified under s. 49.45 (2) (a) 11. and if the service or article is provided by a provider certified under s. 49.45 (2) (a) 11.:

(c) 3. Subject to the limits under subd. 2. and to rules promulgated by the ~~commissioner~~ department, services for the chronically mentally ill in community support programs operated under s. 51.421.

SECTION 4851. 619.14 (4) of the statutes is renumbered 149.14 (4), and 149.14 (4) (intro.), (a) and (m), as renumbered, are amended to read:

149.14 **(4)** EXCLUSIONS. (intro.) Covered expenses for the coverage under this section shall not include the following:

(a) Any charge for treatment for cosmetic purposes other than surgery for the repair or treatment of an injury or a congenital bodily defect. Breast reconstruction of the affected tissue incident to a mastectomy shall not be considered treatment for cosmetic purposes.

(m) Experimental treatment, as determined by the ~~board or its designee~~ department.

SECTION 4852c. 619.14 (5) (title) of the statutes is renumbered 149.14 (5) (title) and amended to read:

149.14 **(5)** (title) ~~PREMIUMS, DEDUCTIBLES~~ DEDUCTIBLES AND COINSURANCE.

SECTION 4853. 619.14 (5) (a) of the statutes is renumbered 149.14 (5) (a) and amended to read:

149.14 **(5)** (a) The plan shall offer a deductible in combination with appropriate premiums determined under this ~~subchapter~~ chapter for major medical expense coverage required under this section. For coverage offered to those persons eligible for medicare, the plan shall offer a deductible equal to the deductible charged by part A of title XVIII of the federal social security act, as amended. The deductible amounts for all other eligible persons shall be dependent upon household income as determined under s. ~~619.165~~ 149.165. For eligible persons under s. ~~619.165 (1) (b) 1.~~ 149.165 (2) (a), the deductible shall be $500. For eligible persons under s. ~~619.165 (1) (b) 2.~~ 149.165 (2) (b), the deductible shall be $600. For eligible persons under s. ~~619.165 (1) (b) 3.~~ 149.165 (2) (c), the deductible shall be $700. For eligible persons under s. ~~619.165 (1) (b) 4.~~ 149.165 (2) (d), the deductible shall be $800. For all other eligible persons who are not eligible for medicare, the deductible shall be $1,000. With respect to all eligible persons, expenses used to satisfy the deductible during the last 90 days of a calendar year shall also be applied to satisfy the deductible for the following calendar year. ~~The schedule of premiums shall be promulgated by rule by the commissioner. The commissioner shall set rates at 60% of the operating and administrative costs of the plan.~~

SECTION 4854c. 619.14 (5) (b) of the statutes is renumbered 149.14 (5) (b).

SECTION 4855c. 619.14 (5) (c) of the statutes is renumbered 149.14 (5) (c)

SECTION 4856. 619.14 (5) (d) of the statutes is renumbered 149.14 (5) (d) and amended to read:

149.14 **(5)** (d) Notwithstanding pars. (a) to (c), the ~~board~~ department may establish different deductible amounts, a different coinsurance percentage and different covered costs and deductible aggregate amounts from those specified in pars. (a) to (c) in accordance with cost containment provisions established by the ~~commissioner~~ department under s. ~~619.17 (4) (a) and for individuals who enroll in an alternative plan under s. 619.145~~ 149.17 (4).

SECTION 4856v. 619.14 (5) (e) of the statutes is amended to read:

619.14 **(5)** (e) Using the procedure under s. 227.24, the commissioner may promulgate rules under par. (a) or s. 619.146 (2) (b) for the schedule of premiums for the period before the effective date of any permanent rules promulgated under par. (a) or s. 619.146 (2) (b) for the schedule of premiums, but not to exceed the period authorized under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) and (3), the commissioner is not required to make a finding of emergency.

SECTION 4857c. 619.14 (5) (e) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 4858b. 619.14 (6) of the statutes is renumbered 619.14 (6) (a) and amended to read:

619.14 **(6)** (a) ~~No~~ Except as provided in par. (b), no person who obtains coverage under the plan may be covered for any preexisting condition during the first 6 months of coverage under the plan if the person was diagnosed or treated for that condition during the 6 months immediately preceding the filing of an application with the plan.

SECTION 4858c. 619.14 (6) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 149.14 (6).

SECTION 4858d. 619.14 (6) (b) of the statutes is created to read:

619.14 **(6)** (b) An eligible individual who obtains coverage under the plan on or after the effective date of this paragraph .... [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 the effective date of this paragraph .... [revisor inserts date], may not be subject to any preexisting condition exclusion on or after the effective date of this paragraph .... [revisor inserts date].

SECTION 4859. 619.14 (7) of the statutes is renumbered 149.14 (7), and 149.14 (7) (b) and (c), as renumbered, are amended to read:

149.14 **(7)** (b) The ~~board~~ department has a cause of action against an eligible participant for the recovery of the amount of benefits paid which are not for covered expenses under the plan. Benefits under the plan may be reduced or refused as a setoff against any amount recoverable under this paragraph.

(c) The ~~board~~ department is subrogated to the rights of an eligible person to recover special damages for illness or injury to the person caused by the act of a 3rd person to the extent that benefits are provided under the plan. Section 814.03 (3) applies to the department under this paragraph.

SECTION 4860. 619.145 of the statutes is repealed.

SECTION 4860c. 619.146 of the statutes is created to read:

619.146 Choice of coverage. (1) (a) Beginning on January 1, 1998, in addition to the coverage required under s. 619.14, the plan shall offer to all eligible persons a choice of coverage, as described in section 2744 (a) (1) (C) of P.L. 104−191. Any such choice of coverage shall be major medical expense coverage.

(b) An eligible person may elect once each year, at the time and according to procedures established by the board, among the coverages offered under this section and s. 619.14. If an eligible person elects new coverage, any preexisting condition exclusion imposed under the new coverage is met to the extent that the eligible person has been previously and continuously covered under this subchapter. No preexisting condition exclusion may be imposed on an eligible person who elects new coverage if the person was an eligible individual when first covered under this subchapter and the person remained continuously covered under this subchapter up to the time of electing new coverage.

(2) (a) Except as specified by the board, the terms of coverage under s. 619.14, including deductible reductions under s. 619.14 (5) (a), do not apply to the coverage offered under this section. Premium reductions under s. 619.165 do not apply to the coverage offered under this section.

(b) The schedule of premiums for coverage under this section shall be promulgated by rule by the commissioner. The rates for coverage under this section shall be set such that they differ from the rates for coverage under s. 619.14 by the same percentage as the percentage difference between the following:

1. The rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as provided under s. 619.14.

2. The rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as the coverage offered under this section.

SECTION 4860d. 619.146 of the statutes, as created by 1997 Wisconsin Act .... (this act), is renumbered 149.146, and 149.146 (1) (a) and (b) and (2) (a) and (b) (intro.) and 1., as renumbered, are amended to read:

149.146 **(1)** (a) Beginning on January 1, 1998, in addition to the coverage required under s. ~~619.14~~ 149.14, the plan shall offer to all eligible persons a choice of coverage, as described in section 2744 (a) (1) (C), P.L. 104−191. Any such choice of coverage shall be major medical expense coverage.

(b) An eligible person may elect once each year, at the time and according to procedures established by the ~~board~~ department, among the coverages offered under this section and s. ~~619.14~~ 149.14. If an eligible person elects new coverage, any preexisting condition exclusion imposed under the new coverage is met to the extent that the eligible person has been previously and continuously covered under this ~~subchapter~~ chapter. No preexisting condition exclusion may be imposed on an eligible person who elects new coverage if the person was an eligible individual when first covered under this ~~subchapter~~ chapter and the person remained continuously covered under this ~~subchapter~~ chapter up to the time of electing the new coverage.

(2) (a) Except as specified by the ~~board~~ department, the terms of coverage under s. ~~619.14~~ 149.14, including deductible reductions under s. ~~619.14~~ 149.14 (5) (a), do not apply to the coverage offered under this section. Premium reductions under s. ~~619.165~~ 149.165 do not apply to the coverage offered under this section.

(b) (intro.) The schedule of premiums for coverage under this section shall be promulgated by rule by the ~~commissioner~~ department, as provided in s. 149.143. The rates for coverage under this section shall be set such that they differ from the rates for coverage under s. ~~619.14~~ 149.14 by the same percentage as the percentage difference between the following:

1. The rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as provided under s. ~~619.14~~ 149.14.

SECTION 4861. 619.15 (title) of the statutes is renumbered 149.15 (title).

SECTION 4862. 619.15 (1) of the statutes is renumbered 149.15 (1) and amended to read:

149.15 **(1)** The plan shall ~~operate subject to the supervision and approval of a~~ have a board of governors consisting of representatives of 2 participating insurers which are nonprofit corporations, representatives of 2 other participating insurers, 3 health care provider representatives, including one representative of the State Medical Society of Wisconsin, one representative of the Wisconsin Health and Hospital Association and one representative of an integrated multidisciplinary health system, and 3 public members, including one representative of small businesses in the state, appointed by the ~~commissioner~~ secretary for staggered 3−year terms. In addition, the commissioner, or a designated representative from the office of the commissioner, and the secretary, or a designated representative from the department, shall be ~~a member~~ members of the board. The public members shall not be professionally affiliated with the practice of medicine, a hospital or an insurer. At least 2 of the public members shall be individuals reasonably expected to qualify for coverage under the plan or the parent or spouse of such an individual. The ~~commissioner~~ secretary or the ~~commissioner's~~ secretary's representative shall be the chairperson of the board. Board members, except the commissioner or the commissioner's representative and the secretary or the secretary's representative, shall be compensated at the rate of $50 per diem plus actual and necessary expenses.

SECTION 4863. 619.15 (2) of the statutes is renumbered 149.15 (2) and amended to read:

149.15 **(2)** Annually, the board shall make a report to the ~~members of the plan and to the chief clerk of each house of the legislature, for distribution to the~~ appropriate standing committees under s. 13.172 (3)~~,~~ and to the members of the plan summarizing the activities of the plan in the preceding calendar year. The annual report shall define the cost burden imposed by the plan on all policyholders in this state.

SECTION 4864. 619.15 (3) (intro.) of the statutes is renumbered 149.15 (3) (intro.) and amended to read:

149.15 **(3)** (intro.) The board shall do all of the following:

SECTION 4865. 619.15 (3) (a) of the statutes is renumbered 149.15 (3) (a).

SECTION 4866. 619.15 (3) (b) of the statutes is repealed.

SECTION 4867c. 619.15 (3) (c) of the statutes is renumbered 149.15 (3) (c) and amended to read:

149.15 **(3)** (c) Collect assessments from all insurers to provide for claims paid under the plan and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established ~~by the board~~ as provided under s. 149.143. Assessment of the insurers shall occur at the end of each calendar year or other fiscal year end established by the board. Assessments are due and payable within 30 days of receipt by the insurer of the assessment notice.

SECTION 4868. 619.15 (3) (d) of the statutes is renumbered 149.15 (3) (d).

SECTION 4869c. 619.15 (3) (e) of the statutes is renumbered 149.15 (3) (e) and amended to read:

149.15 **(3)** (e) Establish for payment of covered expenses, a payment rate that is 10% less than the charges approved by the ~~administering carrier~~ plan administrator for reimbursement of covered expenses under s. ~~619.14~~ 149.14 (3). ~~A provider of a covered service or article may not bill an eligible person who receives the service or article for any amount by which the charge is reduced under this paragraph.~~

SECTION 4869d. 619.15 (3) (f) of the statutes is created to read:

619.15 **(3)** (f) In consultation with the office and the department of health and family services, establish a choice of coverage under s. 619.146.

SECTION 4869m. 619.15 (3) (f) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 4870. 619.15 (4) (intro.) of the statutes is renumbered 149.15 (4) (intro.) and amended to read:

149.15 **(4)** (intro.) The board may do any of the following:

SECTION 4871. 619.15 (4) (a) of the statutes is renumbered 149.15 (4) (a).

SECTION 4872. 619.15 (4) (b) of the statutes is renumbered 149.15 (4) (b).

SECTION 4873c. 619.15 (4) (c) of the statutes is repealed.

SECTION 4874. 619.15 (4) (d) of the statutes is repealed.

SECTION 4875. 619.15 (4) (e) of the statutes is repealed.

SECTION 4876. 619.15 (5) of the statutes is renumbered 149.15 (5) and amended to read:

149.15 **(5)** The ~~commissioner~~ department may, by rule, establish additional powers and duties of the board.

SECTION 4877. 619.15 (6) of the statutes is renumbered 149.15 (6) and amended to read:

149.15 **(6)** If any provision of this ~~subchapter~~ chapter conflicts with s. 625.11 or 625.12, this ~~subchapter~~ chapter prevails.

SECTION 4878. 619.15 (7) of the statutes is renumbered 149.15 (7).

SECTION 4879. 619.16 (title) of the statutes is repealed.

SECTION 4880. 619.16 (1) of the statutes is repealed.

SECTION 4881. 619.16 (2) of the statutes is repealed.

SECTION 4882. 619.16 (3) (a) of the statutes is renumbered 149.16 (3) (a) and amended to read:

149.16 **(3)** (a) The ~~administering carrier~~ plan administrator shall perform all eligibility and administrative claims payment functions relating to the plan.

SECTION 4883. 619.16 (3) (b) of the statutes is renumbered 149.16 (3) (b) and amended to read:

149.16 **(3)** (b) The ~~administering carrier~~ plan administrator shall establish a premium billing procedure for collection of premiums from insured persons. Billings shall be made on a periodic basis as determined by the ~~board~~ department.

SECTION 4884c. 619.16 (3) (c) of the statutes is renumbered 149.16 (3) (c), and 149.16 (3) (c) (intro.), as renumbered, is amended to read:

149.16 **(3)** (c) (intro.) The ~~administering carrier~~ plan administrator shall perform all necessary functions to assure timely payment of benefits to covered persons under the plan, including:

SECTION 4885. 619.16 (3) (d) of the statutes is repealed.

SECTION 4886. 619.16 (3) (e) of the statutes is renumbered 149.16 (3) (e) and amended to read:

149.16 **(3)** (e) The ~~administering carrier~~ plan administrator, under the direction of the department, shall pay claims expenses from the premium payments received from or on behalf of covered persons under the plan. If the ~~administering carrier's~~ plan administrator's payments for claims expenses exceed ~~the portion of premiums allocated by the board for payment of claims expenses~~ premium payments, the board shall forward to the department, and the department shall provide to the ~~carrier~~ plan administrator, additional funds for payment of claims expenses.

SECTION 4887. 619.16 (3) (em) of the statutes is repealed.

SECTION 4888. 619.16 (3) (f) of the statutes is repealed.

SECTION 4889. 619.165 (title) of the statutes is renumbered 149.165 (title).

SECTION 4890. 619.165 (1) (a) of the statutes is renumbered 149.165 (1) and amended to read:

149.165 **(1)** ~~The board~~ Except as provided in s. 149.146 (2) (a), the department shall reduce the premiums established ~~by the commissioner~~ under s. ~~619.11~~ 149.11 in conformity with ss. ~~619.14 (5)~~ 149.143 and ~~619.17~~ 149.17, for the eligible persons and in the manner set forth in ~~pars. (b) to (d)~~ subs. (2) and (3).

SECTION 4891. 619.165 (1) (b) of the statutes is renumbered 149.165 (2), and 149.165 (2) (intro.), as renumbered, is amended to read:

149.165 **(2)** (intro.) If the household income, as defined in s. 71.52 (5) and as determined under ~~par. (d)~~ sub. (3), of an eligible person is equal to or greater than the first amount and less than the 2nd amount listed in any of the following, the ~~board~~ department shall reduce the premium for the eligible person~~, as established by the commissioner,~~ to the rate shown after the amounts:

SECTION 4891c. 619.165 (1) (d) of the statutes is renumbered 619.165 (1) (d) 1. and amended to read:

619.165 **(1)** (d) 1. ~~The~~ Subject to subd. 2., the board shall establish and implement the method for determining the household income of an eligible person under par. (b).

SECTION 4891r. 619.165 (1) (d) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is renumbered 149.165 (3), and 149.165 (3) (a) and (b) (intro.), as renumbered, are amended to read:

149.165 **(3)** (a) Subject to ~~subd. 2., the board~~ par. (b), the department shall establish and implement the method for determining the household income of an eligible person under ~~par. (b)~~ sub. (2).

(b) (intro.) In determining household income under ~~par. (b), the board~~ sub. (2), the department shall consider information submitted by an eligible person on a completed federal profit or loss from farming form, schedule F, if all of the following apply:

SECTION 4891t. 619.165 (1) (d) 2. of the statutes is created to read:

619.165 **(1)** (d) 2. In determining household income under par. (b), the board shall consider information submitted by an eligible person on a completed federal profit or loss from farming form, schedule F, if all of the following apply:

a. The person is a farmer, as defined in s. 102.04 (3).

b. The person was not eligible to claim the homestead credit under subch. VIII of ch. 71 in the preceding taxable year.

SECTION 4893. 619.165 (2) of the statutes is repealed.

SECTION 4894. 619.165 (3) of the statutes is renumbered 149.165 (4) and amended to read:

149.165 **(4)** The ~~commissioner shall forward to the board moneys received under s. 20.145 (7) (a) and (g) in an amount sufficient to~~ department shall reimburse the plan for premium reductions under sub. ~~(1)~~ (2) and deductible reductions under s. ~~619.14~~ 149.14 (5) (a) with moneys from the appropriation under s. 20.435 (5) (ah).

SECTION 4895. 619.167 of the statutes is repealed.

SECTION 4896. 619.17 (intro.) of the statutes is renumbered 149.17 (intro.).

SECTION 4897. 619.17 (1) of the statutes is renumbered 149.17 (1) and amended to read:

149.17 **(1)** Subject to ~~s. 619.14 (5) (a)~~ ss. 149.143 and 149.146 (2) (b), a rating plan calculated in accordance with generally accepted actuarial principles.

SECTION 4898. 619.17 (2) of the statutes is renumbered 149.17 (2) and amended to read:

149.17 **(2)** A schedule of premiums, deductibles and coinsurance payments which complies with all requirements of this ~~subchapter~~ chapter.

SECTION 4899. 619.17 (3) of the statutes is renumbered 149.17 (3).

SECTION 4900. 619.17 (4) (a) of the statutes is renumbered 149.17 (4) and amended to read:

149.17 **(4)** Cost containment provisions established by the ~~commissioner~~ department by rule, including managed care requirements.

SECTION 4901. 619.175 of the statutes is renumbered 149.175 and amended to read:

149.175 Waiver or exemption from provisions prohibited. Except as provided in s. ~~619.13 (1) (a)~~ 149.13 (1), the ~~commissioner~~ department may not waive, or authorize the board to waive, any of the requirements of this ~~subchapter~~ chapter or exempt, or authorize the board to exempt, an individual or a class of individuals from any of the requirements of this ~~subchapter~~ chapter.

SECTION 4902. 619.18 of the statutes is renumbered 149.18 and amended to read:

149.18 Chapters 600 to 645 applicable. Except as otherwise provided in this ~~subchapter~~ chapter, the plan shall comply and be administered in compliance with chs. 600 to 645.

SECTION 4910c. 628.34 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 289, 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 ~~and~~, 632.745 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 4910e. 628.34 (3) (b) of the statutes, as affected by 1995 Wisconsin Act 289, is amended to read:

628.34 **(3)** (b) No insurer may refuse to insure or refuse to continue to insure, or limit the amount, extent or kind of coverage available to an individual, or charge an individual a different rate for the same coverage because of a mental or physical disability except when the refusal, limitation or rate differential is based on either sound actuarial principles supported by reliable data or actual or reasonably anticipated experience, subject to ss. ~~632.745, 632.747, 632.749, 635.09 and 635.26~~ 632.746 to 632.7495.

SECTION 4910g. 628.36 (2) (b) 1. of the statutes is amended to read:

628.36 **(2)** (b) 1. Except for health maintenance organizations, preferred provider plans~~,~~ and limited service health organizations ~~and the small employer health insurance plan under subch. II of ch. 635~~, no health care plan may prevent any person covered under the plan from choosing freely among providers who have agreed to participate in the plan and abide by its terms, except by requiring the person covered to select primary providers to be used when reasonably possible.

SECTION 4910i. 628.36 (2) (b) 3. of the statutes is amended to read:

628.36 **(2)** (b) 3. Except as provided in subd. 4., no provider may be denied the opportunity to participate in a health care plan, other than a health maintenance organization, a limited service health organization~~,~~ or a preferred provider plan ~~or the small employer health insurance plan under subch. II of ch. 635~~, under the terms of the plan.

SECTION 4910k. 628.36 (2) (b) 5. of the statutes is amended to read:

628.36 **(2)** (b) 5. ~~Except for the small employer health insurance plan under subch. II of ch. 635 to the extent determined by the small employer insurance board under s. 635.23 (1) (b), all~~ All health care plans, including health maintenance organizations, limited service health organizations and preferred provider plans are subject to s. 632.87 (3).

SECTION 4910m. 631.01 (4) of the statutes is amended to read:

631.01 **(4)** ANNUITIES AND GROUP POLICIES FOR ELEEMOSYNARY INSTITUTIONS. This chapter~~,~~ and ch. 632 ~~and the health insurance mandates under ch. 632 that apply to the plan under subch. II of ch. 635~~ do not apply to annuities or group policies that are provided on a basis as uniform nationally as state statutes permit to educational, scientific research, religious or charitable institutions organized without profit to any person, for the benefit of employes of such institutions. The commissioner may by order subject such contracts issued by a particular insurer to this chapter~~,~~ or ch. 632 ~~or the health insurance mandates under ch. 632 that apply to the plan under subch. II of ch. 635~~ or any portion of those provisions upon a finding, after a hearing, that the interests of Wisconsin insureds or creditors or the public of this state so require.

SECTION 4912. 631.36 (7) (a) 2. of the statutes is amended to read:

631.36 **(7)** (a) 2. Unless the notice contains adequate instructions to the policyholder for applying for insurance through a risk−sharing plan under ~~subch. I of~~ ch. 619, if a risk−sharing plan exists under ~~subch. I of~~ ch. 619 for the kind of coverage being canceled or nonrenewed, except as provided in par. (b).

SECTION 4915m. 632.70 of the statutes is repealed.

SECTION 4916m. 632.745 of the statutes, as affected by 1995 Wisconsin Acts 289 and 453, is repealed and recreated to read:

632.745 Coverage requirements for group and individual health benefit plans; definitions. In this section and ss. 632.746 to 632.7495:

(1) "Affiliation period" means the period which, under the terms of health insurance coverage offered by a health maintenance organization, must expire before the health insurance coverage becomes effective.

(2) "Beneficiary" has the meaning given in section 3 (8) of the federal Employee Retirement Income Security Act of 1974.

(3) "Bona fide association" means an association that satisfies all of the following:

(a) The association has been actively in existence for at least 5 years.

(b) The association has been formed and maintained in good faith for purposes other than obtaining insurance.

(c) The association does not condition membership in the association on any health status–related factor of an individual, including an employe of an employer or a dependent of an employe.

(d) The association makes health insurance coverage offered through the association available to all members, regardless of any health status–related factor of those members or individuals eligible for coverage through a member.

(e) The association does not make health insurance coverage offered through the association available other than in connection with a member of the association.

(f) The association meets any additional requirements that are imposed by a rule of the commissioner designed to prevent the use of an association for risk segmentation.

(4) (a) Except as provided in par. (b), "creditable coverage" means coverage under any of the following:

1. A group health plan.

2. Health insurance.

3. Part A or part B of title XVIII of the federal Social Security Act.

4. Title XIX of the federal Social Security Act, except for coverage consisting solely of benefits under section 1928 of that act.

5. Chapter 55 of title 10 of the United States Code.

6. A medical care program of the federal Indian health service or of an American Indian tribal organization.

7. A state health benefits risk pool.

8. A health plan offered under chapter 89 of title 5 of the United States Code.

9. A public health plan, as defined in regulations issued by the federal department of health and human services.

10. A health coverage plan under section 5 (e) of the federal Peace Corps Act, 22 USC 2504 (e).

(b) "Creditable coverage" does not include coverage consisting solely of coverage of excepted benefits, as defined in section 2791 (c) of P.L. 104–191.

(5) (a) Except as provided in par. (b), "eligible employe" means an employe who works on a permanent basis and has a normal work week of 30 or more hours. The term includes a sole proprietor, a business owner, including the owner of a farm business, a partner of a partnership and a member of a limited liability company if the sole proprietor, business owner, partner or member is included as an employe under a health benefit plan of an employer, but the term does not include an employe who works on a temporary or substitute basis.

(b) For purposes of a group health benefit plan, or a self–insured health plan, that is offered by the state under s. 40.51 (6) or by the group insurance board under s. 40.51 (7), "eligible employe" has the meaning given in s. 40.02 (25).

(6) (a) "Employer" means any of the following:

1. An individual, firm, corporation, partnership, limited liability company or association that is actively engaged in a business enterprise in this state, including a farm business.

2. A municipality, as defined in s. 16.70 (8).

3. The state.

(b) For purposes of this definition, all of the following apply:

1. All persons treated as a single employer under subsection (b), (c), (m) or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as one employer.

2. "Employer" includes any predecessor of an employer.

(7) "Enrollment date" means, with respect to an individual covered under a group health plan or health insurance, the date of enrollment of the individual under the plan or insurance or, if earlier, the first day of the waiting period for such enrollment.

(8) "Federal continuation provision" means any of the following:

(a) Section 4980B of the Internal Revenue Code of 1986, except for section 4980B (f) (1) of that code insofar as it relates to pediatric vaccines.

(b) Part 6 of subtitle B of title I of the federal Employee Retirement Income Security Act of 1974, except for section 609 of that act.

(c) Title XXII of P.L. 104–191.

(9) "Group health benefit plan" means a health benefit plan that is issued by an insurer to or through an employer on behalf of a group consisting of at least 2 employes or a group including at least 2 eligible employes. The term includes individual health benefit plans covering eligible employes when 3 or more are sold to or through an employer.

(10) "Group health plan" means any of the following:

(a) An employe welfare plan, as defined in section 3 (1) of the federal Employee Retirement Security Act of 1974, to the extent that the employe welfare plan provides medical care, including items and services paid for as medical care, to employes or to their dependents, as defined under the terms of the employe welfare plan, directly or through insurance, reimbursement or otherwise.

(b) Any program that would not otherwise be an employe welfare benefit plan and that is established or maintained by a partnership, to the extent that the program provides medical care, including items and services paid for as medical care, to present or former partners of the partnership or to their dependents, as defined under the terms of the program, directly or through insurance, reimbursement or otherwise.

(11) (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. Benefits that are provided under a separate policy, certificate or contract of insurance and that are medicare supplemental health insurance, as defined in section 1882 (g) (1) of the federal Social Security Act, coverage supplemental to the coverage provided under chapter 55 of title 10 of the United States Code or similar supplemental coverage provided as supplemental to coverage under a group health plan.

12. Other insurance exempted by rule of the commissioner.

(12) "Health insurance" includes health benefit plans but does not include group health plans.

(13) "Health maintenance organization" has the meaning given in s. 609.01 (2).

(14) "Health status−related factor" means any of the factors listed in s. 632.748 (1) (a).

(15) "Insurer" means an insurer that is authorized to do business in this state, in one or more lines of insurance that includes health insurance, and that offers health benefit plans covering individuals in this state or eligible employes of one or more employers in this state. The term includes a health maintenance organization, a preferred provider plan, as defined in s. 609.01 (4), an insurer operating as a cooperative association organized under ss. 185.981 to 185.985 and a limited service health organization, as defined in s. 609.01 (3).

(16) "Large employer" means, with respect to a calendar year and a plan year, an employer that employed an average of at least 51 employes on business days during the preceding calendar year, or that is reasonably expected to employ an average of at least 51 employes on business days during the current calendar year if the employer was not in existence during the preceding calendar year, and that employs at least 2 employes on the first day of the plan year.

(17) "Large group market" means the health insurance market under which individuals obtain health insurance coverage on behalf of themselves and their dependents, directly or through any arrangement, under a group health benefit plan maintained by a large employer.

(18) "Late enrollee" means, with respect to coverage under a group health plan or health insurance coverage, a participant, beneficiary or individual who enrolls under the plan or coverage at any time other than during any of the following:

(a) The first period in which the individual is eligible to enroll under the plan or coverage.

(b) A special enrollment period under s. 632.746 (7).

(**19**) "Network plan" means health insurance coverage of an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer.

(20) "Participant" has the meaning given in section 3 (7) of the federal Employee Retirement Income Security Act of 1974. "Participant" includes an individual who is, or may become, eligible to receive a benefit, or whose beneficiaries may be eligible to receive any such benefit, in connection with a group health plan or group health benefit plan if the individual is any of the following:

(a) A partner in relation to a partnership and the group health plan or group health benefit plan is maintained by the partnership.

(b) A self−employed individual with one or more employes who are participants in the group health plan or group health benefit plan and the group health plan or group health benefit plan is maintained by the self−employed individual.

(21) "Placed for adoption" or "placement for adoption" means, with respect to the placement for adoption of a child with a person, the assumption and retention by the person of a legal obligation for the total or partial sup-

port of the child in anticipation of the adoption of the child. A child's placement for adoption with a person terminates upon the termination of the person's legal obligation for support.

(22) "Plan sponsor" has the meaning given in section 3 (16) (B) of the federal Employee Retirement Income Security Act of 1974.

(23) "Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition of an individual that existed before the individual's date of enrollment for coverage.

(24) "Self−insured health plan" means a self−insured health plan of the state or a county, city, village, town or school district.

(25) "Small employer" has the meaning given in s. 635.02 (7).

(26) "Small group market" means the health insurance market under which individuals obtain health insurance coverage on behalf of themselves and their dependents, directly or through any arrangement, under a group health benefit plan maintained by, or obtained through, a small employer.

(27) "Waiting period" means, with respect to a group health plan or health insurance coverage and an individual who is a potential participant or beneficiary in the group health plan or who is potentially covered by the health insurance coverage, the period that must pass with respect to the individual before the individual is eligible for benefits under the terms of the plan or coverage.

SECTION 4917m. 632.746 of the statutes is created to read:

632.746 Preexisting condition; portability; restrictions; and special enrollment periods. (1) (a) Subject to subs. (2) and (3), an insurer that offers a group health benefit plan may, with respect to a participant or beneficiary under the plan, impose a preexisting condition exclusion only if the exclusion relates to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received within the 6−month period ending on the participant's or beneficiary's enrollment date under the plan.

(b) A preexisting condition exclusion under par. (a) may not extend beyond 12 months, or 18 months with respect to a late enrollee, after the participant's or beneficiary's enrollment date under the plan.

(2) (a) An insurer offering a group health benefit plan may not treat genetic information as a preexisting condition under sub. (1) without a diagnosis of a condition related to the information.

(b) An insurer offering a group health benefit plan may not impose a preexisting condition exclusion relating to pregnancy as a preexisting condition.

(c) Subject to par. (e), an insurer offering a group health benefit plan may not impose a preexisting condition exclusion with respect to an individual who is covered under creditable coverage on the last day of the 30−day period beginning with the day on which the individual is born.

(d) Subject to par. (e), an insurer offering a group health benefit plan may not impose a preexisting condition exclusion with respect to an individual who is adopted or placed for adoption before attaining the age of 18 years and who is covered under creditable coverage on the last day of the 30−day period beginning with the day on which the individual is adopted or placed for adoption. This paragraph does not apply to coverage before the day on which the individual is adopted or placed for adoption.

(e) Paragraphs (c) and (d) do not apply to an individual after the end of the first continuous period during which the individual was not covered under any creditable coverage for at least 63 days. For purposes of this paragraph, any waiting period or affiliation period for coverage under a group health plan or group health benefit plan shall not be taken into account in determining the period before enrollment in the group health plan or group health benefit plan.

(3) (a) The length of time during which any preexisting condition exclusion under sub. (1) may be imposed shall be reduced by the aggregate of the participant's or beneficiary's periods of creditable coverage on his or her enrollment date under the group health benefit plan.

(b) With respect to enrollment of an individual under a group health plan or a group health benefit plan, a period of creditable coverage after which the individual was not covered under any creditable coverage for a period of at least 63 days before enrollment in the group health plan or group health benefit plan may not be counted. For purposes of this paragraph, any waiting period or affiliation period for coverage under the group health plan or group health benefit plan shall not be taken into account in determining the period before enrollment in the group health plan or group health benefit plan.

(c) No period of creditable coverage before July 1, 1996, may be counted. Individuals who need to establish creditable coverage for periods before July 1, 1996, and who would have such coverage but for this paragraph may be given credit for creditable coverage for such periods through the presentation of documents or other means provided by the federal secretary of health and human services, consistent with section 104 of P.L. 104−191.

(d) 1. An insurer offering a group health benefit plan shall count a period of creditable coverage without regard to the specific benefits for which the individual had coverage during the period.

2. Notwithstanding subd. 1., an insurer offering a group health benefit plan may elect to apply par. (a) on the basis of coverage of benefits within each of several classes or categories of benefits specified in regulations issued by the federal department of health and human services under P.L. 104−191. The election shall be made on

a uniform basis for all participants and beneficiaries. Under the election, an insurer shall count a period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within the class or category.

3. An insurer that makes an election under subd. 2. shall prominently state in any disclosure statements concerning the coverage offered, and to each employer at the time of the offer or sale of coverage, that the insurer has made the election and what the effect of the election is.

(e) Periods of creditable coverage shall be established through the presentation of certifications described in sub. (4) or in any other manner specified in regulations issued by the federal department of health and human services under P.L. 104−191.

(4) (a) On and after October 1, 1996, an insurer that provides health benefit plan coverage shall provide the certification described in par. (b) upon the happening of any of the following events:

1. An individual ceases to be covered under the health benefit plan or otherwise becomes covered under a federal continuation provision. The certification required under this subdivision may be provided, to the extent practicable, at a time consistent with notices required under any applicable federal continuation provision or s. 632.897.

2. An individual ceases to be covered under a federal continuation provision.

3. Upon the request of an individual that is made not later than 24 months after the date of the cessation of the individual's coverage under subd. 1. or 2., whichever is later.

(b) The certification required under this subsection shall be a written certification that includes all of the following information:

1. The period of creditable coverage of the individual under the health benefit plan and the coverage, if any, under the federal continuation provision.

2. The waiting period, if any, or affiliation period, if any, imposed with respect to the individual for coverage under the health benefit plan.

(c) Upon the happening after June 30, 1996, and before October 1, 1996, of an event described in par. (a) 1. to 3., an insurer providing health benefit plan coverage shall provide a certification described in par. (b) if the individual with respect to whom the certification is provided requests the certification in writing.

(d) If an individual seeks to establish creditable coverage with respect to a period for which a certification is not required because of the happening of an event described in par. (a) 1. to 3. before July 1, 1996, all of the following apply:

1. The individual may present other credible evidence of the coverage in order to establish the period of creditable coverage.

2. An insurer may not be subject to any penalty or enforcement action with respect to the crediting or not crediting of the individual's coverage under subd. 1. if the insurer has sought to comply in good faith with any applicable requirements under this subsection.

(5) (a) If an insurer that made an election under sub. (3) (d) 2. enrolls an individual for coverage under a group health benefit plan and the individual provides a certification under sub. (4), upon the request of that insurer or the group health benefit plan the insurer that issued the certification shall promptly disclose to the requesting insurer or group health benefit plan information on coverage of classes or categories of health benefits available under the coverage on which the certification was based.

(b) The insurer providing the information may charge the requesting insurer or plan for the reasonable cost of disclosing the information.

(c) An insurer providing information under this subsection shall comply with regulations issued by the federal department of health and human services under section 2701 (e) (3) of P.L. 104−191.

(6) An insurer offering a group health benefit plan shall permit an employe who is not enrolled but who is eligible for coverage under the terms of the group health benefit plan, or a participant's or employe's dependent who is not enrolled but who is eligible for coverage under the terms of the group health benefit plan, to enroll for coverage under the terms of the plan if all of the following apply:

(a) The employe or dependent was covered under a group health plan or had health insurance coverage at the time coverage was previously offered to the employe or dependent.

(b) The employe or participant stated in writing at the time coverage was previously offered that coverage under a group health plan or health insurance coverage was the reason for declining enrollment under the insurer's group health benefit plan. This paragraph applies only if the insurer required such a statement at the time coverage was previously offered and provided the employe or participant, at the time coverage was previously offered, with notice of the requirement and the consequences of the requirement.

(c) The employe or dependent is currently covered under the group health plan or health insurance or, under the terms of the group health benefit plan, the employe or participant requests enrollment no later than 30 days after the date on which the coverage under par. (a) is exhausted or terminated.

(7) (a) If par. (b) applies, an insurer offering a group health benefit plan shall provide for a special enrollment period during which any of the following may occur:

1. A person who marries an individual and who is otherwise eligible for coverage may be enrolled under the plan as a dependent of the individual.

2. A person who is born to, adopted by or placed for adoption with, an individual may be enrolled under the plan as a dependent of the individual.

3. An individual who has met any waiting period applicable to becoming a participant under the plan, who is eligible to be enrolled under the plan and who failed to enroll during a previous enrollment period or such an individual's spouse, or both, may be enrolled under the plan.

(b) An insurer under par. (a) is required to provide for a special enrollment period if all of the following apply:

1. The group health benefit plan makes coverage available for dependents of participants under the plan.

2. The individual is a participant under the plan, or the individual has met any waiting period applicable to becoming a participant under the plan and is eligible to be enrolled under the plan but failed to enroll during a previous enrollment period.

3. A person becomes a dependent of the individual through marriage, birth, adoption or placement for adoption.

(c) A special enrollment period provided for under this subsection shall be for a period of not less than 30 days and shall begin on the later of either of the following:

1. The date dependent coverage is made available under the group health benefit plan.

2. The date of the marriage, birth, adoption or placement for adoption described in par. (a), whichever is applicable.

(d) If an individual seeks to enroll a dependent during the first 30 days of a special enrollment period, the coverage of the dependent shall become effective on the following date:

1. If the person becomes a dependent through marriage, not later than the first day of the first month beginning after the date on which the completed request for enrollment is received.

2. If the person becomes a dependent through birth, the date of birth.

3. If the person becomes a dependent through adoption or placement for adoption, the date of the adoption or placement for adoption.

(8) (a) A health maintenance organization that offers a group health benefit plan and that does not impose any preexisting condition exclusion under sub. (1) with respect to a particular coverage option may impose an affiliation period for that coverage option, but only if all of the following apply:

1. The affiliation period is applied uniformly without regard to any health status−related factors.

2. The affiliation period does not exceed 2 months, or 3 months with respect to a late enrollee.

(b) A health maintenance organization that imposes an affiliation period under this subsection is not required to provide health care services or benefits during the affiliation period. A health maintenance organization may not charge a premium to a participant or beneficiary for any coverage that is provided during an affiliation period. An affiliation period shall begin on the enrollment date and run concurrently with any waiting period under the group health benefit plan.

(c) A health maintenance organization under par. (a) may use methods other than those described in par. (a) to address adverse selection, if the methods are approved by the commissioner.

(9) (a) Except as provided in pars. (b) and (c), requirements used by an insurer in determining whether to provide coverage under a group health benefit plan to an employer, including requirements for minimum participation of eligible employes and minimum employer contributions, shall be applied uniformly among all employers that apply for or receive coverage from the insurer.

(b) An insurer may do all of the following:

1. Vary its minimum participation requirements or minimum employer contribution requirements only by the size of the employer group based on the number of eligible employes.

2. Unless the commissioner by rule permits more frequent change, increase the minimum participation requirements or minimum employer contribution requirements no more than one time during a calendar year and, except as otherwise permitted under this subsection, only if the requirements are applied uniformly to all employers applying for coverage and to all renewing employers effective on the date of renewal.

3. Except as limited or restricted by rule of the commissioner, establish separate participation requirements or employer contribution requirements that uniformly apply to all employers that provide a choice of coverage to employes or their dependents. Except as limited or restricted by rule of the commissioner, an insurer may establish separate uniform requirements based on the number or type of choice of coverage provided by the employer.

(c) Except as provided in par. (b), an insurer may vary requirements used by the insurer in determining whether to provide coverage under a group health benefit plan to a large employer, but only if the requirements are applied uniformly among all large employers that have the same number of eligible employes.

(d) In applying minimum participation requirements with respect to an employer, an insurer may not count eligible employes who have other coverage that is creditable coverage in determining whether the applicable percentage of participation is met, except that an insurer may count eligible employes who have coverage under another health benefit plan that is sponsored by that employer and that is creditable coverage.

(e) This subsection does not apply to a group health benefit plan offered by the state under s. 40.51 (6) or by the group insurance board under s. 40.51 (7).

(10) (a) 1. Except as provided in rules promulgated under subd. 3. or 4., if an insurer offers a group health benefit plan to an employer, the insurer shall offer cover-

age to all of the eligible employes of the employer and their dependents. Except as provided in rules promulgated under subd. 3. or 4., an insurer may not offer coverage to only certain individuals in an employer group or to only part of the group, except for an eligible employe who has not yet satisfied an applicable waiting period, if any.

2. Except as provided in rules promulgated under subd. 3., if the state or a county, city, village, town or school district offers coverage under a self−insured health plan, it shall offer coverage to all of its eligible employes and their dependents. Except as provided in rules promulgated under subd. 3., the state or a county, city, village, town or school district may not offer coverage to only certain individuals in the employer group or to only part of the group, except for an eligible employe who has not yet satisfied an applicable waiting period, if any.

3. The secretary of employe trust funds, with the approval of the group insurance board, shall promulgate rules related to offering coverage to eligible employes under a group health benefit plan, or a self−insured health plan, offered by the state under s. 40.51 (6) or by the group insurance board under s. 40.51 (7). The rules shall conform to the intent of subds. 1. and 2. and may not allow the state or the group insurance board to refuse to offer coverage to an eligible employe or dependent for reasons related to health condition.

4. The commissioner may promulgate rules permitting exceptions to the requirement under subd. 1. for classes of eligible employes or their dependents. No rule promulgated under this subdivision may permit an insurer to refuse to offer to provide coverage to an eligible employe or his or her dependent for reasons related to health condition.

(b) 1. An insurer may not modify a group health benefit plan with respect to an employer or an eligible employe or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the group health benefit plan.

2. The state or a county, city, village, town or school district may not modify a self−insured health plan with respect to an eligible employe or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the self−insured health plan.

3. Nothing in this paragraph limits the authority of the group insurance board to fulfill its obligations as trustee under s. 40.03 (6) (d) or to design or modify procedures or provisions pertaining to enrollment, premium transmitted or coverage of eligible employes for health care benefits under s. 40.51 (1).

SECTION 4918m. 632.747 (1) (intro.) of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

632.747 **(1)** EMPLOYE BECOMES ELIGIBLE AFTER COMMENCEMENT OF COVERAGE. (intro.) ~~If~~ Unless otherwise permitted by rule of the commissioner, if an insurer provides coverage under a group health benefit plan, the insurer shall provide coverage under the group health benefit plan to an eligible employe who becomes eligible for coverage after the commencement of the employer's coverage, and to the eligible employe's dependents, regardless of health condition or claims experience, if all of the following apply:

SECTION 4919m. 632.747 (2) of the statutes, as created by 1995 Wisconsin Act 289, is repealed.

SECTION 4920m. 632.747 (3) (a) of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

632.747 **(3)** (a) The eligible employe was covered as a dependent under ~~qualifying~~ creditable coverage when he or she waived coverage under the self−insured health plan.

SECTION 4921m. 632.747 (3) (b) of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

632.747 **(3)** (b) The eligible employe's coverage under the ~~qualifying~~ creditable coverage has terminated or will terminate due to a divorce from the insured under the ~~qualifying~~ creditable coverage, the death of the insured under the ~~qualifying~~ creditable coverage, loss of employment by the insured under the ~~qualifying~~ creditable coverage or involuntary loss of coverage under the ~~qualifying~~ creditable coverage by the insured under the ~~qualifying~~ creditable coverage.

SECTION 4922m. 632.747 (3) (c) of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

632.747 **(3)** (c) The eligible employe applies for coverage under the self−insured health plan not more than 30 days after termination of his or her coverage under the ~~qualifying~~ creditable coverage.

SECTION 4923m. 632.748 of the statutes is created to read:

632.748 Prohibiting discrimination. (1) (a) Subject to subs. (3) and (4), an insurer may not establish rules for the eligibility of any individual to enroll, or for the continued eligibility of any individual to remain enrolled, under a group health benefit plan based on any of the following factors with respect to the individual or a dependent of the individual:

1. Health status.
2. Medical condition, including both physical and mental illnesses.
3. Claims experience.
4. Receipt of health care.
5. Medical history.
6. Genetic information.
7. Evidence of insurability, including conditions arising out of acts of domestic violence.
8. Disability.

(b) For purposes of par. (a), rules for eligibility to enroll under a group health benefit plan include rules defining any applicable waiting periods for enrollment.

(2) An insurer offering a group health benefit plan may not require any individual, as a condition of enrollment or continued enrollment under the plan, to pay, on the basis of any health status−related factor with respect to the individual or a dependent of the individual, a premium or contribution that is greater than the premium or contribution for a similarly situated individual enrolled under the plan.

(3) To the extent consistent with s. 632.746, sub. (1) shall not be construed to do any of the following:

(a) Require a group health benefit plan to provide particular benefits other than those provided under the terms of the plan.

(b) Prevent a group health benefit plan from establishing limitations or restrictions on the amount, level, extent or nature of benefits or coverage for similarly situated individuals enrolled under the plan.

(4) Nothing in sub. (1) shall be construed to do any of the following:

(a) Restrict the amount that an insurer may charge an employer for coverage under a group health benefit plan.

(b) Prevent an insurer offering a group health benefit plan from establishing premium discounts or rebates, or from modifying otherwise applicable copayments or deductibles, in return for adherence to programs of health promotion and disease prevention.

(c) Provide an exception from, or limit, the rate regulation under s. 635.05.

SECTION 4924m. 632.749 of the statutes, as created by 1995 Wisconsin Act 289, is repealed and recreated to read:

632.749 Contract termination and renewability. **(1)** (a) Except as provided in subs. (2) to (4) and notwithstanding s. 631.36 (2) to (4m), an insurer that offers a group health benefit plan shall renew such coverage or continue such coverage in force at the option of the employer and, if applicable, plan sponsor.

(b) At the time of coverage renewal, the insurer may modify a group health benefit plan issued in the large group market.

(2) Notwithstanding s. 631.36 (2) to (4m), an insurer may nonrenew or discontinue a group health benefit plan, but only if any of the following applies:

(a) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the group health benefit plan or in a timely manner.

(b) The plan sponsor has performed an act or engaged in a practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the coverage.

(c) The plan sponsor has failed to comply with a material plan provision that is permitted under law relating to employer contribution or group participation rules.

(d) The insurer is ceasing to offer coverage in the market in which the group health benefit plan is included in accordance with sub. (3) and any other applicable state law.

(e) In the case of a group health benefit plan that the insurer offers through a network plan, there is no longer an enrollee under the plan who resides, lives or works in the service area of the insurer or in an area in which the insurer is authorized to do business and, in the case of the small group market, the insurer would deny enrollment under the plan under s. 635.19 (2) (a) 1.

(f) In the case of a group health benefit plan that is made available only through one or more bona fide associations, the employer ceases to be a member of the association on which the coverage is based. Coverage may be terminated if this paragraph applies only if the coverage is terminated uniformly without regard to any health status−related factor of any covered individual.

(3) (a) Notwithstanding s. 631.36 (2) to (4m), an insurer may discontinue offering in this state a particular type of group health benefit plan offered in either the large group market or the group market other than the large group market, but only if all of the following apply:

1. The insurer provides notice of the discontinuance to each employer and, if applicable, plan sponsor for whom the insurer provides coverage of this type in this state, and to the participants and beneficiaries covered under the coverage, at least 90 days before the date on which the coverage will be discontinued.

2. The insurer offers to each employer and, if applicable, plan sponsor for whom the insurer provides coverage of this type in this state the option to purchase from among all of the other group health benefit plans that the insurer offers in the market in which is included the type of group health benefit plan that is being discontinued, except that in the case of the large group market, the insurer must offer each employer and, if applicable, plan sponsor the option to purchase one other group health benefit plan that the insurer offers in the large group market.

3. In exercising the option to discontinue coverage of this particular type and in offering the option to purchase coverage under subd. 2., the insurer acts uniformly without regard to any health status−related factor of any covered participants or beneficiaries or any participants or beneficiaries who may become eligible for coverage.

(b) Notwithstanding s. 631.36 (2) to (4m), an insurer may discontinue offering in this state all group health benefit plans in the large group market or in the group market other than the large group market, or in both such group markets, but only if all of the following apply:

1. The insurer provides notice of the discontinuance to the commissioner and to each employer and, if applicable, plan sponsor for whom the insurer provides coverage of this type in this state, and to the participants and benefi-

ciaries covered under the coverage, at least 180 days before the date on which the coverage will be discontinued.

2. All group health benefit plans issued or delivered for issuance in this state in the affected market or markets are discontinued and coverage under such group health benefit plans is not renewed.

3. The insurer does not issue or deliver for issuance in this state any group health benefit plan in the affected market or markets before 5 years after the day on which the last group health benefit plan is discontinued under subd. 2.

(4) This section does not apply to a group health benefit plan offered by the state under s. 40.51 (6) or by the group insurance board under s. 40.51 (7).

SECTION 4925m. 632.7495 of the statutes is created to read:

632.7495 Guaranteed renewability of individual health insurance coverage. (1) (a) Except as provided in subs. (2) and (3) 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.

(b) At the time of coverage renewal, the insurer may modify the individual health benefit plan coverage policy form as long as the modification is consistent with state law and effective on a uniform basis among all individuals with coverage under that policy form.

(2) Notwithstanding s. 631.36 (2) to (4m), an insurer may nonrenew or discontinue the individual health benefit plan coverage of an individual, but only if any of the following applies:

(a) The individual or, if applicable, the association through which the individual has coverage has failed to pay premiums or contributions in accordance with the terms of the health insurance coverage or in a timely manner.

(b) The individual or, if applicable, the association through which the individual has coverage has performed an act or engaged in a practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the health insurance coverage.

(c) The insurer is ceasing to offer individual health benefit plan coverage in accordance with sub. (3) and any other applicable state law.

(d) In the case of individual health benefit plan coverage that the insurer offers through a network plan, the individual no longer resides, lives or works in the service area or in an area in which the insurer is authorized to do business. Coverage may be terminated if this paragraph applies only if the coverage is terminated uniformly without regard to any health status−related factor of covered individuals.

(e) In the case of individual health benefit plan coverage that the insurer offers only through one or more bona fide associations, the individual ceases to be a member of the association on which the coverage is based. Coverage may be terminated if this paragraph applies only if the coverage is terminated uniformly without regard to any health status−related factor of covered individuals.

(f) The individual is eligible for medicare and the commissioner by rule permits coverage to be terminated.

(3) (a) Notwithstanding s. 631.36 (2) to (4m), an insurer may discontinue offering in this state a particular type of individual health benefit plan coverage, but only if all of the following apply:

1. The insurer provides notice of the discontinuance to each individual for whom the insurer provides coverage of this type in this state and, if applicable, to the association through which the individual has coverage at least 90 days before the date on which the coverage will be discontinued.

2. The insurer offers to each individual for whom the insurer provides coverage of this type in this state and, if applicable, to the association through which the individual has coverage the option to purchase any other type of individual health insurance coverage that the insurer offers for individuals.

3. In electing to discontinue coverage of this particular type and in offering the option to purchase coverage under subd. 2., the insurer acts uniformly without regard to any health status−related factor of enrolled individuals or individuals who may become eligible for the type of coverage described under subd. 2.

(b) Notwithstanding s. 631.36 (2) to (4m), an insurer may discontinue offering individual health benefit plan coverage in this state, but only if all of the following apply:

1. The insurer provides notice of the discontinuance to the commissioner and to each individual for whom the insurer provides individual health benefit plan coverage in this state and, if applicable, to the association through which the individual has coverage at least 180 days before the date on which the coverage will be discontinued.

2. All individual health benefit plan coverage issued or delivered for issuance in this state is discontinued and coverage under such coverage is not renewed.

3. The insurer does not issue or deliver for issuance in this state any individual health benefit plan coverage before 5 years after the day on which the last individual health benefit plan coverage is discontinued under subd. 2.

SECTION 4929m. 632.755 (title) of the statutes is amended to read:

632.755 (title) **Public assistance <u>and early intervention services</u>.**

SECTION 4929n. 632.755 (1g) (a) of the statutes is amended to read:

632.755 **(1g)** (a) A disability insurance policy may not exclude a person or a person's dependent from coverage because the person or the dependent is eligible for

assistance under ch. 49 or because the dependent is eligible for early intervention services under s. 51.44.

SECTION 4929p. 632.755 (1g) (b) of the statutes is amended to read:

632.755 **(1g)** (b) A disability insurance policy may not terminate its coverage of a person or a person's dependent because the person or the dependent is eligible for assistance under ch. 49 or because the dependent is eligible for early intervention services under s. 51.44.

SECTION 4929r. 632.755 (1g) (c) of the statutes is amended to read:

632.755 **(1g)** (c) A disability insurance policy may not provide different benefits of coverage to a person or the person's dependent because the person or the dependent is eligible for assistance under ch. 49 or because the dependent is eligible for early intervention services under s. 51.44 than it provides to persons and their dependents who are not eligible for assistance under ch. 49 or for early intervention services under s. 51.44.

SECTION 4929t. 632.755 (2) of the statutes is amended to read:

632.755 **(2)** Benefits provided by a disability insurance policy shall be primary to those benefits provided under ch. 49 or under s. 51.44 or 253.05.

SECTION 4929w. 632.76 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 289, is amended to read:

632.76 **(2)** (a) No claim for loss incurred or disability commencing after 2 years from the date of issue of the policy may be reduced or denied on the ground that a disease or physical condition existed prior to the effective date of coverage, unless the condition was excluded from coverage by name or specific description by a provision effective on the date of loss. This paragraph does not apply to a group health benefit plan, as defined in s. 632.745 ~~(1) (c)~~ (9), which is subject to s. ~~632.745 (2)~~ 632.746.

SECTION 4930. 632.785 (1) (intro.) of the statutes is amended to read:

632.785 **(1)** (intro.) If an insurer issues one or more of the following or takes any other action based wholly or partially on medical underwriting considerations which is likely to render any person eligible under s. ~~619.12~~ 149.12 for coverage under ~~subch. II of~~ ch. ~~619~~ 149, the insurer shall notify all persons affected of the existence of the mandatory health insurance risk–sharing plan under ~~subch. II of~~ ch. ~~619~~ 149, as well as the eligibility requirements and method of applying for coverage under the plan:

SECTION 4930d. 632.89 (2) (a) 2. of the statutes is amended to read:

632.89 **(2)** (a) 2. Except as provided in pars. (b) to (e), coverage of conditions under subd. 1. by a policy may ~~not~~ be subject to exclusions or limitations, including deductibles, that are ~~not~~ generally applicable to other conditions covered under the policy.

SECTION 4930f. 632.89 (2) (c) 2. a. of the statutes is amended to read:

632.89 **(2)** (c) 2. a. The expenses of ~~the first~~ 30 days as an inpatient in a hospital.

SECTION 4930h. 632.89 (2) (c) 2. b. of the statutes is amended to read:

632.89 **(2)** (c) 2. b. ~~The first $7,000~~ Seven thousand dollars minus a copayment of up to 10% for inpatient hospital services or, if the coverage is provided by a health maintenance organization, as defined in s. 609.01 (2), ~~the first~~ $6,300 or the equivalent benefits measured in services rendered.

SECTION 4930pm. 632.89 (2) (d) 2. of the statutes is amended to read:

632.89 **(2)** (d) 2. Except as provided in par. (b), a policy under subd. 1. shall provide coverage in every policy year for not less than ~~the first~~ $2,000 minus a copayment of up to 10% for outpatient services or, if the coverage is provided by a health maintenance organization, as defined in s. 609.01 (2), ~~the first~~ $1,800 or the equivalent benefits measured in services rendered.

SECTION 4930rm. 632.89 (2) (dm) 2. of the statutes is amended to read:

632.89 **(2)** (dm) 2. Except as provided in par. (b), a policy under subd. 1. shall provide coverage in every policy year for not less than ~~the first~~ $3,000 minus a copayment of up to 10% for transitional treatment arrangements or, if the coverage is provided by a health maintenance organization, as defined in s. 609.01 (2), ~~the first~~ $2,700 or the equivalent benefits measured in services rendered.

SECTION 4930t. 632.895 (11) of the statutes is created to read:

632.895 **(11)** TREATMENT FOR THE CORRECTION OF TEMPOROMANDIBULAR DISORDERS. (a) 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, including medically necessary surgery for the correction of functional deformities of the maxilla or mandible, if all of the following apply:

Vetoed In Part

1. The condition is caused by congenital, developmental or acquired deformity, disease or injury.

2. Under the accepted standards of the profession of the health care provider rendering the service, the procedure or device is reasonable and appropriate for the diagnosis or treatment of the condition.

3. The purpose of the procedure or device is to control or eliminate infection, pain, disease or dysfunction.

(b) 1. The coverage required under this subsection for nonsurgical treatment includes coverage for prescribed intraoral splint therapy devices.

2. The coverage required under this subsection does not include coverage for cosmetic or elective orthodontic care, periodontic care or general dental care.

(c) The coverage required under this subsection may be subject to any limitations, exclusions or cost−sharing provisions that apply generally under the disability insurance policy or self−insured health plan.

SECTION 4930u. 632.895 (12) of the statutes is created to read:

632.895 **(12)** HOSPITAL AND AMBULATORY SURGERY CENTER CHARGES AND ANESTHETICS FOR DENTAL CARE. (a) In this subsection, "ambulatory surgery center" has the meaning given in s. 49.45 (6r) (a) 1.

(b) 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:

1. The individual is a child under the age of 5.

2. The individual has a chronic disability that meets all of the conditions under s. 230.04 (9r) (a) 2. a., b. and c.

3. The individual has a medical condition that requires hospitalization or general anesthesia for dental care.

(c) The coverage required under this subsection may be subject to any limitations, exclusions or cost−sharing provisions that apply generally under the disability insurance policy or self−insured plan.

SECTION 4930v. 632.895 (13) of the statutes is created to read:

632.895 **(13)** BREAST RECONSTRUCTION. (a) 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 the surgical procedure known as a mastectomy shall provide coverage of breast reconstruction of the affected tissue incident to a mastectomy.

(b) The coverage required under par. (a) may be subject to any limitations, exclusions or cost−sharing provisions that apply generally under the disability insurance policy or self−insured health plan.

SECTION 4931m. 632.896 (4) of the statutes, as affected by 1995 Wisconsin Act 289, is amended to read:

632.896 **(4)** PREEXISTING CONDITIONS. Notwithstanding ss. ~~632.745 (2)~~ 632.746 and 632.76 (2) (a), a disability insurance policy that is subject to sub. (2) and that is in effect when a court makes a final order granting adoption or when the child is placed for adoption may not exclude or limit coverage of a disease or physical condition of the child on the ground that the disease or physical condition existed before coverage is required to begin under sub. (3).

SECTION 4932. 632.897 (10) (am) 2. of the statutes is amended to read:

632.897 **(10)** (am) 2. Provide family coverage under the group policy or individual policy for the individual's child, if eligible for coverage, upon application by the individual, the child's other parent, the department of ~~health and family services~~ workforce development or the county ~~designee~~ child support agency under s. 59.53 (5).

SECTION 4932bm. 632.898 (1), (2), (3), (4), (5) and (6) of the statutes are repealed.

SECTION 4932br. 632.898 (7) of the statutes is renumbered 632.899 and amended to read:

632.899 (title) **Medical savings accounts study.** If the federal government enacts legislation providing for a federal income tax exemption for amounts deposited in ~~an~~ a medical savings account ~~established under this section~~ and for any interest, dividends or other gain that accrues in the account if redeposited in the account, the commissioner shall conduct a study, to be completed within 4 years after the enactment of the federal legislation, of individuals and groups that had coverage under a high cost−share health plan, as defined in s. 632.898 (1) (c), 1995 stats., and that terminated that coverage in order to enroll in a health benefit plan that was not a high cost−share health plan~~. If as a result of the study the commissioner determines that s. 632.745 (1) (f) 2. is not necessary for the purpose for which it was intended, the commissioner shall certify that determination to the revisor of statutes. Upon the certification, the revisor of statutes shall publish notice in the Wisconsin administrative register of the determination, the date of the certification and that after 30 days after the date of the certification s. 632.745 (1) (f) 2. is not effective~~, as defined in s. 632.898 (1) (c), 1995 stats. The commissioner shall submit a report of all findings, conclusions and recommendations to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

SECTION 4932d. Subchapter I (title) of chapter 635 [precedes 635.01] of the statutes is repealed.

SECTION 4932f. 635.01 of the statutes is amended to read:

635.01 Scope. This ~~subchapter~~ chapter applies to all group health insurance plans, policies or certificates, written on risks or operations in this state, providing coverage for employes of a small employer, or employes of a small employer and the employer, and to individual health insurance policies, written on risks or operations in this state, providing coverage for employes of a small employer, or employes of a small employer and the employer when 3 or more are sold to or through a small employer.

SECTION 4932h. 635.02 (intro.) of the statutes is amended to read:

635.02 Definitions. (intro.) In this ~~subchapter~~ chapter:

SECTION 4932j. 635.02 (1c) of the statutes is repealed.

SECTION 4932L. 635.02 (1p) of the statutes is created to read:

635.02 **(1p)** "Bona fide association" has the meaning given in s. 632.745 (3).

SECTION 4932p. 635.02 (3c) of the statutes is repealed.

SECTION 4932q. 635.02 (3f) of the statutes is repealed.

SECTION 4932r. 635.02 (3g) of the statutes is created to read:

635.02 **(3g)** "Employer" has the meaning given in s. 632.745 (6).

SECTION 4932s. 635.02 (3k) of the statutes is created to read:

635.02 **(3k)** "Group health benefit plan" has the meaning given in s. 632.745 (9).

SECTION 4932t. 635.02 (3m) of the statutes is repealed and recreated to read:

635.02 **(3m)** "Health benefit plan" has the meaning given in s. 632.745 (11).

SECTION 4932u. 635.02 (4t) of the statutes is created to read:

635.02 **(4t)** "Network plan" has the meaning given in s. 632.745 (19).

SECTION 4932v. 635.02 (7) of the statutes is repealed and recreated to read:

635.02 **(7)** "Small employer" means, with respect to a calendar year and a plan year, an employer that employed an average of at least 2 but not more than 50 employes on business days during the preceding calendar year, or that is reasonably expected to employ an average of at least 2 but not more than 50 employes on business days during the current calendar year if the employer was not in existence during the preceding calendar year, and that employs at least 2 employes on the first day of the plan year.

SECTION 4932w. 635.02 (9) of the statutes is created to read:

635.02 **(9)** "Small group market" has the meaning given in s. 632.745 (26).

SECTION 4932x. 635.09 of the statutes is repealed.

SECTION 4932y. 635.11 of the statutes is renumbered 635.11 (1m), and 635.11 (1m) (intro.), as renumbered, is amended to read:

635.11 **(1m)** (intro.) Before the sale of a plan or policy subject to this ~~subchapter~~ chapter, a small employer insurer shall disclose to a small employer all of the following:

SECTION 4933c. 635.11 (1m) (e) of the statutes is created to read:

635.11 **(1m)** (e) As part of the small employer insurer's solicitation and sales materials, the availability of the information under par. (f).

SECTION 4933e. 635.11 (1m) (f) of the statutes is created to read:

635.11 **(1m)** (f) Upon the request of the small employer, the following information:

1. The provisions, if any, of the plan or policy relating to preexisting condition exclusions.

2. The benefits and premiums available under all health insurance coverage offered by the small employer insurer for which the small employer is qualified.

SECTION 4933g. 635.11 (2m) of the statutes is created to read:

635.11 **(2m)** Information required to be disclosed under this section shall be provided in a manner that is understandable to a small employer and shall be sufficient to reasonably inform a small employer of the small employer's rights and obligations under the health insurance coverage.

SECTION 4933i. 635.11 (3m) of the statutes is created to read:

635.11 **(3m)** A small employer insurer is not required under this section to disclose information that is proprietary or trade secret information under applicable law.

SECTION 4934c. 635.13 (1) of the statutes is amended to read:

635.13 **(1)** RECORDS. A small employer insurer shall maintain at its principal place of business complete and detailed records relating to its rating methods and practices and its renewal underwriting methods and practices, and shall make the records available to the commissioner ~~and the small employer insurance board~~ upon request.

SECTION 4935m. 635.18 (1) of the statutes is amended to read:

635.18 **(1)** Every small employer insurer shall actively market health benefit plan coverage~~, including basic health benefit plans,~~ to small employers in the state. ~~If a small employer insurer denies coverage to a small employer under a health benefit plan that is not a basic health benefit plan on the basis of the health status or claims experience of the small employer or its eligible employes or their dependents, the small employer insurer shall offer the small employer the opportunity to purchase a basic health benefit plan.~~

SECTION 4935p. 635.18 (3) (c) of the statutes is repealed.

SECTION 4935r. 635.18 (7) of the statutes is amended to read:

635.18 **(7)** A 3rd–party administrator that enters into a contract, agreement or other arrangement with a small employer insurer to provide administrative, marketing or other services related to the offering of health benefit

plans to small employers in this state is subject to this ~~subchapter~~ chapter as if it were a small employer insurer.

SECTION 4936c. 635.19 of the statutes is created to read:

635.19 Issuance of coverage in small group market. (1) (a) Except as provided in subs. (2) to (6), a small employer insurer that offers a group health benefit plan in the small group market shall do all of the following:

1. Accept any small employer in the state that applies for such coverage.

2. Accept for enrollment under such coverage any eligible individual who applies for enrollment during the period in which the individual first becomes eligible to enroll under the terms of the group health benefit plan.

3. Place no restriction on an eligible individual under par. (b) that is inconsistent with s. 632.746 or 632.748.

(b) For purposes of this section, whether an individual is an "eligible individual" in relation to a small employer shall be determined in accordance with all of the following:

1. The terms of the group health benefit plan under which the individual is applying for enrollment.

2. Rules of the small employer insurer offering the group health benefit plan under which the individual is applying for enrollment, which rules must apply uniformly in this state to small employers in the small group market.

3. All state laws that apply to small employer insurers and the small group market.

(2) (a) A small employer insurer that offers a group health benefit plan in the small group market through a network plan may do any of the following:

1. Limit the small employers that may apply for such coverage to those with eligible individuals who reside, live or work in the service area of the network plan.

2. Within the service area of the network plan, deny such coverage to small employers if the small employer insurer demonstrates to the commissioner all of the following:

a. That the insurer does not have the capacity to deliver services adequately to enrollees of any additional groups because of its obligations to existing group contract holders and enrollees.

b. That the insurer is applying this subdivision uniformly to all small employers without regard to the claims experience of those small employers or their employes or employes' dependents or any other health status−related factor of those employes or their dependents.

(b) A small employer insurer that denies coverage under par. (a) 2. in any service area may not offer coverage in the small group market in that service area for 180 days after the date on which the coverage was denied.

(3) (a) A small employer insurer that offers a group health benefit plan in the small group market may deny small employers coverage under such a plan in the small group market if the small employer insurer demonstrates to the commissioner all of the following:

1. That the insurer does not have the financial reserves necessary to underwrite additional coverage.

2. That the insurer is applying this paragraph uniformly to all small employers in the small group market in the state in accordance with applicable state law and without regard to the claims experience of those small employers or their employes or employes' dependents or any other health status−related factor of those employes or their dependents.

(b) A small employer insurer that denies coverage under par. (a) may not offer a group health benefit plan in the small group market in the state for 180 days after the date on which the coverage was denied or until the insurer demonstrates to the commissioner that the insurer has sufficient financial reserves to underwrite additional coverage, whichever is later.

(4) Subsection (1) shall not be construed to preclude a small employer insurer from establishing, for the offering of a group health benefit plan in the small group market, any of the following:

(a) Rules or requirements relating to the minimum level or amount of small employer contribution toward the premium for the enrollment of participants and beneficiaries.

(b) Rules or requirements relating to the minimum number or percentage of participants or beneficiaries that must be enrolled in relation to a specified number or percentage of eligible individuals or employes of a small employer.

(5) Subsection (1) does not apply to a group health benefit plan offered by a small employer insurer in the small group market if all of the following apply:

(a) The group health benefit plan is offered in the small group market only through one or more bona fide associations.

(b) The small employer insurer offering the group health benefit plan makes the coverage available to all members of a bona fide association regardless of any health status−related factors of the members or individuals eligible for coverage through the members.

(c) The small employer insurer offering the group health benefit plan complies with any rules of the commissioner that are reasonably designed to prevent the use of an association for risk segmentation.

(6) The commissioner may by rule permit an exception to sub. (1) with respect to a small employer for which coverage is nonrenewed or discontinued for a reason specified under s. 632.749 (2) (a) or (b).

SECTION 4937m. Subchapter II of chapter 635 [precedes 635.20] of the statutes, as affected by 1995 Wisconsin Act 289, is repealed.

SECTION 4945. 703.16 (6) (e) of the statutes is amended to read:

703.16 **(6)** (e) A lien under s. 292.31 (8) (i)~~, 292.41 (6) (d)~~ or 292.81.

SECTION 4946. 706.11 (1) (intro.) of the statutes is amended to read:

706.11 **(1)** (intro.) Except as provided in sub. (4), when any of the following mortgages has been duly recorded, it shall have priority over all liens upon the mortgaged premises and the buildings and improvements thereon, except tax and special assessment liens filed after the recording of such mortgage and except liens under ~~s.~~ ss. 292.31 (8) (i)~~, 292.41 (6) (d)~~ and 292.81:

SECTION 4946d. 706.13 (1) of the statutes is amended to read:

706.13 **(1)** In addition to any criminal penalty or civil remedy provided by law, any person who submits for filing, entering in the judgment and lien docket or recording, any lien, claim of lien, lis pendens, writ of attachment, financing statement or any other instrument relating to a security interest in or the title ~~in~~ to real or personal property, ~~knowing~~ and who knows or should have known that the contents or any part of the contents ~~to be~~ of the instrument are false, a sham or frivolous, is liable in tort to any person interested in the property whose title is thereby impaired, for punitive damages of $1,000 plus any actual damages caused by the filing, entering or recording.

SECTION 4947. 707.37 (4) (d) of the statutes is amended to read:

707.37 **(4)** (d) A lien under s. 292.31 (8) (i)~~, 144.77 292.41 (6) (d)~~ or 292.81.

SECTION 4948m. 753.06 (8) (e) of the statutes is amended to read:

753.06 **(8)** (e) Oconto county. The circuit has one branch. Commencing August 1, 1998, the circuit has 2 branches.

SECTION 4950g. 755.09 (1) of the statutes is amended to read:

755.09 **(1)** Every judge shall keep his or her office and hold court ~~only in the municipal hall of the town, village or city in which elected or if no room is available in the municipal hall,~~ in any adequate facility provided by the governing body ~~may authorize him or her to temporarily keep office and hold court elsewhere in the municipality~~ of the city, village or town, other than at a place prohibited under sub. (2). The judge may issue process or perform ministerial functions at any place in the county.

SECTION 4950m. 755.19 of the statutes is created to read:

755.19 Municipal court commissioners. (1) APPOINTMENT. First class cities may create the office of municipal court commissioner. The municipal court commissioner shall be an attorney licensed to practice in this state and shall complete annual educational credits consistent with supreme court requirements for municipal judges. The common council shall establish the number of positions and set the term, the additional qualifications and the compensation for the office. The presiding judge of the municipal court shall be the appointing authority and may terminate the employment of a municipal court commissioner at will and without cause. The municipal court commissioner shall be supervised by the judge whose cases the commissioner is hearing. Each municipal court commissioner shall take and file the official oath in the office of the clerk of the municipal court of the 1st class city for which appointed before performing any duty of the office.

(2) POWERS AND DUTIES. Under the supervision of a municipal judge, a municipal court commissioner may do all of the following:

(a) Under ss. 800.04 and 800.095 (4) and (5), conduct initial appearances and receive noncontested forfeiture pleas, order the revocation or suspension of driving privileges and impose forfeitures, impose community service and restitution according to the schedule adopted by the municipal court where appointed, and issue dispositional and sanction orders pursuant to ch. 938.

(b) Issue warrants for those who do not appear as scheduled or as summoned.

(c) Conduct hearings on warrant returns.

(d) Schedule indigency hearings.

(e) Make a finding on the indigency of defendants.

(f) Enforce alternative judgments for failure to comply with court orders.

(g) Conduct court proceedings and exercise any power authorized by statute.

(3) NEW HEARINGS AND APPEALS OF MUNICIPAL COURT COMMISSIONER RULINGS. A motion for a new hearing or appeal of a contested ruling by a municipal court commissioner shall be filed with the municipal court no later than the 20th day after the commissioner makes the ruling. The motion shall be heard by the supervising municipal judge under the procedure consistent with the procedure adopted by the judicial district on motions to reopen judgments before the municipal court. Nothing in this subsection shall be construed as altering the time periods for filing a notice of appeal from a final judgment or filing a motion of relief from judgment.

SECTION 4950r. 757.23 of the statutes is amended to read:

757.23 Court commissioner, when disqualified. A municipal court commissioner, a court commissioner, or any judge acting as a court commissioner, shall not act or take part in the decision of, or make any order in any matter or proceeding in which he or she is a party, or in which his or her rights would be in any manner affected by his or her decision or order thereon, or in which he or she is interested, or in which his or her law partner, or any person connected with him or her as employer, employe or clerk, or in the law business in any manner, shall be interested or appear as a party, agent, attorney or counsel. Any municipal court commissioner, court commissioner or judge, acting as a court commissioner, violating this sec-

tion shall forfeit $25 for each violation, and shall also be subject to removal from office.

SECTION 4952. 758.19 (3) of the statutes is repealed.

SECTION 4957. 767.001 (2) (b) of the statutes is amended to read:

767.001 **(2)** (b) With respect to the department of health and family services or a county agency specified in s. 48.56 (1) or a licensed child welfare agency granted legal custody of a child, the rights and responsibilities specified under s. 48.02 (12).

SECTION 4958. 767.001 (7) of the statutes is repealed.

SECTION 4959. 767.02 (1) (m) of the statutes is amended to read:

767.02 **(1)** (m) To enforce or revise an order for support entered under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 ~~(2)~~ (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2).

SECTION 4960. 767.025 (3) of the statutes is repealed.

SECTION 4961. 767.025 (4) of the statutes is amended to read:

767.025 **(4)** If a petition, motion or order to show cause for enforcement or modification of a child support, family support or maintenance order is filed and heard, regardless of whether it is filed and heard in a county other than the county in which the original judgment or order was rendered, any judgment or order enforcing or modifying the original judgment or order shall specify ~~the clerk of circuit court or support collection designee to whom~~ that payments of support or maintenance ~~are payable and the clerk of circuit court or support collection designee to whom~~, and payments of arrearages in support or maintenance, if any, are payable to the department or its designee, whichever is appropriate.

SECTION 4963. 767.077 (intro.) of the statutes is amended to read:

767.077 Support for dependent child. (intro.) The state or its delegate under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.02 (1) (f) or, if appropriate, for paternity determination and child support under s. 767.45 whenever the child's right to support is assigned to the state under s. 46.261, 48.57 (3m) (b) 2. ~~or~~, 49.145 (2) (s), 49.19 (4) (h) 1. b. or 49.775 (2) (bm) if all of the following apply:

SECTION 4966. 767.08 (3) of the statutes is amended to read:

767.08 **(3)** If the state or any subdivision thereof furnishes public aid to a spouse or dependent child for support and maintenance and the spouse, person with legal custody or nonlegally responsible relative fails or refuses to institute an appropriate court action under this chapter to provide for the same, the person in charge of county welfare activities, the county child support ~~program designee~~ agency under s. 59.53 (5) or the department is a real party in interest under s. 767.075 and shall initiate an action under this section, for the purpose of obtaining support and maintenance. Any attorney employed by the state or any subdivision thereof may initiate an action under this section. The title of the action shall be "In re the support or maintenance of A.B. (Child)".

SECTION 4968. 767.15 (1) of the statutes is amended to read:

767.15 **(1)** In any action affecting the family in which either party is a recipient of benefits under ss. 49.141 to 49.161 or aid under s. 46.261, 49.19 or 49.45, each party shall, either within 20 days after making service on the opposite party of any motion or pleading requesting the court or family court commissioner to order, or to modify a previous order, relating to child support, maintenance or family support, or before filing the motion or pleading in court, serve a copy of the motion or pleading upon the county child support ~~program designee~~ agency under s. 59.53 (5) of the county in which the action is begun.

SECTION 4969. 767.25 (1g) of the statutes is amended to read:

767.25 **(1g)** In determining child support payments, the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported under s. 49.22 (2m) to the department~~,~~ or the county child ~~and spousal~~ support agency~~,~~ under s. ~~49.22 (2m)~~ 59.53 (5).

SECTION 4971. 767.25 (4m) (c) 1. of the statutes is amended to read:

767.25 **(4m)** (c) 1. In directing the manner of payment of a child's health care expenses, the court may order that payment, including payment for health insurance premiums, be withheld from income and sent to the appropriate health care insurer, provider or plan, as provided in s. 767.265 (3h), or sent to the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, for disbursement to the person for whom the payment has been awarded if that person is not a health care insurer, provider or plan. If the court orders income withholding and assignment for the payment of health care expenses, the court shall send notice of assignment in the manner provided under s. 767.265 (2r) and may include the notice of assignment under this subdivision with a notice of assignment under s. 767.265. The ~~clerk of court~~ department or its designee, whichever is appropriate, shall keep a record of all moneys received and disbursed by the ~~clerk~~ department or its designee for health care expenses that are directed to be paid to the ~~clerk and the support collection designee shall keep a record of all moneys received and disbursed by the support collection designee for health care expenses that are directed to be paid to the support collection~~ department or its designee.

SECTION 4972. 767.25 (4m) (d) 2. of the statutes is amended to read:

767.25 **(4m)** (d) 2. Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the

department or the county ~~designee~~ child support agency under s. 59.53 (5).

SECTION 4976. 767.25 (6) (intro.) of the statutes is amended to read:

767.25 **(6)** (intro.) A party ordered to pay child support under this section shall pay simple interest at the rate of 1.5% per month on any amount unpaid, commencing the first day of the 2nd month after the month in which the amount was due. Interest under this subsection is in lieu of interest computed under s. 807.01 (4), 814.04 (4) or 815.05 (8) and is paid to the ~~clerk of court or support collection~~ department or its designee under s. 767.29. Except as provided in s. 767.29 (1m), the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, shall apply all payments received for child support as follows:

SECTION 4977. 767.25 (6) (a) of the statutes is amended to read:

767.25 **(6)** (a) First, to payment of child support due within the calendar month during which the payment is withheld from income under s. 767.265 or under similar laws of another state. If payment is not made through income withholding, the ~~clerk or support collection~~ department or its designee, whichever is appropriate, shall first apply child support payments received to payment of child support due within the calendar month during which the payment is received.

SECTION 4980. 767.261 (intro.) of the statutes is amended to read:

767.261 Family support. (intro.) The court may make a financial order designated "family support" as a substitute for child support orders under s. 767.25 and maintenance payment orders under s. 767.26. A party ordered to pay family support under this section shall pay simple interest at the rate of 1.5% per month on any amount unpaid, commencing the first day of the 2nd month after the month in which the amount was due. Interest under this section is in lieu of interest computed under s. 807.01 (4), 814.04 (4) or 815.05 (8) and is paid to the ~~clerk of court or support collection~~ department or its designee under s. 767.29. Except as provided in s. 767.29 (1m), the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, shall apply all payments received for family support as follows:

SECTION 4981. 767.261 (1) of the statutes is amended to read:

767.261 **(1)** First, to payment of family support due within the calendar month during which the payment is withheld from income under s. 767.265 or under similar laws of another state. If payment is not made through income withholding, the ~~clerk or support collection~~ department or its designee, whichever is appropriate, shall first apply family support payments received to payment of family support due within the calendar month during which the payment is received.

SECTION 4982. 767.262 (4) (b) of the statutes is amended to read:

767.262 **(4)** (b) The court may order payment of costs under this section by ~~a county~~ the department or its designee, whichever is appropriate, in an action in which the court finds that the record of payments and arrearages kept by the ~~clerk of court under s. 59.40 (2) (h) or the support collection~~ department or its designee ~~under s. 59.07 (97m) (b) 1.~~ is substantially incorrect and that the ~~clerk of court or support collection~~ department or its designee has failed to correct the record within 30 days after having received information that the court determines is sufficient for making the correction.

SECTION 4985c. 767.263 of the statutes is amended to read:

767.263 Notice of change of employer; change of address; change in ability to pay. Each order for child support, family support or maintenance payments shall include an order that the payer and payee notify the ~~clerk of court or support collection designee, whichever is appropriate,~~ county child support agency under s. 59.53 (5) of any change of address within 10 days of such change. Each order for child support, family support or maintenance payments shall also include an order that the payer notify the ~~clerk of court or support collection designee,~~ county child support agency under s. 59.53 (5) within 10 days, of any change of employer and of any substantial change in the amount of his or her income such that his or her ability to pay child support, family support or maintenance is affected. The order shall also include a statement that clarifies that notification of any substantial change in the amount of the payer's income will not result in a change of the order unless a revision of the order is sought.

SECTION 4989. 767.265 (1) of the statutes is amended to read:

767.265 **(1)** Each order for child support under this chapter, for maintenance payments under s. 767.23 or 767.26, for family support under this chapter, for costs ordered under s. 767.51 (3), for support by a spouse under s. 767.02 (1) (f) or for maintenance payments under s. 767.02 (1) (g), each order for a revision in a judgment or order with respect to child support, maintenance or family support payments under s. 767.32, each stipulation approved by the court or the family court commissioner for child support under this chapter and each order for child or spousal support entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments and other money due or to be due in the future to the ~~clerk of court or support collection~~ department or its designee ~~of the county where the action is filed~~. The assignment shall be for an amount sufficient to ensure payment under the order or stipulation and to pay any arrearages due at a peri-

odic rate not to exceed 50% of the amount of support due under the order or stipulation so long as the addition of the amount toward arrearages does not leave the party at an income below the poverty line established under 42 USC 9902 (2).

SECTION 4992. 767.265 (2r) of the statutes is amended to read:

767.265 **(2r)** Upon entry of each order for child support, maintenance, family support or support by a spouse and upon approval of each stipulation for child support, unless the court finds that income withholding is likely to cause the payer irreparable harm or unless s. 767.267 applies, the court, family court commissioner or county child support agency under s. 59.53 (5) shall provide notice of the assignment by regular mail to the last−known address of the person from whom the payer receives or will receive money. If the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, does not receive the money from the person notified, the court, family court commissioner or county child support agency under s. 59.53 (5) shall provide notice of the assignment to any other person from whom the payer receives or will receive money. Notice under this subsection may be a notice of the court, a copy of the executed assignment or a copy of that part of the court order directing payment.

SECTION 4994. 767.265 (3h) of the statutes is amended to read:

767.265 **(3h)** A person who receives notice of assignment under this section or s. 767.23 (1) (L), 767.25 (4m) (c) or 767.51 (3m) (c) or similar laws of another state shall withhold the amount specified in the notice from any money that person pays to the payer later than one week after receipt of notice of assignment. Within 5 days after the day the person pays money to the payer, the person shall send the amount withheld to the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, ~~of the jurisdiction providing notice~~ or, in the case of an amount ordered withheld for health care expenses, to the appropriate health care insurer, provider or plan. Except as provided in sub. (3m), for each payment sent to the ~~clerk of court or support collection~~ department or its designee, the person from whom the payer 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. Section 241.09 does not apply to assignments under this section.

SECTION 4998. 767.265 (6) (a) of the statutes is amended to read:

767.265 **(6)** (a) Except as provided in sub. (3m), if after receipt of notice of assignment the person from whom the payer receives money fails to withhold the money or send the money to the ~~clerk of court or support collection~~ department or its designee or the appropriate health care insurer, provider or plan as provided in this section or s. 767.23 (1) (L), 767.25 (4m) (c) or 767.51 (3m) (c), the person may be proceeded against under the principal action under ch. 785 for contempt of court or may be proceeded against under ch. 778 and be required to forfeit not less than $50 nor more than an amount, if the amount exceeds $50, that is equal to 1% of the amount not withheld or sent.

SECTION 5000. 767.265 (6) (b) of the statutes is amended to read:

767.265 **(6)** (b) If an employer who receives an assignment under this section or s. 767.23 (1) (L), 767.25 (4m) (c) or 767.51 (3m) (c) fails to notify the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, within 10 days after an employe is terminated or otherwise temporarily or permanently leaves employment, the employer may be proceeded against under the principal action under ch. 785 for contempt of court.

SECTION 5002. 767.265 (7) of the statutes is amended to read:

767.265 **(7)** A person who receives more than one notice of assignment under sub. (3h) may send all money withheld to the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, in a combined payment, accompanied by any information the ~~clerk of court or support collection~~ department or its designee requires.

SECTION 5003. 767.267 (1) of the statutes is amended to read:

767.267 **(1)** If the court or the family court commissioner determines that income withholding under s. 767.265 is inapplicable, ineffective or insufficient to ensure payment under an order or stipulation specified in s. 767.265 (1), or that income withholding under s. 767.25 (4m) (c) or 767.51 (3m) (c) is inapplicable, ineffective or insufficient to ensure payment of a child's health care expenses, including payment of health insurance premiums, ordered under s. 767.25 (4m) or 767.51 (3m), the court or family court commissioner may require the payer to identify or establish a deposit account, owned in whole or in part by the payer, that allows for periodic transfers of funds and to file with the financial institution at which the account is located an authorization for transfer from the account to the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate. The authorization shall be provided on a standard form approved by the court and shall specify the frequency and the amount of transfer, sufficient to meet the payer's obligation under the order or stipulation, as required by the court or family court commissioner. The authorization shall include the payer's consent for the financial institution or an officer, employe or agent of the financial institution to disclose information to the court, family court commissioner, ~~clerk of court or support collection~~ county child support agency under s. 59.53 (5), department or department's designee regarding the

account for which the payer has executed the authorization for transfer.

SECTION 5004. 767.267 (2) of the statutes is amended to read:

767.267 **(2)** A financial institution that receives an authorization for transfer under sub. (1) shall transfer the amounts as specified in the authorization or shall transfer the amount available for transfer if at a time of transfer that amount is less than the amount specified in the authorization. The financial institution may accomplish the transfer by any lawful means, including payment by check, subject to the terms of the account. The financial institution may deduct from the payer's account for each transfer its usual fee for such fund transfers. If the account is closed or if no funds are available at a time of transfer, the financial institution shall notify the ~~clerk of court or support collection~~ county child support agency under s. 59.53 (5) or the department or its designee, whichever is appropriate, within 10 days after the date on which the funds should have been transferred.

SECTION 5005. 767.267 (5) of the statutes is amended to read:

767.267 **(5)** A financial institution or an officer, employe or agent of a financial institution may disclose information to the court, family court commissioner, ~~clerk of court or support collection~~ county child support agency under s. 59.53 (5), department or department's designee concerning an account for which a payer has executed an authorization for transfer under sub. (1).

SECTION 5006. 767.27 (2m) of the statutes is amended to read:

767.27 **(2m)** In every action in which the court has ordered a party to pay child support under s. 767.25 or 767.51 or family support under s. 767.261 and the circumstances specified in s. 767.075 (1) apply, the court shall require the party who is ordered to pay the support to annually furnish the disclosure form required under this section and may require that party to annually furnish a copy of his or her most recently filed state and federal income tax returns to the ~~designee~~ county child support agency under s. 59.53 (5) for the county in which the order was entered. In any action in which the court has ordered a party to pay child support under s. 767.25 or 767.51 or family support under s. 767.261, the court may require the party who is ordered to pay the support to annually furnish the disclosure form required under this section and a copy of his or her most recently filed state and federal income tax returns to the party for whom the support has been awarded. A party who fails to furnish the information as required by the court under this subsection may be proceeded against for contempt of court under ch. 785.

SECTION 5008. 767.27 (4) of the statutes is amended to read:

767.27 **(4)** Failure by either party timely to file a complete disclosure statement as required by this section shall authorize the court to accept as accurate any information provided in the statement of the other party or obtained under s. 49.22 (2m) by the department or the county child ~~and spousal~~ support agency under s. 59.53 (5).

SECTION 5009. 767.29 (1) of the statutes is renumbered 767.29 (1) (a) and amended to read:

767.29 **(1)** (a) All orders or judgments providing for temporary or permanent maintenance, child support or family support payments shall direct the payment of all such sums to the ~~clerk of court, or support collection designee in a county that has designated a support collection designee under s. 59.07 (97m),~~ department or its designee for the use of the person for whom the same has been awarded. A party securing an order for temporary maintenance, child support or family support payments shall forthwith file the order, together with all pleadings in the action, with the clerk of court ~~or support collection designee~~.

(c) Except as provided in sub. (1m), the ~~clerk or support collection~~ department or its designee shall disburse the money ~~so~~ received under the judgment or order ~~within 15 days~~ in the manner required by federal regulations and take receipts therefor, unless the ~~clerk or support collection~~ department or its designee is unable to disburse the moneys because they were paid by check or other draft drawn upon an account containing insufficient funds. All moneys received or disbursed under this section shall be entered in a record kept by the ~~clerk or support collection~~ department or its designee, whichever is appropriate, which shall be open to inspection by the ~~department for the administration of the child and spousal support and establishment of paternity program under s. 49.22, the~~ parties to the action ~~and~~, their attorneys~~,~~ and the family court commissioner.

(e) If the maintenance, child support or family support payments adjudged or ordered to be paid ~~shall~~ are not ~~be~~ paid to the ~~clerk or support collection~~ department or its designee at the time provided in the judgment or order, the ~~clerk or support collection designee~~ county child support agency under s. 59.53 (5) or the family court commissioner of the county shall take such proceedings as he or she considers advisable to secure the payment of the sum including enforcement by contempt proceedings under ch. 785 or by other means. Copies of any order issued to compel the payment shall be mailed to counsel who represented each party when the maintenance, child support or family support payments were awarded. In case any fees of officers in any of the proceedings, including the compensation of the family court commissioner at the rate of $50 per day unless the commissioner is on a salaried basis, is not collected from the person proceeded against, the fees shall be paid out of the county treasury upon the order of the presiding judge and the certificate of the ~~clerk of court or support collection designee~~ department.

SECTION 5010. 767.29 (1) (b) of the statutes is created to read:

767.29 **(1)** (b) Upon request, after the filing of an order or judgment or the receipt of an interim disbursement order, the clerk of court shall advise the county child support agency under s. 59.53 (5) of the terms of the order or judgment within 2 business days after the filing or receipt. The county child support agency shall, within the time required by federal law, enter the terms of the order or judgment into the statewide support data system, as required by s. 59.53 (5) (b).

SECTION 5011. 767.29 (1) (d) of the statutes is created to read:

767.29 **(1)** (d) For receiving and disbursing maintenance, child support or family support payments, and for maintaining the records required under par. (c), the department or its designee shall collect an annual fee of $25 to be paid by each party ordered to make payments. The court or family court commissioner shall order each party ordered to make payments to pay the annual fee under this paragraph at the time of, and in addition to, the first payment to the department or its designee in each year for which payments are ordered. All fees collected under this paragraph shall be deposited in the appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment of an annual fee under this paragraph, the court or family court commissioner shall notify each party ordered to make payments of the requirement to pay the annual fee and of the amount of the annual fee. If the annual fee under this section is not paid when due, the department or its designee may not deduct the annual fee from the maintenance or child or family support payment, but may do any of the following:

1. Move the court for a remedial sanction under ch. 785.

2. Apply to the court or family court commissioner for an assignment relating to the annual fee in accordance with s. 767.265.

SECTION 5012. 767.29 (1) (f) of the statutes is created to read:

767.29 **(1)** (f) If the department determines that the statewide automated support and maintenance receipt and disbursement system will be operational before October 1, 1999, the department shall publish a notice in the Wisconsin Administrative Register that states the date on which the system will begin operating. Before that date or October 1, 1999, whichever is earlier, the circuit courts, county child support agencies under s. 59.53 (5), clerks of court and employers shall cooperate with the department in any measures taken to ensure an efficient and orderly transition from the countywide system of support receipt and disbursement to the statewide system.

SECTION 5014. 767.29 (1m) (intro.) of the statutes is amended to read:

767.29 **(1m)** (intro.) Notwithstanding ss. 767.25 (6), 767.261 and 767.51 (5p), if the ~~clerk of court or support collection~~ department or its designee receives support or maintenance money that exceeds the amount due in the month in which it is received and that the ~~clerk or support collection~~ department or its designee determines is for support or maintenance due in a succeeding month, the ~~clerk or support collection~~ department or its designee may hold the amount of overpayment that does not exceed the amount due in the next month for disbursement in the next month if any of the following applies:

SECTION 5015. 767.29 (1m) (d) of the statutes is amended to read:

767.29 **(1m)** (d) The ~~clerk or support collection~~ department or its designee determines that the overpayment should be held until the month when it is due.

SECTION 5016. 767.29 (2) of the statutes is amended to read:

767.29 **(2)** If any party entitled to maintenance payments or support money, or both, is receiving public assistance under ch. 49, the party may assign the party's right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such assistance. Such assignment shall be approved by order of the court granting the maintenance payments or support money, and may be terminated in like manner; except that it shall not be terminated in cases where there is any delinquency in the amount of maintenance payments and support money previously ordered or adjudged to be paid to the assignee without the written consent of the assignee or upon notice to the assignee and hearing. When an assignment of maintenance payments or support money, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 but solely for the purpose of securing payment of unpaid maintenance payments or support money adjudged or ordered to be paid, by participating in proceedings to secure the payment thereof. Notwithstanding assignment under this subsection, and without further order of the court, the ~~clerk of court or support collection~~ department or its designee, upon receiving notice that a party or a minor child of the parties is receiving ~~aid under s. 49.19~~ public assistance under ch. 49, shall forward all support assigned under s. 48.57 (3m) (b) 2., 49.19 (4) (h) 1. or 49.45 (19) to the ~~department~~ assignee under s. 49.19 (4) (h) 1. or 49.45 (19).

SECTION 5019. 767.293 (1) of the statutes is amended to read:

767.293 **(1)** If an order for child support under this chapter or s. 948.22 (7), an order for family support under this chapter or a stipulation approved by the court or the family court commissioner for child support under this chapter requires a payer to pay child or family support in an amount that is expressed as a percentage of parental income, the payee, including the state or ~~its designee~~ a county child support agency under s. 59.53 (5) if the state is a real party in interest under s. 767.075 (1), may establish an arrearage by filing an affidavit in the action in which the order for the payment of support was entered

or the stipulation for support was approved. The affidavit shall state the amount of the arrearage and the facts supporting a reasonable basis on which the arrearage was determined and may state the payer's current income and the facts supporting a reasonable basis on which the payer's current income was determined. Not later than 60 days after filing the affidavit, the payee shall serve the affidavit on the payer in the manner provided in s. 801.11 (1) (a) or (b) or by sending the affidavit by registered or certified mail to the last–known address of the payer. After the payee files a proof of service on the payer, the court shall send a notice to the payer by regular, registered or certified mail to the payer's last–known address. The notice shall provide that, unless the payer requests a hearing to dispute the arrearage or the amount of the arrearage not later than 20 days after the date of the notice, the court or family court commissioner may enter an order against the payer in the amount stated in the affidavit and may provide notice of assignment under s. 767.265. The notice shall include the mailing address to which the request for hearing must be mailed or delivered in order to schedule a hearing under sub. (2).

SECTION 5022. 767.30 (1) of the statutes is amended to read:

767.30 **(1)** If the court orders any payment for support under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 ~~(2)~~ (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2), support or maintenance under s. 767.08, child support, family support or maintenance under s. 767.23, child support under s. 767.25, maintenance under s. 767.26, family support under s. 767.261, attorney fees under s. 767.262, paternity obligations under s. 767.51, support arrearages under s. 767.293 or child or spousal support under s. 948.22 (7), the court may provide that any payment be paid in the amounts and at the times that it considers expedient.

SECTION 5025. 767.305 of the statutes is amended to read:

767.305 Enforcement; contempt proceedings. In all cases where a party has incurred a financial obligation under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 767.23, 767.25, 767.255, 767.26, 767.261, 767.262, 767.293, 938.183 ~~(2)~~ (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2) and has failed within a reasonable time or as ordered by the court to satisfy such obligation, and where the wage assignment proceeding under s. 767.265 and the account transfer under s. 767.267 are inapplicable, impractical or unfeasible, the court may on its own initiative, and shall on the application of the receiving party, issue an order requiring the payer to show cause at some reasonable time therein specified why he or she should not be punished for such misconduct as provided in ch. 785.

SECTION 5027. 767.32 (1) (a) of the statutes is amended to read:

767.32 **(1)** (a) After a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 ~~(2)~~ (4), 938.355 (2) (b) 4., 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or family support payments under this chapter, or for the appointment of trustees under s. 767.31, the court may, from time to time, on the petition, motion or order to show cause of either of the parties, or upon the petition, motion or order to show cause of the department, a county department under s. 46.215, 46.22 or 46.23 or a county child support ~~program designee~~ agency under s. 59.53 (5) if an assignment has been made under s. 46.261, 48.57 (3m) (b) 2., ~~49.153 (3),~~ 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receive aid under s. 48.57 (3m) or ch. 49, and upon notice to the family court commissioner, revise and alter such judgment or order respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment or order respecting any of the matters that such court might have made in the original action, except that a judgment or order that waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment or order with respect to final division of property be subject to revision or modification. A revision, under this section, of a judgment or order with respect to an amount of child or family support may be made only upon a finding of a substantial change in circumstances. In any action under this section to revise a judgment or order with respect to maintenance payments, a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment or order with respect to the amount of maintenance, except that a change in an obligor's cost of living is not in itself sufficient if payments are expressed as a percentage of income.

SECTION 5030. 767.32 (1) (c) 1. of the statutes is amended to read:

767.32 **(1)** (c) 1. Unless the amount of child support is expressed in the judgment or order as a percentage of parental income, a change in the payer's income, evidenced by information received under s. 49.22 (2m) by the department~~,~~ or the county child ~~and spousal~~ support agency~~,~~ under s. ~~49.22 (2m)~~ 59.53 (5) or by other information, from the payer's income determined by the court in its most recent judgment or order for child support, including a revision of a child support order under this section.

SECTION 5031. 767.32 (1r) of the statutes is amended to read:

767.32 **(1r)** In an action under sub. (1) to revise a judgment or order with respect to child support or family

support, the court may not grant credit to the payer against support due prior to the date on which the action is commenced for payments made by the payer on behalf of the child other than payments made to the clerk of court or support collection designee under s. 59.53 (5m), 1995 stats., under s. 767.265 ~~or~~, 1995 stats., or s. 767.29, 1995 stats., to the department or its designee under s. 767.265 or 767.29 or as otherwise ordered by the court.

SECTION 5036. 767.33 (1) of the statutes is amended to read:

767.33 **(1)** An order for child support under s. 767.23 or 767.25 may provide for an adjustment in the amount to be paid based on a change in the obligor's income, as reported on the disclosure form under s. 767.27 (2m) or as disclosed under s. 49.22 (2m) to the department or county child ~~and spousal~~ support agency under s. ~~49.22 (2m)~~ 59.53 (5). The order may specify the date on which the annual adjustment becomes effective. No adjustment may be made unless the order so provides and the party receiving payments applies for an adjustment as provided in sub. (2). An adjustment under this section may be made only once in any year.

SECTION 5036m. 767.47 (6) (a) of the statutes is amended to read:

767.47 **(6)** (a) Whenever the state brings the action to determine paternity pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2., ~~49.153 (3) (a),~~ 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159, the natural mother of the child may not be compelled to testify about the paternity of the child if it has been determined that the mother has good cause for refusing to cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated by the department which define good cause in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

SECTION 5036n. 767.47 (6) (b) of the statutes is amended to read:

767.47 **(6)** (b) Nothing in par. (a) prevents the state from bringing an action to determine paternity pursuant to an assignment under s. 48.57 (3m) (b) 2., ~~49.153 (3) (a),~~ 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159, where evidence other than the testimony of the mother may establish the paternity of the child.

SECTION 5075. 767.51 (3m) (c) 1. of the statutes is amended to read:

767.51 **(3m)** (c) 1. In directing the manner of payment of a child's health care expenses, the court may order that payment, including payment for health insurance premiums, be withheld from income and sent to the appropriate health care insurer, provider or plan, as provided in s. 767.265 (3h), or sent to the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, for disbursement to the person for whom the payment has been awarded if that person is not a health care insurer, provider or plan. If the court orders income withholding and assignment for the payment of health care expenses, the court shall send notice of assignment in the manner provided under s. 767.265 (2r) and may include the notice of assignment under this subdivision with a notice of assignment under s. 767.265. The ~~clerk of court~~ department or its designee, whichever is appropriate, shall keep a record of all moneys received and disbursed by the ~~clerk~~ department or its designee for health care expenses that are directed to be paid to the ~~clerk and the support collection designee shall keep a record of all moneys received and disbursed by the support collection designee for health care expenses that are directed to be paid to the support collection~~ department or its designee.

SECTION 5076. 767.51 (3m) (d) 2. of the statutes is amended to read:

767.51 **(3m)** (d) 2. Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the department or the county ~~designee~~ child support agency under s. 59.53 (5).

SECTION 5080. 767.51 (4g) of the statutes is amended to read:

767.51 **(4g)** In determining child support payments, the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported under s. 49.22 (2m) to the department~~,~~ or the county child ~~and spousal~~ support agency~~,~~ under s. ~~49.22 (2m)~~ 59.53 (5).

SECTION 5081. 767.51 (5p) (intro.) of the statutes is amended to read:

767.51 **(5p)** (intro.) A party ordered to pay child support under this section shall pay simple interest at the rate of 1.5% per month on any amount unpaid, commencing the first day of the 2nd month after the month in which the amount was due. Interest under this subsection is in lieu of interest computed under s. 807.01 (4), 814.04 (4) or 815.05 (8) and is paid to the ~~clerk of court or support collection~~ department or its designee under s. 767.29. Except as provided in s. 767.29 (1m), the ~~clerk of court or support collection~~ department or its designee, whichever is appropriate, shall apply all payments received for child support as follows:

SECTION 5082. 767.51 (5p) (a) of the statutes is amended to read:

767.51 **(5p)** (a) First, to payment of child support due within the calendar month during which the payment is withheld from income under s. 767.265 or under similar laws of another state. If payment is not made through income withholding, the ~~clerk or support collection~~ department or its designee, whichever is appropriate, shall first apply child support payments received to payment of

child support due within the calendar month during which the payment is received.

SECTION 5091. 769.101 (7) of the statutes is amended to read:

769.101 **(7)** "Initiating state" means a state ~~in~~ from which a proceeding is forwarded, or in which a proceeding is filed for forwarding, to a responding state under this chapter or a law or procedure substantially similar to this chapter, or under a law or procedure substantially similar to the ~~uniform reciprocal enforcement of support act or the revised uniform reciprocal enforcement of support act is filed for forwarding to a responding state~~ Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

SECTION 5092. 769.101 (16) of the statutes is amended to read:

769.101 **(16)** "Responding state" means a state ~~to~~ in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law substantially similar to this chapter, or under a law or procedure substantially similar to the ~~uniform reciprocal enforcement of support act or the revised uniform reciprocal enforcement of support act~~ Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

SECTION 5093. 769.101 (19) of the statutes is renumbered 769.101 (19) (intro.) and amended to read:

769.101 **(19)** (intro.) "State" means a state of the United States, the ~~district~~ District of Columbia, the ~~commonwealth~~ Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States. "State" includes ~~an~~ all of the following:

(a) An Indian tribe ~~and includes a~~.

(b) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this chapter or to the procedures under the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

SECTION 5094. 769.207 (title) of the statutes is amended to read:

769.207 (title) **Recognition of controlling child support ~~orders~~ order.**

SECTION 5095. 769.207 (1) (intro.) of the statutes is renumbered 769.207 (1m) (intro.) and amended to read:

769.207 **(1m)** (intro.) If a proceeding is brought under this chapter, and ~~one~~ 2 or more child support orders have been issued ~~in~~ by tribunals of this state or another state with regard to ~~an~~ the same obligor and ~~a~~ child, a tribunal of this state shall apply the following rules in determining which child support order to recognize for purposes of continuing, exclusive jurisdiction:

SECTION 5096. 769.207 (1) (a) of the statutes is repealed.

SECTION 5097. 769.207 (1) (b) of the statutes is renumbered 769.207 (1m) (a) and amended to read:

769.207 **(1m)** (a) If ~~2 or more tribunals have issued child support orders for the same obligor and child and~~ only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the child support order of that tribunal is controlling and must be recognized.

SECTION 5098. 769.207 (1) (c) of the statutes is renumbered 769.207 (1m) (b) and amended to read:

769.207 **(1m)** (b) If ~~2 or more tribunals have issued child support orders for the same obligor and child and~~ more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, ~~an~~ a child support order issued by a tribunal in the current home state of the child must be recognized, but if ~~an~~ a child support order has not been issued in the current home state of the child, the child support order most recently issued is controlling and must be recognized.

SECTION 5099. 769.207 (1) (d) of the statutes is renumbered 769.207 (1m) (c) and amended to read:

769.207 **(1m)** (c) If ~~2 or more tribunals have issued child support orders for the same obligor and child and~~ none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state ~~may~~ having jurisdiction over the parties must issue a child support order, which is controlling and must be recognized.

SECTION 5100. 769.207 (1c) of the statutes is created to read:

769.207 **(1c)** If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the child support order of that tribunal is controlling and must be recognized.

SECTION 5101. 769.207 (1r) of the statutes is created to read:

769.207 **(1r)** If 2 or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which child support order controls and must be recognized under sub. (1m). The request must be accompanied by a certified copy of every child support order issued for the obligor and child that is in effect. Every party whose rights may be affected by a determination of which child support order controls must be given notice of the request for that determination.

SECTION 5102. 769.207 (2) of the statutes is amended to read:

769.207 **(2)** The tribunal that ~~has~~ issued ~~an~~ the order that is controlling and must be recognized under sub. ~~(1)~~ (1c), (1m) or (1r) is the tribunal ~~having~~ that has continuing, exclusive jurisdiction in accordance with s. 769.205.

SECTION 5103. 769.207 (3) of the statutes is created to read:

769.207 **(3)** A tribunal of this state that determines by order which child support order is controlling under sub. (1m) (a) or (b), or that issues a new child support order that is controlling under sub. (1m) (c), shall include in that order the basis upon which the tribunal made its determination.

SECTION 5104. 769.207 (4) of the statutes is created to read:

769.207 **(4)** Within 30 days after the issuance of an order determining which child support order is controlling, the party that obtained the order shall file a certified copy of the order with each tribunal that had issued or registered an earlier child support order. Failure of the party obtaining the order to file a certified copy of the order as required by this subsection subjects the party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the controlling child support order.

SECTION 5105. 769.304 of the statutes is renumbered 769.304 (1).

SECTION 5106. 769.304 (2) of the statutes is created to read:

769.304 **(2)** If a responding state has not enacted this chapter or a law or procedure substantially similar to this chapter, a tribunal of this state may issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

SECTION 5107. 769.305 (1) of the statutes is amended to read:

769.305 **(1)** Whenever a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly under s. 769.301 (3), it shall cause the petition or pleading to be filed and notify the petitioner ~~by 1st class mail~~, or if the petition was filed by a support enforcement agency, notify the support enforcement agency by any federally approved transmittal system, where and when it was filed.

SECTION 5108. 769.305 (5) of the statutes is amended to read:

769.305 **(5)** If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order ~~by 1st class mail~~ to the petitioner and the respondent and to the initiating tribunal, if any.

SECTION 5109. 769.306 of the statutes is amended to read:

769.306 Inappropriate tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner ~~by 1st class mail~~, or if the petition was filed by a support enforcement agency, notify the support enforcement agency by any federally approved transmittal system, where and when the pleading was sent.

SECTION 5110. 769.307 (2) (d) of the statutes is amended to read:

769.307 **(2)** (d) Within 10 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice from an initiating, responding or registering tribunal, send a copy of the notice ~~by 1st class mail~~ to the petitioner.

SECTION 5111. 769.307 (2) (e) of the statutes is amended to read:

769.307 **(2)** (e) Within 10 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication ~~by 1st class mail~~ to the petitioner.

SECTION 5112. 769.319 of the statutes is amended to read:

769.319 Receipt and disbursement of payments. A support enforcement agency ~~or~~,its designee or a tribunal of this state shall disburse promptly any amounts received under a support order, as directed by the order. The agency ~~or~~, its designee or the tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

SECTION 5113. Subchapter V (title) of chapter 769 [precedes 769.501] of the statutes is amended to read:

CHAPTER 769

SUBCHAPTER V

~~DIRECT~~ ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

SECTION 5114. 769.501 (1) (intro.) of the statutes is renumbered 769.501 and amended to read:

769.501 (title) **~~Recognition~~ Employer's receipt of income−withholding order of another state.** An income−withholding order issued in another state may be sent ~~by 1st class mail~~ to the obligor's employer without first filing a petition or comparable pleading or registering the income−withholding order with a tribunal of this state. ~~Upon receipt of the order, the employer shall do all of the following:~~

SECTION 5115. 769.501 (1) (a) of the statutes is repealed.

SECTION 5116. 769.501 (1) (b) of the statutes is repealed.

SECTION 5117. 769.501 (1) (c) of the statutes is repealed.

SECTION 5118. 769.501 (2) (intro.) of the statutes is renumbered 769.506 (1) and amended to read:

769.506 **(1)** An obligor may contest the validity or enforcement of an income−withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued

by a tribunal of this state. Section 769.604 applies to the contest.

(2) The obligor shall give notice of the contest to ~~any~~ all of the following:

(a) A support enforcement agency providing services to the obligee ~~and to either of the following:~~.

SECTION 5119. 769.501 (2) (a) of the statutes is renumbered 769.506 (2) (c) and amended to read:

769.506 **(2)** (c) ~~The~~ Except as provided in par. (d), the person or agency designated to receive payments in the income–withholding order.

SECTION 5120. 769.501 (2) (b) of the statutes is renumbered 769.506 (2) (d) and amended to read:

769.506 **(2)** (d) If no person or agency is designated to receive payments in the income–withholding order, the obligee.

SECTION 5121. 769.502 of the statutes is repealed and recreated to read:

769.502 Employer's compliance with income–withholding order of another state. (1) Upon receipt of an income–withholding order under s. 769.501, the obligor's employer shall immediately provide a copy of the order to the obligor.

(2) The employer shall treat an income–withholding order issued in another state that appears to be regular on its face as if it had been issued by a tribunal of this state.

(3) Except as provided in sub. (4) and s. 769.503, the employer shall withhold and distribute the funds as directed in the income–withholding order by complying with the terms of the order, as applicable, that specify any of the following:

(a) The duration and amount of periodic payments of current child support, stated as a sum certain.

(b) The person or agency designated to receive payments and the address to which the payments are to be forwarded.

(c) Medical support, whether in the form of periodic cash payments, stated as a sum certain, or the provision of health insurance coverage for the child under a policy available through the obligor's employment.

(d) The amounts of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal or the obligee's attorney, stated as sums certain.

(e) The amount of periodic payments of arrears and interest on arrears, stated as a sum certain.

(4) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to all of the following:

(a) The employer's fee for processing an income–withholding order.

(b) The maximum amount permitted to be withheld from the obligor's income.

(c) The time periods within which the employer must implement the income–withholding order and forward the child support payment.

SECTION 5122. 769.503 of the statutes is created to read:

769.503 Compliance with multiple income–withholding orders. If an obligor's employer receives multiple orders to withhold support from the earnings of the same obligor, the employer shall be considered to have satisfied the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

SECTION 5123. 769.504 of the statutes is created to read:

769.504 Immunity from civil liability. An employer that complies with an income–withholding order issued in another state in accordance with this subchapter is not subject to civil liability to any individual or agency with regard to the employer's withholding of child support from an obligor's income.

SECTION 5124. 769.505 of the statutes is created to read:

769.505 Penalties for noncompliance. An employer that wilfully fails to comply with an income–withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an income–withholding order issued by a tribunal of this state.

SECTION 5125. 769.506 (title) of the statutes is created to read:

769.506 (title) **Contest by obligor.**

SECTION 5126. 769.506 (2) (b) of the statutes is created to read:

769.506 **(2)** (b) Each employer that has directly received an income–withholding order.

SECTION 5127. 769.507 of the statutes is created to read:

769.507 Administrative enforcement of orders. (1) A party seeking to enforce a support order or an income–withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

(2) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income–withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order as provided in this chapter.

SECTION 5128. 769.605 (1) of the statutes is amended to read:

769.605 **(1)** Whenever a support order or income–withholding order issued in another state is registered,

the registering tribunal shall notify the nonregistering party. ~~Notice must be given by 1st class, certified or registered mail or by any means of personal service authorized by the law of this state.~~ The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

SECTION 5129. 769.606 (3) of the statutes is amended to read:

769.606 **(3)** If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties ~~by 1st class mail~~ of the date, time and place of the hearing.

SECTION 5130. 769.611 (1) (intro.) of the statutes is amended to read:

769.611 **(1)** (intro.) After a child support order issued in another state has been registered in this state, unless s. 769.613 applies the responding tribunal of this state may modify that child support order only if, after notice and hearing, it finds at least one of the following:

SECTION 5131. 769.611 (1) (b) of the statutes is amended to read:

769.611 **(1)** (b) That an individual party or the child is subject to the personal jurisdiction of the tribunal and that all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this state may modify the child support order and assume continuing, exclusive jurisdiction over the child support order. However, if the issuing state is a foreign jurisdiction that has not enacted this chapter, the written consent of the individual party residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

SECTION 5132. 769.611 (3) of the statutes is amended to read:

769.611 **(3)** A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If 2 or more tribunals have issued child support orders for the same obligor and child, the child support order that is controlling and must be recognized under s. 769.207 establishes the nonmodifiable aspects of the support order.

SECTION 5133. 769.611 (5) of the statutes is renumbered 769.614 and amended to read:

769.614 (title) **Notice to issuing tribunal of modification.** Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the modified child support order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier child support order, and in each tribunal in which the party knows that the earlier child support order has been registered. Failure of the party obtaining the modified child support order to file a certified copy as required by this section subjects the party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the modified child support order of the new tribunal of continuing, exclusive jurisdiction.

SECTION 5134. 769.613 of the statutes is created to read:

769.613 Jurisdiction to modify support order of another state when individual parties reside in this state. (1) If all of the individual parties reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(2) A tribunal of this state exercising jurisdiction as provided in sub. (1) shall apply the provisions of this subchapter and subchs. I and II to the enforcement or modification proceeding. Subchapters III to V, VII and VIII do not apply, and the tribunal shall apply the procedural and substantive law of this state.

SECTION 5135. 769.701 (1) of the statutes is amended to read:

769.701 **(1)** A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law substantially similar to this chapter, the ~~uniform reciprocal enforcement of support act or the revised uniform reciprocal enforcement of support act~~ Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

SECTION 5136. 769.802 (2) of the statutes is amended to read:

769.802 **(2)** If, under this chapter or a law substantially similar to this chapter, the ~~uniform reciprocal enforcement of support act or the revised uniform reciprocal enforcement of support act~~ Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

SECTION 5137. 778.02 of the statutes is amended to read:

778.02 Action in name of state; complaint; attachment. Every such forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, according to

the provisions of the statute that imposes it, specifying the statute and for the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or delinquencies the complaint shall specify the particular offense or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable enforcement assessment and any applicable domestic abuse assessment. If the defendant is a nonresident of the state, an attachment may issue.

SECTION 5138. 778.03 of the statutes is amended to read:

778.03 Complaint to recover forfeited goods. In an action to recover property forfeited by any statute it shall be sufficient to allege in the complaint that the property has been forfeited, specifying the statute, with a demand of judgment for the delivery of the property, or the value thereof and for payment of the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic abuse assessment imposed by s. 973.055 (1).

SECTION 5139. 778.06 of the statutes is amended to read:

778.06 Action for what sum. When a forfeiture is imposed, not exceeding a specific sum or when it is not less than one sum or more than another, the action may be brought for the highest sum specified and for the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic abuse assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum as the court or jury shall assess or determine to be proportionate to the offense.

SECTION 5140. 778.10 of the statutes is amended to read:

778.10 Municipal forfeitures, how recovered. All forfeitures imposed by any ordinance or regulation of any county, town, city or village, or of any other domestic corporation may be sued for and recovered, under this chapter, in the name of the county, town, city, village or corporation. It is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, specifying the ordinance or regulation that imposes it and of the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the ordinance or regulation imposes a penalty or forfeiture for several offenses or delinquencies the complaint shall specify the particular offenses or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of the county, town, city, village or corporation, except that all jail assessments shall be paid to the county treasurer.

SECTION 5141. 778.105 of the statutes is amended to read:

778.105 Disposition of forfeitures. Revenues from forfeitures imposed by any court or any branch thereof for the violation of any municipal or county ordinance shall be paid to the municipality or county. Penalty assessment payments shall be made as provided in s. 165.87. Jail assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.

SECTION 5142. 778.13 of the statutes is amended to read:

778.13 Forfeitures collected, to whom paid. All moneys collected in favor of the state for forfeiture, except the portion to be paid to any person who sues with the state, shall be paid by the officer who collects the forfeiture to the treasurer of the county within which the forfeiture was incurred within 20 days after its receipt. In case of any failure in the payment the county treasurer may collect the payment of the officer by action, in the name of the office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. Penalty assessment payments shall be made as provided in s. 165.87. Jail assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall be made as provided in s. 973.055. Enforcement assessments shall be made as provided in s. 253.06 (4) (c).

SECTION 5143. 778.18 of the statutes is amended to read:

778.18 Penalty upon municipal judge. If any municipal judge, of his or her own will, dismisses any action brought before the judge under this chapter, unless by order of the district attorney or attorney general or the person joined as plaintiff with the state, or renders a less judgment therein than is prescribed by law, or releases or

discharges any such judgment or part thereof without payment or collection, the judge and the judge's sureties shall be liable, in an action upon the judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture imposed by the judge and for the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which any such judgment or any part thereof is released or discharged. If any municipal judge gives time or delay to any person against whom any such judgment is rendered by the judge, or takes any bond or security for its future payment, the judge and the judge's sureties shall also be liable for the payment of the judgment upon the judge's bond.

SECTION 5144. 778.25 (2) (g) of the statutes is amended to read:

778.25 **(2)** (g) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and plea.

SECTION 5145. 778.25 (2) (h) of the statutes is amended to read:

778.25 **(2)** (h) Notice that if the defendant makes a deposit and signs the stipulation, the stipulation is treated as a plea of no contest and submission to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation.

SECTION 5146. 778.25 (3) of the statutes is amended to read:

778.25 **(3)** If a person is issued a citation under this section the person may deposit the amount of money the issuing officer directs by mailing or delivering the deposit and a copy of the citation to the clerk of court of the county where the violation occurred or the sheriff's office or police headquarters of the officer who issued the citation prior to the court appearance date. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include costs, including any applicable fees prescribed in ch. 814, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment.

SECTION 5147. 778.25 (4) of the statutes is amended to read:

778.25 **(4)** A person may make a stipulation of no contest by submitting a deposit and a stipulation in the manner provided by sub. (3) prior to the court appearance date. The signed stipulation is a plea of no contest and submission to a forfeiture plus costs and a penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment not exceeding the amount of the deposit.

SECTION 5148. 778.25 (5) of the statutes is amended to read:

778.25 **(5)** Except as provided by sub. (6) a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the check is the receipt.

SECTION 5149. 778.25 (6) of the statutes is amended to read:

778.25 **(6)** The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be considered to have submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in sub. (5).

SECTION 5150. 778.25 (8) (b) of the statutes is amended to read:

778.25 **(8)** (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs, including any appli-

cable 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 or arrest warrant, except if the defendant is a minor the court shall proceed under s. 938.28. Chapter 938 governs taking and holding a minor in custody. If the court accepts the plea of no contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

SECTION 5151. 778.25 (8) (c) of the statutes is amended to read:

778.25 **(8)** (c) If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment 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 or arrest warrant, except if the defendant is a minor the court shall proceed under s. 938.28. Chapter 938 governs taking and holding a minor in custody. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.

SECTION 5152. 778.25 (10) of the statutes is amended to read:

778.25 **(10)** An officer collecting moneys for a forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and costs under this section shall pay the same to the appropriate municipal or county treasurer within 20 days after its receipt by the officer, except that all jail assessments shall be paid to the county treasurer. If the officer fails to make timely payment, the municipal or county treasurer may collect the payment from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 5153. 778.26 (2) (e) of the statutes is amended to read:

778.26 **(2)** (e) The maximum forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment for which the defendant is liable.

SECTION 5154. 778.26 (2) (g) of the statutes is amended to read:

778.26 **(2)** (g) Notice that if the defendant makes a deposit and fails to appear in court at the time specified in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs not to exceed the amount of the deposit. The notice shall also state that the court, instead of accepting the deposit and plea, may decide to summon the defendant or may issue an arrest warrant for the defendant upon failure to respond to a summons.

SECTION 5155. 778.26 (2) (h) of the statutes is amended to read:

778.26 **(2)** (h) Notice that if the defendant makes a deposit and signs the stipulation, the stipulation will be treated as a plea of no contest and submission to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs not to exceed the amount of the deposit. The notice shall also state that the court, instead of accepting the deposit and stipulation, may decide to summon the defendant or issue an arrest warrant for the defendant upon failure to respond to a summons, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation.

SECTION 5156. 778.26 (3) of the statutes is amended to read:

778.26 **(3)** A defendant issued a citation under this section may deposit the amount of money the issuing officer directs by mailing or delivering the deposit and a copy of the citation prior to the court appearance date to the clerk of the circuit court in the county where the violation occurred or to the sheriff's office or police headquarters of the officer who issued the citation. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include the penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment and costs.

SECTION 5157. 778.26 (4) of the statutes is amended to read:

778.26 **(4)** A defendant may make a stipulation of no contest by submitting a deposit and a stipulation in the manner provided by sub. (3) prior to the court appearance date. The signed stipulation is a plea of no contest and submission to a forfeiture plus the penalty assessment,

jail assessment, crime laboratories and drug law enforcement assessment and costs not to exceed the amount of the deposit.

SECTION 5158. 778.26 (5) of the statutes is amended to read:

778.26 **(5)** Except as provided by sub. (6), a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of the circuit court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time specified in the citation he or she shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs not to exceed the amount of the deposit and that the court may accept the plea. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the canceled check is the receipt.

SECTION 5159. 778.26 (6) of the statutes is amended to read:

778.26 **(6)** The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of the circuit court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be considered to have submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as provided in sub. (5).

SECTION 5160. 778.26 (7) (b) of the statutes is amended to read:

778.26 **(7)** (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs not to exceed 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. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may, within 90 days after the date set for appearance, move to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a defendant is relieved from the plea of no contest, the court may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

SECTION 5161. 778.26 (7) (c) of the statutes is amended to read:

778.26 **(7)** (c) If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment ~~and~~, jail assessment and crime laboratories and drug law enforcement assessment plus costs not to exceed 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 or an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.

SECTION 5162. 778.26 (9) of the statutes is amended to read:

778.26 **(9)** An officer who collects a forfeiture, penalty assessment, jail assessment and crime laboratories and drug law enforcement assessment and costs under this section shall pay the money to the county treasurer within 20 days after its receipt. If the officer fails to make timely payment, the county treasurer may collect the payment from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 5163. 779.01 (4) of the statutes is amended to read:

779.01 **(4)** PRIORITY OF CONSTRUCTION LIEN. The lien provided in sub. (3) shall be prior to any lien which originates subsequent to the visible commencement in place of the work of improvement, except as otherwise provided by ss. 215.21 (4) (a), 292.31 (8) (i)~~, 144.77 292.41 (6) (d)~~, 292.81 and 706.11 (1). When new construction is the principal improvement involved, commencement is deemed to occur no earlier than the beginning of substantial excavation for the foundations, footings or base of the new construction, except where the new construction is to be added to a substantial existing structure, in which case the commencement is the time of the beginning of substantial excavation or the time of the beginning of substantial preparation of the existing structure to receive the added new construction, whichever is earlier. The lien also shall be prior to any unrecorded mortgage given prior to the commencement of the work of improvement, if the lien claimant has no actual notice of the mortgage before the commencement. Lien claimants who perform work or procure its performance or furnish any labor or materials or plans or specifications for an improvement prior to the visible commencement of the

work of improvement shall have lien rights, but shall have only the priority accorded to other lien claimants.

SECTION 5163e. 779.14 (1m) (b) 1. of the statutes is renumbered 779.14 (1m) (b) 1. (intro.) and amended to read:

779.14 **(1m)** (b) 1. (intro.) A contract under par. (a) ~~shall~~ in excess of $10,000 may not be made unless the prime contractor gives a bond issued by a surety company licensed to do business in this state and unless 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. The department of natural resources for contracts under s. 23.41, the department of administration for other state contracts, and the public board or body authorized to enter into such contracts for all other contracts under par. (a), may waive the requirement that contractors furnish bonds if all of the following conditions are met:

Vetoed In Part

SECTION 5163m. 779.14 (1m) (b) 1. a. to c. of the statutes are created to read:

Vetoed In Part

779.14 **(1m)** (b) 1. a. The contract is not in excess of $25,000.

Vetoed In Part

b. The contract meets the written standards for a waiver established by the department, board or body authorized to waive the requirement.

Vetoed In Part

c. The department, board or body authorized to waive the requirement guarantees payment to any subcontractor on the project covered by the contract or those who have claims for labor on the project covered by the contract.

SECTION 5163s. 779.14 (1m) (b) 1m. of the statutes is created to read:

779.14 **(1m)** (b) 1m. The bonding requirement under subd. 1. does not apply to a contract for the direct purchase of materials by the state or by a local unit of government.

SECTION 5164. 779.35 of the statutes is amended to read:

779.35 Mining liens. Any person who shall perform any labor or services for any person or corporation engaged in or organized for the purpose of mining, smelting or manufacturing iron, copper, silver or other ores or minerals, and any bona fide holder of any draft, time check or order for the payment of money due for any such labor, issued or drawn by any such person or corporation, shall have a lien for the wages due for the amount due on such draft, check or order upon all the personal property connected with such mining, smelting or manufacturing industry belonging to such person or corporation, including the ores or products of such mine or manufactory, together with the machinery and other personal property used in the operation of such mine or manufactory and all the interest of such person or corporation in any real estate belonging thereto and connected with such business, which said lien shall take precedence of all other debts, judgments, decrees, liens or mortgages against such person or corporation, except liens accruing for taxes, fines or penalties and liens under ss. 292.31 (8) (i)~~, 292.41 (6) (d)~~ and 292.81, subject to the exceptions and limitations hereinafter set forth.

SECTION 5165. 779.40 (1) of the statutes is amended to read:

779.40 **(1)** Any person who shall perform any labor for an employer not the owner of the real estate, engaged in quarrying, crushing, cutting or otherwise preparing stone for use or for manufacturing lime and any bona fide holder of any draft, time check or order for the payment of money due for any such labor issued by such employer, shall have a lien for wages owed and for the amount due on such draft, check or order upon the personal property connected with such industry owned by such employer, including interest in the product of such quarry or factory and machinery and other personal property used in the operation of such quarry or factory, and all interest in any lease of the real estate connected with such business, which lien shall take precedence of all other debts, judgments, decrees, liens or mortgages against such employer, except taxes, fines or penalties and mortgages or judgments recorded or entered before such labor is performed and except liens under ss. 292.31 (8) (i)~~, 144.77 292.41 (6) (d)~~ and 292.81.

SECTION 5165c. Subchapter IX (title) of chapter 779 [precedes 779.80] of the statutes is amended to read:

Vetoed In Part

CHAPTER 779

SUBCHAPTER IX

~~HOSPITAL~~ HEALTH CARE PROVIDER LIENS

SECTION 5165e. 779.80 (title) of the statutes is amended to read:

779.80 (title) **~~Hospital~~ Health care provider liens.**

SECTION 5165g. 779.80 (1) of the statutes is renumbered 779.80 (1m) and amended to read:

779.80 **(1m)** Every ~~corporation, association or other organization operating as a charitable institution and maintaining a hospital in this state shall have~~ health care provider has a lien for services rendered, by way of treatment, care or maintenance, to any person who has sustained personal injuries as a result of the negligence, wrongful act or any tort of any other person.

SECTION 5165i. 779.80 (1b) of the statutes is created to read:

779.80 **(1b)** In this section, "health care provider" means all of the following:

(a) A corporation, association or other organization operating as a charitable institution and maintaining a hospital in this state.

(b) A chiropractor licensed under ch. 446.

SECTION 5165k. 779.80 (2) of the statutes is amended to read:

779.80 **(2)** ~~Such lien shall attach to any and~~ The lien under this section attaches to all rights of action, suits, claims, demands and upon any judgment, award or

Vetoed In Part determination, and upon the proceeds of any settlement which ~~such~~ the injured person~~,~~ or legal representatives might have against any ~~such~~ other person for damages on account of ~~such~~ the injuries, for the amount of the reasonable and necessary charges of ~~such hospital~~ the health care provider.

SECTION 5165m. 779.80 (3) (intro.) of the statutes is renumbered 779.80 (3) (ae) and amended to read:

779.80 **(3)** (ae) ~~No such lien shall be~~ A lien under this section is not effective unless the health care provider files a written notice ~~containing~~ under this paragraph. The notice shall contain the name and address of the injured person, the date and location of the event causing ~~such~~ the injuries, the name and ~~location~~ address of the ~~hospital~~ health care provider, and if ascertainable by reasonable diligence, the names and addresses of the persons alleged to be liable for damages sustained by ~~such~~ the injured person~~,~~. The notice shall be filed in the office of the clerk of circuit court in the county in which ~~such~~ the injuries ~~have~~ occurred, ~~or~~ in the county in which ~~such hospital~~ the health care provider is located~~,~~ or in the county in which suit for recovery of such damages is pending~~,~~. The notice shall be filed prior to the payment of any moneys to ~~such~~ the injured person or legal representatives, but in no event later than 60 days after ~~discharge of such injured person from the hospital~~ the date that the health care provider last provided services to the injured person for the injuries.

SECTION 5165o. 779.80 (3) (a) of the statutes is renumbered 779.80 (3) (am) and amended to read:

779.80 **(3)** (am) The clerk of circuit court shall enter all ~~hospital~~ liens created under this section in the judgment and lien docket, including the name of the injured person, the date of the event causing the injury and the name of the ~~hospital or other institution~~ health care provider making the claim. The clerk of circuit court shall receive the fee prescribed in s. 814.61 (5) for entering each lien.

SECTION 5165q. 779.80 (3) (b) and (c) of the statutes are amended to read:

779.80 **(3)** (b) Within 10 days after filing of the notice of lien under par. (ae), the ~~hospital~~ health care provider shall send by certified mail or registered mail or serve personally a copy of ~~such~~ the notice with the date of filing thereof to or upon the injured person and the person alleged to be liable for damages sustained by ~~such~~ the injured person, if ascertained by reasonable diligence. If ~~such hospital~~ the health care provider fails to give notice if the name and address of the person injured or the person allegedly liable for the injury are known or should be known, the lien ~~shall be~~ is void.

(c) The ~~hospital~~ health care provider shall also serve a copy of ~~such~~ the notice under par. (ae), as provided in par. (b), to any insurer ~~which~~ that has insured ~~such~~ the person alleged to be liable for the injury against such liability, if the name and address may be ascertained by reasonable diligence. **Vetoed In Part**

SECTION 5165s. 779.80 (4) of the statutes is amended to read:

779.80 **(4)** After filing and service of the notice of lien, no release of any judgment, claim or demand by the injured person ~~shall be~~ is valid as against ~~such~~ the lien under this section, and the person making any payment to ~~such~~ the injured person or legal representatives as compensation for the injuries sustained shall, for a period of one year ~~from~~ after the date of ~~such~~ the payment, remain liable to the ~~hospital~~ health care provider for the amount of ~~such~~ the lien.

SECTION 5165u. 779.80 (5) of the statutes is amended to read:

779.80 **(5)** ~~Such lien shall~~ The lien under this section does not in any way prejudice or interfere with any lien or contract ~~which~~ that may be made by ~~such~~ the injured person or legal representatives with any attorney ~~or attorneys~~ for legal services rendered with respect to the claim of the injured person or legal representatives against the person alleged to be liable for ~~such~~ the injury. ~~Said lien shall also be subservient to actual~~ Actual taxable court costs~~,~~ and actual disbursements made by the attorney in prosecuting the court action have priority over the lien under this section.

SECTION 5165x. 779.80 (6) of the statutes is amended to read:

779.80 **(6)** ~~No hospital is~~ A health care provider is not entitled to any lien under this section if the person injured is eligible for compensation under ch. 102 or any other worker's compensation act.

SECTION 5165y. 799.24 (1) of the statutes is amended to read:

799.24 **(1)** ENTRY OF JUDGMENT OR ORDER; NOTICE OF ENTRY THEREOF. When a judgment or an order is rendered, the judge, court commissioner or clerk of circuit court shall immediately enter it in the court record and note the date thereof which shall be the date of entry of judgment or order. The clerk of circuit court, except in municipal and county forfeiture actions, shall mail a notice of entry of judgment to the parties or their attorneys at their last–known address within 5 days of its entry. Upon payment of the exact amount of the fee prescribed in s. 814.62 (3) (c), the clerk of circuit court shall enter the judgment in the judgment and lien docket.

SECTION 5166. 800.02 (2) (a) 8. of the statutes is amended to read:

800.02 **(2)** (a) 8. Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment and crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment plus costs, including the fee pre-

scribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

SECTION 5167. 800.02 (3) (a) 5. of the statutes is amended to read:

800.02 **(3)** (a) 5. A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the ordinance, resolution or bylaw upon which the cause of action is based and a demand for a forfeiture, the amount of which shall not exceed the maximum set by the statute involved, the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any applicable domestic abuse assessment and such other relief that is sought by the plaintiff.

SECTION 5168. 800.03 (3) of the statutes is amended to read:

800.03 **(3)** The amount of the deposit shall be set by the municipal judge, but shall not be effective until approved by the governing body of the municipality. The amount shall not exceed the maximum penalty for the offense, including any penalty assessment that would be applicable under s. 165.87, any jail assessment that would be applicable under s. 302.46 (1), any crime laboratories and drug law enforcement assessment that would be applicable under s. 165.755 and any domestic abuse assessment that would be applicable under s. 973.055 (1), plus court costs, including the fee prescribed in s. 814.65 (1).

SECTION 5169. 800.04 (2) (b) of the statutes is amended to read:

800.04 **(2)** (b) If the municipal judge determines that the defendant should not be released under par. (a) and the defendant is charged with a traffic or boating violation, the municipal judge shall release the defendant on a deposit in the amount established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66. For other violations, the municipal judge shall establish a deposit in an amount not to exceed the maximum penalty for the offense, including any penalty assessment that would be applicable under s. 165.87, any jail assessment that would be applicable under s. 302.46 (1), any crime laboratories and drug law enforcement assessment that would be applicable under s. 165.755 and any domestic abuse assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class city determines that a defendant appearing before the judge through interactive video and audio transmission should not be released under par. (a), the judge shall inform the defendant that he or she has the right to appear personally before a judge for a determination, not prejudiced by the first appearance, as to whether he or she should be released without a deposit. On failure of the defendant to make a deposit under this paragraph, he or she may be committed to jail pending trial only if the judge finds that there is a reasonable basis to believe the person will not appear in court.

SECTION 5170. 800.04 (2) (c) of the statutes is amended to read:

800.04 **(2)** (c) If the defendant has made a deposit under par. (b) or s. 800.03 and does not appear, he or she is deemed to have tendered a plea of no contest and submits to a forfeiture, a penalty assessment imposed by s. 165.87, a jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), 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. If the court finds that the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the defendant fails to appear in response to the summons, the court shall issue a warrant under s. 968.09. If the defendant has made a deposit but does appear, the court shall allow the defendant to withdraw the plea of no contest.

SECTION 5171. 800.09 (1) (intro.) of the statutes is amended to read:

800.09 **(1)** JUDGMENT. (intro.) If a municipal court finds a defendant guilty it may render judgment by ordering restitution under s. 800.093 and payment of a forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court shall apply any payment received on a judgment that includes restitution to first satisfy any payment of restitution ordered, then to pay the forfeiture, assessments and costs. If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or any combination of those paragraphs, as follows:

SECTION 5172. 800.09 (1) (a) of the statutes is amended to read:

800.09 **(1)** (a) The court may defer payment of any judgment or provide for instalment payments. At the time the judgment is rendered, the court shall inform the defendant, orally and in writing, of the date by which restitution and the payment of the forfeiture, the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment plus costs must be made, and of the possible consequences of failure to do so in timely fashion, including imprisonment, as provided in s. 800.095, or suspension of the defendant's motor vehicle operating privilege, as provided in par. (c), if applicable. If the defendant is not present, the court shall ensure that

the information is sent to the defendant by mail. In 1st class cities, all of the written information required by this paragraph shall be printed in English and Spanish and provided to each defendant.

SECTION 5173. 800.09 (2) (b) of the statutes is amended to read:

800.09 **(2)** (b) If the person charged fails to appear personally or by an attorney at the time fixed for hearing of the case, the defendant may be deemed to have entered a plea of no contest and the money deposited, if any, or such portion thereof as the court determines to be an adequate penalty, plus the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared forfeited by the court or may be ordered applied upon the payment of any penalty which may be imposed, together with the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. Any money remaining after payment of any penalties, assessments, costs and restitution shall be refunded to the person who made the deposit.

SECTION 5174. 800.12 (2) of the statutes is amended to read:

800.12 **(2)** A municipality may by ordinance provide that a municipal judge may impose a forfeiture for contempt under sub. (1) in an amount not to exceed $50 or, upon nonpayment of the forfeiture, penalty assessment under s. 165.87 ~~and~~, jail assessment under s. 302.46 and crime laboratories and drug law enforcement assessment under s. 165.755 and any applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not to exceed 7 days.

SECTION 5175g. 806.10 (1) (intro.) of the statutes is amended to read:

806.10 **(1)** (intro.) At the time of entry of a judgment directing in whole or in part the payment of money, or a judgment naming a spouse under s. 806.15 (4), and upon payment of the exact amount of the fee prescribed in s. 814.61 (5) (b), the clerk of circuit court shall enter the judgment in the judgment and lien docket, arranged alphabetically, including all of the following:

SECTION 5175m. 806.10 (3) of the statutes is amended to read:

806.10 **(3)** Every clerk of circuit court who enters a judgment or decree and enters upon the judgment and lien docket a date or time other than that of its actual entry or neglects to enter the same at the proper time shall be liable ~~in treble damages~~ to the party injured.

SECTION 5176g. 813.123 (5) (a) 3. a. of the statutes is amended to read:

813.123 **(5)** (a) 3. a. That the respondent has interfered with, or based upon prior conduct of the respondent may interfere with, an investigation of the vulnerable adult under s. 55.043 and that the interference complained of, if continued, would make it difficult to determine if ~~abuse, neglect or~~ misappropriation of property or abuse or neglect is occurring or may recur.

SECTION 5184. 814.03 (3) of the statutes is created to read:

814.03 **(3)** Notwithstanding subs. (1) and (2), where the department of health and family services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49, and where the interests of the department of health and family services or of the county are represented under s. 803.03 (2) (b) by the party who caused the joinder, the department of health and family services or the county shall not be liable for costs to any prevailing defendant.

SECTION 5185. 814.60 (2) (an) of the statutes is created to read:

814.60 **(2)** (an) Crime laboratories and drug law enforcement assessment imposed under s. 165.755.

SECTION 5186. 814.60 (2) (cg) of the statutes is created to read:

814.60 **(2)** (cg) Enforcement assessment imposed by s. 253.06 (4) (c).

SECTION 5187. 814.61 (12) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 5188. 814.61 (12) (b) (intro.) of the statutes is amended to read:

814.61 **(12)** (b) *Maintenance payments and support.* (intro.) Except in counties that have designated a county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), for receiving and disbursing money deposited as payment for maintenance payments, child support or family support payments, under interim or final orders in an action affecting the family, and for maintaining the records required under s. 59.40 (2) (h), an annual fee of up to $25 to be paid by each party ordered to make payments. Except in counties that have designated a county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), the court shall order each party ordered to make payments to pay the annual fee under this paragraph at the time of, and in addition to, the first payment to the clerk in each year for which payments are ordered. At the time of ordering the payment of an annual fee under this paragraph, the court shall notify each party ordered to make payments of the requirement to pay the annual fee and of the amount of the annual fee. If the annual fee under this paragraph is not paid when due, the clerk may not deduct the annual fee from the maintenance or support payment, but:

SECTION 5189. 814.61 (12) (cm) of the statutes is repealed.

SECTION 5189p. 814.61 (13) of the statutes is amended to read:

814.61 **(13)** SUPPORT OR MAINTENANCE PETITION. For the cost of court services, whenever a person not receiving benefits under s. 49.148~~, 49.153~~ or 49.155 or aid under s. 49.19, 49.46, 49.465, 49.468 or 49.47 files a petition requesting child support, maintenance or family support payments, $10 in addition to any other fee required under this section. This subsection does not apply to a petition filed by the state or its delegate.

SECTION 5190. 814.612 of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 5191. 814.612 (intro.) of the statutes is amended to read:

814.612 Fees of designee for receiving and disbursing support. (intro.) In a county that has designated a county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), the support collection designee, for receiving and disbursing money deposited as payment for maintenance payments, child support or family support payments, under interim or final orders in an action affecting the family, and for maintaining the records required under s. ~~59.07 (97m) (b) 1.~~ 59.53 (5m) (b) 1., shall collect an annual fee of up to $25 to be paid by each party ordered to make payments. In such a county, the court shall order each party ordered to make payments to pay the annual fee under this section at the time of, and in addition to, the first payment to the support collection designee in each year for which payments are ordered. At the time of ordering the payment of an annual fee under this section, the court shall notify each party ordered to make payments of the requirement to pay the annual fee and of the amount of the annual fee. If the annual fee under this section is not paid when due, the support collection designee may not deduct the annual fee from the maintenance or support payment, but:

SECTION 5192. 814.63 (3) (am) of the statutes is created to read:

814.63 **(3)** (am) Crime laboratories and drug law enforcement assessment imposed under s. 165.755.

SECTION 5193. 814.63 (3) (bg) of the statutes is created to read:

814.63 **(3)** (bg) Enforcement assessment imposed by s. 253.06 (4) (c).

SECTION 5194. 814.635 (1) of the statutes is amended to read:

814.635 **(1)** Except for an action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~$5~~ $7 justice information system fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information system fee is in addition to the other fees listed in this section.

SECTION 5194m. 814.65 (1) of the statutes is amended to read:

814.65 **(1)** COURT COSTS. In a municipal court action, except an action for violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of not less than $15 nor more than $23 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. Of each ~~$15~~ fee received by the judge under this subsection, the municipal treasurer shall pay monthly ~~one–third~~ $5 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.

SECTION 5195g. 814.705 (intro.) of the statutes is renumbered 814.705 (1) (intro.).

SECTION 5195m. 814.705 (1), (2), (3) and (4) of the statutes are renumbered 814.705 (1) (a), (b), (c) and (d).

SECTION 5195r. 814.705 (2) of the statutes is created to read:

814.705 **(2)** With respect to sheriff's fees for the sale of real estate under s. 814.70 (9), the county board may establish a higher fee in an amount not to exceed $150.

SECTION 5197s. 823.08 (3) (c) of the statutes is created to read:

823.08 **(3)** (c) 1. Subject to subd. 2., if a court requests the department of agriculture, trade and consumer protection or the department of natural resources for suggestions under par. (b) 2. a., the department of agriculture, trade and consumer protection or the department of natural resources shall advise the court concerning the relevant provisions of the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3).

2. If the agricultural use or agricultural practice alleged to be a nuisance was begun before the effective date of this subdivision .... [revisor inserts date], a department may advise the court under subd. 1. only if the department determines that cost–sharing is available to the defendant under s. 92.14, 281.16 (5) or 281.65 or from any other source.

SECTION 5198. 823.115 (1) of the statutes is amended to read:

823.115 **(1)** If personal and real property are ordered sold under s. 823.114, and the real property is not released to the owner under s. 823.15, the plaintiff in the action under s. 823.113 shall sell the property at the highest available price. The city, town or village may sell the property at either a public or private sale. The proceeds of the sale shall be applied to the payment of the costs of the action and abatement and any liens on the property, and the balance, if any, paid as provided in sub. (2). The plaintiff may file a notice of the pendency of the action as in actions affecting the title to real estate and if the owner of the building or structure, or the owner of the land upon which the building or structure is located, is found guilty of the nuisance, the judgment for costs of the action not paid out of the proceeds of the sale of the property shall constitute a lien on the real estate prior to any other lien

created after the filing of the lis pendens, except a lien under s. 292.31 (8) (i)~~, 292.41 (6) (d)~~ or 292.81.

SECTION 5200f. 846.04 of the statutes is renumbered 846.04 (1) and amended to read:

846.04 **(1)** The plaintiff may, in the complaint, demand judgment for any deficiency that may remain due the plaintiff after sale of the mortgaged premises against every party who is personally liable for the debt secured by the mortgage. Judgment may be rendered for any deficiency remaining after applying the proceeds of sale to the amount due. The judgment for deficiency shall be ordered in the original judgment and separately rendered against the party liable on or after the confirmation of sale. The judgment for deficiency shall be entered in the judgment and lien docket and, except as provided in subs. (2) and (3), enforced as in other cases. A mortgage foreclosure deficiency judgment entered on property devoted primarily to agricultural use, as defined in s. 91.01 (5), on and after the effective date of this subsection .... [revisor inserts date], shall be recorded as an agriculture judgment.

SECTION 5200g. 846.04 (2) of the statutes is created to read:

846.04 **(2)** Except as provided in sub. (3), if a mortgage foreclosure deficiency judgment is entered on property devoted primarily to agricultural use, as defined in s. 91.01 (5), an action on the deficiency judgment shall be commenced within 10 years after the date on which the mortgage foreclosure deficiency judgment is entered or be barred.

SECTION 5200h. 846.04 (3) of the statutes is created to read:

846.04 **(3)** If a mortgage foreclosure deficiency judgment was entered before January 1, 1990, on property devoted primarily to agricultural use, as defined in s. 91.01 (5), an action on the deficiency judgment shall be commenced within 2 years after the effective date of this subsection .... [revisor inserts date], or be barred. If the deficiency judgment remains unsatisfied in a mortgage foreclosure deficiency judgment action entered before the effective date of this subsection .... [revisor inserts date], the defendant in that action shall notify the clerk of circuit court of the existence of that deficiency judgment and of the date that an action on that deficiency judgment shall be commenced or be barred. Not later than 60 days prior to 2 years after the effective date of this subsection .... [revisor inserts date], if notified of an unsatisfied deficiency judgment by the defendant in that action, the clerk of each circuit court in which a mortgage foreclosure deficiency judgment on property devoted primarily to agricultural use, as defined in s. 91.01 (5), was entered before January 1, 1990, and remains unsatisfied, shall, upon payment by the defendant in that action of the costs of the publication and certified mail, do all of the following:

(a) Publish a notice as a class 1 notice under ch. 985, in the official newspaper of the county where the mortgage foreclosure deficiency judgment was entered, stating that the party holding the mortgage foreclosure deficiency judgment is required to commence an action on the deficiency judgment prior to 2 years after the effective date of this paragraph .... [revisor inserts date], or be barred from any further action on that deficiency judgment.

(b) Notify by certified mail the primary plaintiff in the action for the mortgage foreclosure deficiency judgment that the plaintiff is required to commence an action on the deficiency judgment prior to 2 years after the effective date of this paragraph .... [revisor inserts date], or be barred from any further action on that deficiency judgment.

SECTION 5201. 867.03 (1) of the statutes is renumbered 867.03 (1g), and 867.03 (1g) (intro.), as renumbered, is amended to read:

867.03 **(1g)** GENERALLY. (intro.) When a decedent leaves solely owned property in this state which does not exceed $10,000 in value, any heir of the decedent or person who was guardian of the decedent at the time of the decedent's death may collect any money due the decedent, receive the property of the decedent if it is not an interest in or lien on real property and have any evidence of interest, obligation to or right of the decedent transferred to the affiant upon furnishing the person owing the money, having custody of the property or acting as registrar or transfer agent of the evidences of interest, obligation to or right, with proof of prior mailed notice under sub. (1m) if applicable and with an affidavit in duplicate showing all of the following:

SECTION 5202. 867.03 (1c) of the statutes is created to read:

867.03 **(1c)** DEFINITION. In this section, "guardian" has the meaning given in s. 880.01 (3).

SECTION 5203. 867.03 (1m) (a) of the statutes is amended to read:

867.03 **(1m)** (a) Whenever an heir or person who was guardian of the decedent at the time of the decedent's death intends to transfer a decedent's property by affidavit under sub. ~~(1)~~ (1g) and the decedent or the decedent's spouse 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 heir or person who was guardian of the decedent at the time of the decedent's death shall give notice to the department of health and family services of his or her intent. The notice shall include the information in the affidavit under sub. ~~(1)~~ (1g) and the heir or person who was guardian of the decedent at the time of the decedent's death shall give the notice by certified mail, return receipt requested.

SECTION 5204. 867.03 (1m) (b) of the statutes is amended to read:

867.03 **(1m)** (b) An heir or person who was guardian of the decedent at the time of the decedent's death who

files an affidavit under sub. ~~(1)~~ (1g) that states that the decedent or the decedent's spouse 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 shall attach to the affidavit the proof of mail delivery of the notice required under par. (a) showing a delivery date that is not less than 10 days before the day on which the heir or person who was guardian of the decedent at the time of the decedent's death files the affidavit.

SECTION 5205. 867.03 (2) of the statutes is amended to read:

867.03 **(2)** RELEASE OF LIABILITY OF TRANSFEROR. Upon the transfer to the heir or person who was guardian of the decedent at the time of the decedent's death furnishing the affidavit with an attached proof of mail delivery if required under sub. (1m) (b), the transferor is released to the same extent as if the transfer had been made to the personal representative of the estate of the decedent.

SECTION 5206. 867.035 (1) (intro.) of the statutes is renumbered 867.035 (1) (a) (intro.) and amended to read:

867.035 **(1)** (a) (intro.) ~~The~~ Except as provided in par. (bm), the department of health and family services may collect from the property~~; except interests in or liens on real property; wearing apparel; jewelry; household furniture, furnishings and appliances; motor vehicles and recreational vehicles;~~ of a decedent, including funds of a decedent that are held by the decedent immediately before death in a joint account or a P.O.D. account, by affidavit under this section an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), the long–term community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. or the aid under s. 49.68, 49.683 or 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse, if all of the following conditions are satisfied:

SECTION 5207. 867.035 (1) (a), (am) and (b) of the statutes are renumbered 867.035 (1) (a) 1., 2. and 3.

SECTION 5208. 867.035 (1) (bm) of the statutes is created to read:

867.035 **(1)** (bm) The department of health and family services may not collect by affidavit under this section from any of the following property of the decedent:

1. Interests in or liens on real property.
2. Wearing apparel and jewelry.
3. Household furniture, furnishings and appliances.
4. Motor vehicles and recreational vehicles.

SECTION 5209. 867.035 (1) (d) of the statutes is renumbered 867.035 (1) (a) 4. and amended to read:

867.035 **(1)** (a) 4. The value of the solely owned property in this state left by the decedent, after payment of burial costs, does not exceed the amount under s. 867.03 ~~(1)~~ (1g) (intro.).

SECTION 5210. 867.035 (2) of the statutes is amended to read:

867.035 **(2)** A person who possesses property of a decedent shall transmit the property to the department of health and family services upon receipt of an affidavit by a person designated by the secretary of health and family services to administer this section showing that the conditions in sub. (1) (a) are satisfied. Upon transmittal, the person is released from any obligation to other creditors or heirs of the decedent.

SECTION 5211. 867.035 (4) of the statutes is amended to read:

867.035 **(4)** From the appropriation under s. 20.435 ~~(1)~~ (5) (im), with respect to funds collected by the department under sub. (1) related to medical assistance paid on behalf of the decedent or the decedent's spouse, the department of health and family services shall pay claims under sub. (3), shall pay to the federal government from the amount recovered under this section and not paid out as claims under sub. (3) an amount equal to the amount of federal funds used to pay the benefits recovered under this section and shall spend the remainder of the amount recovered under this section for medical assistance benefits under subch. IV of ch. 49.

SECTION 5212g. 885.237 (title) of the statutes is amended to read:

885.237 (title) **~~Presumption~~ Presumptions as to operation and registration of motor vehicle.**

SECTION 5212j. 885.237 of the statutes is renumbered 885.237 (1).

SECTION 5212k. 885.237 (2) of the statutes is created to read:

885.237 **(2)** Notwithstanding s. 341.04, the fact that an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less is located on a highway, as defined in s. 340.01 (22), and is not displaying valid registration plates, a temporary operation plate or other evidence of registration as provided under s. 341.18 (1) is prima facie evidence, for purposes of ch. 341, that the vehicle is an unregistered or improperly registered vehicle.

SECTION 5213. 887.23 (1) of the statutes is amended to read:

887.23 **(1)** WHO MAY REQUIRE. The department of health and social services, the department of corrections, the ~~department of education~~ state superintendent of public instruction or the board of regents of the university of Wisconsin system may order the deposition of any witness to be taken concerning any institution under his, her or its government or superintendence, or concerning the conduct of any officer or agent thereof, or concerning any matter relating to the interests thereof. Upon presentation of a certified copy of such order to any municipal judge, notary public or court commissioner, the officer shall take the desired deposition in the manner provided

for taking depositions to be used in actions. When any officer or agent of any institution is concerned and will be affected by the testimony, 2 days' written notice of the time and place of taking the deposition shall be given him or her. Any party interested may appear in person or by counsel and examine the witness touching the matters mentioned in the order. The deposition, duly certified, shall be delivered to the authority which ordered it.

SECTION 5217g. 893.40 of the statutes is amended to read:

893.40 Action on judgment or decree; court of record. ~~An~~ Except as provided in s. 846.04 (2) and (3), action upon a judgment or decree of a court of record of any state or of the United States shall be commenced within 20 years after the judgment or decree is entered or be barred.

SECTION 5219. 893.80 (8) of the statutes is amended to read:

893.80 **(8)** This section does not apply to actions commenced under s. 19.37 ~~or~~, 19.97 or 281.99.

SECTION 5220. 895.035 (2m) (b) of the statutes is amended to read:

895.035 **(2m)** (b) If a child fails to pay a forfeiture or surcharge as ordered by a court assigned to exercise jurisdiction under chs. 48 and 938 or a forfeiture as ordered by a municipal court or if it appears likely that the child will not pay the forfeiture or surcharge as ordered, the representative of the public interest under s. 938.09, the agency, as defined in s. 938.38 (1) (a), supervising the child or the law enforcement agency that issued the citation to the child may petition the court assigned to exercise jurisdiction under chs. 48 and 938 to order that the amount of the forfeiture or surcharge unpaid by the child be entered and docketed as a judgment against the child and the parent with custody of the child and in favor of the county or appropriate municipality. A petition under this paragraph may be filed after the expiration of the dispositional order or sentence under which the forfeiture or surcharge is payable, but no later than one year after the expiration of the dispositional order or sentence or any extension of the dispositional order or sentence.

SECTION 5221. 895.035 (2m) (bm) 1. of the statutes is amended to read:

895.035 **(2m)** (bm) 1. Before issuing an order under par. (a) or (b), the court assigned to exercise jurisdiction under chs. 48 and 938 shall give the child and the parent notice of the intent to issue the order and an opportunity to be heard regarding the order. The court shall give the child and the parent an opportunity to present evidence as to the amount of the restitution ~~or~~, forfeiture or surcharge unpaid, but not as to the amount of the restitution ~~or~~, forfeiture or surcharge originally ordered. The court shall also give the child and the parent an opportunity to present evidence as to the reason for the failure to pay the restitution ~~or~~, forfeiture or surcharge and the ability of the child or the parent to pay the restitution ~~or~~, forfeiture or surcharge. In considering the ability of the child or the parent to pay the restitution ~~or~~, forfeiture or surcharge, the court may consider the assets, as well as the income, of the child or the parent and may consider the future ability of the child or parent to pay the restitution ~~or~~, forfeiture or surcharge within the time specified in s. 893.40.

SECTION 5222. 895.035 (2m) (c) of the statutes is amended to read:

895.035 **(2m)** (c) The court assigned to exercise jurisdiction under chs. 48 and 938 may order that the child perform community service work for a public agency or nonprofit charitable organization that is designated by the court in lieu of making restitution or paying the forfeiture or surcharge. If the parent agrees to perform community service work in lieu of making restitution or paying the forfeiture or surcharge, the court may order that the parent perform community service work for a public agency or a nonprofit charitable organization that is designated by the court. Community service work may be in lieu of restitution only if also agreed to by the public agency or nonprofit charitable organization and by the person to whom restitution is owed. The court may utilize any available resources, including any community service work program, in ordering the child or parent to perform community service work. The number of hours of community service work required may not exceed the number determined by dividing the amount owed on the restitution ~~or~~, forfeiture or surcharge by the minimum wage established under ch. 104 for adults in nonagriculture, nontipped employment. The court shall ensure that the child or parent is provided with a written statement of the terms of the community service order and that the community service order is monitored.

SECTION 5223. 895.055 (3) of the statutes is amended to read:

895.055 **(3)** This section does not apply to any promise, agreement, note, bill, bond, mortgage, conveyance or other security that is permitted under chs. ~~561~~ 562 to 569 or under state or federal laws relating to the conduct of gaming on Indian lands.

SECTION 5224. 895.056 (4) of the statutes is amended to read:

895.056 **(4)** This section does not apply to any property that is permitted to be played, bet or wagered under chs. ~~561~~ 562 to 569 or under state or federal laws relating to the conduct of gaming on Indian lands.

SECTION 5225m. 895.483 (1) of the statutes is amended to read:

895.483 **(1)** A regional emergency response team, a member of such a team, and a local agency, as defined in s. 166.22 (1) (c), that contracts with the ~~state emergency response board~~ division of emergency management in the department of military affairs for the provision of a regional emergency response team, are immune from civil liability for acts or omissions related to carrying out responsibilities under a contract under s. 166.215 (1).

SECTION 5227g. 895.57 (3) of the statutes is amended to read:

895.57 **(3)** Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. ~~29.52,~~ 29.573, 29.574, 29.575 or 29.578 or designated as a wildlife refuge under s. 29.57 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties.

SECTION 5228. 938.02 (2m) of the statutes is amended to read:

938.02 **(2m)** "Court", when used without further qualification, means the court assigned to exercise jurisdiction under this chapter and ch. 48 or, when used with reference to a juvenile who is subject to s. 938.183 ~~(2)~~, a court of criminal jurisdiction or, when used with reference to a juvenile who is subject to s. 938.17 (2), a municipal court.

SECTION 5229. 938.02 (10) of the statutes is amended to read:

938.02 **(10)** "Judge", if used without further qualification, means the judge of the court assigned to exercise jurisdiction under this chapter and ch. 48 or, if used with reference to a juvenile who is subject to s. 938.183 ~~(2)~~, the judge of the court of criminal jurisdiction or, when used with reference to a juvenile who is subject to s. 938.17 (2), the judge of the municipal court.

SECTION 5232. 938.06 (1) (a) 1. of the statutes is amended to read:

938.06 **(1)** (a) 1. In counties with a population of 500,000 or more, the county board of supervisors shall provide the court with the services necessary for investigating and supervising cases under this chapter by operating a children's court center under the supervision of a director who is appointed as provided in s. 46.21 (1m) (a). The director is the chief administrative officer of the center and of the intake and probation sections and secure detention facilities of the center except as otherwise provided in this subsection. The director is charged with administration of the personnel and services of the sections and of the secure detention facilities, and is responsible for supervising both the operation of the physical plant and the maintenance and improvement of the buildings and grounds of the center. The center shall include investigative services for all juveniles alleged to be in need of protection or services to be provided by the county department~~, and~~. The center shall also include the services of an assistant district attorney or assistant corporation counsel or both, who shall be assigned to the center to provide investigative as well as legal work in the cases under this chapter and ch. 48.

SECTION 5233. 938.06 (1) (a) 2. of the statutes is amended to read:

938.06 **(1)** (a) 2. The chief judge of the judicial administrative district shall formulate written judicial policy governing intake and court services for juvenile matters under this chapter and the director shall be charged with executing the judicial policy. The chief judge shall direct and supervise the work of all personnel of the court, except the work of the district attorney or corporation counsel assigned to the court. The chief judge may delegate his or her supervisory functions under s. 938.065 (1).

SECTION 5234. 938.06 (1) (am) 1. of the statutes is amended to read:

938.06 **(1)** (am) 1. All intake workers ~~beginning~~ providing services under this chapter who begin employment after May 15, 1980, shall have the qualifications required to perform entry level social work in a county department and shall have successfully completed 30 hours of intake training approved or provided by the department prior to the completion of the first 6 months of employment in the position. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

SECTION 5235. 938.06 (1) (am) 2. of the statutes is amended to read:

938.06 **(1)** (am) 2. The department shall make training programs available annually that permit intake workers providing services under this chapter to satisfy the requirements specified under subd. 1.

SECTION 5236. 938.06 (2) (a) of the statutes is amended to read:

938.06 **(2)** (a) In counties having less than 500,000 population, the county board of supervisors shall authorize the county department or court or both to provide intake services required by s. 938.067 and the staff needed to carry out the objectives and provisions of this chapter under s. 938.069. Intake services under this chapter shall be provided by employes of the court or county department and may not be subcontracted to other individuals or agencies, except as provided in par. (am). Intake workers shall be governed in their intake work, including their responsibilities for recommending the filing of a petition and entering into a deferred prosecution agreement, by general written policies which shall be formulated by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

SECTION 5237. 938.06 (2) (am) 1. of the statutes is amended to read:

938.06 **(2)** (am) 1. Notwithstanding par. (a), any county which had intake services under this chapter subcontracted from the county sheriff's department on April 1, 1980, may continue to subcontract those intake services from the county sheriff's department.

SECTION 5238. 938.06 (2) (am) 2. of the statutes is amended to read:

938.06 **(2)** (am) 2. Notwithstanding par. (a), any county in which the county sheriff's department operates a secure detention facility may subcontract intake services under this chapter from the county sheriff's department as provided in this subdivision. If a county subcontracts intake services under this chapter from the county sheriff's department, employes of the county sheriff's department who staff the secure detention facility may make secure custody determinations under s. 938.208 between the hours of 6 p.m. and 6 a.m. and any determination under s. 938.208 made by an employe of the county sheriff's department shall be reviewed by an intake worker employed by the court or county department within 24 hours after that determination is made.

SECTION 5239. 938.06 (2) (b) 1. of the statutes is amended to read:

938.06 **(2)** (b) 1. All intake workers ~~beginning~~ providing services under this chapter who begin employment after May 15, 1980, excluding county sheriff's department employes who provide intake services under par. (am) 2., shall have the qualifications required to perform entry level social work in a county department. All intake workers ~~beginning~~ providing services under this chapter who begin employment after May 15, 1980, including county sheriff's department employes who provide intake services under par. (am) 2., shall have successfully completed 30 hours of intake training approved or provided by the department prior to the completion of the first 6 months of employment in the position. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

SECTION 5240. 938.06 (2) (b) 2. of the statutes is amended to read:

938.06 **(2)** (b) 2. The department shall make training programs available annually that permit intake workers providing services under this chapter to satisfy the requirements specified under subd. 1.

SECTION 5241. 938.183 (1m) (c) of the statutes is amended to read:

938.183 **(1m)** (c) If the juvenile is convicted of a lesser offense and if any of the conditions specified in ~~s. 938.183 (2) (a) 1. or 2.~~ sub. (2) (a) or (b) applies, the court of criminal jurisdiction may impose a criminal penalty or a disposition specified in s. 938.34.

SECTION 5242. 938.183 (2) (a) of the statutes is renumbered 938.183 (2).

SECTION 5243. 938.183 (2) (b) of the statutes is renumbered 938.183 (3) and amended to read:

938.183 **(3)** When a juvenile who is subject to a criminal penalty under ~~par. (a)~~ sub. (1m) or (2) attains the age of 17 years, the department may place the juvenile in a state prison named in s. 302.01. If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15 years of age or over, the department may transfer the juvenile to the Racine youthful offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A juvenile who is subject to a criminal penalty under ~~par. (a)~~ sub. (1m) or (2) is eligible for parole under s. 304.06.

SECTION 5244. 938.183 (2) (c) of the statutes is renumbered 938.183 (4) and amended to read:

938.183 **(4)** If the juvenile is placed outside the juvenile's home under this ~~subsection~~ section, the order shall contain, a designation of the amount of support, if any, to be paid by the juvenile's parent, guardian or trustee, specifying that the support obligation begins on the date of the placement, or a referral to the county ~~designee~~ child support agency under s. ~~59.07 (97)~~ 59.53 (5) for establishment of child support.

SECTION 5246d. 938.22 (1) (a) of the statutes is amended to read:

938.22 **(1)** (a) The county board of supervisors may establish a secure detention facility or a shelter care facility or both or the county boards of supervisors for 2 or more counties may jointly establish a secure detention facility or a shelter care facility or both in accordance with ss. 46.16, 46.20 and 301.36. A private entity may establish a secure detention facility in accordance with ss. 301.36 and 301.37 and contract with one or more county boards of supervisors under s. 938.222 for holding juveniles in the private secure detention facility.

SECTION 5247d. 938.22 (1) (b) of the statutes is amended to read:

938.22 **(1)** (b) Subject to sub. (3) (ar), in counties having a population of less than 500,000, the nonjudicial operational policies of ~~the~~ a public secure detention facility or shelter care facility shall be determined by the county board of supervisors or, in the case of a public secure detention facility or shelter care facility established by 2 or more counties, by the county boards of supervisors for the 2 or more counties jointly. Those policies shall be executed by the superintendent appointed under sub. (3) (a).

SECTION 5247g. 938.22 (1) (c) of the statutes is amended to read:

938.22 **(1)** (c) In counties having a population of 500,000 or more, the nonjudicial operational policies of ~~the~~ a public secure detention facility and the detention section of the ~~juvenile delinquency~~ children's court center shall be established by the county board of supervisors, and the execution thereof shall be the responsibility of the director of the children's court center.

SECTION 5247i. 938.22 (1) (d) of the statutes is created to read:

938.22 **(1)** (d) The nonjudicial operational policies of a private secure detention facility shall be established by the private entity operating the secure detention facility. Those policies shall be executed by the superintendent appointed under sub. (3) (bm).

SECTION 5248d. 938.22 (2) (a) of the statutes is amended to read:

938.22 **(2)** (a) Counties shall submit plans for the secure detention facility or juvenile portion of the county

jail to the department of corrections and submit plans for the shelter care facility to the department of health and family services. A private entity that proposes to establish a secure detention facility shall submit plans for the secure detention facility to the department of corrections. The applicable department shall review the submitted plans. ~~The counties~~ A county or a private entity may not implement any such plan unless the applicable department has approved the plan. The department of corrections shall promulgate rules establishing minimum requirements for the approval of the operation of secure detention facilities and the juvenile portion of county jails. The plans and rules shall be designed to protect the health, safety and welfare of the juveniles in these facilities.

SECTION 5249d. 938.22 (3) (bm) of the statutes is created to read:

938.22 **(3)** (bm) A private secure detention facility shall be in the charge of a superintendent appointed by the private entity operating the secure detention facility.

SECTION 5249g. 938.22 (3) (c) of the statutes is amended to read:

938.22 **(3)** (c) All superintendents appointed under par. (a) ~~or~~, (b) or (bm) after May 1, 1992, shall, within one year after that appointment, successfully complete an administrative training program approved or provided by the department of justice.

SECTION 5249m. 938.22 (5) of the statutes is amended to read:

938.22 **(5)** A county board of supervisors, or 2 or more county boards of supervisors jointly, may contract with privately operated secure detention facilities, shelter care facilities or home detention programs for purchase of services. A county board of supervisors may delegate this authority to its county department.

SECTION 5250. 938.22 (7) (a) of the statutes is amended to read:

938.22 **(7)** (a) No person may establish a shelter care facility without first obtaining a license under s. 48.66 (1). To obtain a license under s. 48.66 (1) to operate a shelter care facility, a person must meet the minimum requirements for a license established by the department of health and family services under s. 48.67 and pay the license fee under par. (b). A license issued under s. 48.66 (1) to operate a shelter care facility is valid ~~for 2 years after the date of issuance, unless sooner revoked or suspended~~ until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 5250b. 938.22 (7) (a) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is amended to read:

938.22 **(7)** (a) No person may establish a shelter care facility without first obtaining a license under s. 48.66 (1). To obtain a license under s. 48.66 (1) to operate a shelter care facility, a person must meet the minimum requirements for a license established by the department of health and family services under s. 48.67, meet the requirements specified in s. 48.685 and pay the license fee under par. (b). A license issued under s. 48.66 (1) to operate a shelter care facility is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 5251. 938.22 (7) (b) of the statutes is amended to read:

938.22 **(7)** (b) Before the department of health and family services may issue a license under s. 48.66 (1) to operate a shelter care facility, the shelter care facility must pay to that department a biennial fee of ~~$50~~ $55, plus a biennial fee of ~~$15~~ $16.50 per juvenile, based on the number of juveniles that the shelter care facility is licensed to serve. A shelter care facility that wishes to ~~renew~~ continue a license issued under s. 48.66 (1) shall pay the fee under this paragraph by the ~~renewal~~ continuation date of the license. A new shelter care facility shall pay the fee under this paragraph by no later than 30 days before the opening of the shelter care facility.

SECTION 5252. 938.22 (7) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

938.22 **(7)** (b) Before the department of health and family services may issue a license under s. 48.66 (1) to operate a shelter care facility, the shelter care facility must pay to that department a biennial fee of $60.50, plus a biennial fee of $18.15 per juvenile, based on the number of juveniles that the shelter care facility is licensed to serve. A shelter care facility that wishes to continue a license issued under s. 48.66 (1) shall pay the fee under this paragraph by the continuation date of the license. A new shelter care facility shall pay the fee under this paragraph by no later than 30 days before the opening of the shelter care facility.

SECTION 5253. 938.22 (7) (c) of the statutes is amended to read:

938.22 **(7)** (c) A shelter care facility that wishes to ~~renew~~ continue a license issued under s. 48.66 (1) and that fails to pay the fee under par. (b) by the ~~renewal~~ continuation date of the license or a new shelter care facility that fails to pay the fee under par. (b) by 30 days before the opening of the shelter care facility shall pay an additional fee of $5 per day for every day after the deadline that the facility fails to pay the fee.

SECTION 5253m. 938.222 of the statutes is created to read:

938.222 Contracts with private entities for secure detention facility services. (1) The county board of supervisors of any county may contract with a private entity that operates a secure detention facility for the use of the secure detention facility for the holding of juveniles who meet the criteria under s. 48.208, 938.17 (1), 938.183 (1m) (a) or 938.208 or who are subject to a disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s.

938.355 (6) (d) 1. or short−term detention under s. 938.355 (6d) or 938.534 (1).

(2) (a) A contract under sub. (1) shall require all of the following:

1. That the private secure detention facility meet or exceed the minimum requirements for the approval and operation of a secure detention facility established by the department by rules promulgated under s. 938.22 (2) (a) and that the private secure detention facility be approved by the department under s. 301.36.

2. That the private secure detention facility provide educational programming, health care and other care that is equivalent to that which a juvenile would receive if held in a public secure detention facility.

(b) In addition to the requirements under par. (a), a contract under sub. (1) shall include all of the following:

1. The rates to be paid by the county for holding a juvenile in the private secure detention facility and the charges to be paid by the county for any extraordinary medical and dental expenses and any programming provided for a juvenile who is held in the private secure detention facility.

2. An agreement that the county retains jurisdiction over a juvenile who is held in the private secure detention facility.

3. An agreement that the private secure detention facility is subject to investigation and inspection by the department under s. 301.36.

4. Any other matters that are necessary and appropriate concerning the obligations, responsibilities and rights of the contracting counties and the department.

SECTION 5254. 938.223 (1) of the statutes is amended to read:

938.223 **(1)** The county board of supervisors of any county may contract with one or more counties in Minnesota that operate a secure detention facility for the use of one or more Minnesota secure detention facilities for the holding of juveniles who meet the criteria under s. 48.208, 938.17 (1), 938.183 (1m) (a) or 938.208 or who are subject to a disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355 (6) (d) 1. or short−term detention under s. 938.355 (6d) or 938.534 (1).

SECTION 5255. 938.224 of the statutes is created to read:

938.224 Contracts with department for secure detention facility services. (1) The county board of supervisors of any county may contract with the department for the use of a secured correctional facility operated by the department for the holding of juveniles who meet the criteria under s. 48.208, 938.17 (1), 938.183 (1m) (a) or 938.208 or who are subject to a disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355 (6) (d) 1. or short−term detention under s. 938.355 (6d) or 938.534 (1).

(2) A contract under sub. (1) shall require all of the following:

(a) That the county may use a secured correctional facility for holding a juvenile under sub. (1) only if any of the following criteria are met:

1. There is no county−operated secure detention facility approved by the department within 40 miles of the county seat of the county.

2. There is no bed space available in a county−operated secure detention facility approved by the department within 40 miles of the county seat of the county.

(b) That the county may use a secured correctional facility for holding a juvenile under sub. (1) only if the department approves that use based on the availability of beds in the secured correctional facility and on the programming needs of the juvenile.

(3) In addition to the requirements under sub. (2), a contract under sub. (1) shall include all of the following:

(a) The per person daily rate to be paid by the county for holding a juvenile under sub. (1) and the charges to be paid by the county for any extraordinary medical and dental expenses and any programming provided for the juvenile by the department.

(b) Any other matters that are necessary and appropriate concerning the obligations, responsibilities and rights of the contracting county and the department.

(4) A juvenile held in custody under sub. (1) is under the supervision and control of the department and is subject to the rules and discipline of the department.

SECTION 5257m. 938.30 (6) of the statutes is amended 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 ~~health and family services~~ workforce development under s. ~~46.25~~ 49.22 (9) and listing the factors that a court may consider under s. 46.10 (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 5258m. 938.31 (7) of the statutes is amended 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 ~~health and family services~~ workforce development under s. ~~46.25~~ 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may immediately proceed with a dispositional hearing.

SECTION 5259. 938.33 (3) (b) of the statutes is amended to read:

938.33 **(3)** (b) A recommendation for an amount of child support to be paid by either or both of the juvenile's parents or for referral to the county ~~designee~~ child support agency under s. ~~59.07 (97)~~ 59.53 (5) for the establishment of child support.

SECTION 5260. 938.33 (4) (b) of the statutes is amended to read:

938.33 **(4)** (b) A recommendation for an amount of child support to be paid by either or both of the juvenile's parents or for referral to the county ~~designee~~ child support agency under s. ~~59.07 (97)~~ 59.53 (5) for the establishment of child support.

SECTION 5263. 938.34 (8d) of the statutes is created to read:

938.34 **(8d)** DELINQUENCY VICTIM AND WITNESS ASSISTANCE SURCHARGE. (a) In addition to any other disposition imposed under this section, the court shall impose a delinquency victim and witness assistance surcharge of $20.

(b) The clerk of court shall collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer under s. 59.25 (3) (f) 2.

(c) If a juvenile placed in a secured correctional facility or a secured child caring institution fails to pay the surcharge under par. (a), the department shall assess and collect the amount owed from the juvenile's wages or other moneys. Any amount collected shall be transmitted to the state treasurer.

(d) If the juvenile fails to pay the surcharge under par. (a), the court may vacate the surcharge and order other alternatives under this section, in accordance with the conditions specified in this chapter; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years. If the court suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with a notice of suspension clearly stating that the suspension is for failure to pay a surcharge imposed by the court. If the surcharge is paid during the period of suspension, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the juvenile.

SECTION 5265. 938.345 (1) (c) of the statutes is amended to read:

938.345 **(1)** (c) Order payment of a forfeiture or surcharge.

SECTION 5266. 938.355 (2) (b) 4. of the statutes is amended to read:

938.355 **(2)** (b) 4. If the juvenile is placed outside the juvenile's home, a designation of the amount of support, if any, to be paid by the juvenile's parent, guardian or trustee, specifying that the support obligation begins on the date of the placement, or a referral to the county ~~designee~~ child support agency under s. ~~59.07 (97)~~ 59.53 (5) for establishment of child support.

SECTION 5267. 938.357 (4) (b) 2. of the statutes is amended to read:

938.357 **(4)** (b) 2. If a juvenile whom the court has placed in a Type 2 child caring institution under s. 938.34 (4d) violates a condition of his or her placement in the Type 2 child caring institution, the child welfare agency operating the Type 2 child caring institution shall notify the county department that has supervision over the juvenile and, if the county department agrees to a change in placement under this subdivision, the child welfare agency shall notify the department and the department, after consulting with the child welfare agency, may place the juvenile in a Type 1 secured correctional facility under the supervision of the department, without a hearing under sub. (1), for not more than 10 days. If a juvenile is placed in a Type 1 secured correctional facility under this subdivision, the county department that has supervision over the juvenile shall reimburse the child welfare agency operating the Type 2 child caring institution in which the juvenile was placed at the rate established under s. 46.037, and that child welfare agency shall reimburse the department at the rate specified in s. 301.26 (4) (d) ~~3m.~~ 2., 3. or 4., whichever is applicable, for the cost

of the juvenile's care while placed in a Type 1 secured correctional facility.

SECTION 5268. 938.357 (4) (d) of the statutes is created to read:

938.357 **(4)** (d) The department may transfer a juvenile who is subject to an order under s. 48.366, 1993 stats., 938.183 or 938.34 (4h) and is placed in a Type 1 secured correctional facility to the Racine youthful offender correctional facility named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile offender review in the department has determined that the conduct of the juvenile in the Type 1 secured correctional facility presents a serious problem to the juvenile or others. The factors that the office of juvenile offender review may consider in making that determination shall include, but are not limited to, whether and to what extent the juvenile's conduct in the Type 1 secured correctional facility is violent and disruptive, the security needs of the Type 1 secured correctional facility and whether and to what extent the juvenile is refusing to cooperate or participate in the treatment programs provided for the juvenile in the Type 1 secured correctional facility. Notwithstanding sub. (1), a juvenile is not entitled to a hearing regarding the department's exercise of authority under this paragraph unless the department provides for a hearing by rule. A juvenile may seek review of a decision of the department under this paragraph only by the common law writ of certiorari. If the department transfers a juvenile under this paragraph, the department shall send written notice of the transfer to the parent, guardian, legal custodian and committing court.

Vetoed In Part

SECTION 5269. 938.357 (4g) (b) of the statutes is amended to read:

938.357 **(4g)** (b) The department may waive the time period within which an aftercare plan must be prepared and submitted under par. (a) if the department anticipates that the juvenile will remain in the secured correctional facility or secured child caring institution for a period exceeding 8 months or if the juvenile is subject to s. 48.366 or 938.183 ~~(2)~~. If the department waives that time period, the aftercare provider designated under s. 938.34 (4n) shall prepare the aftercare plan within 30 days after the date on which the department requests the aftercare plan.

SECTION 5270m. 938.357 (5m) of the statutes 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 ~~health and family services~~ workforce development under s. ~~46.25~~ 49.22 (9) and listing the factors that a court may consider under s. 46.10 (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 (14).

SECTION 5271m. 938.36 (1) (a) of the statutes 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 ~~(2)~~, 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, or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, shall be determined under s. 46.10 (14).

SECTION 5272m. 938.36 (1) (b) of the statutes is amended to read:

938.36 **(1)** (b) In determining the amount of support under par. (a), the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported under s. 49.22 (2m) to the department of ~~health and family services~~ workforce development, or the county child ~~and spousal~~ support agency, under s. ~~46.25 (2m)~~ 59.53 (5). If the court has insufficient information with which to determine the amount of support, the court shall order the juvenile's parent to furnish a statement of income, assets, debts and living expenses, if the parent has not already done so, to the court within 10 days after the court's order transferring custody or designating an alternative placement is entered or at such other time as ordered by the court.

SECTION 5275. 938.365 (2g) (a) of the statutes is amended to read:

938.365 **(2g)** (a) At the hearing the person or agency primarily responsible for providing services to the juvenile shall file with the court a written report stating to what extent the dispositional order has been meeting the objectives of the plan for the juvenile's rehabilitation or care and treatment. The office of juvenile offender review ~~program~~ may file a written report regarding any juvenile examined by the program.

SECTION 5275g. 938.396 (1m) (a) of the statutes is amended to read:

938.396 **(1m)** (a) ~~If requested by the school district administrator of a public school district, a~~ A law enforce-

ment agency, on its own initiative or on the request of the school district administrator of a public school district or the school district administrator's designee, may, subject to official agency policy, provide to the school district administrator or designee any information in its records relating to the use, possession or distribution of alcohol or a controlled substance or controlled substance analog by a ~~pupil~~ juvenile enrolled in the public school district. The information shall be used by the school district as provided under s. 118.127 (2).

SECTION 5275h. 938.396 (1m) (am) of the statutes is amended to read:

938.396 **(1m)** (am) ~~If requested by a school district administrator of a public school district, a~~ A law enforcement agency, on its own initiative or on the request of the school district administrator of a public school district or the school district administrator's designee, may, subject to official agency policy, provide to the school district administrator or designee any information in its records relating to the illegal possession by a juvenile of a dangerous weapon, as defined in s. 939.22 (10). The information shall be used by the school district as provided in s. 118.127 (2).

SECTION 5275k. 938.396 (1m) (ar) of the statutes is created to read:

938.396 **(1m)** (ar) A law enforcement agency, on its own initiative or on the request of the school district administrator of a public school district or the school district administrator's designee, may, subject to official agency policy, provide to the school district administrator or designee any information in its records relating to an act for which a juvenile enrolled in the school district was taken into custody under s. 938.19 based on a law enforcement officer's belief that the juvenile was committing or had committed an act that is a violation specified in s. 938.34 (4h) (a). The information shall be used by the school district as provided in s. 118.127 (2).

SECTION 5275m. 938.396 (1m) (b) of the statutes is amended to read:

938.396 **(1m)** (b) ~~If requested by the school district administrator of a public school district, a~~ A law enforcement agency, on its own initiative or on the request of the school district administrator of a public school district or the school district administrator's designee, may ~~disclose~~, subject to official agency policy, provide to the school district administrator or designee any information in its records relating to the act for which a juvenile enrolled in the public school district was adjudged delinquent. The information shall be used by the school district as provided in s. 118.127 ~~(3)~~ (2).

SECTION 5277. 938.48 (4) of the statutes is amended to read:

938.48 **(4)** Provide appropriate care and training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4); including serving those juveniles in their own homes, placing them in licensed foster homes or licensed treatment foster homes in accordance with s. 48.63 or licensed group homes, contracting for their care by licensed child welfare agencies or replacing them in juvenile correctional institutions or secured child caring institutions in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for juveniles in its custody unless the department, the school board as defined in s. 115.001 (7) and the ~~secretary of education~~ state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the ~~secretary of education~~ state superintendent of public instruction.

SECTION 5278. 938.48 (14) of the statutes is amended to read:

938.48 **(14)** Pay maintenance, tuition and related expenses from the appropriation under s. 20.410 (3) ~~(am) and~~ (ho) for persons who when they reached 17 years of age were students regularly attending a school, college or university or regularly attending a course of vocational or technical training designed to fit them for gainful employment, and who when reaching that age were under the supervision of the department under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4) as a result of a judicial decision.

SECTION 5279. 938.53 of the statutes is amended to read:

938.53 Duration of control of department over delinquents. Except as provided under ss. 48.366 and 938.183, all juveniles adjudged delinquent who have been placed under the supervision of the department under s. 938.183, 938.34 (4h), (4m)~~, (4h)~~ or (4n) or 938.357 (4) shall be discharged as soon as the department determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the juvenile or for the protection of the public that the department retain supervision.

SECTION 5280m. 938.533 (2) of the statutes is amended to read:

938.533 **(2)** CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s. 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve an average daily population of ~~105~~ 106 juveniles in fiscal year 1997–98 and 136 juveniles in fiscal year 1998–99, or an average daily population of more than ~~105~~ 106 juveniles in fiscal year 1997–98 and 136 juveniles in fiscal year 1998–99 if the appropriation under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions for the program are increased under s. 13.101 or 16.505 (2) or if funding and positions to serve more than those average daily populations are otherwise available, in not less than 3 counties, including Milwaukee County. The office of juvenile offender review ~~program~~ in the department shall evaluate and select for participation in the

program juveniles who have been placed under the supervision of the department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The department shall place a program participant in the community, provide intensive surveillance of that participant and provide an average of $5,000 per year per slot to purchase community−based treatment services for each participant. The department shall make the intensive surveillance required under this subsection available 24 hours a day, 7 days a week, and may purchase or provide electronic monitoring for the intensive surveillance of program participants. The department shall provide a report center in Milwaukee County to provide on−site programming after school and in the evening for juveniles from Milwaukee County who are placed in the corrective sanctions program. A contact worker providing services under the program shall have a case load of approximately 10 juveniles and, during the initial phase of placement in the community under the program of a juvenile who is assigned to that contact worker, shall have not less than one face−to−face contact per day with that juvenile. Case management services under the program shall be provided by a corrective sanctions agent who shall have a case load of approximately 15 juveniles. The department shall promulgate rules to implement the program.

SECTION 5281. 938.538 (3) (a) 1. of the statutes is amended to read:

938.538 **(3)** (a) 1. Subject to subd. 1m., placement in a Type 1 secured correctional facility, a secured child caring institution or, if the participant is 17 years of age or over <u>or 15 years of age or over and transferred under s. 938.357 (4) (d)</u>, a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years.

SECTION 5282. 938.538 (3) (a) 1m. of the statutes is amended to read:

938.538 **(3)** (a) 1m. If the participant has been adjudicated delinquent for committing an act that would be a Class A felony if committed by an adult, placement in a Type 1 secured correctional facility, a secured child caring institution or, if the participant is 17 years of age or over <u>or 15 years of age or over and transferred under s. 938.357 (4) (d)</u>, a Type 1 prison, as defined in s. 301.01 (5), until the participant reaches 25 years of age, unless the participant is released sooner, subject to a mandatory minimum period of confinement of not less than one year.

SECTION 5283. 938.538 (5) (a) of the statutes is amended to read:

938.538 **(5)** (a) The <u>office of</u> juvenile offender review ~~program~~ in the division of juvenile corrections in the department may release a participant to aftercare supervision under s. 301.03 (10) (d) at any time after the participant has completed 2 years of participation in the serious juvenile offender program. Aftercare supervision of the participant shall be provided by the department.

SECTION 5284. 938.538 (5) (c) of the statutes is amended to read:

938.538 **(5)** (c) Sections 938.357 and 938.363 do not apply to changes of placement and revisions of orders for a juvenile who is a participant in the serious juvenile offender program<u>, except that s. 938.357 (4) (d) applies to the transfer of a participant to the Racine youthful offender correctional facility named in s. 302.01</u>.

SECTION 5285. 938.57 (1) (c) of the statutes is amended to read:

938.57 **(1)** (c) Provide appropriate protection and services for juveniles in its care, including providing services for juveniles and their families in their own homes, placing the juveniles in licensed foster homes, licensed treatment foster homes or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody or contracting for services for them by licensed child welfare agencies or replacing them in juvenile correctional institutions or secured child caring institutions in accordance with rules promulgated under ch. 227, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board as defined in s. 115.001 (7) and the ~~secretary of education~~ <u>state superintendent of public instruction</u> all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the ~~secretary of education~~ <u>state superintendent of public instruction</u>.

SECTION 5286. 938.57 (4) of the statutes is amended to read:

938.57 **(4)** A county department may provide aftercare supervision under s. ~~48.34~~ <u>938.34</u> (4n) for juveniles who are released from secured correctional facilities or secured child caring institutions operated by the department. If a county department intends to change its policy regarding whether the county department or the department shall provide aftercare supervision for juveniles released from secured correctional facilities or secured child caring institutions operated by the department, the county executive or county administrator, or, if the county has no county executive or county administrator, the chairperson of the county board of supervisors, or, for multicounty departments, the chairpersons of the county boards of supervisors jointly, shall submit a letter to the department stating that intent before July 1 of the year preceding the year in which the policy change will take effect.

SECTION 5336m. 943.60 (1) of the statutes is amended to read:

943.60 **(1)** Any person who submits for filing, entering or recording any lien, claim of lien, lis pendens, writ of attachment<u>, financing statement</u> or any other instrument relating to <u>a security interest in or</u> title ~~in~~ <u>to</u> real or personal property, ~~knowing~~ <u>and who knows or should</u>

have known that the contents or any part of the contents ~~to be~~ of the instrument are false, a sham or frivolous, is guilty of a Class ~~E~~ D felony.

SECTION 5339j. 943.75 (3) of the statutes is amended to read:

943.75 **(3)** Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. ~~29.52,~~ 29.573, 29.574, 29.575 or 29.578 or designated as a wildlife refuge under s. 29.57 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties. This subsection does not limit any other person from claiming the defense of privilege under s. 939.45 (3).

SECTION 5340. 944.21 (8) (b) 3. a. of the statutes is amended to read:

944.21 **(8)** (b) 3. a. Is a technical college, is a school approved by the ~~department of education~~ educational approval board under s. ~~38.51~~ 39.51 or is a school described in s. ~~38.51~~ 39.51 (9) (f), (g) or (h); and

SECTION 5341. 945.01 (5) (am) of the statutes is amended to read:

945.01 **(5)** (am) "Lottery" does not include bingo or a raffle conducted under ch. 563, pari–mutuel wagering conducted under ch. 562 or the state lottery or any ~~multistate~~ multijurisdictional lottery conducted under ch. 565.

SECTION 5342. 945.095 (1) (d), (f), (g) and (h) of the statutes are amended to read:

945.095 **(1)** (d) The person provides the ~~gaming board~~ department of administration, prior to the importation of the gambling devices into the state, all records that account for the gambling devices, including the identification number affixed to each gambling device by the manufacturer, and that identify the location where the gambling devices will be stored prior to the installation of the gambling devices on the vessel.

(f) If the person removes used gambling devices from a vessel, the person shall provide the ~~gaming board~~ department of administration with an inventory of the used gambling devices prior to their removal from the vessel. The inventory shall include the identification number affixed to each gambling device by the manufacturer.

(g) The person submits documentation to the ~~gaming board~~ department of administration, no later than 30 days after the date of delivery, that the vessel equipped with gambling devices has been delivered to the customer who ordered the work performed on the vessel.

(h) The person does not sell a gambling device to any other person except to a customer who shall use or possess the gambling device outside of this state in a locality where the use or possession of the gambling device is lawful. If a person sells a gambling device to such a customer, the person shall submit documentation to the ~~gaming board~~ department of administration, no later than 30 days after the date of delivery, that the gambling device has been delivered to the customer.

SECTION 5343j. 946.68 (1) of the statutes is renumbered 946.68 (1r) (a) and amended to read:

946.68 **(1r)** (a) ~~Whoever~~ Except as provided in pars. (b) and (c), whoever sends or delivers to another any document which simulates ~~a summons, complaint, or court~~ legal process is guilty of a Class E felony.

(b) If the document under par. (a) is sent or delivered with intent ~~thereby~~ to induce payment of a claim, the person is guilty of a Class ~~B misdemeanor~~ D felony.

SECTION 5343k. 946.68 (1g) of the statutes is created to read:

946.68 **(1g)** In this section, "legal process" includes a subpoena, summons, complaint, warrant, injunction, writ, notice, pleading, order or other document that directs a person to perform or refrain from performing a specified act and compliance with which is enforceable by a court or governmental agency.

SECTION 5343L. 946.68 (1r) (c) of the statutes is created to read:

946.68 **(1r)** (c) If the document under par. (a) simulates any criminal process, the person is guilty of a Class D felony.

SECTION 5343m. 946.68 (2) of the statutes is amended to read:

946.68 **(2)** Proof that ~~the~~ a document specified under sub. (1r) was mailed or was delivered to any person with intent that it be forwarded to the intended recipient is sufficient proof of sending.

SECTION 5343t. 946.69 (2) (intro.) of the statutes is amended to read:

946.69 **(2)** (intro.) Whoever does any of the following is guilty of a Class ~~A misdemeanor~~ E felony:

SECTION 5345. 948.11 (4) (b) 3. a. of the statutes is amended to read:

948.11 **(4)** (b) 3. a. Is a technical college, is a school approved by the ~~department of education~~ educational approval board under s. ~~38.51~~ 39.51 or is a school described in s. ~~38.51~~ 39.51 (9) (f), (g) or (h); and

SECTION 5346d. 949.06 (5) (a) of the statutes is amended to read:

949.06 **(5)** (a) Except as provided in pars. (b) to (e), the department shall make awards under this section from the appropriations under s. 20.455 (5) (b), ~~(j)~~ (kj) and (m).

SECTION 5346e. 951.01 (3f) of the statutes is created to read:

951.01 **(3f)** "Fire department" includes a volunteer fire department and a department under s. 61.66.

SECTION 5346f. 951.095 (title) of the statutes is amended to read:

951.095 (title) **Harassment of police and fire animals.**

SECTION 5346g. 951.095 (1) (intro.) of the statutes is amended to read:

951.095 **(1)** (intro.) No person may do any of the following to any animal that is used by a law enforcement agency or fire department to perform agency or department functions or duties:

SECTION 5346h. 951.18 (2m) of the statutes is amended to read:

951.18 **(2m)** Any person who violates s. 951.095 is subject to a Class B forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class E felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class D felony.

SECTION 5348e. 961.38 (2) of the statutes is amended to read:

961.38 **(2)** In emergency situations, as defined by rule of the pharmacy examining board, schedule II drugs may be dispensed upon oral or electronic prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with rules of the pharmacy examining board promulgated under s. 961.31. No prescription for a schedule II substance may be refilled.

SECTION 5348m. 961.38 (3) of the statutes is amended to read:

961.38 **(3)** Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III or IV, which is a prescription drug, shall not be dispensed without a written ~~or~~, oral or electronic prescription of a practitioner. The prescription shall not be filled or refilled except as designated on the prescription and in any case not more than 6 months after the date thereof, nor may it be refilled more than 5 times, unless renewed by the practitioner.

SECTION 5348s. 961.38 (5) of the statutes is amended to read:

961.38 **(5)** No practitioner shall prescribe, orally, electronically or in writing, or take without a prescription a controlled substance included in schedule I, II, III or IV for the practitioner's own personal use.

SECTION 5422. 967.02 (2) of the statutes is amended to read:

967.02 **(2)** "Department" means the department of corrections, except as provided in ~~ss. 973.135 (1) (a) and~~ s. 975.001.

SECTION 5445. 973.046 (1) (intro.) of the statutes is amended to read:

973.046 **(1)** (intro.) ~~Beginning on August 12, 1993, if~~ If a court imposes a sentence or places a person on probation under any of the following circumstances, the court shall impose a deoxyribonucleic acid analysis surcharge of $250:

SECTION 5446. 973.046 (1) (a) of the statutes is amended to read:

973.046 **(1)** (a) The person violated s. 940.225~~, 943.10~~ or 948.02 (1) or (2).

SECTION 5447. 973.05 (1) of the statutes is amended to read:

973.05 **(1)** When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance surcharge under s. 973.045, the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis surcharge under s. 973.046, any applicable drug abuse program improvement surcharge imposed by s. 961.41 (5), any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable enforcement assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any applicable environmental assessment imposed by s. 299.93, any applicable wild animal protection assessment imposed by s. 29.9965, any applicable natural resources assessment imposed by s. 29.997 and any applicable natural resources restitution payment imposed by s. 29.998 to be made within a period not to exceed 120 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, the crime laboratories and drug law enforcement assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse program improvement surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable enforcement assessment, any applicable weapons assessment, any applicable uninsured employer assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.

SECTION 5448. 973.05 (2) of the statutes is amended to read:

973.05 **(2)** When a defendant is sentenced to pay a fine and is also placed on probation, the court may make the payment of the fine, the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, the crime laboratories and drug law enforcement assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse program

improvement surcharge, any applicable domestic abuse assessment, any applicable uninsured employer assessment, any applicable driver improvement surcharge, any applicable enforcement assessment under s. 253.06 (4) (c), any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment and any applicable natural resources restitution payments a condition of probation. When the payments are made a condition of probation by the court, payments thereon shall be applied first to payment of the penalty assessment until paid in full, shall then be applied to the payment of the jail assessment until paid in full, shall then be applied to the payment of part A of the crime victim and witness assistance surcharge until paid in full, shall then be applied to part B of the crime victim and witness assistance surcharge until paid in full, shall then be applied to the crime laboratories and drug law enforcement assessment until paid in full, shall then be applied to the deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to the drug abuse improvement surcharge until paid in full, shall then be applied to payment of the driver improvement surcharge until paid in full, shall then be applied to payment of the domestic abuse assessment until paid in full, shall then be applied to payment of the natural resources assessment if applicable until paid in full, shall then be applied to payment of the natural resources restitution payment until paid in full, shall then be applied to the payment of the environmental assessment if applicable until paid in full, shall then be applied to the payment of the wild animal protection assessment if applicable until paid in full, shall then be applied to payment of the weapons assessment until paid in full, shall then be applied to payment of the uninsured employer assessment until paid in full, shall then be applied to payment of the enforcement assessment under s. 253.06 (4) (c), if applicable, until paid in full and shall then be applied to payment of the fine.

SECTION 5449. 973.05 (5) (a) of the statutes is amended to read:

973.05 **(5)** (a) Upon entry of the assignment under sub. (4) (b), unless the court finds that income withholding is likely to cause the defendant irreparable harm, the court shall provide notice of the assignment by regular mail to the last−known address of the person from whom the defendant receives or will receive money. If the clerk does not receive the money from the person notified, the court shall provide notice of the assignment to any other person from whom the defendant receives or will receive money. Notice under this paragraph may be a notice of the court, a copy of the executed assignment or a copy of that part of the court order directing payment. If the court issues an order under sub. (4) (b) assigning lottery prizes, the court shall send the notice of that order to the administrator of the lottery division of the ~~gaming commission~~ department of revenue, including a statement of the amount owed under the judgment and the name and address of the person owing the judgment. The court shall notify the administrator of the lottery division of the ~~gaming commission~~ department of revenue when the judgment that is the basis of the assignment has been paid in full.

SECTION 5450. 973.055 (3) of the statutes is amended to read:

973.055 **(3)** All moneys collected from domestic abuse assessments shall be deposited by the state treasurer in s. 20.435 ~~(1)~~ (3) (hh) and utilized in accordance with s. 46.95.

SECTION 5451. 973.07 of the statutes is amended to read:

973.07 Failure to pay fine or costs or to comply with certain community service work. If the fine, costs, penalty assessment, jail assessment, crime victim and witness assistance surcharge, crime laboratories and drug law enforcement assessment, applicable deoxyribonucleic acid analysis surcharge, applicable drug abuse program improvement surcharge, applicable domestic abuse assessment, applicable driver improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured employer assessment, applicable environmental assessment, applicable wild animal protection assessment, applicable natural resources assessment and applicable natural resources restitution payments are not paid or community service work under s. 943.017 (3) is not completed as required by the sentence, the defendant may be committed to the county jail until the fine, costs, penalty assessment, jail assessment, crime victim and witness assistance surcharge, crime laboratories and drug law enforcement assessment, applicable deoxyribonucleic acid analysis surcharge, applicable drug abuse program improvement surcharge, applicable domestic abuse assessment, applicable driver improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured employer assessment, applicable environmental assessment, applicable wild animal protection assessment, applicable natural resources assessment or applicable natural resources restitution payments are paid or discharged, or the community service work under s. 943.017 (3) is completed, for a period fixed by the court not to exceed 6 months.

SECTION 5453. 973.09 (3) (b) of the statutes is amended to read:

973.09 **(3)** (b) The department shall notify the sentencing court, any person to whom unpaid restitution is owed and the district attorney of the status of the ordered restitution payments unpaid at least 90 days before the probation expiration date. If payment as ordered has not been made, the court shall hold a probation review hearing prior to the expiration date, unless the hearing is voluntarily waived by the probationer with the knowledge

that waiver may result in an extension of the probation period or in a revocation of probation. If the court does not extend probation, it shall issue a judgment for the unpaid restitution and direct the clerk of circuit court to file and enter the judgment in the judgment and lien docket, without fee, unless it finds that the victim has already recovered a judgment against the probationer for the damages covered by the restitution order. If the court issues a judgment for the unpaid restitution, the court shall send to the person at his or her last−known address written notification that a civil judgment has been issued for the unpaid restitution. The judgment has the same force and effect as judgments entered under s. 806.10.

SECTION 5454. 973.09 (3) (bm) of the statutes is created to read:

973.09 **(3)** (bm) 1. At least 90 days before the expiration date of a probationer's period of probation, the department may notify the sentencing court and the district attorney that a probationer owes unpaid fees to the department under s. 304.073 or 304.074.

2. Upon receiving notice from the department under subd. 1., the court shall schedule a probation review hearing to be held before the expiration date of the period of probation unless the probationer either pays the fees before the scheduled hearing date or voluntarily waives the hearing. A waiver of a probation review hearing under this subdivision shall include an acknowledgement by the probationer that waiver may result in an extension of the probation period, a modification of the terms and conditions of probation or a revocation of probation.

3. At a probation review hearing under subd. 2., the department has the burden of proving that the probationer owes unpaid fees under s. 304.073 or 304.074 and the amount of the unpaid fees. If the department proves by a preponderance of the evidence that the probationer owes unpaid fees under s. 304.073 or 304.074, the court may, by order, extend the period of probation for a stated period, modify the terms and conditions of probation or revoke the probationer's probation.

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

SECTION 5455. 973.09 (3) (c) 1. and 2. of the statutes are amended to read:

973.09 **(3)** (c) 1. The probationer has not made a good faith effort to discharge court−ordered payment obligations <u>or to pay fees owed under s. 304.073 or 304.074</u>.

2. The probationer is not presently able to make required <u>restitution</u> payments and the probationer and the person to whom restitution is owed consent to the performance of community service work under sub. (7m) in satisfaction of restitution ordered for that person, for which an extended period of probation is required.

SECTION 5457. 973.135 (title) of the statutes is amended to read:

973.135 (title) **Courts to report convictions to the ~~department of education~~ <u>state superintendent of public instruction</u>.**

SECTION 5458. 973.135 (1) (a) of the statutes is repealed.

SECTION 5459. 973.135 (1) (am) of the statutes is renumbered 973.135 (1) (a).

SECTION 5460. 973.135 (1) (b) of the statutes is created to read:

973.135 **(1)** (b) "State superintendent" means the state superintendent of public instruction.

SECTION 5461. 973.135 (2) of the statutes is amended to read:

973.135 **(2)** If a court determines that a person convicted of a crime specified in ch. 948, including a crime specified in s. 948.015, a felony for which the maximum term of imprisonment is at least 5 years, 4th degree sexual assault under s. 940.225 (3m) or a crime in which the victim was a child, is employed by an educational agency, the clerk of the court in which such conviction occurred shall promptly forward to the ~~department~~ <u>state superintendent</u> the record of conviction.

SECTION 5462. 973.135 (3) of the statutes is amended to read:

973.135 **(3)** If a conviction under sub. (2) is reversed, set aside or vacated, the clerk of the court shall promptly forward to the ~~department~~ <u>state superintendent</u> a certificate stating that the conviction has been reversed, set aside or vacated.

SECTION 5483. 977.08 (5) (b) (intro.) of the statutes is amended to read:

977.08 **(5)** (b) (intro.) ~~Any~~ <u>Except as provided in par. (bn), any</u> of the following constitutes an annual caseload standard for an assistant state public defender in the subunit responsible for trials:

SECTION 5484. 977.08 (5) (bn) of the statutes is created to read:

977.08 **(5)** (bn) Beginning on the effective date of this paragraph .... [revisor inserts date], and ending on June 30, 1999, any of the following constitutes an annual caseload standard for an assistant state public defender in the subunit responsible for trials:

1. Felony cases not specified in subd. 1m.: 184.5.

1m. First−degree intentional homicide cases: 15.

1r. Cases representing persons under ss. 980.05 and 980.06: 15.

2. Misdemeanor cases: 492.

3. Cases not covered under subd. 1., 1m., 1r. or 2.: 246.

SECTION 5484m. 978.045 (1r) (e) of the statutes is amended to read:

978.045 **(1r)** (e) The district attorney is physically unable to attend to his or her duties or has a mental incapacity that impairs his or her ability to substantially perform his or her duties.

Vetoed In Part

SECTION 5485c. 978.12 (5) (b) of the statutes is amended to read:

978.12 **(5)** (b) *Employes generally.* District attorneys and state employes of the office of district attorney shall be included within the provisions of the Wisconsin retirement system under ch. 40 as a participating employe of that office, except that the district attorney and state employes of the office of district attorney in a county having a population of 500,000 or more have the option provided under ~~par. (c)~~ s. 978.12 (5) (c), 1995 stats.

SECTION 5485g. 978.12 (5) (c) 5. of the statutes is repealed.

SECTION 5485n. 978.12 (6) of the statutes is renumbered 978.12 (6) (a) and amended to read:

978.12 **(6)** (a) District attorneys and state employes of the office of district attorney shall be included within all insurance benefit plans under ch. 40, except as authorized in this ~~subsection~~ paragraph. Alternatively, the state shall provide insurance benefit plans for district attorneys and state employes in the office of district attorney in the manner provided in this ~~subsection~~ paragraph. A district attorney or other employe of the office of district attorney who was employed in that office as a county employe on December 31, 1989, and who received any form of fringe benefits other than a retirement, deferred compensation or employe–funded reimbursement account plan as a county employe, as defined by that county pursuant to the county's personnel policies, or pursuant to a collective bargaining agreement in effect on January 1, 1990, or the most recent collective bargaining agreement covering represented employes who are not covered by such an agreement, may elect to continue to be covered under all such fringe benefit plans provided by the county after becoming a state employe. In a county having a population of 500,000 or more, the fringe benefit plans shall include health insurance benefits fully paid by the county for each retired employe who, on or after December 31, 1989, attains at least 15 years of service in the office of district attorney of that county, whether or not the service is as a county employe, for the duration of the employe's life. An employe may make an election under this ~~subsection~~ paragraph no later than January 31, 1990, except that an employe who serves as an assistant district attorney in a county having a population of 500,000 or more may make an election under this ~~subsection~~ paragraph no later than March 1, 1990. An election under this ~~subsection~~ paragraph shall be for the duration of the employe's employment in the office of district attorney for the same county by which the employe was employed or until the employe terminates the election under this ~~subsection~~ paragraph, at the same cost to the county as the county incurs for a similarly situated county employe. ~~If~~ Subject to par. (b), if the employer's cost for such fringe benefits for any such employe is less than or equal to the cost for comparable coverage under ch. 40, if any, the state shall reimburse the county for that cost. ~~If~~ Subject to par. (b), if the employer's cost for such fringe benefits for any such employe is greater than the cost for comparable coverage under ch. 40, the state shall reimburse the county for the cost of comparable coverage under ch. 40 and the county shall pay the remainder of the cost. The cost of comparable coverage under ch. 40 shall equal the average cost of comparable coverage under ch. 40 for employes in the office of the state public defender, as contained in budget determinations approved by the joint committee on finance or the legislature under the biennial budget act for the period during which the costs are incurred. An employe who makes the election under this ~~subsection~~ paragraph may terminate that election, and shall then be included within all insurance benefit plans under ch. 40, except that the department of employe trust funds may require prior written notice, not exceeding one year's duration, of an employe's intent to be included under any insurance benefit plan under ch. 40.

SECTION 5485r. 978.12 (6) (b) of the statutes is created to read:

978.12 **(6)** (b) 1. Beginning in the 1997–98 fiscal year and ending in the 2006–07 fiscal year, the state shall in each fiscal year reduce its reimbursement of the employer's cost for fringe benefits under par. (a) by an amount that equals the amount paid by the department of administration to the Wisconsin retirement system under s. 40.05 (2) (bz) 3.

2. In the 1997–98 fiscal year and the 1998–99 fiscal year, after making the reduction specified under subd. 1., the state shall increase its reimbursement of the employer's cost for fringe benefits under par. (a) by $50,000.

SECTION 5485w. 978.12 (6) (c) of the statutes is created to read:

978.12 **(6)** (c) A county having a population of 500,000 or more may not reduce the fringe benefits of any assistant district attorney granted creditable service under s. 40.02 (17) (gm) to compensate for the reduction in the state's reimbursement of the employer's cost for fringe benefits under par. (b).

SECTION 5486. 978.13 (1) (b) of the statutes is amended to read:

978.13 **(1)** (b) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney's office handling cases involving felony violations under ch. 961. The state treasurer shall pay the amount authorized under this paragraph to the county treasurer pursuant to a voucher submitted by the district attorney to the department of administration from the appropriation under s. 20.475 (1) ~~(h)~~ (i). The amount paid under this paragraph may not exceed

Vetoed In Part

~~$65,800~~ $70,500 in the ~~1995–96~~ 1997–98 fiscal year and ~~$68,100~~ $73,000 in the ~~1996–97~~ 1998–99 fiscal year.

SECTION 5487. 978.13 (1) (c) of the statutes is amended to read:

978.13 **(1)** (c) In counties having a population of 500,000 or more, the salary and fringe benefit costs of clerk positions in the district attorney's office necessary for the prosecution of violent crime cases primarily involving felony violations under s. 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall pay the amount authorized under this paragraph to the county treasurer pursuant to a voucher submitted by the district attorney to the secretary of administration from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph may not exceed ~~$82,600~~ $88,500 in the ~~1995–96~~ 1997–98 fiscal year and ~~$85,500~~ $91,600 in the ~~1996–97~~ 1998–99 fiscal year.

SECTION 5491b. 980.02 (5) of the statutes is created to read:

980.02 **(5)** Notwithstanding sub. (4), if the department of justice decides to file a petition under sub. (1) (a), it may file the petition in the circuit court for Dane County.

SECTION 5491c. 980.06 (2) (b) of the statutes is amended to read:

980.06 **(2)** (b) An order for commitment under this section shall specify either institutional care ~~in a secure mental health unit or facility, as provided under s. 980.065, or other facility~~ or supervised release. In determining whether commitment shall be for institutional care ~~in a secure mental health unit or facility or other facility~~ or for supervised release, the court may consider, without limitation because of enumeration, the nature and circumstances of the behavior that was the basis of the allegation in the petition under s. 980.02 (2) (a), the person's mental history and present mental condition, where the person will live, how the person will support himself or herself, and what arrangements are available to ensure that the person has access to and will participate in necessary treatment. The department shall arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's commitment order.

Vetoed In Part

SECTION 5491d. 980.06 (2) (c) of the statutes is amended to read:

980.06 **(2)** (c) If the court finds that the person is appropriate for supervised release, the court shall notify the department. The department and the county department under s. 51.42 in the county of residence of the person, as determined under s. 980.105, shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The department may contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 21 days after the court finding that the person is appropriate for supervised release, unless the department, county department and person to be released request additional time to develop the plan. If the county department of the person's county of residence declines to prepare a plan, the department may arrange for another county to prepare the plan if that county agrees to prepare the plan and if the person will be living in that county. If the department is unable to arrange for another county to prepare a plan, the court shall designate a county department to prepare the plan, order the county department to prepare the plan and place the person on supervised release in that county, except that the court may not so designate the county department in ~~the~~ a county where ~~the~~ a facility in which the person was ~~committed~~ placed for institutional care is located unless that county is also the person's county of residence.

SECTION 5491g. 980.065 (title) of the statutes is amended to read:

980.065 (title) **~~Secure mental health unit or facility~~ Institutional care for sexually violent persons.**

SECTION 5491L. 980.065 (1) (intro.), (a) and (b) of the statutes are consolidated, renumbered 980.065 (1m) and amended to read:

980.065 **(1m)** The department ~~shall~~ may place a person committed to ~~a secure mental health unit or facility~~ institutional care under s. 980.06 (2) (b) at ~~one of the following: (a) The~~ a mental health unit or facility, including a secure mental health unit or facility at the Wisconsin resource center established under s. 46.056~~. (b) A~~ or a secure mental health unit or facility provided by the department of corrections under sub. (2).

SECTION 5491p. 980.065 (2) of the statutes is amended to read:

980.065 **(2)** The department may contract with the department of corrections for the provision of a secure mental health unit or facility for persons committed to institutional care under s. 980.06 (2) (b) ~~to a secure mental health unit or facility~~. The department shall operate a secure mental health unit or facility provided by the department of corrections under this subsection and shall promulgate rules governing the custody and discipline of persons placed by the department in the secure mental health unit or facility provided by the department of corrections under this subsection.

SECTION 5491t. 980.08 (1) of the statutes is amended to read:

Vetoed In Part

980.08 **(1)** Any person who is committed ~~for~~ to institutional care ~~in a secure mental health unit or facility or other facility~~ under s. 980.06 may petition the committing court to modify its order by authorizing supervised release if at least 6 months have elapsed since the initial commitment order was entered, the most recent release petition was denied or the most recent order for supervised release was revoked. The director of the facility at which the person is placed may file a petition under this subsection on the person's behalf at any time.

SECTION 5491x. 980.08 (4) of the statutes is amended to read:

980.08 **(4)** The court, without a jury, shall hear the petition within 30 days after the report of the court–appointed examiner is filed with the court, unless the petitioner waives this time limit. Expenses of proceedings under this subsection shall be paid as provided under s. 51.20 (18). The court shall grant the petition unless the state proves by clear and convincing evidence that the person is still a sexually violent person and that it is still substantially probable that the person will engage in acts of sexual violence if the person is not ~~confined in a secure mental health unit or facility~~ continued in institutional care. In making a decision under this subsection, the court may consider, without limitation because of enumeration, the nature and circumstances of the behavior that was the basis of the allegation in the petition under s. 980.02 (2) (a), the person's mental history and present mental condition, where the person will live, how the person will support himself or herself and what arrangements are available to ensure that the person has access to and will participate in necessary treatment.

Vetoed In Part

SECTION 5491y. 980.08 (5) of the statutes is amended to read:

980.08 **(5)** If the court finds that the person is appropriate for supervised release, the court shall notify the department. The department and the county department under s. 51.42 in the county of residence of the person, as determined under s. 980.105, shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The department may contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for supervised release, unless the department, county department and person to be released request additional time to develop the plan. If the county department of the person's county of residence declines to prepare a plan, the department may arrange for another county to prepare the plan if that county agrees to prepare the plan and if the person will be living in that county. If the department is unable to arrange for another county to prepare a plan, the court shall designate a county department to prepare the plan, order the county department to prepare the plan and place the person on supervised release in that county, except that the court may not so designate the county department in ~~the~~ a county where ~~the~~ a facility in which the person was ~~committed~~ placed for institutional care is located unless that county is also the person's county of residence.

SECTION 5501z. 1995 Wisconsin Act 27, section 9126 (26j) (title) is renumbered 46.705 (title) of the statutes.

SECTION 5502. 1995 Wisconsin Act 27, section 9126 (26j) (a) is renumbered 46.705 (1) of the statutes and amended to read:

46.705 **(1)** The department ~~of health and social services~~ shall ~~establish~~ administer a pilot project under which the Red Cliff Band of Lake Superior Chippewas may directly negotiate a contract with the department ~~of health and social services~~ to provide certain social services for tribal members who reside within the boundaries of the reservation of the Red Cliff Band of Lake Superior Chippewas. Specific programs, services and funding levels that are to be provided under the project shall be determined by negotiations between the department ~~of health and social services~~ and the Red Cliff Band of Lake Superior Chippewas and shall be specified in the contract. As a condition of the contract, the Red Cliff Band of Lake Superior Chippewas shall contract for performance of an independent evaluation of the project.

SECTION 5503. 1995 Wisconsin Act 27, section 9126 (26j) (b) is repealed.

SECTION 5503g. 1995 Wisconsin Act 27, section 9142 (10j) is renumbered 30.92 (4r) of the statutes and amended to read:

30.92 **(4r)** (title) ~~RECREATIONAL BOATING PROJECTS; DAM RENOVATION AND REPAIR~~ CHAIR FACTORY DAM. Of the amounts appropriated under ~~section~~ s. 20.370 (5) (cq) ~~of the statutes, as affected by this act~~, and before applying the percentages under ~~section 30.92~~ sub. (4) (b) 6. ~~of the statutes~~, the department ~~of natural resources~~ shall expend ~~in fiscal year 1995–96~~ the amount that is necessary for the renovation and repair or the removal of the Chair Factory Dam in Grafton, but the amount shall not exceed $264,000. Notwithstanding ~~section 30.92~~ sub. (1) (c) ~~of the statutes~~, the dam project specified under this subsection is a recreational boating facility for the purpose of expending moneys under this ~~subsection. The dam~~ section. This project ~~specified under this subsection is exempt from being~~ need not be placed on the priority list under ~~section 30.92~~ sub. (3) (a) ~~of the statutes~~.

SECTION 5503h. 1995 Wisconsin Act 27, section 9148 (3z) (b) is amended to read:

Vetoed In Part

[1995 Wisconsin Act 27] Section 9148 (3z) (b) Any person who holds a permit, license or certificate issued by the department of revenue that expires on or after December 31, 1995, for an activity for which a business tax registration certificate is required on or after January 1, 1996, shall~~, upon application,~~ be issued at no charge a business tax registration certificate under section 73.03 (50) of the statutes, as created by this act, that expires on a date that is determined by the department of revenue and that is between January 1, 1998, and December 31, 1999.

SECTION 5503m. 1995 Wisconsin Act 92, section 10 (1) is repealed and recreated to read:

[1995 Wisconsin Act 92] Section 10 (1) This act first applies to a person for whom a petition for protective placement under section 55.06 (2) of the statutes is filed on December 16, 1995, except that, for persons protectively placed under chapter 55 of the statutes for whom the petition for protective placement was filed before December 16, 1995, this act first applies to a person for whom a petition under section 55.06 (10) (b) of the statutes or a report concerning a periodic reexamination of the protective placement is filed with a court on the date specified in section 9400 of the 1997−99 biennial budget act.

SECTION 5504. 1995 Wisconsin Act 113, section 9155 (4m) (title) is renumbered 85.105 (title) of the statutes and amended to read:

85.105 (title) ~~**Department**~~ **Sale of motor vehicle records.**

SECTION 5505. 1995 Wisconsin Act 113, section 9155 (4m) (a) is renumbered 85.105 (1) of the statutes and amended to read:

Vetoed In Part

85.105 **(1)** Notwithstanding ~~section~~ s. 343.24 (2m) ~~of the statutes, as affected by this act~~, the department ~~of transportation~~ may contract with a person to periodically furnish that person with any records on computer tape or other electronic media that contain information from files of motor vehicle accidents or uniform traffic citations and which were produced for or developed by the department for purposes related to maintenance of the operating record file data base. The department and the person desiring to contract with the department shall make a good faith effort to negotiate the purchase price for the records to be provided ~~under this paragraph. No record may be furnished~~ under this ~~subsection after June 30, 1997~~ section.

Vetoed In Part

SECTION 5505g. 1995 Wisconsin Act 113, section 9155 (4m) (b) is renumbered 85.105 (2) (a) of the statutes and amended to read:

85.105 **(2)** (a) ~~The department of transportation shall, no later than March 1, 1996, submit a report to each member of the joint committee on finance summarizing the terms and conditions of any contract entered into under paragraph (a). If~~ Whenever the department enters into a contract under ~~paragraph (a) after March 1, 1996~~ sub. (1), the department shall, prior to the next regular quarterly meeting of the joint committee on finance, submit to each member of that committee a report summarizing the terms and conditions of that contract.

SECTION 5505m. 1995 Wisconsin Act 113, section 9155 (4m) (c) is renumbered 85.105 (2) (b) of the statutes and amended to read:

85.105 **(2)** (b) If, during the period of any contract entered into under ~~paragraph (a)~~ sub. (1), the department determines that ~~the cost of~~ providing ~~operators' records,~~ uniform traffic citations and motor vehicle accident reports under this ~~subsection and~~ section ~~343.24 (2m) of the statutes, as affected by this act, exceeds~~ has reduced the total revenues received from the sale of those records and operator's records under s. 343.24 (2m), the department shall submit a report to each member of the joint committee on finance summarizing the expenditures and revenues related to the sale of ~~those~~ records under this section and under s. 343.24 (2m).

SECTION 5506. 1995 Wisconsin Act 113, section 9155 (4m) (d) is repealed.

SECTION 5507. 1995 Wisconsin Act 289, section 275 (6) is amended to read:

[1995 Wisconsin Act 289] Section 275 (6) KINSHIP CARE ASSESSMENTS AND BACKGROUND INVESTIGATIONS. Beginning on July 1, 1996, each county department of human services or social services under sections 46.215, 46.22 and 46.23 of the statutes, when conducting its regularly scheduled reinvestigation under section 49.19 (5) (e) of the statutes of each nonlegally responsible relative who is providing care for a dependent child, as defined in section 49.19 (1) (a) of the statutes, under a program administered by that county department, shall assess and conduct a background investigation of the relative to determine if the relative is eligible to receive kinship care payments under section 48.57 (3m) (am) of the statutes, as created by this act. Immediately after conducting the assessment and background investigation, each county department of human services or social services under section 46.215, 46.22 and 46.23 of the statutes shall end income maintenance payments under section 49.33 of the statutes to the nonlegally responsible relative and, if the relative is determined to be eligible to receive kinship care payments under section 48.57 (3m) (am) of the statutes, as created by this act, the department of ~~industry, labor and job development~~ health and family services shall begin making those kinship care payments or, if the relative is determined eligible to receive foster care payments under section 48.62 (4) of the statutes, the county department shall begin making those foster care payments. Each county department of human services or social services under sections 46.215, 46.22 and 46.23 shall complete all of the assessments and background investigations required under this subsection and shall end all income maintenance payments under section 49.33 of the statutes to those relatives by ~~July 1, 1997~~ December 31, **Vetoed In Part**

1997, or if a county department under section 46.215 of the statutes is unable to complete all of those assessments and background investigations and to end all of those payments by December 31, 1997, the county department shall notify the department of health and family services of that inability and that department shall assist the county department in completing all of those assessments and background investigations and shall require the county department to end those payments by December 31, 1997.

SECTION 5508. 1995 Wisconsin Act 351, section 41 (1) is amended to read:

[1995 Wisconsin Act 351] Section 41 (1) RECONCILIATION. ~~Cellular mobile radio telecommunications utilities~~ Persons that provide commercial mobile service and telephone companies that provide basic local exchange service shall reconcile their first payments under subchapter V of chapter 76 of the statutes, as created by this act, to reflect their overpayment or under payment of their final instalment of gross receipts taxes. All other telephone companies shall reconcile their first payments under subchapter IV of chapter 76 of the statutes, as created by this act, to reflect their overpayment or underpayment of their final instalment of gross receipts taxes.

SECTION 5508td. 1995 Wisconsin Act 445, section 8 is repealed.

SECTION 5508tg. 1995 Wisconsin Act 445, section 10 is repealed.

SECTION 5509m. 1995 Wisconsin Act 445, section 14 is repealed.

SECTION 5510d. 1995 Wisconsin Act 445, section 23 (1) is amended to read:

[1995 Wisconsin Act 445] Section 23 (1) The repeal of sections 14.26 (4m) and 20.395 (5) (qr) of the statutes and the amendment of sections 341.14 (6r) ~~(bm) 1. (by SECTION 14),~~ (c) (by SECTION 16) and (e) (by SECTION 18) and 341.16 (1) (b) (by SECTION 22) of the statutes take effect on January 1, 1999.

SECTION 5510em. 1995 Wisconsin Act 445, section 23 (2) is amended to read:

[1995 Wisconsin Act 445] Section 23 (2) The repeal of sections 13.101 (3m), 20.525 (1) (k) ~~and (qr)~~, 20.865 (4) (c)~~, 25.40 (2) (b) 20p.~~ and 341.14 (6r) (bg) and (f) 52. of the statutes takes effect on July 1, 1999.

SECTION 5510j. 1995 Wisconsin Act 453, section 5g is repealed.

SECTION 5510n. 1995 Wisconsin Act 453, section 12 (1) (b) is repealed.

SECTION 5510s. 1997 Wisconsin Act 4, section 4 (1) (a) is amended to read:

[1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997, until July 1, ~~1998~~ 1999, operate the juvenile secured correctional facility authorized under 1995 Wisconsin Act 27, section 9126 (26v), as a state prison named in section 302.01 of the statutes, as affected by this act, for the placement of prisoners, as defined in section 301.01 (2) of the statutes, who are ~~young adults~~ not more than 21 years of age and who are not violent offenders, as determined by the department of corrections.

SECTION 9101. Nonstatutory provisions; administration.

(1) TRANSFER OF LAND INFORMATION FUNCTIONS.

(a) *Employe transfers.* All incumbent employes holding positions with the land information board are transferred on the effective date of this paragraph to the department of administration.

(b) *Employe status.* Employes transferred under paragraph (a) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed with the land information board immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(1c) SUPPLEMENTAL TITLE FEE MATCHING. Notwithstanding section 20.855 (4) (f) of the statutes, as created by this act, the transfer of funds from the general fund to the environmental fund in an amount equal to the amount of supplemental title fees collected under section 342.14 (3m) of the statutes, as affected by this act, for 1997 shall be made no later than October 15, 1997, or the 15th day after the date on which certification is made under SECTION 9149 (1c) of this act, whichever is later.

(2) WISCONSIN LAND COUNCIL. Notwithstanding the length of term specified in section 15.107 (16) (d) of the statutes, as created by this act, the initial terms of 3 of the members appointed under section 15.107 (16) (b) 8. to 13. of the statutes, as created by this act, shall expire on July 1, 2000, the initial terms of 3 other members so appointed shall expire on July 1, 2001, and the initial terms of 3 other members so appointed shall expire on July 1, 2002.

(3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From federal and program revenue moneys appropriated to the department of administration for the office of justice assistance under section 20.505 (6) (g) of the statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend $253,200 in fiscal year 1997–98 and $256,500 in fiscal year 1998–99 to provide the multi–jurisdictional enforcement group serving Milwaukee County with funding for 3 assistant district attorneys to prosecute criminal violations of chapter 961 of the statutes, as affected by this act. The funding is not subject to the grant procedure under section 16.964 (2m) of the statutes.

(4) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program revenue moneys appropriated to the department of administration for the office of justice assistance under section 20.505 (6) (g) of the statutes,

as affected by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend $81,600 in fiscal year 1997−98 and $84,900 in fiscal year 1998−99 to provide the multi−jurisdictional enforcement group serving Dane County with funding for one assistant district attorney to prosecute criminal violations of chapter 961 of the statutes as affected by this act. The funding is not subject to the grant procedure under section 16.964 (2m) of the statutes.

Vetoed In Part (4t) TRANSFER OF SENTENCING COMMISSION RECORDS. The department of administration shall transfer all records of the sentencing commission to the director of state courts as soon as possible after September 1, 1997, or the effective date of this subsection, whichever is later.

(6) DISTRICT ATTORNEYS FOR PROSECUTION OF SEXUALLY VIOLENT PERSONS COMMITMENT CASES. Of the authorized FTE positions for the department of administration for assistant district attorneys under sections 978.03 and 978.04 of the statutes, 2.0 GPR project positions shall be used for the period ending on June 30, 1999, to provide one assistant district attorney for Brown County and one assistant district attorney for Milwaukee County, to file and prosecute proceedings under chapter 980 of the statutes, as affected by this act, in any prosecutorial unit, as defined in section 978.001 (2) of the statutes, in this state.

(7) INFORMATION CONCERNING SEXUALLY VIOLENT PERSON COMMITMENT CASES.

(a) In any case in which the district attorney files a sexually violent person petition under section 980.02 (1) (b) of the statutes, as affected by this act, on or after the effective date of this paragraph but before July 1, 1999, the district attorney shall maintain a record of the amount of time spent by the district attorney and by any deputy district attorneys or assistant district attorneys doing all of the following:

1. Prosecuting the petition through trial under section 980.05 of the statutes and, if applicable, commitment of the person subject to the petition under section 980.06 of the statutes, as affected by this act.

2. If applicable, representing the state on petitions for supervised release under section 980.08 of the statutes, as affected by this act, or for discharge under section 980.09 or 980.10 of the statutes brought by the person who is the subject of the petition.

(b) Annually, on a date specified by the department of administration, the district attorney shall submit to the department of administration a report summarizing the records under paragraph (a) covering the preceding 12−month period. The department of administration shall maintain the information submitted under this paragraph by district attorneys.

(9) INITIAL APPOINTMENTS TO TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD. Notwithstanding section 15.105 (25) (intro.) of the statutes, as created by this act, the initial members of the technology for educational achievement in Wisconsin board appointed under section 15.105 (25) (a), (b) and (bm) of the statutes, as created by this act, and one of the initial members appointed under section 15.105 (25) (c) of the statutes, as created by this act, shall serve for terms expiring on May 1, 2001; 2 of the initial members of the technology for educational achievement in Wisconsin board appointed under section 15.105 (25) (c) of the statutes, as created by this act, shall serve for terms expiring on May 1, 1999; and one of the initial members of the technology for educational achievement in Wisconsin board appointed under section 15.105 (25) (c) of the statutes, as created by this act, shall serve for a term expiring on May 1, 2003.

Vetoed In Part

Vetoed In Part (9m) RULES RELATING TO EDUCATIONAL TECHNOLOGY TRAINING GRANTS.

(a) Subject to paragraph (b), the technology for educational achievement in Wisconsin board shall use the procedure under section 227.24 of the statutes to promulgate the rules required under section 44.72 (1) (d) of the statutes, as created by this act, for a period 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 preserving the public peace, health, safety or welfare in promulgating the rules under this paragraph.

(b) The board shall submit the proposed rules under paragraph (a) to the cochairpersons of the joint committee on information policy. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed rules within 14 working days after the date of the board's submittal, the board may proceed to promulgate the rules. If, within 14 working days after the date of the board's submittal, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed rules, the board shall not promulgate the rules until the committee approves the rules.

(9s) RULES RELATING TO EDUCATIONAL TECHNOLOGY INFRASTRUCTURE LOANS.

(a) Subject to paragraph (b), the technology for educational achievement in Wisconsin board shall use the procedure under section 227.24 of the statutes to promulgate the rules required under section 44.72 (4) (a) of the statutes, as created by this act, for the period before permanent rules take effect, 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 preserving the public peace, health, safety or welfare in promulgating the rules under this paragraph.

(b) The board shall submit the proposed rules under paragraph (a) to the cochairpersons of the joint committee on information policy. If the cochairpersons of the committee do not notify the board that the committee has

scheduled a meeting for the purpose of reviewing the proposed rules within 14 business days after the date of the board's submittal, the board may proceed to promulgate the rules. If, within 14 business days after the date of the board's submittal, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed rules, the board shall not promulgate the rules until the committee approves the rules.

(10) EDUCATIONAL TECHNOLOGY BOARD.

(a) *Contracts.* All contracts entered into by the educational technology board in effect on the effective date of this paragraph remain in effect and are transferred to the technology for educational achievement in Wisconsin board. The technology for educational achievement in Wisconsin board shall carry out any such contractual obligations until modified or rescinded by the technology for educational achievement in Wisconsin board to the extent allowed under the contract.

(b) *Rules and orders.* All rules promulgated by the educational technology board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the technology for educational achievement in Wisconsin board. All orders issued by the educational technology board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the technology for educational achievement in Wisconsin board.

(c) *Pending matters.* Any matter pending with the educational technology board on the effective date of this paragraph is transferred to the technology for educational achievement in Wisconsin board and all materials submitted to or actions taken by the educational technology board with respect to the pending matter are considered as having been submitted to or taken by the technology for educational achievement in Wisconsin board.

(dm) *Pioneering partners grants.*

1. From the appropriation under section 20.275 (1) (d) of the statutes, as created by this act, in the 1997–98 fiscal year the technology for educational achievement in Wisconsin board shall award grants to those applicants recommended for grants by the educational technology board under section 16.992, 1995 stats., in the February 1997 funding cycle.

2. In submitting information under section 16.42 of the statutes for the purposes of the 1999–2001 biennial budget bill, the technology for educational achievement in Wisconsin board shall submit information concerning the appropriation under section 20.275 (1) (f) of the statutes, as created by this act, as though the amount appropriated under section 20.275 (1) (d) of the statutes, as created by this act, in the 1997–98 fiscal year had been appropriated under section 20.275 (1) (f) of the statutes, as created by this act, in the 1998–99 fiscal year.

(10mg) EDUCATIONAL TECHNOLOGY BLOCK GRANTS AND LIBRARY AIDS. Notwithstanding sections 43.70 (2) and 44.72 (2) (a) of the statutes, as affected by this act, educational technology block grants and library aids shall be distributed in the 1997–98 school year to eligible school districts, including union high school districts, in proportion to the number of persons who resided in each school district, as specified under section 43.70 (1) of the statutes, as affected by this act, on June 30, 1997, as estimated by the department of public instruction.

Vetoed In Part

(11g) INFORMATION TECHNOLOGY SYSTEM DEVELOPMENT AND PROCUREMENT PROJECTS REPORTS. The department of administration shall submit its initial report concerning state information technology system development and procurement under section 16.971 (2s) of the statutes, as created by this act, no later than January 1, 1998, or the day after publication of this act, whichever is later.

(11h) FREE BOOKS TO ORGANIZATIONS. The secretary of administration, acting under section 16.50 (2) of the statutes, shall require submission of expenditure estimates for all moneys appropriated under section 20.505 (1) (fn) of the statutes, as created by this act, and shall withhold approval of such estimates unless the secretary receives a report after November 30, 1997, from the employe of the department of administration who is charged with the responsibility to administer section 16.23 of the statutes, as created by this act, and from the governor concerning their success in obtaining the additional resources specified in section 16.23 (2) of the statutes, as created by this act. If the secretary is satisfied that the efforts to obtain additional resources have been sufficient, the secretary may approve an expenditure estimate for the moneys appropriated under section 20.505 (1) (fn) of the statutes, as created by this act.

(11m) REPORT BY LAND INFORMATION BOARD AND WISCONSIN LAND COUNCIL. No later than September 1, 2002, the land information board and Wisconsin land council shall report to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor concerning the issue of continuation of their functions, including the feasibility of combination of their functions.

(12z) SANDHILL WILDLIFE AREA SKILLS CENTER. To the greatest extent possible, the department of administration shall utilize the Wisconsin conservation corps for the dormitory construction project at the Sandhill Wildlife Area Skills Center.

(13g) UNIVERSITY OF WISCONSIN SYSTEM REAL ESTATE STUDY. The department of administration shall contract with a private consulting firm to study the introduction of a value–based approach to the management of real estate under the jurisdiction of the board of regents of the University of Wisconsin System, and the planning, design, authorization and approval processes for construc-

tion projects on such real estate. In the study, the contractor shall assess a sample portion of existing real estate managed by the board of regents, other than at the University of Wisconsin−Madison, which shall include at least 1,000,000 but not more than 2,000,000 square feet of interior space in buildings utilized for various purposes, including administrative, instructional and recreational purposes. The contractor shall assess the existing processes for management of the real estate and for planning, design, authorization and approval of construction projects on the real estate and shall also assess an alternative approach for these processes using a value−based analysis. The contractor shall then compare the 2 approaches, determine possible changes in the current approach from which the state could realize savings and project the estimated amount of savings that would be realized. The contractor shall include in its study an analysis of whether the board of regents is scheduling classes in such a manner as to permit the state to obtain the greatest possible value for its investment in instructional facilities under the management of the board.

Vetoed In Part

(13m) REPEAL OF THE DEPOSITORY SELECTION BOARD.

(a) *Rules and orders.* All rules promulgated by the depository selection board that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the state treasurer. All orders issued by the depository selection board that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the state treasurer.

(b) *Pending matters.* Any matter pending with the depository selection board on the effective date of this paragraph is transferred to the state treasurer and all materials submitted to or actions taken by the depository selection board with respect to the pending matter are considered as having been submitted to or taken by the state treasurer.

(13n) UNBUDGETED INCREASES IN COMPENSATION, FRINGE BENEFITS AND RELATED ADJUSTMENTS.

(a) *Amounts available for lapses.* Of the amounts appropriated under section 20.865 (4) (a) of the statutes, $7,326,000 in fiscal year 1997−98 and $14,674,000 in fiscal year 1998−99 may be used only for lapses under this subsection. From the amounts appropriated under section 20.865 (4) (a) of the statutes, no more than $7,326,000 in fiscal year 1997−98 and no more than $14,674,000 in fiscal year 1998−99 may be used for lapses under this subsection.

(b) *Department of administration reports.* If the secretary of administration determines that the total amount to be expended under section 20.865 (1) (c), (ci) and (d) of the statutes for the 1997−98 fiscal year or the 1998−99 fiscal year will exceed the amount for that fiscal year that is designated under "General Purpose Revenue" under the heading "Summary of Compensation Reserves −− All Funds" in the summary schedule under section 20.005 (1) of the statutes, the secretary shall submit a report to the cochairpersons of the joint committee on finance indicating the amount by which the secretary estimates that the total amount to be expended will exceed the amount in the summary schedule.

Vetoed In Part

(c) *Passive review procedure; lapses.* If the cochairpersons of the joint committee on finance do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing a report submitted under paragraph (b) within 14 working days after the date of the report's submittal, there is lapsed from the appropriation account under section 20.865 (4) (a) of the statutes to the general fund an amount equal to the lesser of the amount specified in the report or the amount available under paragraph (a) for lapses for that fiscal year. If, within 14 working days after the date of the report's submittal, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the report, the committee may direct the secretary to lapse an amount determined by the committee from the appropriation account under section 20.865 (4) (a) of the statutes to the general fund, not to exceed the amount available under paragraph (a) for lapses for that fiscal year.

Vetoed In Part

(13p) EDUCATIONAL TECHNOLOGY HARDWARE AND SOFTWARE PURCHASES. The technology for educational achievement in Wisconsin board shall use the procedure under section 227.24 of the statutes to propose emergency rules establishing standards and specifications for purchases of educational technology hardware and software by school districts, cooperative educational service agencies, technical college districts and the board of regents of the University of Wisconsin System under section 44.71 (2) (g) of the statutes, as created by this act. Prior to promulgation of emergency rules under this subsection, the board shall submit the proposed emergency rules to the cochairpersons of the joint committee on finance. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed emergency rules within 14 working days after the date of the board's submittal, the board shall promulgate the emergency rules as proposed by the board. If, within 14 working days after the date of the board's submittal, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed emergency rules, the board shall promulgate the emergency rules only upon approval of the committee. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the board need not provide evidence of the necessity of preserving the public peace, health, safety or welfare in promulgating rules under this subsection. Notwithstanding section 227.24 (3) of the statutes, no statement is required to be filed with such emergency rules.

SECTION 9104. Nonstatutory provisions; agriculture, trade and consumer protection.

(1) FOOD INSPECTION PROGRAM EFFICIENCY STUDY. The department of agriculture, trade and consumer protection shall study its current procedures in its food inspection programs, identify areas in those food inspection programs that could become more efficient, develop a plan to streamline its food inspection procedures and operations and identify any cost–saving mechanisms that could be implemented as a result of the efficiencies and improved procedures identified in the study. The department of agriculture, trade and consumer protection shall submit its findings and plan to the joint committee on finance by the 60th day after the effective date of this subsection. If the joint committee on finance approves the plan, it may supplement the appropriation under section 20.115 (1) (a) of the statutes from the appropriation under section 20.865 (4) (a) of the statutes. Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists.

(1g) AQUACULTURE STUDY. The department of agriculture, trade and consumer protection shall conduct a study of the aquaculture industry in this state and, no later than January 1, 1999, shall submit a report on the results of the study to the legislature in the manner provided under section 13.172 (2) of the statutes. The report shall include information concerning all of the following:

(a) The growth of the aquaculture industry since 1994.

(b) The demand for aquaculture products.

(c) The processing of aquacultural products.

(d) Investment activities in aquaculture.

(e) Marketing opportunities for aquacultural products.

(1h) LAND AND WATER CONSERVATION PROGRAM FUNDING FOR COUNTY STAFF. The department of agriculture, trade and consumer protection shall allocate $500,000 from the appropriation account under section 20.115 (7) (qd) of the statutes in fiscal year 1998–99 for funding land and water conservation staff in counties that on July 1, 1997, do not receive funding for staff under the nonpoint source water pollution abatement program under section 281.65 of the statutes. The department of agriculture, trade and consumer protection and the department of natural resources shall develop a plan for distributing the funding to counties and shall submit the plan to the land and water conservation board for approval.

(2m) FARM MEDIATION AND ARBITRATION BOARD.

(a) *Rules.* All rules promulgated by the farm mediation and arbitration board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of agriculture, trade and consumer protection.

(b) *Pending matters.* Any matter pending with the farm mediation and arbitration board on the effective date of this paragraph is transferred to the department of agriculture, trade and consumer protection and all materials submitted to or actions taken by the farm mediation and arbitration board with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

(2w) EXTENSION OF CERTAIN COMMERCIAL PESTICIDE APPLICATOR CERTIFICATIONS. Notwithstanding section 94.705 (1) (b) of the statutes, the department of agriculture, trade and consumer protection may extend, for one year beyond the scheduled expiration date, commercial pesticide applicator certifications that are scheduled to expire in 1998 for pesticide applicators certified in the categories of forest pest control, ornamental and turf pest control or right–of–way pest control. The department may extend the certifications without requiring retesting under section 94.705 (2) of the statutes.

(3xr) EMERGENCY RULES CONCERNING FISH FARMING. The department of agriculture, trade and consumer protection may promulgate emergency rules under section 227.24 of the statutes implementing section 95.60 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the emergency rules may remain in effect until January 1, 1999, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department need not provide evidence of the necessity of preservation of public peace, health, safety or welfare in promulgating the rules under this subsection.

(3xs) MEMORANDUM OF UNDERSTANDING RELATING TO FISH FARMING. The department of agriculture, trade and consumer protection and the department of natural resources shall enter into a memorandum of understanding relating to the regulation of fish farming being transferred from the department of natural resources to the department of agriculture, trade and consumer protection.

SECTION 9105. Nonstatutory provisions; arts board.

(1g) PERCENT–FOR–ARTS PROGRAM. The authorized FTE positions for the arts board are decreased by 1.0 PR position to reflect elimination of the percent–for–arts program. **Vetoed In Part**

(1x) EFFICIENCY MEASURES. Within 30 days after the effective date of this subsection, the arts board shall submit a report to the governor and to the joint committee on finance recommending how reductions in fiscal year 1997–98 of $20,500 and in fiscal year 1998–99 of $20,500 resulting from budgetary efficiency measures should be allocated among the arts board's general purpose revenue appropriations. If the cochairpersons of the committee do not notify the arts board that the committee has scheduled a meeting for the purpose of reviewing the report within 14 working days after the date of the submittal, the recommendation may be implemented as pro-

posed by the arts board. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the arts board that the committee has scheduled a meeting for the purpose of reviewing the report, the recommendation may be implemented only upon approval of the committee.

SECTION 9107. Nonstatutory provisions; building commission.

(1) 1997–99 AUTHORIZED STATE BUILDING PROGRAM. For the fiscal years beginning on July 1, 1997, and ending on June 30, 1999, the authorized state building program is as follows:

(a) DEPARTMENT OF ADMINISTRATION	
1. *Projects financed by general fund supported borrowing:*	
Black Point Estate site improvements — Lake Geneva	$ 1,600,000
2. *Projects financed by program revenue supported borrowing:*	
Waukesha State Office Building — expansion	4,800,000
Hill Farms telecommunications cabling — Madison	460,000
(Total project all funding sources $1,700,000)	
Justice building telecommunications cabling — Madison	520,000
Day care building purchase — Madison	2,600,000
3. *Projects financed by segregated fund supported revenue borrowing:*	
Hill Farms telecommunications cabling — Madison	1,240,000
(Total project all funding sources $1,700,000)	
4. *Agency totals:*	
General fund supported borrowing	1,600,000
Program revenue supported borrowing	8,380,000
Segregated fund supported revenue borrowing	1,240,000
Total — All sources of funds	$ 11,220,000
(b) DEPARTMENT OF CORRECTIONS	
1. *Projects financed by general fund supported borrowing:*	
Probation and parole holding facility/alcohol and other drug abuse facility to provide 600 beds in southeastern Wisconsin	$ 49,800,000
Medium security correctional facility or facilities to provide 1,000 beds	74,800,000
(Total project all funding sources $85,000,000)	
Green Bay Correctional Institution — expansion of segregation unit by 42 cells	500,000
Perimeter security enhancement at maximum security correctional institution under s. 301.16 (1n), stats.	750,000
Perimeter security improvement at Oakhill Correctional Institution	600,000
Ethan Allen School — gate house facility	990,000
2. *Projects financed by existing general fund supported borrowing authority:*	
Medium security correctional facility or facilities to provide 1,000 beds	10,200,000
(Total project all funding sources $85,000,000)	
3. *Projects financed by program revenue supported borrowing:*	
Oakhill Correctional Institution — industries building	728,000
4. *Agency totals:*	
General fund supported borrowing	127,440,000
Existing general fund supported borrowing authority	10,200,000
Program revenue supported borrowing	728,000
Total — All sources of funds	$138,368,000
(c) EDUCATIONAL COMMUNICATIONS BOARD	
1. *Projects financed by general fund supported borrowing:*	
Lapham Peak Tower relocation	$ 559,400
(Total project all funding sources $864,400)	

Emergency weather warning system	425,400
2. *Projects financed by existing general fund supported borrowing authority — stewardship general property development funds:*	
Lapham Peak Tower relocation	155,000
(Total project all funding sources $864,400)	
3. *Projects financed by segregated fund supported revenue borrowing:*	
Lapham Peak Tower relocation	150,000
(Total project all funding sources $864,400)	
4. *Agency totals:*	
General fund supported borrowing	984,800
Existing general fund supported borrowing authority — stewardship general property development funds	155,000
Segregated fund supported revenue borrowing	150,000
Total — All sources of funds	$ 1,289,800
(d) LEGISLATURE	
1. *Projects financed by general fund supported borrowing:*	
Capitol restoration project	$ 9,860,000
Capitol south wing renovation and restoration	7,700,000
2. *Agency totals:*	
General fund supported borrowing	17,560,000
Total — All sources of funds	$ 17,560,000
(e) DEPARTMENT OF MILITARY AFFAIRS	
1. *Projects financed by general fund supported borrowing:*	
Hardwood range land acquisition	$ 1,375,000
2. *Projects financed by federal funds:*	
Unheated storage building — West Bend	580,000
Shop addition and upgrade — Eau Claire	435,600
Shop addition and upgrade — Oshkosh	716,400
3. *Agency totals:*	
General fund supported borrowing	1,375,000
Federal funds	1,732,000
Total — All sources of funds	$ 3,107,000
(f) DEPARTMENT OF NATURAL RESOURCES	
1. *Projects financed by general fund supported borrowing:*	
Antigo office and ranger station	$ 504,000
(Total project all funding sources $1,911,800)	
Winnebago County/Oshkosh Cooperative Service Center	670,000
(Total project all funding sources $1,200,000)	
Darwin Road warehouse purchase — Madison	455,000
(Total project all funding sources $1,200,000)	
2. *Projects financed by existing general fund supported borrowing authority — stewardship general property development funds:*	
Statewide toilet/shower buildings	2,323,300
Crex Meadows Wildlife Area education center	250,000
(Total project all funding sources $1,000,000)	
3. *Projects financed by existing general fund supported borrowing authority — stewardship trail funds:*	
Henry Aaron State Park Trail	290,000
4. *Projects financed by segregated fund supported borrowing:*	
Antigo office and ranger station	1,407,800
(Total project all funding sources $1,911,800)	
Sandhill Wildlife Area Skills Center dormitory	360,000

Winnebago County/Oshkosh Cooperative Service Center	530,000
(Total project all funding sources $1,200,000)	
Darwin Road warehouse purchase — Madison	745,000
(Total project all funding sources $1,200,000)	
Statewide storage/maintenance facilities	806,700
Peninsula State Park — Golf course irrigation system	250,000
(Total project all funding sources $734,100)	
5. *Projects financed by segregated fund revenue:*	
Ranger stations — Woodruff and Wausaukee	1,246,300
6. *Projects financed by gifts, grants and other receipts:*	
Peninsula State Park — Golf course irrigation system	484,100
(Total project all funding sources $734,100)	
Crex Meadows Wildlife Area education center	750,000
(Total project all funding sources $1,000,000)	
7. *Agency totals:*	
General fund supported borrowing	1,629,000
Existing general fund supported borrowing authority — stewardship general property development funds	2,573,300
Existing general fund supported borrowing authority — stewardship trail funds	290,000
Segregated fund supported borrowing	4,099,500
Segregated fund revenue	1,246,300
Gifts, grants and other receipts	1,234,100
Total — All sources of funds	$ 11,072,200
(g) STATE FAIR PARK BOARD	
1. *Projects financed by general fund supported borrowing:*	
Utility improvements	$ 2,000,000
(Total project all funding sources $2,489,000)	
2. *Projects financed by program revenue supported borrowing:*	
Utility improvements	489,000
(Total project all funding sources $2,489,000)	
Racetrack improvements	3,048,000
3. *Agency totals:*	
General fund supported borrowing	2,000,000
Program revenue supported borrowing	3,537,000
Total — All sources of funds	$ 5,537,000
(h) DEPARTMENT OF TRANSPORTATION	
1. *Projects financed by segregated fund supported revenue borrowing:*	
Beaver Dam Service Center renovation	$ 105,000
Fond du Lac County tower and building replacement	272,000
Waukesha state patrol headquarters expansion	2,019,400
Waukesha sign shop renovation	263,700
Green Bay district headquarters renovation	780,000
Advanced learning systems building purchase — Wisconsin Rapids	680,600
(Total project all funding sources $1,580,600)	
2. *Projects financed by existing segregated fund supported revenue borrowing authority:*	
Advanced learning systems building purchase — Wisconsin Rapids	900,000
(Total project all funding sources $1,580,600)	
3. *Agency totals:*	
Segregated fund supported revenue borrowing	4,120,700
Existing segregated fund supported revenue borrowing authority	900,000

Total — All sources of funds	$ 5,020,700
(i) DEPARTMENT OF VETERANS AFFAIRS	
1. *Projects financed by general fund supported borrowing:*	
Veterans museum expansion	$ 100,000
2. *Projects financed by program revenue supported borrowing:*	
Garner and Beck halls renovation	402,500
(Total project all funding sources $1,150,000)	
3. *Projects financed by federal funds:*	
Garner and Beck halls renovation	747,500
(Total project all funding sources $1,150,000)	
Northwestern veterans cemetery	3,000,000
4. *Agency totals:*	
General fund supported borrowing	100,000
Program revenue supported borrowing	402,500
Federal funds	3,747,500
Total — All sources of funds	$ 4,250,000
(j) UNIVERSITY OF WISCONSIN SYSTEM	
1. *Projects financed by general fund supported borrowing:*	
Milwaukee — Sabin Hall remodeling	$ 6,662,000
Parkside — Physical education addition − Phase 2	4,813,500
(Total project all funding sources $6,013,500)	
Stout — Communication Center replacement	7,532,000
System — Classroom renovation/instructional technology improvements	6,000,000
2. *Projects financed by program revenue supported borrowing:*	
Eau Claire — Student residence hall	10,000,000
Green Bay — Housing Service Center addition	500,000
La Crosse — Student Life Center addition	2,949,000
— Whitney Center dining room remodeling	1,287,000
— Parking lot C7 improvements	478,000
Madison — Clinical Science Center parking ramp addition	3,426,000
Parkside — Physical education addition − Phase 2	900,000
(Total project all funding sources $6,000,000)	
Platteville — Auxiliary services storage/maintenance facility	772,000
Whitewater — Esker dining hall remodeling	2,000,000
— Campus Information Center and site development	658,000
3. *Projects financed by program revenue:*	
Eau Claire — Crest Wellness Center remodeling	557,000
Madison — Eagle Heights Community Center addition	245,000
(Total project all funding sources $1,847,000)	
4. *Projects financed by gifts, grants and other receipts:*	
Madison — Crew House/Humphrey Hall renovation and addition	1,100,000
— Softball grandstand facility	3,043,000
— Psychiatric institute/clinics remodeling − Phase 2	700,000
— Eagle Heights Community Center addition	1,602,000
(Total project all funding sources $1,847,000)	
— Arlington swine research facility replacement	3,006,000
Parkside — Physical education addition − Phase 2	300,000
(Total project all funding sources $6,000,000)	
5. *Agency totals:*	
General fund supported borrowing	25,007,500
Program revenue supported borrowing	22,970,000

Program revenue	802,000
Gifts, grants and other receipts	9,751,000
Total — All sources of funds	$ 58,530,500
(k) WISCONSIN INITIATIVE FOR STATE TECHNOLOGY AND APPLIED RESEARCH	
1. *Projects financed by general fund supported borrowing:*	
WISTAR projects	$ 12,500,000
2. *Projects funded by gifts, grants and other receipts:*	
WISTAR projects	25,000,000
3. *Program totals:*	
General fund supported borrowing	12,500,000
Gifts, grants and other receipts	25,000,000
Total — All sources of funds	$ 37,500,000
(L) HEALTHSTAR PROGRAM	
1. *Projects funded by general fund supported borrowing:*	
Healthstar projects	$ 72,000,000
2. *Projects funded by program revenue supported borrowing:*	
Healthstar projects	18,000,000
3. *Projects funded by gifts, grants and other receipts:*	
Healthstar projects	120,000,000
4. *Program totals:*	
General fund supported borrowing	72,000,000
Program revenue supported borrowing	18,000,000
Gifts, grants and other receipts	120,000,000
Total —All sources of funds	$210,000,000
(m) OTHER PROJECTS	
1. *Projects financed by existing general fund supported borrowing:*	
Nash Auto Museum	$ 1,000,000
(Total project all funding sources $8,000,000)	
2. *Projects financed by gifts, grants and other receipts:*	
Nash Auto Museum	7,000,000
(Total project all funding sources $8,000,000)	
3. *Program totals:*	
Existing general fund supported borrowing	1,000,000
Gifts, grants and other receipts	7,000,000
Total — All sources of funds	$ 8,000,000
(n) ALL AGENCY PROJECT FUNDING	
1. *Projects financed by general fund supported borrowing:*	
Facilities repair and renovation	$ 43,010,000
(Total program all funding sources $75,198,000)	
Utilities repair and renovation	25,000,000
(Total program all funding sources $38,593,000)	
Health, safety and environmental protection	25,000,000
(Total program all funding sources $29,943,000)	
Preventive maintenance program	5,000,000
Capital equipment acquisition	6,000,000
2. *Projects financed by existing general fund supported borrowing:*	
Facilities repair and renovation	2,000,000
(Total program all funding sources $76,188,000)	
Utilities repair and renovation	2,000,000
(Total program all funding sources $38,593,000)	

3. *Projects financed by existing general fund supported borrowing authority — stewardship general property development funds:*	
Facilities repair and renovation	655,000
(Total program all funding sources $76,188,000)	
Utilities repair and renovation	1,145,000
(Total program all funding sources $38,593,000)	
Health, safety and environmental protection	122,000
(Total program all funding sources $29,943,000)	
4. *Projects financed by program revenue supported borrowing:*	
Facilities repair and renovation	26,737,000
(Total program all funding sources $76,188,000)	
Utilities repair and renovation	5,378,000
(Total program all funding sources $38,593,000)	
Health, safety and environmental protection	2,194,000
(Total program all funding sources $29,943,000)	
Land and property acquisition	2,000,000
5. *Projects financed by program revenue:*	
Utilities repair and renovation	3,000,000
(Total program all funding sources $38,593,000)	
6. *Projects financed by segregated fund supported borrowing:*	
Health, safety and environmental protection	200,000
(Total program all funding sources $29,943,000)	
7. *Projects financed by segregated fund revenue:*	
Facilities repair and renovation	1,693,000
(Total program all funding sources $76,188,000)	
Utilities repair and renovation	1,529,000
(Total program all funding sources $38,593,000)	
Health, safety and environmental protection	1,189,000
(Total program all funding sources $29,943,000)	
8. *Projects financed by moneys appropriated to agencies from any revenue source:*	
Utilities repair and renovation	210,000
(Total program all funding sources $38,593,000)	
9. *Projects financed by federal funds:*	
Facilities repair and renovation	728,000
(Total program all funding sources $76,188,000)	
Utilities repair and renovation	331,000
(Total program all funding sources $38,593,000)	
Health, safety and environmental protection	1,238,000
(Total program all funding sources $29,943,000)	
10. *Projects financed by gifts, grants and other receipts:*	
Facilities repair and renovation	375,000
(Total program all funding sources $76,188,000)	
11. *All agency totals:*	
General fund supported borrowing authority	104,010,000
Existing general fund supported borrowing authority	4,000,000
Existing general fund supported borrowing authority — stewardship general property development funds	1,922,000
Program revenue supported borrowing	36,309,000
Program revenue	3,000,000
Segregated fund supported borrowing	200,000
Segregated fund revenue	4,411,000

Moneys appropriated to agencies from any revenue source	210,000
Federal funds	2,297,000
Gifts, grants and other receipts	375,000
Total — All sources of funds	$156,734,000
(o) SUMMARY	
Total general fund supported borrowing	$366,206,300
Total existing general fund supported borrowing authority	15,200,000
Total existing general fund supported borrowing authority — stewardship general property development funds	4,650,300
Total existing general fund supported borrowing authority — stewardship trail funds	290,000
Total program revenue supported borrowing	90,326,500
Total program revenue	3,802,000
Total segregated fund supported borrowing	4,299,500
Total segregated fund supported revenue borrowing	5,510,700
Total existing segregated fund supported revenue borrowing authority	900,000
Total segregated fund revenue	5,657,300
Total gifts, grants and other receipts	163,360,100
Total federal funds	7,776,500
Total moneys appropriated to agencies from any revenue source	210,000
Total — All sources of funds	$668,189,200

(2) 1999−2001 AUTHORIZED STATE BUILDING PROGRAM. For the fiscal years beginning on July 1, 1999, and ending on June 30, 2001, the authorized state building program is as follows:

(a) DEPARTMENT OF HEALTH AND FAMILY SERVICES	
1. *Projects financed by general fund supported borrowing:*	
Secure Treatment Center	$ 30,000,000
2. *Agency totals:*	
General fund supported borrowing	30,000,000
Total — All sources of funds	$ 30,000,000
(b) UNIVERSITY OF WISCONSIN SYSTEM	
1. *Projects financed by general fund supported borrowing:*	
Green Bay — Academic building	$ 15,000,000
(Total project all funding sources $17,000,000)	
Oshkosh — Halsey Science Center renovation	13,885,000
2. *Projects financed by gifts, grants and other receipts:*	
Green Bay — Academic building	2,000,000
(Total project all funding sources $17,000,000)	
3. *Agency totals:*	
General fund supported borrowing	28,885,000
Gifts, grants and other receipts	2,000,000
Total — All sources of funds	$ 30,885,000
(c) SUMMARY	
Total general fund supported borrowing	$ 58,885,000
Total gifts, grants and other receipts	2,000,000
Total — All sources of funds	$ 60,885,000

(3) 1993–95 AND 1995–97 STATE BUILDING PROGRAM CHANGES.

(a) In 1993 Wisconsin Act 16, section 9108 (1) (g) 1., under projects financed by general fund supported borrowing, and 1993 Wisconsin Act 16, section 9108 (1) (o) 1., under projects financed by existing general fund supported borrowing authority, the 1993–95 state building program project identified as "New laboratory facility – Phase 1" is transferred to 1993 Wisconsin Act 16, section 9108 (1) (a), under the department of administration for projects financed by program revenue supported borrowing and the appropriate totals are decreased and increased accordingly.

(b) In 1995 Wisconsin Act 27, section 9108 (1) (b) 3., as affected by 1995 Wisconsin Act 388, under projects financed by federal funds, the following project is added to the 1995–97 state building program and the appropriate totals are increased by the amounts shown:

Prison expansion project	$2,700,000

(c) In 1995 Wisconsin Act 27, section 9108 (1) (m), under projects financed by general fund supported borrowing, the amount authorized for the project identified as "Platteville — Russell Hall remodeling" is increased from $7,297,000 to $7,927,000 and the appropriate totals are increased accordingly.

(d) In 1995 Wisconsin Act 27, section 9108 (1) (i) 2., under projects financed by program revenue supported borrowing, the 1995–97 state building program project identified as "Coliseum renovation" is deleted and the appropriate totals are decreased accordingly.

(4) PROGRAMS PREVIOUSLY AUTHORIZED. In addition to the projects and financing authority enumerated under subsection (1), the building and financing authority enumerated under the previous authorized state building programs is continued in the 1997–99 fiscal biennium.

(5) LOANS. During the 1997–99 fiscal biennium, the building commission may make loans from general fund supported borrowing or the building trust fund to state agencies, as defined in section 20.001 (1) of the statutes, for projects which are to be utilized for programs not funded by general purpose revenue and which are authorized under subsection (1).

(6) PROJECT CONTINGENCY FUNDING RESERVE. During the 1997–99 fiscal biennium, the building commission may allocate moneys from the appropriation under section 20.866 (2) (yg) of the statutes, as affected by this act, for contingency expenses in connection with any project in the authorized state building program.

(7) CAPITAL EQUIPMENT FUNDING ALLOCATION.

(a) During the 1997–99 fiscal biennium, the building commission may allocate moneys from the appropriation under section 20.866 (2) (ym) of the statutes, as affected by this act, for capital equipment acquisition in connection with any project in the authorized state building program.

(b) During the 1997–99 fiscal biennium, the building commission may allocate moneys from the appropriation under section 20.866 (2) (ym) of the statutes, as affected by this act, to acquire other priority capital equipment for state agencies, as defined in section 20.001 (1) of the statutes.

(10) REPLACEMENT OF SWINE RESEARCH FACILITY. Notwithstanding the enumeration of the replacement of the Arlington swine research facility from gifts, grants and receipts under subsection (1) (j) 5., the building commission may supplement the project budget from funds appropriated to the board of regents of the University of Wisconsin System.

(11) HEALTHSTAR FUNDING.

(b) Healthstar projects under subsection (1) (L) shall include a health sciences learning center, interdisciplinary research center, parking ramps, related utility expansions, ancillary systems and supporting infrastructure projects at the University of Wisconsin — Madison. Healthstar projects under subsection (1) (L) shall also include improvements to the project identified as "University of Wisconsin–Madison — School of Pharmacy", enumerated in 1995 Wisconsin Act 27, section 9108 (1) (o) 1. and 3.

(c) The building commission may authorize changes in the sources of funds identified under subsection (1) (L), if all of the following conditions are met:

1. The total adjusted cost of all healthstar projects funded from general fund supported borrowing allocations under section 20.866 (2) (z) 2m. of the statutes, as created by this act, does not exceed $72,000,000.

2. The building commission determines that the total project funding from gifts, grants and other receipts for all healthstar projects will be at least $120,000,000.

(12zt) NASH AUTO MUSEUM.

(a) After funding all other enumerated projects to be funded from public debt contracted under section 20.866 (2) (z) of the statutes, in allocating any remaining existing but unused bonding authority under section 20.866 (2) (z) of the statutes, the building commission shall give priority to funding the Nash Auto Museum project over funding unenumerated minor projects. **Vetoed In Part**

(b) If the building commission approves the Nash Auto Museum project, the building commission shall authorize the contracting of public debt under section 20.866 (2) (z) of the statutes, as affected by this act, for the purpose of making a payment to the Kenosha Historical Society to provide facilities suitable for the **Vetoed In Part**

Vetoed In Part maintenance, storage and display of its collection of Nash automobiles and other historical materials. The total amount of the payments under this paragraph shall be determined by the building commission, but shall not exceed the lesser of the amount enumerated in the state building program for the project under existing general fund supported borrowing or 12.5% of the cost of the project. The building commission may not make payments under this paragraph unless the department of administration has reviewed and approved the plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Sections 16.87 and 16.89 of the statutes do not apply to the project.

Vetoed In Part

(13) DEPARTMENT OF TRANSPORTATION MINOR PROJECTS. Notwithstanding the approval of the building commission of a project under section 13.48 (10) of the statutes, the department of transportation may not use more than $2,177,300 in segregated fund supported revenue borrowing authority for minor building or maintenance projects during the 1997−99 fiscal biennium.

Vetoed In Part (14t) STATE FAIR PARK RACETRACK IMPROVEMENTS. Notwithstanding section 18.04 (2) of the statutes, the building commission may not authorize public debt to be contracted under section 20.866 (2) (zz) of the statutes for the building project identified under subsection (1) (g) 2. as "Racetrack improvements" until the legislative audit bureau has notified the building commission that the bureau has completed the review required under SECTION 9132 (2t) of this act.

SECTION 9109. Nonstatutory provisions; circuit courts.

(1ttg) CIRCUIT COURT BRANCH, 1998. The initial election for circuit judge for branch 2 of the circuit court for Oconto County shall be at the spring election of 1998 for a term commencing August 1, 1998, and ending July 31, 2004.

(1tug) CIRCUIT JUDGE POSITION. The authorized FTE positions for the circuit courts are increased by 1.0 GPR circuit judge position on August 1, 1998, to be funded from the appropriation under section 20.625 (1) (a) of the statutes, to provide an additional circuit court judge for the circuit court branch for Oconto County created by this act.

(1tvg) COURT REPORTER POSITION. The authorized FTE positions for the circuit courts are increased by 1.0 GPR court reporter position on August 1, 1998, to be funded from the appropriation under section 20.625 (1) (a) of the statutes, to provide one additional court reporter for the circuit court branch for Oconto County created by this act.

SECTION 9110. Nonstatutory provisions; commerce.

(1) PLAT REVIEW TRANSFER.

(a) On the effective date of this paragraph, the assets and liabilities of the department of commerce primarily related to the municipal boundary and plat review responsibilities given to the department of administration by this act shall become the assets and liabilities of the department of administration.

(b) On the effective date of this paragraph, the employes of the department of commerce primarily performing duties related to the municipal boundary and plat review responsibilities given to the department of administration by this act are transferred to the department of administration.

(c) Employes transferred under paragraph (b) to the department of administration have all of the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of commerce immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, all tangible personal property, including records, of the department of commerce that is primarily related to the municipal boundary and plat review responsibilities given to the department of administration by this act is transferred to the department of administration.

(e) Any matter pending with the department of commerce on the effective date of this paragraph relating to the municipal boundary and plat review responsibilities given to the department of administration by this act is transferred to the department of administration and all materials submitted to or actions taken by the department of commerce with respect to the pending matter are considered to have been submitted to or taken by the department of administration.

(2) BROWNFIELDS MEMORANDUM OF UNDERSTANDING. No later than December 31, 1997, the department of administration, the department of commerce and the department of natural resources shall enter into a memorandum of understanding that addresses at least all of the following:

(a) Providing advice and guidance to the governor and state agencies on issues related to brownfields, as defined in section 560.13 (1) (a) of the statutes, as created by this act.

(b) Criteria priorities, within statutory guidelines, for awarding grants and loans under brownfields redevelopment programs.

(c) Procedures for each of the departments to follow in making recommendations to another department on awarding grants or loans under a brownfields redevelopment program.

(d) Remediation activities that qualify as in−kind contributions under section 560.13 (2) (b) 1. of the statutes, as created by this act.

(e) A mechanism for resolving conflicts and disagreements among the 3 departments related to brownfields issues.

(3) RULES FOR BROWNFIELDS FUNDING GUIDELINES. The department of commerce shall submit in proposed form the rules required under section 560.13 (6) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than December 31, 1997.

(3g) MINING ECONOMIC DEVELOPMENT GRANTS AND LOANS. The funding in section 20.143 (1) (r) of the statutes, as created by this act, for the 1997−99 fiscal biennium for the mining economic development grant and loan program under section 560.135 of the statutes, as created by this act, shall come first from any project reserve fund under section 70.395 (2) (d) 4. of the statutes, as affected by this act, notwithstanding the limits on the use of project reserve funds under section 70.395 (2) (d) 4. of the statutes, as affected by this act.

(4) EXEMPTION FROM EMERGENCY RULE−MAKING PROCEDURES. Using the procedure under section 227.24 of the statutes, the department of commerce may promulgate rules under section 560.13 (6) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 560.13 (6) 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) and (3) of the statutes, the department is not required to make a finding of emergency.

(4m) RULES FOR REDUCTION OF PETROLEUM CLEANUP AWARDS. Using the procedure under section 227.24 of the statutes, the department of commerce may promulgate rules required under section 101.143 (4) (h) 2. of the statutes, as created by this act, for the period before the effective date of permanent rules under that provision, 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.

(5) PETROLEUM DISCHARGES; INTEREST REIMBURSEMENT RULES. Using the procedure under section 227.24 of the statutes, the department of commerce shall promulgate rules required under section 101.143 (4) (c) 8. of the statutes, as created by this act, for the period before the effective date of the permanent rules under that provision, 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.

(6g) LABOR TRAINING AND SERVICES GRANT.

(a) The department of commerce may make a grant of not more than $100,000 from the appropriation under section 20.143 (1) (c) of the statutes, as affected by this act, to the private industry council serving Ozaukee County to fund a labor training and employment services program to provide employes of Garden Way, Inc., who are being laid off from the company's facilities in Port Washington with job training and related employment services, if all of the following apply:

1. The labor training and employment services are not eligible for funding under the federal Job Training Partnership Act, or any other federal or state job training program.

2. The private industry council submits a plan to the department of commerce detailing the proposed use of the grant and the secretary of commerce approves the plan.

3. The private industry council enters into a written agreement with the department of commerce that specifies the conditions for use of the grant proceeds, including training, reporting and auditing requirements.

4. The private industry council agrees in writing to submit to the department of commerce the report required under paragraph (b) by the time required under paragraph (b).

(b) If the private industry council serving Ozaukee County receives a grant under this subsection, it shall submit to the department of commerce, within 6 months after spending the full amount of the grant, a report detailing how the grant proceeds were used.

(c) The department of commerce may not pay grant proceeds under this subsection after July 31, 1998.

(6h) STUDY ON HOME−BASED BUSINESS BARRIERS. The department of commerce shall conduct a study on barriers to starting and operating home−based businesses and on encouraging further development of home−based businesses in the state. On or before January 1, 1998, the department shall submit a report of its findings, conclusions and recommendations to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes.

(6m) RULES FOR THE IDENTIFICATION OF OXYGENATES. The department of commerce shall review section Comm 48.10, Wisconsin Administrative Code, and during that review consider incorporating the uniform laws and regulations in the areas of legal metrology and engine fuel quality, as adopted by the National Conference on Weights and Measures. The department of commerce shall submit proposed rules that revise section Comm 48.10, Wisconsin Administrative Code, to the legislative council staff under section 227.15 (1) of the statutes no

later than the first day of the 7th month beginning after the effective date of this subsection.

Vetoed In Part (6n) STUDY ON DOWNTOWN WISCONSIN FUND. The department of commerce shall study the possibility and feasibility of creating a fund to provide financial assistance to small−sized and medium−sized municipalities to assist in revitalizing and promoting the economic health of downtown commercial districts, preserving farmland and preventing urban sprawl. As part of the study, the department shall explore the potential for coordinating assistance through the state main street program under section 560.081 of the statutes and with the department of tourism through its heritage tourism program under section 41.19 of the statutes, as affected by this act. The department of commerce shall submit a report of its findings, conclusions and recommendations to the joint committee on finance at the 2nd quarterly meeting of the committee for the 1997−98 fiscal year under section 13.10 of the statutes.

Vetoed In Part (7f) GRANT OR LOAN FOR PEDESTRIAN BRIDGE PROJECT.

Vetoed In Part (a) The department of commerce may make a grant or loan of not more than $1,200,000 from the appropriations under section 20.143 (1) (c) and (ie) of the statutes, as affected by this act, to a person for a project that includes a pedestrian bridge, if all of the following apply:

Vetoed In Part 1. The project is located in the city of Madison and bounded by Regent Street, North Murray Street, West Dayton Street, North Frances Street, Frances Court and West Washington Avenue.

2. The person submits a plan to the department of **Vetoed In Part** commerce detailing the proposed use of the grant or loan and the secretary of commerce approves the plan.

3. The person enters into a written agreement with **Vetoed In Part** the department of commerce that specifies the grant or loan terms and the conditions for use of the grant or loan proceeds, including reporting and auditing requirements.

4. The person agrees in writing to submit to the department of commerce, within 6 months after spending **Vetoed In Part** the full amount of the grant or loan, a report detailing how the grant or loan proceeds were used.

Vetoed In Part (b) If the department of commerce makes a loan under this subsection, the department of commerce shall deposit in the appropriation account under section 20.143 (1) (ie) of the statutes, as affected by this act, any moneys received in repayment of the loan.

Vetoed In Part (c) The department of commerce may not pay grant or loan proceeds under this subsection after January 1, 1999.

SECTION 9111. Nonstatutory provisions; corrections.

(2u) TEMPORARY PLACEMENT OF YOUNG ADULT OFFENDERS. Notwithstanding 1995 Wisconsin Act 27, section 9126 (23) and (26v), the secretary of corrections may direct the division of adult institutions in the department of corrections and the division of juvenile correctional services in that department to enter into an intra−agency agreement for the use of the secured correctional facility authorized under 1995 Wisconsin Act 27, section 9126 (26v), as a state prison as authorized under 1997 Wisconsin Act 4, section 4 (1) (a). The agreement shall require the division of adult institutions in the department of corrections to reimburse the division of juvenile correctional services in that department, from the appropriation account under section 20.410 (1) (ab) of the statutes, as affected by this act, for the full cost of operating that secured correctional facility as a state prison during the term of the agreement. The division of juvenile corrections in the department of corrections shall credit all moneys received under this subsection to the appropriation account under section 20.410 (3) (hm) of the statutes, as affected by this act, and use those moneys to operate the state prison authorized under 1997 Wisconsin Act 4, section 4 (1) (a).

(3g) PRIVATE BUSINESSES AND PRISON EMPLOYMENT. **Vetoed In Part**

(a) 1. No later than February 1, 1998, the department of corrections shall submit a plan to the joint committee on finance regarding proposed revenues and proposed expenditures under section 303.01 (2) (em) of the statutes, as affected by this act, during the 1997−99 biennium. If the cochairpersons of the committee do not notify the department of corrections within 14 working days after the date of the submittal that the committee has scheduled a meeting to take place for the purpose of reviewing the plan, the department may proceed with the plan. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the department of corrections that the committee has scheduled a meeting to take place for the purpose of reviewing the plan, the department may proceed with the plan only after incorporating any changes that are made to the plan by the joint committee on finance at the meeting.

2. Beginning after February 1, 1998, the department of corrections shall submit any modifications to the plan approved by the the joint committee on finance under subdivision 1. to the joint committee on finance. If the cochairpersons of the committee do not notify the department of corrections within 14 working days after the date of the submittal that the committee has scheduled a meeting to take place for the purpose of reviewing the modified plan, the department may proceed with the modified plan. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the department of corrections that the committee has scheduled a meeting to take place for the purpose of reviewing the modified plan, the department may proceed with the modified plan only after incorporating any changes that are made to the modified plan by the joint committee on finance at the meeting.

(b) No later than February 1, 1998, the department of corrections and the department of administration shall jointly submit a plan to the joint committee on finance

Vetoed In Part regarding the distribution of assets and liabilities between the prison industries program under section 303.01 (1) of the statutes and the private business program operating under section 303.01 (2) (em) of the statutes, as affected by this act. If the cochairpersons of the committee do not notify the department of corrections and the department of administration within 14 working days after the date of the submittal that the committee has scheduled a meeting to take place for the purpose of reviewing the plan, the department of corrections and the department of administration may proceed with the plan. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the department of corrections and the department of administration that the committee has scheduled a meeting to take place for the purpose of reviewing the plan, the department of corrections and the department of administration may proceed with the plan only after incorporating any changes that are made to the plan by the joint committee on finance at the meeting.

(3v) SECURE JUVENILE DETENTION FACILITY IN NORTHWESTERN WISCONSIN. By March 1, 1998, the department of corrections shall prepare a design for a financially viable secure detention facility, as defined in section 938.02 (16) of the statutes, to be located in the northwestern part of this state, develop a plan to fund that secure detention facility by combining federal, state and county resources and submit to the joint committee on finance a report on that design and funding plan.

(3x) EVALUATION OF THE USE OF FEDERAL CORRECTIONAL FACILITIES TO HOUSE WISCONSIN PRISONERS. The department of corrections shall conduct an evaluation of the state's need to contract for the transfer and confinement of state prisoners in federal correctional facilities and the need for construction of additional minimum security correctional institutions in this state. The department of corrections shall also evaluate and compare federal and state minimum security classification standards and institutional programming provided at federal and state minimum security correctional facilities. The department of corrections shall submit the report to the joint committee on finance by March 1, 1998.

(4t) IMPACT OF JUVENILE JUSTICE CODE ON YOUTH AIDS FUNDING. The department of corrections shall conduct an evaluation of the impact that chapter 938 of the statutes, as created by 1995 Wisconsin Act 77, and the decline of the average daily populations of juveniles receiving state correctional care have had on the funding of juvenile delinquency–related services under the community youth and family aids program under section 301.26 of the statutes, as affected by this act, and on the costs to counties **Vetoed In Part** and the state of providing juvenile correctional care. By March 1, 1998, the department of corrections shall submit a report on that evaluation to the governor and to the joint committee on finance. The report shall provide recommendations regarding the funding of juvenile correctional care, including recommendations regarding possible ways of reallocating or reducing the costs of providing care in secured correctional facilities, as defined in section 938.02 (15m) of the statutes, if the populations of those facilities continue to decline.

(5c) DISPLACEMENT. **Vetoed In Part**

(a) The department of corrections shall consult with the prison industries board for the purpose of developing proposed rules defining "displacement" under section 303.01 (5m) of the statutes, as created by this act.

(b) The department of corrections shall submit in proposed form the rules required under section 303.01 (5m) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 3th month beginning after the completion of the federal department of justice's 1997 audit of the prison employment program under section 303.01 (2) (em) of the statutes, as affected by this act.

(5g) RACINE YOUTHFUL OFFENDER CORRECTIONAL FACILITY GENERALIST COUNSELOR DUTIES. In fiscal years 1997–98 and 1998–99, the department of corrections may employ generalist counselors at the Racine Youthful Offender Correctional Facility. A generalist counselor employed at that facility shall, among other duties, perform tutoring duties for the inmates of that facility under the supervision of a certified instructor, but may not supervise or oversee academic instruction for those inmates.

(5n) PRISON INDUSTRIES BOARD.

(a) 1. Notwithstanding section 15.145 (2) of the statutes, as affected by this act, the member of the prison industries board appointed under section 15.145 (2) (a), 1995 stats., to represent ex–offenders who served time in the Wisconsin state prisons, may continue to serve as a member of the board until such time that the additional member who represents private labor organizations is appointed to the prison industries board.

2. Notwithstanding section 15.145 (2) of the statutes, as affected by this act, the member of the prison industries board appointed under section 15.145 (2) (b), 1995 stats., to represent the University of Wisconsin System, may continue to serve as a member of the board until such time that the additional member who represents the department of administration is appointed to the prison industries board.

3. Notwithstanding section 15.145 (2) of the statutes, as affected by this act, the member of the prison industries board appointed under section 15.145 (2) (e), 1995 stats., to represent potential customers of prison industries, may continue to serve as a member of the board until such time that the member who represents private business and industry is appointed to the prison industries board.

(b) Notwithstanding the length of term specified in section 15.145 (2) (intro.) of the statutes, as affected by this act, the initial term of the additional member appointed to represent private business and industry shall

expire on May 1, 1999, the initial term of the additional member appointed to represent private labor organizations shall expire on May 1, 2001, and the initial term of the member appointed to represent the department of administration shall expire on May 1, 2003.

(5z) GANG VIOLENCE PREVENTION COUNCIL. The authorized FTE positions for the department of corrections, funded from the appropriation under section 20.410 (3) (a) of the statutes, as affected by this act, are decreased by 1.0 GPR position to reflect the elimination of the gang violence prevention council.

SECTION 9119. Nonstatutory provisions; financial institutions.

(1h) REPEAL OF CONSUMER CREDIT REVIEW BOARD; PENDING MATTERS. All matters pending before the consumer credit review board on the effective date of this subsection are terminated without prejudice. Notwithstanding section 227.53 (1) (a) 2. of the statutes, a person may seek review, under section 227.53 of the statutes, of any matter which is pending before the consumer credit review board on the effective date of this subsection. In order to seek such review, the person shall file a petition for review, in the manner specified in section 227.53 of the statutes, and shall serve the petition upon all parties under section 227.48 of the statutes, within 30 days after the effective date of this subsection.

SECTION 9120. Nonstatutory provisions; gaming board.

(1) ELIMINATION OF GAMING BOARD; TRANSFER OF GAMING FUNCTIONS TO THE DEPARTMENT OF ADMINISTRATION.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the gaming board shall become the assets and liabilities of the department of administration.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the gaming board is transferred to the department of administration.

(c) *Contracts.* All contracts entered into by the gaming board which are in effect on the effective date of this paragraph remain in effect and are transferred to the department of administration. The department of administration shall carry out any such contractual obligations until modified or rescinded by the department of administration to the extent allowed under the contracts.

(d) *Employe transfers and status.* On the effective date of this paragraph, all incumbent employes holding positions in the gaming board are transferred to the department of administration. Employes transferred under this paragraph have all rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes that they enjoyed in the gaming board. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class may be required to serve a probationary period.

(e) *Pending matters.* Any matters pending with the gaming board on the effective date of this paragraph are transferred to the department of administration and all materials submitted to or actions taken by the gaming board with respect to any pending matter are considered as having been submitted to or taken by the department of administration.

(f) *Rules and orders.* All rules promulgated by the gaming board, other than rules that relate to chapter 565 of the statutes, as affected by this act, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of administration. All orders issued by the gaming board, other than orders that relate to chapter 565 of the statutes, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of administration.

(2) LOTTERY FUNCTIONS TRANSFER. All rules that relate to chapter 565 of the statutes that are in effect before the effective date of this subsection shall remain in effect until their specified expiration date or until amended or repealed by the department of revenue. All orders that relate to chapter 565 of the statutes that are in effect before the effective date of this subsection shall remain in effect until their specified expiration date or until amended or rescinded by the department of revenue.

SECTION 9121. Nonstatutory provisions; governor.

(1) EFFICIENCY MEASURES. The governor shall endeavor to ensure that the expenditures from the appropriation under section 20.525 (1) (a) of the statutes shall be less than the amounts shown under section 20.525 (1) (a) of the statutes in the schedule under section 20.005 (3) of the statutes by at least $51,400 for the 1997−98 fiscal year and by at least $51,400 for the 1998−99 fiscal year.

SECTION 9123. Nonstatutory provisions; health and family services.

(1) MILWAUKEE CHILD WELFARE TRANSFER.

(a) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the Milwaukee County department of social services and of the Milwaukee County children's court center that is primarily related to providing child welfare services under chapter 48 of the statutes is transferred to the department of health and family services. The Milwaukee County department of social services, the Milwaukee County children's court center and the department of health and family services shall jointly identify this tangible personal property, including records, and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(b) *Pending matters.* Any matter pending under chapter 48 of the statutes with the Milwaukee County

department of social services or with the Milwaukee County children's court center on the effective date of this paragraph is transferred to the department of health and family services. All materials submitted or actions taken by the Milwaukee County department of social services or by the Milwaukee County children's court center with respect to the pending matter are considered as having been submitted to or taken by the department of health and family services.

(c) *Custody.* On the effective date of this paragraph, all persons who are under the legal custody, supervision or guardianship of the Milwaukee County department of social services under chapter 48 of the statutes are transferred to the legal custody, supervision or guardianship of the department of health and family services. The Milwaukee County department of social services and the department of health and family services shall jointly determine those persons and shall jointly develop a plan for the orderly transfer thereof. In the event of any disagreement, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

Vetoed In Part

(dz) *Site selection process.* The secretary of administration, in consultation with the department of health and family services, shall submit a proposal for the selection of the 5 neighborhood–based child welfare service delivery sites planned for Milwaukee County under 1995 Wisconsin Act 303, section 9127 (1) (b), to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the proposal within 14 working days after the date of submittal of the proposal, the department of administration and the department of health and family services may implement the proposal. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the proposal, the department of administration and the department of health and family services may implement the proposal only with the approval of the committee.

(eg) *Funding for prevention contracts.* The department of health and family services may request the joint committee on finance to supplement, from the appropriation account under section 20.865 (4) (a) of the statutes, the appropriation account under section 20.435 (3) (cx) of the statutes, as created by this act, to fund contracts for services to prevent child abuse and neglect in Milwaukee County. If the department of health and family services requests supplementation of the appropriation account under section 20.435 (3) (cx) of the statutes, as created by this act, under this paragraph, that department shall submit for each fiscal year a plan for the expenditure of the moneys supplemented to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit the plan to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after the date of his or her submittal of the plan that the committee has scheduled a meeting for the purpose of reviewing the plan, the joint committee on finance is considered to have approved the request, the appropriation account under section 20.435 (3) (cx) of the statutes, as created by this act, is supplemented by the amount requested and the department of health and family services may encumber the supplemented moneys as provided in the plan. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan, the department of health and family services may implement the plan only with the approval of the committee. Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists.

(km) *General program operations.* Notwithstanding section 20.435 (3) (kw) of the statutes, as created by this act, in fiscal year 1997–98 the department of health and family services may expend not more than $202,500 from the appropriation account under section 20.435 (3) (kw) of the statutes, as created by this act, for general program operations relating to providing services for children and families under section 48.48 (17) of the statutes, as created by this act.

(2) CARRY–OVER FOR LONG–TERM CARE PILOT PROJECT. Notwithstanding section 20.435 (7) (bd) of the statutes, the department of health and family services may carry forward funds allocated under section 46.27 of the statutes from the appropriation account under section 20.435 (7) (bd) of the statutes, as affected by this act, that are not spent or encumbered by counties by December 31 or carried forward under section 46.27 (7) (fm) or (g) of the statutes for the purpose of establishing and operating a pilot project under section 46.271 (2m) of the statutes, as created by this act. All funds carried forward under this subsection that are not spent or encumbered by June 30, 1999, shall lapse to the general fund on July 1, 1999.

Vetoed In Part

(3) SUPPLEMENTAL PAYMENTS FOR THE SUPPORT OF CHILDREN OF SUPPLEMENTAL SECURITY INCOME RECIPIENTS. Notwithstanding section 49.775 (2) of the statutes, as created by this act, the department of health and family services may make a payment under section 49.775 (2) of the statutes, as created by this act, to a custodial parent for the support of a dependent child for whom aid is paid under section 49.19 of the statutes, as affected by this act, beginning on the later of the following:

(a) The effective date of this paragraph.

(b) The first day of the first month beginning after the first regularly scheduled reinvestigation under section 49.19 (5) (e) of the statutes conducted after the effective date of this paragraph.

(3g) ELIMINATION OF PESTICIDE REVIEW BOARD.

(a) *Contracts.* All contracts entered into by the pesticide review board in effect on the effective date of this paragraph are terminated on that date. All contracts entered into by the department of health and family services in effect on the effective date of this paragraph that are primarily related to the functions of the pesticide review board, as determined by the secretary of administration, are terminated on that date.

(b) *Rules, orders and permits.* All rules promulgated or orders issued by the pesticide review board that are in effect on the effective date of this paragraph are rescinded on that date. All permits issued by the pesticide review board that are in effect on the effective date of this paragraph remain in effect until their expiration date or until rescinded by the department of agriculture, trade and consumer protection, whichever comes first.

(c) *Pending matters.* Any matter pending with the pesticide review board on the effective date of this paragraph is terminated and all materials submitted to or actions taken before the effective date of this paragraph by the pesticide review board with respect to the pending matter are considered to be void.

(4) EXEMPTION FROM EMERGENCY RULE PROCEDURES FOR MANDATORY HEALTH INSURANCE RISK–SHARING PLAN. Using the procedure under section 227.24 of the statutes, the department of health and family services may promulgate any rules that the department is authorized or required to promulgate under chapter 149 of the statutes, as affected by this act, for the period before the effective date of any permanent rules promulgated by the department under chapter 149 of the statutes, as affected 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) and (3) of the statutes, the department is not required to make a finding of emergency.

Vetoed In Part

(4t) BLASTOMYCOSIS STUDY. The department of health and family services, in cooperation with other state agencies, shall study whether there is a correlation between the presence of wetlands and the increase in cases of blastomycosis. The department shall submit a report on the results of the study to the legislature in the manner provided in section 13.172 (2) of the statutes no later than June 30, 1999.

Vetoed In Part

(5) HEALTH INSURANCE PROGRAM FOR UNINSURED CHILDREN. By July 1, 1998, the department of health and family services shall conduct and report to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor on the results of a study to explore, on a statewide basis, possible provision of a health insurance program for uninsured families and school–age children, as determined by the department. If the health insurance program appears to be feasible, the department shall, with the report, include proposed statutory language necessary to implement the program. The department shall also include in the report all of the following:

Vetoed In Part

(a) An evaluation of the current medical assistance outreach efforts. The department shall, in the report, make recommendations that would increase the enrollment in the medical assistance program of children who are currently eligible for the medical assistance program.

(b) A study on the cost–effectiveness of expanding the medical assistance income standard for children.

(c) A comparison of providing a health insurance program, increasing the enrollment in the medical assistance program of children currently eligible for the medical assistance program and expanding the medical assistance income standard. The comparison shall be based on all of the following:

1. The costs and benefits of each approach.

2. The number of children who would receive health care coverage who are currently uninsured.

3. The administrative feasibility of each approach.

(6) HEALTH PROGRAMS FOR WOMEN. From the appropriation account under section 20.435 (5) (cb) of the statutes, as created by this act, the department of health and family services shall do all of the following:

(a) Conduct a women's health campaign to do all of the following:

1. Increase women's awareness of issues that affect their health.

2. Reduce the prevalence of chronic and debilitating health conditions that affect women.

(b) Distribute funds to applying individuals, institutions or organizations for the conduct of projects to enhance activities of communities in establishing and maintaining a comprehensive women's health program that addresses all major risk factors for chronic disease for middle–aged and older women. Distribution of funds to an applicant under this paragraph is conditioned upon receipt by the department of an agreement by the applicant to provide funds or in–kind services to match 25% of the amount of the funds distributed to the applicant.

(6m) OSTEOPOROSIS PREVENTION AND EDUCATION. From the appropriation account under section 20.435 (5) (cb) of the statues, as created by this act, the department of health and family services may create an osteoporosis prevention and education program to raise public awareness concerning the causes and nature of osteoporosis, the risk factors for developing osteoporosis, the value of prevention and early detection of osteoporosis and options for diagnosing and treating osteoporosis.

(7) DEVELOPMENT OF A FACILITY LICENSING AND CERTIFICATION SYSTEM. In fiscal year 1997–98, the department of health and family services shall distribute $150,000 from the appropriation under section 20.435 (3) (a) of the statutes and $100,000 from the appropriation under section 20.435 (6) (jm) of the statutes, as affected by this act, and in fiscal year 1998–99, the depart-

ment of health and family services shall distribute $150,000 from the appropriation under section 20.435 (3) (a) of the statutes, to develop and extend use of a facility licensing and certification system. However, the secretary of administration may, under section 16.50 (2) of the statutes, withhold approval of an expenditure estimate of the funds under this subsection until he or she determines that the department of health and family services has adequately explored and planned for the use of a common licensing and certification system with the department of regulation and licensing.

(8) TRANSFER OF INFORMATION SERVICES.

(a) *Employe transfers.* On the effective date of this paragraph, 10.0 FTE PR positions in the department of health and family services that are primarily related to internet and print services functions and the incumbents holding these positions, as determined by the secretary of administration, are transferred to the department of administration.

(b) *Employe status.* Employes transferred under paragraph (a) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of health and family services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(10g) WOMEN'S HEALTH INITIATIVE.

(a) *Mobile mammography van.* 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 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.

(b) *Other women's health programs.* 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 grants under section 255.075 of the statutes, as created by this act, and SECTION 9123 (6) (b) of this act. If the joint committee on finance approves the plan, it may supplement the appropriation under section 20.435 (5) (cb) of the statutes, as created by this act, for women's health services. Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists.

(10n) PREGNANCY PREVENTION ACTIVITIES. The department of health and family services shall, in consultation with the adolescent pregnancy prevention and pregnancy services board and the department of workforce development, develop a plan that details specific activities that the department of health and family services and the adolescent pregnancy prevention and pregnancy services board will conduct to reduce the state's out–of–wedlock births by federal fiscal year 1998–99 in order to receive federal funds that will be made available to 5 states that experience the greatest decline in out–of–wedlock births during the previous 2 years. The department of health and family services shall submit the plan to the members of the joint committee on finance not later than December 31, 1997.

(10t) RURAL MEDICAL CENTERS. The department of health and family services shall assist the Wisconsin congressional delegation, if requested, to prepare federal legislation to amend the Social Security Act to enable this state to operate a demonstration project for rural medical centers. The assistance of the department of health and family services shall end not later than December 31, 1997.

Vetoed In Part

(11mp) STUDY ON FAMILY COVERAGE UNDER THE MANDATORY HEALTH INSURANCE RISK–SHARING PLAN. The department of health and family services shall study the feasibility of providing family coverage under the mandatory health insurance risk–sharing plan under subchapter II of chapter 619 of the statutes, as affected by this act, for an individual who is eligible for coverage under that plan and for the members of the individual's family. The department shall also determine whether providing such a plan of family coverage would satisfy the requirements under the federal Health Insurance Portability and Accountability Act of 1996 to provide a choice of coverage. On or before April 1, 1998, the department shall report its findings, conclusions and recommendations to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes and to the joint committee on finance.

(12j) TAX CREDIT FOR CARE OF ELDERLY PERSONS. The department of health and family services shall, in consultation with the department of revenue, develop proposed legislation to create a tax credit for individuals who provide care for elderly persons. The department of health and family services shall submit the report to the legislature in the manner provided under section 13.172 (2) of the statutes no later than January 30, 1998.

(12p) BOARD ON HUNGER.

(a) *Contracts.* All contracts entered into by the board on hunger in effect on the effective date of this paragraph remain in effect and are transferred to the department of health and family services. The department of health and family services shall carry out any such contractual obligations until modified or rescinded by the department of health and family services to the extent allowed under the contract.

(b) *Rules and orders.* All rules promulgated by the board on hunger that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of health and family services. All orders issued by the board on hunger that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of health and family services.

(c) *Pending matters.* Any matter pending with the board on hunger on the effective date of this paragraph is transferred to the department of health and family services and all materials submitted to or actions taken by the board on hunger with respect to the pending matter are considered as having been submitted to or taken by the department of health and family services.

(d) *Equipment and records.* On the effective date of this paragraph, all furniture, equipment, supplies and records of the board on hunger are transferred to the department of health and family services.

(e) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the board on hunger shall become the assets and liabilities of the department of health and family services.

(13b) NURSING HOME OCCUPANCY RATE STANDARD. The department of health and family services, in applying the 91% occupancy rate standard for nursing homes for the 1997−99 fiscal biennium, shall use a facility's rate for the most recently completed one−year period.

(13d) DIRECT CARE SERVICES. Of the amounts budgeted for the 1997−98 fiscal year for an aggregate increase in payments to nursing homes from the appropriations under section 20.435 (5) (b) and (o) of the statutes, as affected by this act, no funding in excess of that needed to meet the parameters set forth for the nursing home formula need be used to increase the direct care target above 103% of the statewide median.

(13pt) ABUSE AND NEGLECT INVESTIGATIONS. The authorized FTE positions for the department of health and family services are increased by 4.15 FED positions on the effective date of this paragraph, to be funded from the appropriation under section 20.435 (6) (n) of the statutes, for the purpose of conducting investigations under section 146.40 (4r) (b) of the statutes, as affected by this act.

(13pu) CHILD ABUSE AND NEGLECT AUTOMATED INTERFACE. The department of health and family services shall study the feasibility of developing an automated interface for information relating to substantiated reports of child abuse and neglect with a view toward designating the statewide child welfare information system maintained by that department as the database that will provide that information.

(14j) WISCONSIN RESOURCE CENTER POSITIONS. The authorized FTE positions for the department of health and family services are increased by 15.0 PR positions, to be funded from the appropriation under section 20.435 (2) (kx) of the statutes, to provide additional staffing for the Wisconsin Resource Center.

Vetoed In Part

(15s) MEDICAL ASSISTANCE DIRECT CARE PAYMENT FOR FACILITIES IN A HIGH−COST LABOR REGION. For purposes of medical assistance direct care payment to facilities under section 49.45 (6m) of the statutes for fiscal years 1997−98 and 1998−99 only, the department of health and family services shall consider any county that is adjacent to a county with a population of more than 500,000 to be a high−cost labor region.

SECTION 9124. Nonstatutory provisions; historical society.

(1m) NORTHERN GREAT LAKES CENTER; POSITION. The moneys expended in the 1997−99 fiscal biennium from the appropriation under section 20.245 (4) (y) of the statutes, as created by this act, for 1.0 SEG position, and the fringe benefits and supplies and services associated with the position, shall be from moneys deposited in the conservation fund that are generated from forestry−related activities engaged in by the state.

(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, provide a touring exhibit detailing the history of the Wisconsin state capitol, and solicit donations to finance the exhibit.

(2m) AGENCY REQUEST.

(a) 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 historical society shall submit a dollar amount for the 2000−01 fiscal year for the appropriation under section 20.245 (1) (a) of the statutes that is $205,000 less than the total amount appropriated under section 20.245 (1) (a) 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.

(b) 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 historical society shall submit a dollar amount for the 2000−01 fiscal year for the appropriation under section 20.245 (1) (am) of the statutes that is $205,000 more than the total amount appropriated under section 20.245 (1) (am) 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.

SECTION 9126. Nonstatutory provisions; workforce development.

(2) DEFINITION OF NEEDY PERSON. Using the procedure under section 227.24 of the statutes, the department of workforce development shall promulgate the rule required under section 49.138 (1d) (b) of the statutes, as created by this act, for the period before the effective date

of the permanent rule promulgated under section 49.138 (1d) (b) 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) and (3) of the statutes, the department of workforce development is not required to make a finding of emergency.

(3m) REQUEST FOR MORE FUNDING FOR THE DIVISION OF VOCATIONAL REHABILITATION. In the event that the amounts appropriated to the department of workforce development under section 20.445 (5) (a) and (bm) of the statutes are insufficient to carry out the purposes for which appropriated and matching funding is not available to the department, the department may make a request under section 13.10 of the statutes to the joint committee on finance asking the committee to supplement the appropriations under section 20.445 (5) (a) and (bm) of the statutes.

(3w) JOB TRAINING PARTNERSHIP ACT FUNDING. From the appropriation account under section 20.445 (1) (mc) of the statutes, in fiscal year 1997–98 the department of workforce development shall distribute $80,600 in moneys received under the federal Job Training Partnership Act, 29 USC 1501 to 1792b, to the Northwest Wisconsin Concentrated Employment Program, Inc.

(4s) LABOR TRAINING AND EMPLOYMENT SERVICES GRANT.

(a) The department of workforce development may make a grant of not more than $50,000 from the appropriation under section 20.445 (1) (mc) of the statutes to the private industry council serving Juneau County to fund a labor training and employment services program to provide employes of Best Power Company who are being laid off from that company's facility in Necedah with job training and related employment services, if all of the following conditions apply:

1. The private industry council submits a plan to the department of workforce development detailing the proposed use of the grant and the secretary of workforce development approves the plan.

2. The private industry council enters into a written agreement with the department of workforce development that specifies the conditions for use of the grant proceeds, including training, reporting and auditing requirements.

3. The private industry council agrees in writing to submit to the department of workforce development, within 6 months after the grant proceeds are spent, a report detailing how the grant proceeds were used.

(b) The department of workforce development may not pay grant proceeds under this subsection after July 31, 1998.

(5g) ALLOCATION FOR EQUIPMENT FOR COUNTY CHILD SUPPORT AGENCIES. Of the amounts appropriated to the department of workforce development under section 20.445 (3) (a) of the statutes, as affected by this act, $150,000 in fiscal year 1997–98 shall be allocated for the purchase of kids information and data system (KIDS) equipment for county child support agencies. Of the amounts appropriated to the department of workforce development under section 20.445 (3) (n) of the statutes, $600,000 in fiscal year 1997–98 shall be allocated for the purchase of kids information and data system (KIDS) equipment for county child support agencies.

(5qh) LEARNFARE SANCTIONS. Using the procedure under section 227.24 of the statutes, the department of workforce development may promulgate rules required under section 49.26 of the statutes, as affected by this act, for the period before the effective date of the permanent rules promulgated under section 49.26 of the statutes, as affected 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 of workforce development need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

SECTION 9127. Nonstatutory provisions; insurance.

(1) TRANSFER OF FUNCTIONS OF OFFICE OF HEALTH CARE INFORMATION

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the office of the commissioner of insurance primarily related to the functions of the office of health care information shall become the assets and liabilities of the department of health and family services. The department of health and family services and the office of the commissioner of insurance shall jointly determine these assets and liabilities and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the department and the office of the commissioner of insurance, the secretary of administration shall decide the question.

(b) *Employe transfers.* On the effective date of this paragraph, 19.0 FTE PR positions in the office of the commissioner of insurance that are primarily related to the functions of the office of health care information and the incumbents holding these positions, as determined by the secretary of administration, are transferred to the department of health and family services.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of health and family services that they enjoyed in the office of the commissioner of insurance immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Supplies and equipment.* On the effective date of this paragraph, all tangible personal property, including

records, of the office of the commissioner of insurance primarily related to the functions of the office of health care information are transferred to the department of health and family services. The department of health and family services and the office of the commissioner of insurance shall jointly identify the tangible personal property, including records, and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the department and the office of the commissioner of insurance, the secretary of administration shall decide the question.

(e) *Pending matters.* On the effective date of this paragraph, any matter pending with the office of the commissioner of insurance primarily related to the functions of the office of health care information is transferred to the department of health and family services. All materials submitted or actions taken by the office of the commissioner of insurance with respect to the pending matter are considered as having been submitted to or taken by the department of health and family services.

(f) *Contracts.* On the effective date of this paragraph, all contracts entered into by the office of the commissioner of insurance primarily related to the functions of the office of health care information which are in effect on the effective date of this paragraph, remain in effect and are transferred to the department of health and family services. The department of health and family services and the office of the commissioner of insurance shall jointly identify these contracts and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the department and the office of the commissioner of insurance, the secretary of administration shall decide the question. The department of health and family services shall carry out any such contractual obligations until modified or rescinded by the department of health and family services to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the office of the commissioner of insurance that are in effect on the effective date of this paragraph and that are primarily related to the functions of the office of health care information remain in effect until their specified expiration date or until amended or repealed by the department of health and family services. All orders issued by the office of the commissioner of insurance that are in effect on the effective date of this paragraph and that are primarily related to the functions of the office of health care information remain in effect until their specified expiration date or until modified or rescinded by the department of health and family services.

(2) TRANSFER OF MANDATORY HEALTH INSURANCE RISK−SHARING PLAN.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the office of the commissioner of insurance primarily related to the mandatory health insurance risk−sharing plan shall become the assets and liabilities of the department of health and family services. The department of health and family services and the office of the commissioner of insurance shall jointly determine these assets and liabilities and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the department and the office of the commissioner of insurance, the secretary of administration shall decide the question.

(b) *Employe transfers.* On the effective date of this paragraph, 1.5 FTE SEG positions in the office of the commissioner of insurance that are primarily related to the mandatory health insurance risk−sharing plan and the incumbents holding these positions, as determined by the secretary of administration, are transferred to the department of health and family services.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes, as affected by this act, in the department of health and family services that they enjoyed in the office of the commissioner of insurance immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Supplies and equipment.* On the effective date of this paragraph, all tangible personal property, including records, of the office of the commissioner of insurance primarily related to the mandatory health insurance risk−sharing plan are transferred to the department of health and family services. The department of health and family services and the office of the commissioner of insurance shall jointly identify the tangible personal property, including records, and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the department and the office of the commissioner of insurance, the secretary of administration shall decide the question.

(e) *Pending matters.* On the effective date of this paragraph, any matter pending with the office of the commissioner of insurance primarily related to the mandatory health insurance risk−sharing plan is transferred to the department of health and family services. All materials submitted or actions taken by the office of the commissioner of insurance with respect to the pending matter are considered as having been submitted to or taken by the department of health and family services.

(f) *Contracts.* On the effective date of this paragraph, all contracts entered into by the office of the commissioner of insurance primarily related to the mandatory health insurance risk−sharing plan that are in effect on the effective date of this paragraph remain in effect and are transferred to the department of health and family services. The department of health and family services and the office of the commissioner of insurance shall jointly identify these contracts and shall jointly develop and

implement a plan for the orderly transfer thereof. In the event of any disagreement between the department and the office of the commissioner of insurance, the secretary of administration shall decide the question. The department of health and family services shall carry out any such contractual obligations until modified or rescinded by the department of health and family services to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the office of the commissioner of insurance that are in effect on the effective date of this paragraph and that are primarily related to the mandatory health insurance risk–sharing plan remain in effect until their specified expiration date or until amended or repealed by the department of health and family services. All orders issued by the office of the commissioner of insurance that are in effect on the effective date of this paragraph and that are primarily related to the mandatory health insurance risk–sharing plan remain in effect until their specified expiration date or until modified or rescinded by the department of health and family services.

(3m) HEALTH INSURANCE RISK–SHARING PLAN; RULES.

(a) *Rules on creditable coverage.* The commissioner of insurance shall submit in proposed form the rules required under section 619.115 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this paragraph.

(b) *Exemption from emergency procedures.* Using the procedure under section 227.24 of the statutes, the commissioner of insurance may promulgate rules required under section 619.115 of the statutes, as created by this act, for the period before the effective date of the rules submitted under paragraph (a), 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 commissioner need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this paragraph.

(4m) HEALTH INSURANCE RISK–SHARING PLAN BOARD STUDY ON PLAN EFFICIENCY. The health insurance risk–sharing plan board of governors under section 619.15 of the statutes, as affected by this act, shall study the operation of the health insurance risk–sharing plan under subchapter II of chapter 619 of the statutes, as affected by this act. On or before June 30, 1998, the board shall submit a report to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor regarding the cost efficiency of the plan, including evaluations of all of the following:

(a) The impact on the plan of the greater use of managed care and case management for eligible persons.

(b) The effect on the plan of the federal Health Insurance Portability and Accountability Act of 1996.

SECTION 9128. Nonstatutory provisions; investment board.

(1m) CERTAIN DIRECT CHARGES. Prior to the enactment of the 1999–2001 biennial budget act, the investment board may not pay, as a direct charge to the funds under the board's management pursuant to section 25.18 (1) (a) or (m) of the statutes, expenses incurred in designing or installing computerized information systems, except for expenses relating to transfers between the board and 3rd parties of data relating to investment matters.

SECTION 9129. Nonstatutory provisions; joint committee on finance.

(1m) ELECTIONS BOARD DATA BASE CONVERSION. Of the amount appropriated to the joint committee on finance under section 20.865 (4) (a) of the statutes for the 1997–99 fiscal biennium, $102,800 is allocated for enhancement of the computerized data base of the elections board to enable registrants to file campaign finance reports with the board by means of electronic transmission and to permit members of the public to access the data base electronically.

SECTION 9131. Nonstatutory provisions; justice.

(1m) PROSECUTORS FOR SEXUALLY VIOLENT PERSON COMMITMENT CASES. Of the authorized FTE positions for the department of justice funded from the appropriation under section 20.455 (1) (a) of the statutes, 2.5 GPR project positions shall be used for the period ending on June 30, 1999, to provide 2.0 attorney positions and 0.5 paralegal position to assist district attorneys in prosecuting sexually violent person commitment proceedings under chapter 980 of the statutes, as affected by this act.

Vetoed In Part

(1t) STUDY OF HAZARDOUS SUBSTANCE CLEANUP AGREEMENTS. The department of justice shall review the effectiveness of section 292.11 (7) (d) and (e) of the statutes, as created by this act, and shall submit a report of its findings to the joint committee on finance and to the legislative standing committees with jurisdiction over environmental matters by January 1, 2000.

(3pt) COMPUTER LINK FOR CRIMINAL BACKGROUND INVESTIGATIONS.

(a) The authorized FTE positions for the department of justice are increased by 1.0 PR positions, to be funded from the appropriation under section 20.455 (2) (gm) of the statutes, for the purpose of establishing and maintaining the computer linkup under section 165.825 of the statutes, as created by this act.

(b) The authorized FTE positions for the department of justice are increased 6.0 PR project positions, to be funded from the appropriation under section 20.455 (2) (gm) of the statutes, for the period ending on July 1, 2000, for the purpose of conducting criminal history searches required under section 50.065 (2) (b) 1. of the statutes, as created by this act.

(3pu) COMPUTER LINK. The department of justice and the secretaries of health and family services and regulation and licensing shall, not later than 6 months after

the effective date of this subsection, submit to the chairpersons of the joint committee on finance a plan for a computer linkup required under sections 165.825 and 440.03 (12m) of the statutes, as created by this act, to allow the department of health and family services to access the information required under section 50.065 (2) (b) of the statutes, as created by this act. The plan shall include a projected implementation date, which may not be later than 18 months after the submission of the plan. The plan may not require the department of justice to expend more than 30% of the difference between the revenues received under section 165.82 (1) of the statutes and $390,000 in any quarter of fiscal year 1998−99 or $200,000 in fiscal year 1998−99, whichever is less, to establish the computer linkup. If the joint committee on finance approves the plan, it may supplement the appropriation under section 20.435 (6) (a) of the statutes by not more than $420,000 in fiscal year 1998−99. Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists. Of the moneys appropriated to the joint committee on finance under section 20.865 (4) (a) of the statutes in the 1997−99 fiscal biennium, $420,000 in fiscal year 1998−99 is allocated for the implementation of the computer linkup plan.

(3pv) STUDY ON UNIFORM FEES. The department of justice shall prepare a report on the feasibility of establishing uniform fees for criminal history searches under section 165.82 of the statutes. The department shall submit the report to the legislature in the manner provided under section 13.172 (2) of the statutes no later than July 1, 1998.

(3px) STUDY ON DETERMINING CONVICTIONS IN OTHER STATES. The department of justice with the department of health and family services shall conduct a study to determine whether efficient methods exist by which both departments may ascertain whether a person for whom a criminal history search must be conducted under this act has a relevant conviction in another state or has been reported in another state for misappropriation of property or abuse or neglect of a person who is considered a vulnerable person in that state. Not later than July 1, 1998, the department of health and family services, in conjunction with the department of justice, shall submit to the legislature in the manner provided under section 13.172 (2) of the statutes a report detailing the results of the study.

SECTION 9132. Nonstatutory provisions; legislature.

Vetoed In Part (1g) AUDIT OF THE PUBLIC EMPLOYE TRAINING FUNCTIONS OF THE DEPARTMENT OF EMPLOYMENT RELATIONS. The joint legislative audit committee is requested to direct the legislative audit bureau to perform a financial and performance evaluation audit of the public employe training functions of the department of employment relations. The audit shall include an evaluation of whether the department of employment relations should offer training services to public employes. If the audit recommends that the department of employment relations continue to provide training services to public employes, the audit shall offer recommendations regarding what role the department should adopt in providing such training services and whether current law allows for the adoption of that role, whether departmental staff is required for providing the training services and how the training services may be reliably funded from fees paid by governmental agencies that contract with the department for providing the services. If the committee directs the legislative audit bureau to perform the audit, the bureau shall file its report as described under section 13.94 (1) (b) of the statutes by September 1, 1998. **Vetoed In Part**

(1h) A STUDY OF THE FEASIBILITY OF REOPENING THE VARIABLE RETIREMENT INVESTMENT TRUST TO PARTICIPANTS IN THE WISCONSIN RETIREMENT SYSTEM. **Vetoed In Part**

(a) The retirement research committee, with the cooperation of the department of employe trust funds and the investment board, is requested to study the feasibility and cost implications of reopening the variable retirement investment trust to participants in the Wisconsin retirement system who are currently prohibited from having their employe and employer retirement contributions credited to the variable retirement investment trust. The study shall include all of the following:

1. An assessment of the impact on employer required contributions as a result of reopening the variable retirement investment trust.

2. An examination of the impact on investments in the fixed retirement investment trust if assets are transferred from the fixed retirement investment trust to the variable retirement investment trust as a result of reopening the variable retirement investment trust.

3. An evaluation of whether the administrative workload in the department of employe trust funds and the investment board would increase as a result of reopening the variable retirement investment trust.

4. A review of the implications for participating employes who may elect to have their employe and employer retirement contributions credited to the variable retirement investment trust.

(b) If the retirement research committee conducts the study specified in paragraph (a), the retirement research committee shall submit its report to the joint committee on finance by April 1, 1998.

(1k) REENGINEERING OF INFORMATION SYSTEMS IN THE DEPARTMENT OF CORRECTIONS. If the department of administration or the department of corrections contracts for a consultant to study the reengineering of the information systems in the department of corrections, the department of corrections and the department of administration shall jointly submit the results of the study to the joint committee on information policy. The department of corrections and the department of administration may not **Vetoed In Part**

Vetoed In Part implement any of the recommendations in the study unless the recommendations have been approved by the committee.

(1t) LAPTOP COMPUTER ACQUISITIONS FOR ASSEMBLY.

(a) In this subsection, "master lease" means an agreement entered into on behalf of the state for the lease of goods and related services under which the state agrees to make periodic payments, which may provide for the state to acquire title to the goods upon compliance with the terms of the agreement.

(b) The committee on organization of the assembly is requested to enter into a master lease for the acquisition of 100 laptop computers for assembly offices during fiscal year 1997–98. The costs of any such agreement shall be paid from the appropriation under section 20.765 (1) (d) of the statutes, as affected by this act, within the amounts budgeted for that appropriation in the schedule under section 20.005 (3) of the statutes.

(1to) VENDING MACHINES. The legislative audit bureau shall study the feasibility of replacing the sales tax on food and beverages sold from vending machines with a permit fee imposed on the owners of those machines, the fiscal effects of that change and the possible constitutional problems that would arise from that change. The legislative audit bureau shall report the results of its study to the legislature, in the manner provided under section 13.172 (2) of the statutes, on or before February 1, 1998.

(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, 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.

(2a) INTEGRATED LEGISLATIVE INFORMATION SYSTEM STAFF CREATION.

(a) *Positions and employes.* All positions and incumbent employes holding positions in the legislature related to the functions of the integrated legislative information system staff on the effective date of this paragraph, as determined by the joint committee on legislative organization, are transferred to the integrated legislative information system staff.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the legislature relating to the functions of the integrated legislative information system staff, as determined by the joint committee on legislative organization, is transferred to the integrated legislative information system staff.

(c) *Contracts.* All contracts entered into by the legislature in effect on the effective date of this paragraph that are primarily related to the functions of the integrated legislative information system staff, as determined by the joint committee on legislative organization, remain in effect and are transferred to the integrated legislative information system staff. The integrated legislative information system staff shall carry out any obligations under such a contract until modified or rescinded by the integrated legislative information system staff to the extent allowed under the contracts.

(d) *Pending matters.* Any matter pending with the legislature on the effective date of this paragraph relating to the functions of the integrated legislative information system staff is transferred to the integrated legislative information system staff and all materials submitted to or actions taken by the legislature with respect to the pending matter are considered as having been submitted to or taken by the integrated legislative information system staff.

(2g) TOURING EXHIBIT OF WISCONSIN STATE CAPITOL. The joint committee on legislative organization, in cooperation with the state historical society of Wisconsin, 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 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 of the exhibit upon notification by the state historical society of Wisconsin to the cochairpersons of the committee that the society has received matching donations in the same amounts to finance the exhibit.

(2r) RESIDENTIAL SCHOOLS. From the appropriation under section 20.865 (4) (a) of the statutes, the joint committee on finance shall supplement the appropriation to the department of public instruction under section 20.255 (1) (b) of the statutes, in an amount equal to $91,200 in each fiscal year of the 1997–99 fiscal biennium, if the joint committee on finance approves the applicable plan under SECTION 9140 (1) of this act. Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists.

Vetoed In Part

(2t) REVIEW OF RACETRACK OPERATION CONTRACT COMPLIANCE. No later than July 1, 1998, the legislative audit bureau shall review any contract entered into by the state fair park board with respect to the operation of a racetrack on the grounds of the state fair park to determine whether the racetrack operator has complied with all of the terms of the contract. The legislative audit bureau shall notify the building commission when the bureau has completed its review under this subsection.

(2z) TEMPORARY ASSISTANCE TO NEEDY FAMILIES FUNDING RESERVE.

(a) During the 1997–98 fiscal year, from the appropriation under section 20.865 (4) (m) of the statutes, as created by this act, the joint committee on finance shall

allocate $14,000,000 to supplement payments under section 49.775 of the statutes, as created by this act, for the support of dependent children of recipients under the federal supplemental security income program or under section 49.77 of the statutes.

(b) From the appropriation under section 20.865 (4) (m) of the statutes, the joint committee on finance shall supplement the appropriation to the department of health and family services under section 20.435 (7) (ky) of the statutes for the purpose specified in paragraph (a) if all of the following occur:

1. The department of health and family services submits to the committee a request for the funds.

2. The committee approves the request, or the cochairpersons do not notify within 14 working days after the receipt of the request the secretary of health and family services that it has scheduled a meeting for the purpose of reviewing the request.

(c) 1. If the department of health and family services certifies that federal law does not recognize payments made under section 49.775 of the statutes, as created by this act, as meeting the maintenance−of−effort requirements under 42 USC 1382g, the committee shall supplement the appropriation account under section 20.435 (7) (ky) of the statutes by an amount sufficient to make payments under section 49.775 of the statutes, as created by this act, but not to exceed $14,000,000.

2. If the department of health and family services certifies that the federal government recognizes payments made under section 49.775 of the statutes, as created by this act, as meeting the maintenance−of−effort requirements under 42 USC 1382g, the committee shall supplement the appropriation account under section 20.435 (7) (ky) of the statutes by an amount sufficient, but not to exceed $14,000,000, to make payments under section 49.775 of the statutes, as created by this act, and to ensure that benefit levels under section 49.77 of the statutes need not be modified solely to reinstate those benefits for legal immigrants.

(d) Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists to supplement the appropriation under section 20.435 (7) (ky) of the statutes as provided in this subsection.

(3pt) AUDIT OF ABUSE INVESTIGATIONS. The legislative audit bureau is requested to perform a performance evaluation audit to compare the investigation processes of the department of health and family services under section 146.40 (4r) (b) of the statutes, as affected by this act and the department of regulation and licensing under section 440.03 (3q) of the statutes, as created by this act, and any private investigators with whom the department of health and family services has contracted under section 146.40 (4r) (er) of the statutes, as created by this act. The audit shall compare methods, timeliness and outcomes of the investigations. If the legislative audit bureau performs the audit, it shall file its report as described under section 13.94 (1) (b) of the statutes by June 30, 2000.

(3x) AUDIT OF MASS TRANSIT SERVICES.

(a) In this subsection, "mass transit system" has the meaning given in section 85.20 (1) (e) of the statutes.

(b) The legislative audit bureau shall conduct a financial audit of mass transit services provided to the campuses of the University of Wisconsin System. As part of its audit, the bureau shall examine the subsidies provided to mass transit systems by the University of Wisconsin System and compare the revenue derived from fares to the operating expenses of mass transit systems. The bureau shall submit its audit report to the joint committee on finance by December 31, 1998.

(4z) PARTICIPATING EMPLOYMENT BY ANNUITANTS IN THE WISCONSIN RETIREMENT SYSTEM. **Vetoed In Part**

(a) The retirement research committee is requested to study the extent to which participants in the Wisconsin retirement system are concurrently receiving a salary from a participating employer in the Wisconsin retirement system and an annuity from the Wisconsin retirement system.

(b) If the retirement research committee conducts the study specified in paragraph (a), the retirement research committee shall submit a report of its findings and recommendations to the joint survey committee on retirement systems by March 8, 1998. At the time that the retirement research committee submits the report to the joint survey committee on retirement systems, the retirement research committee may also submit proposed legislation that is necessary to implement the retirement research committee's recommendations.

(6zg) EFFICIENCY MEASURES. The joint committee on legislative organization shall endeavor to ensure that expenditures from the sum of general purpose revenue appropriations under section 20.765 of the statutes shall be less than the sum of the amounts shown for general purpose revenue appropriations under section 20.765 of the statutes in the schedule under section 20.005 (3) of the statutes by at least $893,200 for the 1997−98 fiscal year and by at least $893,200 for the 1998−99 fiscal year.

(7c) HEALTH CARE COVERAGE FOR LOW−INCOME INDIVIDUALS.

(a) During the 1998−99 fiscal year, from the appropriation under section 20.865 (4) (a) of the statutes, the joint committee on finance shall allocate $15,726,900 for the badger care program under section 49.665 of the statutes, as created by this act. The joint committee on finance may supplement the appropriation under section 20.435 (5) (bc) of the statutes, as created by this act, if all of the following occur:

1. The department of health and family services demonstrates to the committee that the federal department of health and human services approved all of the

waivers necessary to implement the badger care program under section 49.665 of the statutes, as created by this act.

2. The department of health and family services submits to the committee a request for the funds.

3. The committee approves the request, or the cochairpersons do not notify within 14 working days after the receipt of the request the secretary of health and family services that it has scheduled a meeting for the purpose of reviewing the request.

(b) If the department of health and family services indicates that it is unable to receive sufficient waivers to implement the badger care program under section 49.665 of the statutes, as created by this act, the joint committee on finance shall allocate $16,600,000 to support the costs of expanding health care coverage for low–income individuals.

(c) Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists to supplement the appropriation under section 20.435 (5) (bc) of the statutes, as created by this act, as provided in paragraph (a).

Vetoed In Part

(7h) STUDY OF LIMITS ON NUMBER OF CHILDREN CARED FOR BY CHILD CARE PROVIDERS AND TRAINING STANDARDS FOR CHILD CARE PROVIDERS. The joint legislative council is requested to conduct a study of the appropriate statutory limits on the number of children for whom the different types of child care providers in this state may provide care and on the amount of training and education that is appropriate to require of a person providing child care at a day care center licensed under section 48.65 of the statutes and of a child care provider certified under section 48.651 of the statutes. If the joint legislative council conducts the study, the joint legislative council is requested to include in the study an examination of the appropriate statutory limits on the number of children who may be cared for by a day care center that is licensed under section 48.65 of the statutes, a child care provider that is certified under section 48.651 of the statutes and a child care provider that is not licensed or certified under section 48.65 or 48.651 of the statutes and, in examining those limits, to consider the ages of the children who are provided care and the relationship of those children to the child care provider. If the joint legislative council conducts the study, the joint legislative council is requested to report its findings, conclusions and recommendations to the legislature in the manner provided under section 13.172 (2) of the statutes, to the cochairpersons of the joint committee on finance and to the governor by January 1, 1999.

SECTION 9136. Nonstatutory provisions; military affairs.

(1m) EMERGENCY MANAGEMENT.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the state emergency response board shall become the assets and liabilities of the division of emergency management in the department of military affairs.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property of the state emergency response board is transferred to the division of emergency management in the department of military affairs.

(c) *Contracts.* All contracts entered into by the state emergency response board that are in effect on the effective date of this paragraph are transferred to the division of emergency management in the department of military affairs. The division of emergency management in the department of military affairs shall carry out any obligations under such a contract until modified or rescinded by the division of emergency management in the department of military affairs to the extent allowed under the contract.

(d) *Rules and orders.* All rules promulgated by the state emergency response board that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the division of emergency management in the department of military affairs. All orders issued by the state emergency response board that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the division of emergency management in the department of military affairs.

(e) *Pending matters.* Any matter pending with the state emergency response board on the effective date of this paragraph is transferred to the division of emergency management in the department of military affairs and all materials submitted to or actions taken by the state emergency response board with respect to a pending matter are considered as having been submitted to or taken by the division of emergency management in the department of military affairs.

SECTION 9137. Nonstatutory provisions; natural resources.

(1) FISH AND GAME APPROVAL ISSUING SYSTEM AND CAMPGROUND RESERVATION SYSTEM. The department of natural resources may use the procedure under section 227.24 of the statutes to promulgate rules under sections 27.01 (7) (e) 2., (7m) (c) and (11) (b) and 29.09 (3m) and (3r) of the statutes, as created by this act. If the department uses this procedure to promulgate any of these rules, the department shall promulgate the rules within 90 days after the effective date of this subsection. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department is not required to make a finding of emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the effective period of a rule promulgated under this subsection is for one year after its promulgation and may not

be further extended under section 227.24 (2) of the statutes.

Vetoed In Part (1hm) WATER POLLUTION CREDIT TRADING PILOT PROJECT. During the 1997−99 fiscal biennium, the department shall select an area within the Hay River Watershed that includes the city of Cumberland as the project area for the program under section 283.84 of the statutes, as created by this act.

(2hg) CLEAN WATER FUND HARDSHIP ASSISTANCE APPLICATION DEADLINE. Notwithstanding the requirement in section 281.58 (13) (d) of the statutes that a municipality, as defined in section 281.01 (6) of the statutes, submit a complete application no later than June 30 of the preceding fiscal year in order to be ranked on the clean water fund financial hardship assistance funding list for a fiscal year and notwithstanding the requirement in section 281.58 (9) (a) of the statutes, as affected by this act, that a municipality have an approved facility plan before submitting an application for clean water fund assistance, the department of natural resources shall rank a project of a town sanitary district that is eligible for clean water fund financial hardship assistance under section 281.58 (13) (b) of the statutes, as affected by this act, on the clean water fund financial hardship assistance funding list for the 1997−98 fiscal year if all of the following apply:

(a) The town sanitary district submits a complete application no later than the effective date of this paragraph.

(b) The project is for the construction of a new wastewater treatment plant.

(c) The town sanitary district is located on USH 45, north of STH 64.

(d) The town sanitary district had 197 connections on December 31, 1996, of which 161 were residential connections.

(3) RECREATIONAL BOATING PROJECT; HIGH CLIFF STATE PARK. From the appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act, the department of natural resources shall expend the amount that is necessary for the construction of breakwater structures in Lake Winnebago at the entrance of High Cliff State Park harbor to provide for boater safety, but the amount may not exceed $500,000. The department may either expend the amount directly or provide it as a grant to Calumet County. Notwithstanding section 30.92 (4) (b) 2. of the statutes, as affected by this act, neither the department nor Calumet County need contribute any moneys to match the amount expended from the appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act. Notwithstanding section 30.92 (4) (a) of the statutes, the department may expend directly the amount authorized under this subsection even though Lake Winnebago is not an inland lake without a public access facility. The amount expended under this subsection shall be considered an expenditure for an inland water project as provided in section 30.92 (4) (b) 6. of the statutes. This project need not be placed on the priority list under section 30.92 (3) (a) of the statutes. Section 20.924 (1) of the statutes, as affected by this act, does not apply to the construction of these breakwater structures. This subsection does not apply after June 30, 2000.

Vetoed In Part (3g) REPORT ON PAVING BICYCLE TRAILS. By July 1, 1998, the department of natural resources shall submit a report to the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes on the feasibility of paving state bicycle trails, including factors such as the effects of paving on trail maintenance and usage and the applicability to Wisconsin of similar efforts in other states.

(3x) EMERGENCY RULES FOR SAFE DRINKING WATER PROGRAM. Using the procedure under section 227.24 of the statutes, the department of natural resources may promulgate rules for the program under section 281.61 of the statutes, as created by this act, for the period before the effective date of permanent rules for the program, 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 public peace, health, safety or welfare in promulgating rules under this subsection.

(4eq) TIRE WASTE.

(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.

(b) If funds are available for expenditure during the 1997−99 fiscal biennium from the appropriation under section 20.370 (2) (da) of the statutes, as created by this act, after making the payments under paragraph (a), the department shall expend funds from that appropriation for nuisance abatement under section 289.55 of the statutes at tire dumps, as defined in section 289.55 (1) (b) of the statutes, as affected by this act, that contain solid waste resulting from manufacturing tires. The department may not expend more than $400,000 for this purpose. **Vetoed In Part**

(c) If funds are available for expenditure during the 1997−99 fiscal biennium from the appropriation under section 20.370 (2) (da) of the statutes, as created by this act, after funding the nuisance abatement under paragraph (b), the department may expend the funds for nuisance abatement under section 289.55 of the statutes at tire dumps, as defined in section 289.55 (1) (b) of the statutes, as affected by this act, that do not contain solid waste resulting from manufacturing tires.

(5) PERMIT GUARANTEE PROGRAM. The department of natural resources shall submit proposed rules required under section 299.05 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 the first day of the 13th month beginning after the effective date of this subsection.

(6g) BROWNFIELDS STUDY.

(a) In this subsection, "brownfields" means abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by environmental contamination.

(b) The department of natural resources, in cooperation with the departments of commerce, administration, revenue, transportation and agriculture, trade and consumer protection, shall do all of the following:

1. Study the means by which this state can increase the number of brownfields that are cleaned and returned to productive use.

2. Study the potential methods to provide long−term funding of brownfields financial assistance programs.

3. Study optional methods to clean up groundwater on a comprehensive, rather than property−by−property, basis.

4. Study the effectiveness of existing laws concerning the redevelopment of brownfields.

4m. Study the definition of "voluntary party" under section 292.15 (1) (f) of the statutes, as affected by this act.

5. Identify and evaluate additional legislative proposals to further the cleanup and redevelopment of brownfields.

6. Identify potential sources of funding for brownfield cleanups for which this state becomes responsible because of the expansion of section 292.15 of the statutes, as affected by this act, to cover persons who did not intentionally or recklessly cause the release of a hazardous substance.

(c) The department of natural resources shall submit a report of the results of paragraph (b) and any recommendations to the joint committee on finance and to the legislative standing committees with jurisdiction over environmental matters no later than March 1, 1998.

Vetoed In Part

(7gm) HYDROGEOLOGIST POSITION AUTHORIZATION. The authorized FTE positions for the department of natural resources are increased by 6.0 PR hydrogeologist positions, to be funded from the appropriation under section 20.370 (2) (dh) of the statutes, as affected by this act, for the purpose of performing services related to remedying environmental contamination.

(7gx) HYDROGEOLOGIST POSITION AUTHORIZATION. The authorized FTE positions for the department of natural resources are increased by 1.0 PR hydrogeologist position, to be funded from the appropriation under section 20.370 (2) (dh) of the statutes, as affected by this act, for the purpose of performing services related to remedying environmental contamination.

Vetoed In Part

(7m) INFORMATION TECHNOLOGY EXPENDITURE REQUEST. No later than the joint committee on finances' 3rd quarterly meeting held under section 13.10 of the statutes for the 1997−98 fiscal year, the department of natural resources shall submit a plan to expend money from the appropriation under section 20.370 (8) (mt) of the statutes, as affected by this act, to conform the department of natural resources' information technology to any guidelines and standards established under section 16.971 (2) (j) of the statutes by the division of technology management in the department of administration. The expenditure plan shall include all of the following information:

(a) The unencumbered balance in the department of natural resources' appropriation account under section 20.370 (8) (mt) of the statutes, as affected by this act, broken down by the amounts allocated for car, truck, airplane, heavy equipment and radio pools.

(b) The department of natural resources' proposed expenditure of excess funds from the appropriation account under section 20.370 (8) (mt) of the statutes, as affected by this act, to conform to the information technology guidelines established under section 16.971 (2) (j) of the statutes.

(c) The department of natural resources' assessment of how a one−time expenditure of funds from this appropriation would affect the following:

1. The rates charged for car, truck, airplane, heavy equipment and radio pools.

2. The sufficiency of revenues credited to the appropriation account under section 20.370 (8) (mt) of the statutes, as affected by this act, to fund the projected expenditures from that appropriation.

(d) A description of any proposed purchases of other equipment that would have to be foregone in order to make the proposed transfer from the appropriation account under section 20.370 (8) (mt) of the statutes, as affected by this act.

(e) The programs within the department of natural resources that provided the revenue proposed to be expended under the plan and the programs within the department of natural resources that are proposed to be benefited by the expenditures.

Vetoed In Part

(7n) EMERGENCY RULES; CERTIFIED REMEDIATION PROFESSIONALS. By February 1, 1998, the department of natural resources shall promulgate emergency rules under section 227.24 of the statutes implementing section 292.85 of the statutes, as created by this act. The emergency rules shall authorize a person to become a certified remediation professional by certifying to the department that the person possesses the minimum education and experience required under the rule for certified remediation professionals. Notwithstanding section 292.85 (4) (c) of the statutes, as created by this act, the department is not

Vetoed In Part required to publish notice of applications for certificates under the emergency rule. A certificate issued under the emergency rule is valid until such time, as determined by the department, that a person may become certified under permanent rules promulgated by the department or until the certificate is revoked. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the emergency rules may remain in effect for a period not to exceed 2 years. 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 the rules under this subsection.

(7x) LIMIT ON CLEAN WATER FUND PROGRAM ASSISTANCE. Notwithstanding section 281.58 (6) (b) and (7) of the statutes, as affected by this act, during the 1997−99 fiscal biennium, the department of natural resources and the department of administration may not provide financial assistance under the clean water fund program, except for a loan at the market interest rate, for a project for wastewater treatment work expansion and extension of sanitary sewer mains or interceptors of over one mile if the project serves a community with a population of less than 2,500 that is located on STH 42 and on one of the outlaying waters specified in section 29.01 (11) of the statutes.

(8c) ALLOCATION OF CLEAN WATER FUND HARDSHIP ASSISTANCE.

(a) Notwithstanding section 281.59 (3e) (d) and (e) of the statutes, as affected by this act, in the 1997−99 fiscal biennium the department of natural resources may allocate for clean water fund financial hardship assistance an amount up to $20,160,000 from the amount under section 281.59 (3e) (b) 1. of the statutes, as affected by this act, and the department of natural resources and the department of administration may allocate for clean water fund financial assistance other than financial hardship assistance an amount up to $70,040,000 from the amount under section 281.59 (3e) (b) 1. of the statutes, as affected by this act.

(b) From the amount that the department of natural resources is authorized to allocate under paragraph (a) for clean water fund financial hardship assistance, the department shall allocate an amount in fiscal year 1997−98 that is sufficient to fund the Pell Lake Sanitary District and Lake Como Beach Sanitary District projects in Walworth County.

(8m) CLEAN WATER FUND HARDSHIP ASSISTANCE FOR THE VILLAGE OF WHEELER.

(a) Notwithstanding section 281.58 (13) (c) of the statutes, during fiscal year 1997−98, the department of natural resources shall provide a clean water fund financial hardship assistance grant of $213,000, rather than a loan, for a project in the village of Wheeler in Dunn County.

(b) The limits under section 281.59 (3e) (b) and (e) of the statutes, as affected by this act, may be exceeded by the amount necessary to fund the grant under paragraph (a).

(8tt) RECREATIONAL BOATING PROJECT; STOCKBRIDGE HARBOR. From the appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act, the department of natural resources shall provide to Calumet County funding for the completion of Stockbridge Harbor on Lake Winnebago. Calumet County and the department shall contribute funding for the project. Calumet County shall contribute for the project the amount required by the department and approved by the Wisconsin waterways commission. If Calumet County conducts a boating safety enforcement and education program approved by the department, the department's contribution shall equal 90% of the project's costs or $630,000, whichever is less. If Calumet County does not conduct such a program approved by the department, the department's contribution shall equal 80% of the project's costs or $560,000, whichever is less. Calumet County's contribution may be in matching funds or in−kind contributions or both. The amount expended under this subsection shall be considered an expenditure for an inland water project as provided in section 30.92 (4) (b) 6. of the statutes. This project need not be placed on the priority list under section 30.92 (3) (a) of the statutes. This subsection does not apply after June 30, 2000.

(8tu) RECREATIONAL BOATING PROJECT; COLUMBIA COUNTY PARK. From the appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act, the department of natural resources shall provide to Fond du Lac County funding for boat launching facilities at Columbia County Park on Lake Winnebago. Fond du Lac County and the department shall contribute funding for the project. Fond du Lac County shall contribute for the project the amount required by the department and approved by the Wisconsin waterways commission. If Fond du Lac County conducts a boating safety enforcement and education program approved by the department, the department's contribution shall equal 90% of the project's costs or $675,000, whichever is less. If Fond du Lac County does not conduct such a program approved by the department, the department's contribution shall equal 80% of the project's costs or $600,000, whichever is less. Fond du Lac County's contribution may be in matching funds or in−kind contributions or both. The amount expended under this subsection shall be considered an expenditure for an inland water project as provided in section 30.92 (4) (b) 6. of the statutes. This project need not be placed on the priority list under section 30.92 (3) (a) of the statutes. This subsection does not apply after June 30, 2000.

(8tv) RECREATIONAL BOATING PROJECT; PETENWELL LAKE. From the appropriation under section 20.370 (5)

(cq) of the statutes, as affected by this act, the department of natural resources shall provide to Adams County funding to construct boat launching facilities and a harbor of refuge on Petenwell Lake. Adams County and the department shall contribute funding for the project. Adams County shall contribute for the project the amount required by the department and approved by the Wisconsin waterways commission. If Adams County conducts a boating safety enforcement and education program approved by the department, the department's contribution shall equal 90% of the project's costs or $1,080,000, whichever is less. If Adams County does not conduct such a program approved by the department, the department's contribution shall equal 80% of the project's costs or $960,000, whichever is less. Adams County's contribution may be in matching funds or in–kind contributions or both. The amount expended under this subsection shall be considered an expenditure for an inland water project as provided in section 30.92 (4) (b) 6. of the statutes. This project need not be placed on the priority list under section 30.92 (3) (a) of the statutes. This subsection does not apply after June 30, 2000.

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

(10g) DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM. No later than August 1, 1998, the department of natural resources shall mail to each dry cleaning facility of which it is aware notice of the dry cleaner environmental response programs under sections 292.65 and 292.66 of the statutes, as created by this act.

(10m) URBAN FORESTRY GRANT FOR MILWAUKEE. From the appropriation under section 20.370 (5) (bw) of the statutes, the department of natural resources shall provide $50,000 in fiscal year 1997–98 and $50,000 in fiscal year 1998–1999 to the city of Milwaukee for a tree planting demonstration project.

(10n) PRIVATE FOREST GRANTS; RULES. Using the procedure under section 227.24 of the statutes, the department of natural resources may promulgate rules under section 26.38 (3) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 26.38 (3) 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 is not required to make a finding of emergency.

(10t) RULE FOR MANAGED FOREST LAND. The department of natural resources shall submit in proposed form the rule required under section 77.82 (1) (bn) of the statutes, as created by this act, for review under section 227.15 (1) of the statutes no later than September 1, 1998.

(10x) FIRE SUPPRESSION GRANTS; RULES. Using the procedure under section 227.24 of the statutes, the department of natural resources may promulgate rules under section 26.145 (3) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 26.145 (3) 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 is not required to make a finding of emergency.

(11t) LEGISLATION CONCERNING DATA BASES. **Vetoed In Part**

(a) In this subsection, "personally identifiable information" has the meaning given in section 19.62 (5) of the statutes.

(b) No later than January 1, 1998, the department of natural resources shall submit to the cochairpersons of the joint committee on finance and of the joint committee on information policy proposed legislation in proper form for introduction concerning providing access to records held by the department that contain personally identifiable information relating to persons holding approvals issued under chapter 29 of the statutes, as affected by this act, and to persons who have registered all–terrain vehicles or snowmobiles or who have been issued registration or certificate of number cards for boats. In preparing the legislation, the department shall consider issues concerning public access to records, issues concerning privacy, issues concerning assessment of access fees and the use of any access fees collected to fund the department's information technology activities.

(11x) WILDLIFE DAMAGE PROGRAM.

(a) The department of natural resources shall submit proposed rules required under section 29.598 (2) of the statutes, as affected by this act, to the legislative council staff for review under section 227.15 (1) of the statutes within 45 days after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate rules required under section 29.598 (2) of the statutes, as affected by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed one year. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(12f) AID TO WISCONSIN LAKE SCHOONER EDUCATION ASSOCIATION. From the appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act, the department of natural resources shall provide financial assistance in an amount not to exceed $200,000 to the Wisconsin Lake Schooner Education Association for the construction of a tall sailing ship to represent this state as a part of the sesquicentennial of Wisconsin statehood in 1998. The department shall provide the assistance authorized under this subsection upon written agreement with the Wisconsin Lake Schooner Education Association to use the assistance for the purpose specified in this subsection. The agreement shall permit the Wisconsin Lake Schooner Education Association to be reimbursed for expenses incurred prior to the effective date of this subsection. This subsection does not apply after June 30, 1999.

(12m) FARM−RAISED FISH; RULES FOR FISH FARM PERMITS. The department of natural resources shall consult with the aquaculture industry advisory council appointed by the secretary of agriculture and with the Wisconsin Aquaculture Association in promulgating the rules under section 29.521 (2) (f) of the statutes, as created by this act. The department shall submit the proposed rules under section 29.521 (2) (f) of the statutes, as created by this act, for review under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subsection.

(12n) FLOOD REMEDIATION. In fiscal year 1997−98, the department of natural resources shall provide $30,000 from the appropriation under section 20.370 (4) (ma) of the statutes, as created by this act, to the Little Muskego Lake Protection and Rehabilitation District for remediation costs associated with flooding that occurred in June 1997.

(13b) WILDLIFE DAMAGE PROGRAMS; POSITION. The authorized FTE positions for the department of natural resources are increased by 1.0 SEG position on January 1, 1998, to be funded from the appropriation under section 20.370 (5) (fq) of the statutes, as affected by this act, for a clerical support position for the wildlife damage claim program and the wildlife damage abatement program.

(13f) EMERGENCY RULES FOR ALEWIFE HARVEST. Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate rules required under section 29.33 (4m) (e) of the statutes, as created by this act, for the period before the effective date of permanent rules under that paragraph, 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 public peace, health, safety or welfare in promulgating rules under this subsection.

SECTION 9139. Nonstatutory provisions; public defender board.

(1) REPORT ON REPRESENTATION OF SEXUALLY VIOLENT PERSONS. By October 1, 1998, the state public defender shall submit a report to the legislature in the manner provided in section 13.172 (2) of the statutes and to the governor specifying and evaluating the time spent by the state public defender in representing persons under chapter 980 of the statutes, as affected by this act.

(2t) EFFICIENCY MEASURES. No later than the 30th day beginning after publication, the public defender board shall submit a report to the governor and to the joint committee on finance recommending how reductions in fiscal year 1997−98 of $816,900 and in fiscal year 1998−99 of $987,600, resulting from budgetary efficiency measures, should be allocated among sum certain appropriations made to the public defender board from general purpose revenue. If the cochairpersons of the committee do not notify the public defender board that the committee has scheduled a meeting for the purpose of reviewing the report within 14 working days after the date of the submittal, the recommendation may be implemented as proposed by the public defender board. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the public defender board that the committee has scheduled a meeting for the purpose of reviewing the report, the recommendation may be implemented only upon approval of the committee.

SECTION 9140. Nonstatutory provisions; public instruction.

(1) RESIDENTIAL SCHOOLS. Within 30 days after the effective date of this subsection, and by October 1, 1998, the state superintendent of public instruction shall submit to the joint committee on finance a plan specifying all of the following:

(a) How the state superintendent will allocate $74,000 of the supplement under SECTION 9132 (2r) of this act in each fiscal year of the 1997-99 biennium for maintenance projects at the Wisconsin School for the Deaf.

(b) How the state superintendent will allocate $17,200 of the supplement under SECTION 9132 (2r) of this act in each fiscal year of the 1997-99 biennium for maintenance projects at the Wisconsin School for the Visually Handicapped.

(3) TRANSFER OF POSITIONS AND EMPLOYES.

(a) On the effective date of this paragraph, 4.6 FTE positions in the department of public instruction that are primarily related to school−to−work programs, as determined by the secretary of administration, and the incumbent employes holding those positions, are transferred to the department of workforce development.

(b) Employes transferred under paragraph (a) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of workforce development that they enjoyed in the department of public instruction immediately before the

transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(4) EDUCATIONAL TECHNOLOGY BLOCK GRANTS. Notwithstanding section 44.72 (2) (c) of the statutes, as created by this act, if in a common school district the annual meeting required to be held between May 15, 1997, and September 30, 1997, has been held before the effective date of this subsection, the school district is eligible for a grant under section 44.72 (2) (a) or (b) of the statutes, as created by this act, in the 1997-98 school year if the school board adopts a resolution requesting the grant.

(5m) NEWSLINE. The department of public instruction, in consultation with the Wisconsin Regional Library for the Blind and Physically Handicapped in the city of Milwaukee, shall enter into a 2−year contract with the National Federation of the Blind to provide the Newsline electronic information service from the Wisconsin Regional Library for the Blind and Physically Handicapped in the city of Milwaukee and from a location in the city of Madison selected by the department in consultation with the Wisconsin Regional Library for the Blind and Physically Handicapped in the city of Milwaukee. The department shall use the moneys transferred to the appropriation account under section 20.255 (1) (ke) of the statutes under SECTION 9241 (1n) of this act to pay the costs of the contract.

(5n) TRANSFER OF ENVIRONMENTAL EDUCATION BOARD.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of public instruction primarily related to the functions of the environmental education board, as determined by the secretary of administration, shall become the assets and liabilities of the board of regents of the University of Wisconsin System.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of public instruction that is primarily related to the functions of the environmental education board, as determined by the secretary of administration, is transferred to the board of regents of the University of Wisconsin System.

(c) *Pending matters.* Any matter pending with the department of public instruction on the effective date of this paragraph that is primarily related to the environmental education board, as determined by the secretary of administration, is transferred to the board of regents of the University of Wisconsin System. All materials submitted to or actions taken by the department of public instruction with respect to the pending matter are considered as having been submitted to or taken by the board of regents of the University of Wisconsin System.

(d) *Contracts.* All contracts entered into by the department of public instruction in effect on the effective date of this paragraph that are primarily related to the functions of the environmental education board, as determined by the secretary of administration, remain in effect and are transferred to the board of regents of the University of Wisconsin System. The board of regents of the University of Wisconsin System shall carry out any obligations under those contracts unless modified or rescinded by the board of regents of the University of Wisconsin System to the extent allowed under the contract.

(e) *Rules and orders.* All rules promulgated by the department of public instruction in effect on the effective date of this paragraph that are primarily related to the environmental education board remain in effect until their specified expiration date or until amended or repealed by the board of regents of the University of Wisconsin System. All orders issued by the department of public instruction in effect on the effective date of this paragraph that are primarily related to the environmental education board remain in effect until their specified expiration date or until modified or rescinded by the board of regents of the University of Wisconsin System.

(5r) EXPENDITURE OF FUNDS BY THE STANDARDS DEVELOPMENT COUNCIL. The department of public instruction shall provide to the standards development council, at its request, in the 1997−99 fiscal biennium up to $49,000 from the appropriation under section 20.255 (1) (dw) of the statutes to review and modify proposed standards under section 14.23 of the statutes, as created by this act.

(6m) ADDITIONAL AID FOR COUNTY HANDICAPPED CHILDREN'S EDUCATION BOARDS. From the appropriation under section 20.255 (2) (bi) of the statutes, as created by this act, the department of public instruction, in the 1997−98 fiscal year, shall pay to each county handicapped children's education board whose aid under section 121.135 of the statutes in the 1996−97 school year was less than its aid under section 121.135 of the statutes in the 1995−96 school year the amount by which its aid under section 121.135 of the statutes in the 1996−97 school year was less than its aid under section 121.135 of the statutes in the 1995−96 school year. If the appropriation under section 20.255 (2) (bi) of the statutes, as created by this act, is insufficient to pay the full amount of aid under this subsection, the moneys shall be prorated among the entitled county handicapped children's education boards.

(6sr) YOUTH OPTIONS PROGRAM. **Vetoed In Part**

(a) Using the procedure under section 227.24 of the statutes, the department of public instruction shall promulgate the rules required under section 118.55 (7r) (dg) 3. of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under that section, but not to exceed the period

Vetoed In Part authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(b) Notwithstanding section 118.37 (5) (b), 1995 stats., and SECTION 9340 (5x) of this act, the rules promulgated under section 118.55 (7r) (dg) 3. of the statutes, as created by this act, apply to pupils attending a technical college under section 118.37, 1995 stats., in the 1998 spring semester.

(7gf) FUNDING FOR STATEWIDE LIBRARY CONTRACTS.

(a) For the 1997−98 fiscal year, the department of public instruction shall allocate from the appropriation under section 20.255 (3) (ea) of the statutes $60,100 for the contract with the Milwaukee Public Library, $163,900 for the contract with the Wisconsin Interlibrary Loan Services, $662,200 for the contract with the Wisconsin Regional Library for the Blind and the Physically Handicapped and $59,100 for the contract with the University of Wisconsin−Madison Cooperative Children's Book Center.

(b) For the 1998−99 fiscal year, the department of public instruction shall allocate from the appropriation under section 20.255 (3) (ea) of the statutes $61,900 for the contract with the Milwaukee Public Library, $168,800 for the contract with the Wisconsin Interlibrary Loan Services, $682,100 for the contract with the Wisconsin Regional Library for the Blind and the Physically Handicapped and $60,900 for the contract with the University of Wisconsin−Madison Cooperative Children's Book Center.

(7s) REPORT ON DEBT SERVICE. Within 30 days after the effective date of this subsection, each school board shall submit to the department of public instruction a schedule of its debt service payments. Within 30 days after the effective date of this subsection, the common council of a 1st class city shall submit to the department of public instruction a schedule of its debt service payments on debt issued on behalf of the school district operating under chapter 119 of the statutes.

SECTION 9141. Nonstatutory provisions; public service commission.

(1) EDUCATIONAL TELECOMMUNICATIONS ACCESS.

Vetoed In Part (a) Subject to paragraph (b), using the procedure under section 227.24 of the statutes, the public service commission shall promulgate the rules required under section 196.218 (4r) (b) of the statutes, as created by this act, for the period before the effective date of permanent rules promulgated under section 196.218 (4r) (b) 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 of the statutes, the commission need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this paragraph.

Vetoed In Part (b) The public service commission shall submit the proposed rules under paragraph (a) to the cochairpersons of the joint committee on information policy and to the cochairpersons of the joint committee on finance. If the cochairpersons of the committees do not notify the commission that one or both of the committees has scheduled a meeting for the purpose of reviewing the proposed rules within 14 working days after the date of the commission's submittal, the commission may proceed to promulgate the rules. If, within 14 working days after the date of the commission's submittal, the cochairpersons of either committee notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed rules, the commission shall not promulgate the rules until that committee approves the rules. The public service commission shall submit the proposed rules to the committees under this paragraph no later than the 60th day after the effective date of this paragraph.

(2m) REPORTS.

(a) The public service commission shall, no later than January 1, 1999, submit a report to the legislature under section 13.172 (2) of the statutes, and to the governor, that contains recommendations for each of the following:

1. Reducing any programmatic and funding differences between the educational telecommunications access program established under section 196.218 (4r) of the statutes, as created by this act, and the assistance for institutions program specified in section PSC 160.11, Wisconsin Administrative Code.

2. A date after which school districts, technical colleges, private colleges and public library boards may no longer be eligible to participate in the educational telecommunications access program established under section 196.218 (4r) of the statutes, as created by this act.

(b) The public service commission and the technology for educational achievement in Wisconsin board shall, no later than August 15, 1998, submit a joint report to the joint committee on finance that includes each of the following:

1. The amounts encumbered under the appropriations under sections 20.155 (1) (q) and 20.275 (1) (s) and (t) of the statutes, as created by this act, during the 1997−98 fiscal year.

2. A summary of the programs, including activities and recipient classes, funded under the appropriations specified in subdivision 1. during the 1997−98 fiscal year.

3. An assessment of the amounts necessary to fund the programs supported by the appropriations specified in subdivision 1. in the 1998−99 fiscal year.

4. A recommendation on whether the appropriations specified in subdivision 1. should be increased for the 1998−99 fiscal year.

5. A recommendation on whether school districts with special needs relating to size, location or geography should be provided with additional data lines or video links under the educational telecommunications access program established under section 196.218 (4r) of the statutes, as created by this act.

(c) In fiscal years 1997–98 and 1998–99, the public service commission shall, no later than 90 days after it calculates the contribution amounts that are required to be paid into the universal service fund by telecommunications utilities, as defined in section 196.01 (10) of the statutes, that provide basic local exchange service, as defined in section 196.01 (1g) of the statutes, report to the joint committee on finance the portion of the contributions determined by the commission under section 196.218 (3) (a) 4. of the statutes, as created by this act.

(2sb) EXECUTIVE ASSISTANTS. The authorized FTE positions for the public service commission are increased by 2.0 PR executive assistant positions, to be funded from the appropriation under section 20.155 (1) (g) of the statutes, for the purpose of the assisting the commissioners of the public service commission.

(2sbb) POSITION DECREASE. The authorized FTE positions for the public service commission are decreased by 2.0 PR positions to reflect an offsetting position reduction for the positions authorized under subsection (2sb).

Vetoed In Part **SECTION 9142. Nonstatutory provisions; regulation and licensing.**

(1mg) LICENSING OF CERTAIN DENTISTS.

(a) Notwithstanding section 447.04 (1) of the statutes, the dentistry examining board shall grant a license to practice dentistry under chapter 447 of the statutes to an individual who submits an application to the department of regulation and licensing by July 1, 1998, pays the fee specified in section 440.05 (2) of the statutes and submits evidence satisfactory to the dentistry examining board that he or she satisfies all of the following:

1. Is licensed to practice dentistry in another jurisdiction of the United States or Canada.

2. Meets the requirements of section DE 2.04 (1) (a) to (d) and (f) to (i) of the Wisconsin Administrative Code that are in effect on the effective date of this subdivision.

3. Has completed a clinical licensure examination that was comparable to the examination that was required for licensure by the dentistry examining board at the time that the individual was granted an initial license to practice dentistry in the other jurisdiction.

(b) A license granted under paragraph (a) has the same force and effect as a license granted under chapter 447 of the statutes and is subject to renewal under section 447.05 of the statutes.

SECTION 9143. Nonstatutory provisions; revenue.

(2e) COMPUTER STUDY. The department of revenue shall conduct a study of the property tax treatment of computers. In conducting the study, the department of revenue shall examine the level of taxation of computers and related equipment; the impact of exempting that property from the property tax; mechanisms for compensating local governments for any tax base loss due to such an exemption, including state aid payments; and the creation of a corporate income tax and franchise tax credit for property taxes paid on computers and related equipment, as an alternative to providing a property tax exemption. The department of revenue shall submit its recommendations, in the form of proposed legislation, to the legislature on or before January 1, 1999.

(2m) REPORT ON ALTERNATIVE METHODS OF FILING. The department of revenue shall identify potential savings from using alternative methods of filing and paying taxes and shall submit a report listing those savings to the joint committee on finance at the committee's first quarterly meeting in 1998 under section 13.10 of the statutes. **Vetoed In Part**

(2mf) TAX AMNESTY. The department of revenue shall submit a proposal for a tax amnesty program to be conducted during the 1997–98 fiscal year to the joint committee on finance at the committee's 4th quarterly meeting in 1997 under section 13.10 of the statutes. This proposed tax amnesty program shall be materially similar to the tax amnesty program conducted in 1985. The joint committee on finance may modify the department's proposal to ensure that it is materially similar to the tax amnesty program conducted in 1985. **Vetoed In Part** **Vetoed In Part**

(2n) GRANT FROM INVESTMENT AND LOCAL IMPACT FUND. The investment and local impact fund board shall grant $480,000 to the city of Ladysmith from the fund under section 70.395 (2) (b) of the statutes. **Vetoed In Part**

(2r) ALTERNATE FUELS TAX RATES. Notwithstanding section 78.405 of the statutes, as affected by this act, the department of revenue shall calculate the rates for the alternate fuel tax on November 1, 1997, and those rates are effective from November 1, 1997, until April 1, 1998.

(2v) DRUG TAX. The legislature intends that, irrespective of the constitutionality of the affix and display requirements under section 139.89 of the statutes and the rules that interpret that section, all other civil and administrative procedures that are related to the civil obligation to pay the tax, interest and penalties required under subchapter IV of chapter 139 of the statutes are severable from those affix and display requirements and are to remain in full force and effect. To the extent necessary to effectuate the legislature's intent, the civil obligation to pay the tax, interest and penalties required under subchapter IV of chapter 139 of the statutes is retroactively reimposed beginning with the effective date under 1989 Wisconsin Act 122, section 3203 (48) (a).

(2x) ESTIMATED TAX PAYMENTS.

(a) Notwithstanding sections 71.09 and 71.29 of the statutes, as affected by this act, and sections 71.48 and 77.947 of the statutes, the increase in the payments that are due under those sections before the effective date of this paragraph solely because of this act shall be prorated

among, and paid with, estimated payments that are due under those sections after the effective date of this paragraph.

(b) A corporation that may be treated as a tax−option corporation or a qualified subchapter S subsidiary because of this act may treat any portion of a payment of estimated taxes for its taxable year that begins in 1997 that the corporation or its qualified subchapter S subsidiary makes before the effective date of this paragraph as a payment made by a shareholder of the corporation on the effective date of this paragraph, if the corporation so elects on or before the original due date of the corporation's return under chapter 71 of the statutes, as affected by this act, for its taxable year that begins in 1997, in the manner that the department of revenue prescribes. That election is irrevocable.

(3t) REPORT ON AUDITORS. The department of revenue, on or before January 1, 2000, shall report to the joint committee on finance on the activities of the auditors the positions of whom are authorized by this act, on the amount of revenue that they generated and on the amount of revenue that could be generated by additional auditors.

(4z) INTEGRATED TAX SYSTEM PLAN. The department of revenue shall submit a plan to the joint committee on finance on the development of an integrated tax system. The joint committee on finance may not release the funds for that project until it receives a satisfactory plan.

(6g) STUDY OF DEBT COLLECTION. The department of revenue shall submit to the joint committee on finance, at its 4th quarterly meeting in 1998 under section 13.10 of the statutes, a study of centralized debt collection for state government. The department of revenue shall consider working with local units of government in a coordinated fashion to collect debts.

(7k) ADULT ENTERTAINMENT TAX RULES. The department of revenue shall submit in final form permanent rules that specify the products and services that are subject to the tax under subchapter XIII of chapter 77 of the statutes, as created by this act, to the legislative council staff under section 227.15 of the statutes. The department of revenue may also promulgate emergency rules that specify those products and services.

SECTION 9146. Nonstatutory provisions; supreme court.

(1) EFFICIENCY MEASURES. The supreme court shall endeavor to ensure that expenditures from the sum of general purpose revenue appropriations under sections 20.625, 20.660 and 20.680 of the statutes shall be less than the sum of the amounts shown for general purpose revenue appropriations under sections 20.625, 20.660 and 20.680 of the statutes in the schedule under section 20.005 (3) of the statutes by at least $1,175,000 for the 1997−98 fiscal year and by at least $1,175,000 for the 1998−99 fiscal year.

SECTION 9147. Nonstatutory provisions; technical college system.

(2m) FACULTY DEVELOPMENT GRANTS; REPORT. By March 1, 1999, the technical college system board shall submit a report to the appropriate standing committees of the legislature, in the manner provided under section 13.172 (3) of the statutes, on the activities in each technical college district that have been funded with grants awarded under section 38.33 of the statutes, as created by this act, and the effectiveness of the activities in meeting the purposes of the faculty development programs as specified under that section.

SECTION 9148. Nonstatutory provisions; tourism.

(2f) FILM OF MONONA TERRACE CONVENTION CENTER. From the appropriation under section 20.380 (1) (b) of the statutes, as affected by this act, the department of tourism shall make a grant of $13,500 in the 1997−99 fiscal biennium for the production of a film documenting the construction of the Frank Lloyd Wright Monona Terrace Convention Center.

(2g) PLAN FOR MARKETING TOURISM OPPORTUNITIES TO RESIDENTS OF CANADA. The department of tourism shall develop a plan for marketing tourism opportunities in the state to residents of Canada. No later than January 1, 1998, the department of tourism shall submit the plan to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes and to the governor.

(2x) GRANTS TO TEN CHIMNEY FOUNDATION, INC. From the appropriation under section 20.380 (1) (b) of the statutes, as affected by this act, the department of tourism shall make a grant not exceeding $50,000 to the Ten Chimney Foundation, Inc., to develop and facilitate a private fund−raising effort by the foundation if the foundation makes a matching fund contribution that is equal to the amount of the grant made under this subsection.

Vetoed In Part

(3m) TOURISM MATERIALS GRANTS. From the appropriation under section 20.380 (1) (c) of the statutes, as created by this act, the department of tourism shall make a grant of $10,000 in fiscal year 1997−98, and a grant of $15,000 in fiscal year 1998−99, to each of the following:

(a) Florence County, as compensation for distribution of state tourism materials by the Florence County forestry and park department.

(b) Polk County Tourism Council, as compensation for distribution of state tourism materials.

(c) Pierce County Partners in Tourism, as compensation for distribution of state tourism materials.

SECTION 9149. Nonstatutory provisions; transportation.

(1) FARM TRAILER REGISTRATION. Notwithstanding section 341.26 (3) (b) of the statutes, as affected by this act, and section 341.264 of the statutes, upon receipt of a completed application for the renewal of registration of a farm trailer that is registered under section 341.26 (3) (b), 1995 stats., and used with a farm truck tractor together with the registration fee of $5, the department of trans-

portation shall register that farm trailer under section 341.264 of the statutes and shall issue a permanent semitrailer registration plate to the owner of the farm trailer. Upon receipt of such registration plate, the owner of the farm trailer shall dispose of the plate previously issued for that farm trailer in a manner prescribed by the department of transportation.

(1c) SUPPLEMENTAL TITLE FEE MATCHING. Notwithstanding section 85.037 of the statutes, the secretary of transportation shall certify to the secretary of administration the amount of fees collected under section 342.14 (3m) of the statutes during fiscal year 1996–97 no later than October 1, 1997, or the 15th day after the effective date of this subsection, whichever is later.

(1d) LANDSCAPING OF MAJOR HIGHWAY PROJECTS. Notwithstanding the reduction in 1995 Wisconsin Act 113 of base–level funding for landscaping highway projects from the appropriation under section 20.395 (3) (bq) of the statutes, the department of transportation shall landscape major highway construction projects on which construction was commenced on or before December 21, 1995, according to landscaping plans that the department has approved for the project before that date

(1gs) MARQUETTE INTERCHANGE DESIGN. Of the amounts appropriated to the department of transportation under section 20.395 (3) (cq) of the statutes, as affected by this act, the department shall allocate $4,000,000 in fiscal year 1997–98 and $6,500,000 in fiscal year 1998–99 to design the reconstruction of the I 794—I 43/90 interchange, known as the "Marquette Interchange", in the city of Milwaukee. The department of transportation shall coordinate its design for the interchange with the city of Milwaukee's design for the 6th Street viaduct project near the interchange.

Vetoed In Part

(1gss) FOND DU LAC AVENUE PROJECT. Of the amounts appropriated to the department of transportation under section 20.395 (3) (cq) of the statutes, as affected by this act, on the effective date of this subsection the department shall allocate $1,000,000 for preliminary engineering for and construction of the Fond du Lac Avenue project in the city of Milwaukee and for associated economic development. Notwithstanding section 20.001 (3) (c) of the statutes, if the department has not commenced preliminary engineering for the project on or before December 31, 1997, the funds allocated under this subsection shall lapse from the appropriation account under section 20.395 (3) (cq) of the statutes, as affected by this act, to the transportation fund.

(1h) STUDY OF TRANSPORTATION PROJECTS COMMISSION. The legislative council shall conduct a study of the transportation projects commission and the process of enumerating major highway projects under section 84.013 (3) of the statutes and shall report its findings, conclusions and recommendations, including recommendations regarding improving the process of enumerating major highway projects, to the legislature by May 1, 1999.

Vetoed In Part

Vetoed In Part

(1L) EFFICIENCY MEASURES. By the 30th day beginning after publication, the department of transportation shall submit recommendations to the joint committee on finance if the department wishes to reallocate, among the appropriations of the department of transportation for state operations, reductions in each fiscal year of the 1997–99 biennium of $4,981,500 resulting from budgetary efficiency measures and position vacancy reductions of 26.5 FTE positions. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the recommendations within 14 working days after the date of the submittal of the recommendations by the department, the recommendations may be implemented as proposed by the department. If, within 14 working days after the date that the department of transportation submits the recommendations, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the recommendations, the recommendations may be implemented only upon approval of the committee.

(1p) AGENCY REQUEST. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 1997–99 biennial budget bill, the department of transportation shall submit information concerning the appropriations under section 20.395 (3) (bq), (bv) and (bx) of the statutes, as affected by this act, and section 20.395 (3) (br) of the statutes that includes any amounts appropriated under those appropriations for fiscal year 1998–99 for any major highway project involving STH 29.

(1rm) WAUSAU RIVER EDGE PARKWAY PROJECT. Notwithstanding section 85.026 (2) of the statutes, as created by this act, before any other project is awarded assistance under section 85.026 of the statutes, as created by this act, the secretary of transportation shall approve the Wausau River Edge Parkway project in Wausau for an award of assistance under section 85.026 of the statutes, as created by this act, if the project is consistent with federal regulations promulgated under 23 USC 133 (b) (8). The amount of the award shall be $94,400 or 80% of the total cost of the project, whichever is less.

(1rmg) STH 26 WAYSIDE NEAR CLYMAN. The department of transportation shall close the wayside, as defined in section 84.04 (1) (e) of the statutes, along STH 26 near Clyman, approximately 5 miles north of Watertown, in Dodge County. The department of transportation shall sell the real property that is no longer needed for that wayside in the manner provided under section 84.09 (5) of the statutes.

(1xc) HARBOR ASSISTANCE GRANT FOR NORTHPORT HARBOR. Notwithstanding section 85.095 of the statutes,

not later than June 30, 1999, the department of transportation shall award a grant under section 85.095 of the statutes in the amount of $227,136 for harbor improvements to Northport Harbor in Door County.

(1y) DESIGNATION OF HIGHWAY; VEHICLE LENGTH. Notwithstanding section 348.07 (4) of the statutes, STH 64 between the city of Merrill in Lincoln County and the city of Medford in Taylor County is designated a highway to which sections 348.07 (2) (f), (fm), (gm) and (gr) and 348.08 (1) (e) and (h) of the statutes apply. The designation of a portion of STH 64 under this subsection does not apply after December 31, 1998.

(1ypg) VILLAGE OF HOWARD BRIDGE. The department of transportation shall complete the reconstruction of the Hillcrest Heights bridge in the village of Howard in Brown County not later than December 30, 1998.

(1z) DESIGNATION OF HIGHWAY; VEHICLE LENGTH. Notwithstanding section 348.07 (4) of the statutes, STH 77 between the city of Hayward in Sawyer County and the city of Hurley in Iron County is designated a highway to which sections 348.07 (2) (f), (fm), (gm) and (gr) and 348.08 (1) (e) and (h) of the statutes apply. The designation of a portion of STH 77 under this subsection does not apply after December 31, 1998.

(1zt) SUPPLEMENTAL FUNDING FOR EMPLOYE COMPENSATION. In the event that the amounts appropriated to the department of transportation under section 20.395 of the statutes, as affected by this act, are insufficient to finance increased costs for employe compensation, the department may make a request under section 13.10 of the statutes to the joint committee on finance at its first quarterly meeting in 1999 to supplement the sum certain appropriations under section 20.395 of the statutes, as affected by this act, by not more than $300,000 in fiscal year 1998−99. Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists prior to acting upon the request.

(2c) DESIGN WORK INVOLVING STH 57. During the 1997−99 fiscal biennium, the department of transportation shall allocate $466,000 from the appropriations under section 20.395 (3) (bq), (bv) and (bx) of the statutes, as affected by this act, and section 20.395 (3) (br) of the statutes for design work for any major highway project involving STH 57 in Ozaukee and Sheboygan counties associated with widening STH 57 to 4 lanes.

Vetoed In Part (2m) EVALUATION OF PROPOSED MAJOR HIGHWAY PROJECTS. The secretary of transportation shall submit in proposed form the rules required under section 85.05 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than April 1, 1998.

(2mh) STUDY OF HIGHWAY BYPASSES. The department of transportation shall conduct a study on the effects of planning, constructing and operating highway bypasses on land development patterns and on the economies of local communities that are bypassed. The study shall consider alternative means of assisting businesses from the bypassed communities to acquire land adjacent to newly constructed bypasses for the purpose of business relocation. The secretary of transportation shall report the findings, conclusions and recommendations of the study, including recommendations for assisting local businesses to relocate alongside newly constructed bypasses, to the legislature by June 1, 1999.

Vetoed In Part (2mm) MOBILE TESTING OF MOTOR VEHICLE EMISSIONS. The secretary of transportation shall submit in proposed form the rules required under section 110.20 (9) (k) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 10th month beginning after the effective date of this subsection.

(2n) DELAY OF HIGHWAY SIGN REPLACEMENT. 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 transportation shall submit information concerning the appropriation under section 20.395 (3) (eq) of the statutes, as affected by this act, as though a decrease of $96,900 and a reduction of the authorized SEG positions for the department by 0.5 FTE position, for the purpose of delaying the replacement of highway signs, by this act had not been made.

(3bg) REGISTRATION OF LEASED VEHICLES. Notwithstanding chapter 341 of the statutes, as affected by this act, the department of transportation may, for one year after the effective date of this subsection, issue an original registration of a vehicle under applicable provisions of chapter 341 of the statutes that are in effect on the day before the effective date of this subsection.

(3d) CASSVILLE FERRY GRANT. The department of transportation shall allocate $25,000 from the appropriation account under section 20.395 (3) (eq) of the statutes in fiscal year 1997−98 for infrastructure and operating expenses of the Cassville ferry in Grant County. The department may award a grant of such sum for those purposes.

(3f) LAKE ARTERIAL PROJECT NOISE BARRIERS. As part of that project, the department of transportation shall erect noise attenuation barriers along the highways affected by the Lake Arterial Project in Milwaukee County.

(3g) BUILD-OPERATE-LEASE OR TRANSFER AGREEMENTS STUDY. The department of transportation shall conduct a study of the feasibility and desirability of build−operate−lease or transfer agreements under section 84.01 (30) of the statutes, as created by this act, including any cost savings to be realized by the department as a result of the use of build−operate−lease or transfer agreements. The department shall submit a report containing its findings, conclusions and recommendations, including any recommended statutory changes, no later than July 1, 1998, to the governor, and to the legislature for **Vetoed In Part**

distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(3gh) VEHICLE REGISTRATION FEES STUDY. The department of transportation shall conduct a study of the feasibility and desirability of establishing vehicle registration fees to be based on the value of the vehicle or the horsepower motor of the vehicle in lieu of the current vehicle registration fees specified in chapter 341 of the statutes, as affected by this act. The department shall submit a report containing its findings, conclusions and recommendations, including any recommended statutory changes, no later than August 1, 1998, to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes.

Vetoed In Part

Vetoed In Part

(4g) The department of transportation shall negotiate with Amtrak, as defined in section 85.061 (1) of the statutes, with respect to the extension of rail passenger service to the city of Madison. No later than April 1, 1998, the department shall report the results of its negotiations with Amtrak to the joint committee on finance.

Vetoed In Part

(4h) AGENCY REQUEST. 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 transportation shall include information concerning the appropriation under section 20.395 (3) (bq) of the statutes, as affected by this act, that increases the amount of that appropriation, and the appropriation under section 20.395 (3) (br) of the statutes that decreases the amount of that appropriation, by an amount equal to the expected savings to be realized in the 1999–2001 fiscal biennium by the treatment of section 86.303 (6) (e) of the statutes by this act.

(4z) NEENAH BICYCLE–PEDESTRIAN FACILITY. Notwithstanding limitations on the amount and use of aids provided under section 86.31 of the statutes, the department of transportation shall pay 50% of the costs or $125,000, whichever is less, for a bicycle–pedestrian overpass over USH 41 in the city of Neenah. Payment under this subsection shall be made from the appropriation under section 20.395 (2) (fr) of the statutes, as affected by this act, and is in addition to Neenah's entitlement, as defined in section 86.31 (1) (ar) of the statutes, to aids under section 86.31 of the statutes.

Vetoed In Part

(5g) REPORT ON MAJOR HIGHWAY PROJECT PASSING LANES. On or before April 1, 1998, the secretary of transportation shall submit a report to the joint committee on finance summarizing the costs and benefits of adding passing lanes to the highways that are enumerated under section 84.013 (3) of the statutes, as affected by this act, but on which construction has not commenced. The report shall include recommendations as to which of those highways or portions of those highways, if any, should have passing lanes added before construction is commenced on the entire project enumerated under section 84.013 of the statutes, as affected by this act. The recommendations shall be based upon considerations of design and construction of such passing lanes that are least likely to increase the total cost to complete the major highway project.

Vetoed In Part

(6f) NOISE BARRIERS. During fiscal year 1998–99, the department of transportation shall allocate $1,000,000 from the appropriation under section 20.395 (3) (cq) of the statutes, as affected by this act, for the construction of noise attenuation barriers along existing highways.

SECTION 9150. Nonstatutory provisions; treasurer.

(1) TRANSFER OF DIVISION OF TRUST LANDS AND INVESTMENTS.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the office of the state treasurer relating to the division of trust lands and investments shall become the assets and liabilities of the department of administration.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the office of the state treasurer relating to the division of trust lands and investments is transferred to the department of administration.

(c) *Contracts.* All contracts entered into by the office of the state treasurer relating to the division of trust lands and investments, which are in effect on the effective date of this paragraph, remain in effect and are transferred to the department of administration. The department of administration shall carry out any such contractual obligations until modified or rescinded by the department of administration to the extent allowed under the contract.

(d) *Employe transfers and status.* On the effective date of this paragraph, all incumbent employes holding positions in the office of the state treasurer relating to the division of trust lands and investments, as determined by the secretary of administration, are transferred to the department of administration. Employes transferred under this paragraph have all rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes, as affected by this act, that they enjoyed in the office of the state treasurer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class may be required to serve a probationary period.

(e) *Pending matters.* Any matter pending with the office of the state treasurer relating to the division of trust lands and investments on the effective date of this paragraph is transferred to the department of administration and all materials submitted to or actions taken by the office of the state treasurer with respect to the pending matter are considered as having been submitted to or taken by the department of administration.

(f) *Rules and orders.* All rules promulgated by the office of the state treasurer relating to the division of trust

lands and investments that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of administration. All orders issued by the office of the state treasurer relating to the division of trust lands and investments that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of administration.

SECTION 9153. Nonstatutory provisions; University of Wisconsin System.

(1g) PROJECT SUCCESS. From the appropriation under section 20.285 (1) (a) of the statutes, the board of regents of the University of Wisconsin System shall allocate $125,000 in the 1997−98 fiscal year and $125,000 in the 1998−99 fiscal year to Project Success at the University of Wisconsin−Oshkosh in order to expand the program from 55 students to 77 students. The board shall also provide 2.0 FTE positions for Project Success at the University of Wisconsin−Oshkosh.

(2t) UNIVERSITY OF WISCONSIN–EXTENSION.

(a) The board of regents of the University of Wisconsin System shall develop a plan for allocating in the 1997−98 and 1998−99 fiscal years the reduction in the base budget of the University of Wisconsin−Extension funded from general purpose revenue that this act represents. The plan shall allocate the reductions so as to minimize their effect on local and federal funds received by the University of Wisconsin−Extension.

(b) Within 45 days after the effective date of this paragraph, the board shall submit the plan developed under paragraph (a) to the cochairpersons of the joint committee on finance. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date that the plan was submitted, the board may implement the plan. If, within 14 working days after the date that the plan was submitted, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the plan, the board may not implement the plan until the committee approves the plan.

(c) By October 1, 1998, the board of regents of the University of Wisconsin System shall submit a report on the University of Wisconsin−Extension to the governor, the joint committee on finance and the joint legislative audit committee. The report shall include all of the following:

1. An explanation of how the reductions described under paragraph (a) were made so as to meet the concerns that were expressed in the legislative audit bureau's April 1997 report on the University of Wisconsin−Extension.

2. A description of the practices that the board has implemented to improve accountability, reporting, coordination and administrative efficiency.

3. A description of the methods that the board has adopted to establish a consistent fee policy and to generate sufficient program revenue to reduce reliance on general purpose revenue.

4. A description of the board's efforts to better focus the mission of the University of Wisconsin−Extension in order to avoid duplication of services, eliminate outdated services and extend programs to individuals who were previously not served by the University of Wisconsin−Extension.

(2zgg) FAMILY PRACTICE RESIDENCY PROGRAM. Of the moneys appropriated to the board of regents of the University of Wisconsin System, under section 20.285 (1) (fc) of the statutes, $90,900 in fiscal year 1997−98 and $181,900 in fiscal year 1998−99 may be expended only to expand family practice residency programs that provide services in medically underserved areas within the central portion of the city of Milwaukee. **Vetoed In Part**

(3g) TRANSFER OF RECYCLING MARKET DEVELOPMENT BOARD INCUMBENTS.

(a) On the effective date of this subsection, 4 incumbent employes holding positions in the University of Wisconsin System performing duties primarily related to the functions of the recycling market development board, as determined by the secretary of administration, are transferred to the department of commerce to hold 4 SEG project positions in the department of commerce, for the period ending on June 30, 2001, to perform duties primarily related to the functions of the recycling market development board.

(b) Employes transferred under paragraph (a) may transfer with them to the project positions rights and benefits previously earned, as provided in section 230.27 (2m) (b) of the statutes.

(3pjf) GREAT LAKES STUDIES. The authorized FTE positions for the University of Wisconsin System are increased by 0.6 GPR position, to be funded from the appropriation under section 20.285 (1) (a) of the statutes, and by 0.4 PR position, to be funded from the appropriation under section 20.285 (1) (kb) of the statutes, as created by this act, for the purpose of performing studies of Great Lakes fish.

(4g) STUDY OF FACULTY SALARIES. The Robert M. La Follette Institute of Public Affairs at the University of Wisconsin−Madison shall study the method that the board of regents of the University of Wisconsin System uses to compare the salaries of faculty at the University of Wisconsin System to the salaries of faculty at other institutions of higher education in this country. In particular, the Institute shall review the institutions selected as peer institutions for the purpose of such comparisons. In conducting the study, the Institute shall take into account differences in fringe benefits provided by different institutions and the cost of living applicable to faculty at different institutions. The Institute shall report the results of **Vetoed In Part**

Vetoed In Part its study to the joint committee on finance by December 1, 1998.

(4h) DISTINGUISHED CHAIR OF MILITARY HISTORY. Of the amount appropriated under section 20.285 (1) (a) of the statutes in the 1998−99 fiscal year, the board of regents of the University of Wisconsin System may expend up to $250,000 to establish a distinguished chair of military history at the University of Wisconsin−Madison under section 36.25 (42) of the statutes, as created by this act, if the board receives at least $750,000 in private contributions for the same purpose.

(4x) FUNDING OF 1997−99 UNIVERSITY OF WISCONSIN SYSTEM FACULTY AND ACADEMIC STAFF PAY ADJUSTMENTS. Notwithstanding section 16.505 (4) (b) of the statutes, for employes who are eligible to receive compensation adjustments under section 230.12 (3) (e) of the statutes, the board of regents of the University of Wisconsin System may use moneys appropriated under section 20.285 (1) (im) of the statutes, as affected by this act, to pay for the compensation adjustments approved under section 230.12 (3) (e) of the statutes for the 1997−99 biennium, but only up to an amount that equals the difference between the amount that the University of Wisconsin System, under section 20.928 (1) of the statutes, certifies is needed under section 20.865 (1) (ci), (d), (ic) and (j) of the statutes to fully fund the compensation adjustments and the amount that the secretary of administration determines is required under section 20.865 (1) (ci), (d), (ic) and (j) of the statutes to pay for the compensation adjustments.

(5m) LABORATORY OF HYGIENE BOARD. Notwithstanding section 15.915 (2) (b) of the statutes, as affected by this act, one of the additional members of the laboratory of hygiene board appointed under that paragraph shall be initially appointed for a term expiring on May 1, 1999; one of the additional members of the laboratory of hygiene board and the member of the laboratory of hygiene board who represents occupational health laboratories who are appointed under that paragraph shall be initially appointed for terms expiring on May 1, 2000; and one of the additional members of the laboratory of hygiene board appointed under that paragraph shall be initially appointed for a term expiring on May 1, 2001.

SECTION 9154. Nonstatutory provisions; veterans affairs.

(1) RULES ON PERSONAL LOANS. Using the procedure under section 227.24 of the statutes, the department of veterans affairs shall promulgate rules for the administration of the veterans personal loan program under section 45.356 of the statutes, as affected by this act. 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.

(2m) VETERANS ASSISTANCE CENTER AT UNION GROVE. The department of veterans affairs shall submit a plan to the joint committee on finance detailing the amount and source of funding, including veterans trust fund moneys and federal moneys, the department expects to use for the operation of a veterans assistance program at the Southern Wisconsin Center for the Developmentally Disabled in Union Grove.

(2n) USE OF FEDERAL PER DIEM PAYMENTS. The department of veterans affairs shall submit a written report to the joint committee on finance on any federal money available to provide per diem payments to veterans participating in the veterans assistance program under section 45.357 of the statutes, as affected by this act, any conditions on the use of that federal money and how the department expects to use the federal money. The department may use the federal money in the manner reported to the joint committee on finance if, within 14 working days after submitting the report, the cochairpersons of the joint committee on finance do not notify the department that the committee has scheduled a meeting to review the department's proposal. If, within 14 working days after submitting the report, the cochairpersons of the joint committee on finance notify the department that the committee has scheduled a meeting to review the department's proposal, the department may use the federal money only as approved by the joint committee on finance.

(3tg) NURSING POSITIONS AT THE WISCONSIN VETERANS HOME AT KING. Of the 15.0 FTE PR nursing positions for the department of veterans affairs that are created by this act at the Wisconsin Veterans Home at King and funded from the appropriation under section 20.485 (1) (gk) of the statutes, the department of veterans affairs may designate 1.0 position as a nurse practitioner and 1.0 position as a nurse supervisor.

SECTION 9156. Nonstatutory provisions; other.

(1) RECREATION OF HIGHER EDUCATIONAL AIDS BOARD.

(a) On the effective date of this paragraph, the assets and liabilities identified by 1995 Wisconsin Act 27, section 9127 (1) (c), and any other assets and liabilities of a successor agency of the higher educational aids board that are primarily related to higher educational aids, as determined by the secretary of administration, shall become the assets and liabilities of the higher educational aids board.

(b) All incumbent employes transferred by 1995 Wisconsin Act 27, section 9127 (1) (d), and any other incumbent employes holding positions in a successor agency of the higher educational aids board performing duties primarily related to higher educational aids, are transferred on the effective date of this paragraph to the higher educational aids board.

(c) Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the higher educational aids board that they enjoyed immediately

before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, all tangible personal property, including records, identified by 1995 Wisconsin Act 27, section 9127 (1) (f), and any other tangible personal property, including records, of a successor agency of the higher educational aids board that are primarily related to higher educational aids are transferred to the higher educational aids board.

(e) All contracts identified by 1995 Wisconsin Act 27, section 9127 (1) (g), and any other contracts entered into by a successor agency of the higher educational aids board that are primarily related to higher educational aids, that are in effect on the effective date of this paragraph, remain in effect and are transferred to the higher educational aids board. The higher educational aids board shall carry out any such contractual obligations until modified or rescinded by the higher educational aids board to the extent allowed under the contract.

(f) All rules identified by 1995 Wisconsin Act 27, section 9127 (1) (h), and any other rules of a successor agency of the higher educational aids board that are primarily related to higher educational aids, that are in effect on the effective date of this paragraph, remain in effect until their specified expiration date or until amended or repealed by the higher educational aids board. All orders identified by 1995 Wisconsin Act 27, section 9127 (1) (h), and any other orders of a successor agency of the higher educational aids board that are primarily related to higher educational aids, that are in effect on the effective date of this paragraph, remain in effect until their specified expiration date or until modified or rescinded by the higher educational aids board.

(g) Any matter identified by 1995 Wisconsin Act 27, section 9127 (1) (i), and any other matter of a successor agency of the higher educational aids board that is primarily related to higher educational aids, that is pending on the effective date of this paragraph, is transferred to the higher educational aids board and all materials submitted to or actions taken with respect to any pending matter identified in this paragraph are considered as having been submitted to or taken by the higher educational aids board.

(gm) Notwithstanding the length of term specified in section 15.67 (1) (intro.) of the statutes, as created by this act, the initial terms of the members appointed under section 15.67 (1) (a) 1. and (b) 2. of the statutes, as created by this act, expire on May 1, 1999; the initial terms of the members appointed under section 15.67 (1) (a) 2. and 4. and (c) of the statutes, as created by this act, expire on May 1, 2000; and the initial terms of the members appointed under section 15.67 (1) (a) 3. and (b) 1. of the statutes, as created by this act, expire on May 1, 2001.

(h) The higher educational aids board, with the assistance of the educational approval board, shall conduct a study to identify all statutes relating to the functions and duties of each board that are obsolete or antiquated. The higher educational aids board shall report its findings, conclusions and recommendations, including recommended statutory changes, on or before July 1, 1998, to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor.

(1g) TUITION GRANTS; TRIBALLY CONTROLLED COLLEGES.

(a) Each tribally controlled college in this state is requested to develop and, not later than 30 days after the effective date of this paragraph, submit to the higher educational aids board for its review under paragraph (b) a proposed formula for the awarding of grants under section 39.30 of the statutes, as affected by this act, for the 1997−98 academic year to students enrolled at that tribally controlled college.

(b) Not later than 21 days following submission of a proposed formula under paragraph (a), the higher educational aids board shall approve, modify or disappprove the proposed formula for the awarding of grants under section 39.30 of the statutes, as affected by this act. No grants may be awarded under section 39.30 of the statutes, as affected by this act, for the 1997−98 academic year to students enrolled at the applicable tribally controlled college unless the applicable formula submitted under paragraph (a) is approved or modified by the higher educational aids board under this paragraph.

(c) Section 39.30 (2) (f) of the statutes, as affected by this act, does not apply to grant awards subject to this subsection.

(2) RECREATION OF EDUCATIONAL APPROVAL BOARD.

(a) On the effective date of this paragraph, the assets and liabilities identified by 1995 Wisconsin Act 27, section 9154 (1) (c), and any other assets and liabilities of a successor agency of the educational approval board that are primarily related to the functions previously performed by the educational approval board, as determined by the secretary of administration, shall become the assets and liabilities of the educational approval board.

(b) All incumbent employes transferred by 1995 Wisconsin Act 27, section 9154 (1) (d), and any other incumbent employes holding positions in a successor agency of the educational approval board performing duties primarily related to the functions previously performed by the educational approval board, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the educational approval board.

(c) Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the educational approval board that they enjoyed immediately

before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, all tangible personal property, including records, identified by 1995 Wisconsin Act 27, section 9154 (1) (f), and any other tangible personal property, including records, of a successor agency of the educational approval board that are primarily related to the functions previously performed by the educational approval board, as determined by the secretary of administration, are transferred to the educational approval board.

(e) All contracts identified by 1995 Wisconsin Act 27, section 9154 (1) (g), and any other contracts entered into by a successor agency of the educational approval board that are primarily related to the functions previously performed by the educational approval board, as determined by the secretary of administration, that are in effect on the effective date of this paragraph, remain in effect and are transferred to the educational approval board. The educational approval board shall carry out any such contractual obligations until modified or rescinded by the educational approval board to the extent allowed under the contract.

(f) All rules identified by 1995 Wisconsin Act 27, section 9154 (1) (h), and any other rules of a successor agency of the educational approval board that are primarily related to the functions previously performed by the educational approval board, as determined by the secretary of administration, that are in effect on the effective date of this paragraph, remain in effect until their specified expiration date or until amended or repealed by the educational approval board. All orders identified by 1995 Wisconsin Act 27, section 9154 (1) (h), and any other orders of a successor agency of the educational approval board that are primarily related to the functions previously performed by the educational approval board, as determined by the secretary of administration, that are in effect on the effective date of this paragraph, remain in effect until their specified expiration date or until modified or rescinded by the educational approval board.

(g) Any matter identified by 1995 Wisconsin Act 27, section 9154 (1) (i), and any other matter of a successor agency of the educational approval board that is primarily related to the functions previously performed by the educational approval board, as determined by the secretary of administration, that is pending on the effective date of this paragraph, is transferred to the educational approval board and all materials submitted to or actions taken with respect to any pending matter identified in this paragraph are considered as having been submitted to or taken by the educational approval board.

(2m) RETIREMENT HOME EXEMPTION STUDY. There is created a benevolent retirement home for the aged task force, which shall consist of 4 members appointed by the governor, 2 members appointed by the speaker of the assembly, one member appointed by the assembly minority leader, 2 members appointed by the senate majority leader and one member appointed by the senate minority leader. The task force shall investigate the property tax exemption for benevolent retirement homes and all problems that are associated with it. The task force shall submit its report and proposed legislation to the legislature in the manner provided under section 13.172 (2) of the statutes on or before June 30, 1999, on which date the task force is dissolved.

(2n) SHARED REVENUE TASK FORCE. There is created a shared revenue task force, which shall consist of 4 members appointed by the governor, 2 members appointed by the speaker of the assembly, one member appointed by the assembly minority leader, 2 members appointed by the senate majority leader, one member appointed by the senate minority leader and the secretary of revenue or the secretary's designee. The secretary of revenue or the secretary's designee is the chairperson. The task force shall recommend legislation that will replace the formulas for the shared revenue program, the expenditure restraint program and the small municipalities shared revenue program and that will have an effective date of July 1, 1999. The task force shall submit that proposed legislation to the legislature in the manner provided under section 13.172 (2) of the statutes on or before January 1, 1999.

(4m) COMMISSION ON PUBLIC BROADCASTING.

(a) In this subsection, "commission" means the commission on public broadcasting created under paragraph (b).

(b) There is created a special committee to be called the commission on public broadcasting consisting of the following:

1. The secretary of administration or his or her designee.

2. The state superintendent of public instruction or his or her designee.

3. The director of the technical college system or his or her designee.

4. One representative, or his or her designee, of each of the following, appointed within 30 days after the effective date of this subdivision:

a. Wisconsin Public Radio, appointed by the educational communications board.

b. Wisconsin Public Television, appointed by the educational communications board.

c. University of Wisconsin System, appointed by the board of regents of the University of Wisconsin System.

d. WMVS–TV and WMVT–TV, appointed by the district board governing the Milwaukee area technical college.

5. One representative of each of the following, appointed by the members specified under subdivision 4. within 45 days after the effective date of this subdivision:

a. The public broadcasting audience.

b. The commercial broadcasting industry.

c. The public school system.

(c) The educational communications board and the district board governing the Milwaukee area technical college shall provide staff and other support required for the operation of the commission.

(d) The commission shall study the future of public broadcasting in this state for the purpose of making recommendations that, if implemented, will be likely to ensure that public broadcasting continues its tradition of distinguished service to this state, utilizes new technologies and functions in the most efficient and cost–effective manner. The study shall include an examination of all of the following:

1. Future funding issues.

2. Technological advances and their implication for public broadcasting.

3. The relationship between public broadcasting and distance education, as defined in section 24.60 (1g) of the statutes, as affected by this act.

4. The development of new partnerships with the private sector and with other public sector interests.

5. Alternative organizational or governance structures, including a single public or private organization that is not a current licensee of a radio or television broadcasting station.

(e) The commission shall submit a report of its findings, conclusions and recommendations no later than June 30, 1998, to the governor, and to the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes. Upon submittal of its report, the commission shall cease to exist.

(5m) PERFORMANCE–BASED BUDGETING PILOT PROGRAM.

(a) In this subsection, "participating agency" means the technology for educational achievement in Wisconsin board and the departments of corrections, health and family services, natural resources, transportation and workforce development.

Vetoed In Part

(b) Each participating agency shall prepare, under the direction of the department of administration, proposed measures of program outcomes for each agency program. The proposed measures of program outcomes shall be designed to allow the governor and the legislature to assess the performance of an agency's programs in terms of their success in achieving the identified program outcomes. No later than July 1, 1998, each participating agency shall submit its proposed program outcome measures to the department of administration for approval.

(c) After reviewing the proposed program outcome measures submitted under paragraph (b), the department of administration shall approve program outcome measures to be used by each participating agency in preparing the agency request under section 16.42 of the statutes that is due no later than September 15, 1998. Each participating agency shall submit its agency request under section 16.42 of the statutes in a performance–based budget format specified by the department of administration. This performance–based budget format shall be organized to facilitate measuring each program of the participating agency against the program outcome measures approved by the department of administration under this paragraph.

(5y) SUNKEN LOGS ON SUBMERGED STATE LANDS. Notwithstanding SECTION 9356 (8y) of this act, a person holding a permit under section 170.12 of the statutes on the effective date of this subsection may, by filing a written consent with the board of commissioners of public lands, elect to be subject to the sections of the statutes listed in SECTION 9356 (8y) of this act, as those sections are affected by this act, prior to the renewal of the person's permit. The sections of the statutes listed in SECTION 9356 (8y) of this act, as those sections are affected by this act, first apply to a person making the election under this subsection on the date of which the election is received by the board of commissioners of public lands.

(6ng) EFFICIENCY MEASURES.

(a) *Definitions.* In this subsection:

1. "State agency" has the meaning given in section 20.001 (1) of the statutes.

2. "State operations appropriation" means an appropriation that is not for assistance to local units of government or for individuals or organizations and that funds the administrative operations of a state agency.

(b) *Executive branch agencies.*

1. Except as provided in subdivision 4., for each of the following state agencies and for each of the following fiscal years, the secretary of administration shall allocate the following amounts among reductions in sum certain, state operations appropriations made to that state agency from general purpose revenue:

State Agency	Amount of Reduction 1997–98 Fiscal Year	Amount of Reduction 1998–99 Fiscal Year
Administration, department of	$ 925,900	$ 925,900
Agriculture, trade and consumer protection, department of	171,300	171,300
Commerce, department of	35,900	35,900
Employment relations commission	49,700	49,700
Health and family services, department of	2,101,000	2,083,500
Higher educational aids board	13,400	13,400
Military affairs, department of	108,400	108,400
Natural resources, department of	150,400	150,400
Personnel commission	14,700	14,700
Public instruction, department of	33,200	33,200
Revenue, department of	179,800	179,800
Tourism, department of	67,300	67,300
University of Wisconsin System, board of regents of	171,400	171,400
Workforce development, department of	765,300	765,300
TOTALS	$4,787,700	$4,770,200

2. Except as provided in subdivision 4., of the amounts specified under subdivision 1. for the department of administration, the secretary of administration shall allocate $211,000 in the 1997–98 fiscal year and $211,000 in the 1998–99 fiscal year to reductions of state operations appropriations under section 20.505 of the statutes from general purpose revenue, $579,200 in the 1997–98 fiscal year and $579,200 in the 1998–99 fiscal year to reductions of state operations appropriations under section 20.475 of the statutes from general purpose revenue and $135,700 in the 1997–98 fiscal year and $135,700 in the 1998–99 fiscal year to reductions for the sum of state operations appropriations under section 20.865 (1) and (2) of the statutes from general purpose revenue. Notwithstanding section 20.865 (intro.) of the statutes, appropriations under section 20.865 of the statutes shall be considered to be appropriations to the department of administration for purposes of this subsection. Except as provided in subdivision 4., the secretary of administration shall allocate the amounts specified under subdivision 1. for the board of regents of the University of Wisconsin System to reductions in the appropriation under section 20.285 (3) of the statutes.

3. Except as provided in subdivision 4., after making the allocation specified under subdivisions 1. and 2., the secretary of administration shall make the lapses in accordance with the allocations.

4. a. If, for the 1997–98 fiscal year or the 1998–99 fiscal year, the secretary of administration determines that a state agency specified in subdivision 1. is unable to reduce expenditures from agency state operations appropriations from general purpose revenue in an amount that is at least equal to the amount specified under subdivision 1., the secretary of administration shall submit a plan under this subdivision to the cochairpersons of the joint committee on finance reallocating the amounts of general purpose revenue appropriation reductions for that fiscal year. The total amount of lapses in the plan must equal at least $4,787,700, if the plan is submitted for the 1997–98 fiscal year, or at least $4,770,200, if the plan is submitted for the 1998–99 fiscal year.

b. If the cochairpersons of the joint committee on finance do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of the plan's submittal, the amounts specified in the plan shall be lapsed in the manner specified in the plan. If, within 14 working days after the date of the plan's submittal, the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, the committee shall approve, disapprove or modify the plan at the scheduled meeting. If the joint committee approves or modifies the plan, the amounts specified in the plan shall be lapsed in the manner specified in the plan as approved or modified by the committee.

(7d) VETERAN'S PREFERENCE POINTS. For applications for positions that are submitted on or after the effective date of this subsection, the granting of preference points to veterans and their spouses under sections 62.13 (4) (d), 63.08 (1) (f), 63.37, 63.39 (2m) and 66.19 of the statutes shall be based on section 230.16 (7) of the statutes, as affected by this act. For applications for positions that are submitted before the effective date of this subsection, the granting of such preference points shall be based on section 230.16 (7), 1995 stats.

SECTION 9201. Appropriation changes; administration.

(1) COLLEGE TUITION PREPAYMENT PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (9) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased for fiscal year 1997−98 by the amount that lapsed to the general fund from that appropriation account at the end of the 1996−97 fiscal year, for the purposes for which the appropriation is made.

(2) FACILITY OPERATIONS AND MAINTENANCE LAPSE. Notwithstanding section 20.001 (3) (a) of the statutes, the secretary of administration shall lapse, no later than June 30, 1998, $1,500,000 from the appropriation account under section 20.505 (5) (ka) of the statutes, as affected by this act, to the general fund.

(3h) BREATH SCREENING INSTRUMENTS TRANSFER. The secretary of administration shall transfer from the appropriation account under section 20.435 (6) (hx) of the statutes, as affected by this act, to the appropriation account under section 20.395 (5) (ci) of the statutes, as created by this act, the amount necessary to fully fund the costs of purchasing and maintaining breath screening instruments for fiscal year 1997−98.

(3x) INFORMATION TECHNOLOGY PROCESSING SERVICES REVENUE LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the general fund $2,000,000 from the appropriation account to the department of administration under section 20.505 (1) (kL) of the statutes, as affected by this act.

(4g) DIVISION OF TRUST LANDS AND INVESTMENTS; REIMBURSEMENT OF GENERAL FUND. Notwithstanding section 20.001 (3) (a) of the statutes, no later than 30 days after the effective of this subsection, the department of administration shall lapse $48,400 from the appropriation account under section 20.507 (1) (h) of the statutes, as affected by this act, to the general fund to reimburse the general fund for the lapses required under section 20.585 (2) (h), 1995 stats., for the 1993−94, 1994−95 and 1995−96 fiscal years.

SECTION 9204. Appropriation changes; agriculture, trade and consumer protection.

(1) AGRICULTURAL CHEMICAL CLEANUP LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of this subsection, there is lapsed to the general fund, from the appropriation account to the department of agriculture, trade and consumer protection under section 20.115 (7) (e) of the statutes, as affected by this act, an amount equal to the unencumbered balance in that appropriation account on the day before the effective date of this subsection.

(2) AGRICULTURAL CHEMICAL CLEANUP TRANSFER. On the effective date of this subsection, there is transferred from the agrichemical management fund to the agricultural chemical cleanup fund an amount determined by the secretary of administration to be equal to the unexpended revenue generated by the fee increases resulting from the treatment of sections 94.64 to 94.704 of the statutes by 1993 Wisconsin Act 16.

(3m) AGRICULTURAL CHEMICAL CLEANUP FUND INTEREST TRANSFER. On June 30, 1999, there is transferred from the agricultural chemical cleanup fund to the general fund an amount equal to the interest earned on the agricultural chemical cleanup fund during the 1997−99 fiscal biennium.

SECTION 9207. Appropriation changes; building commission.

(1x) ADVANCE PLANNING REIMBURSEMENT. If the building commission contracts public debt under section 20.866 (2) (y) of the statutes, as affected by this act, for the purpose of funding the project identified as "Capitol restoration project" under SECTION 9107 (1) (d) 1. of this act, the building commission shall transfer, from the capital improvement fund to the general fund, an amount sufficient to reimburse the general fund for the amount expended under the appropriation under section 20.855 (3) (b) of the statutes, as created by this act.

SECTION 9223. Appropriation changes; health and family services. **Vetoed In Part**

(1) PRIMARY HEALTH CARE PROGRAM REVENUE. Notwithstanding section 20.001 (3) (c) of the statutes, $725,900 shall lapse to the general fund from the unencumbered balance in the appropriation account under section 20.435 (5) (gp) of the statutes on the effective date of this subsection.

SECTION 9226. Appropriation changes; workforce development.

(1) CHILD SUPPORT COLLECTIONS. The unencumbered balance in the appropriation account under section 20.445 (3) (g) of the statutes, as affected by this act, immediately before the effective date of this subsection is transferred to the appropriation account under section 20.445 (3) (k) of the statutes, as created by this act.

(1n) TRIBAL KINSHIP CARE. Notwithstanding section 20.002 (3m) of the statutes, the unencumbered balances in the appropriation accounts under section 20.445 (3) (d) and (p), 1995 stats., that are allocated for distribution to federally recognized American Indian tribes or bands immediately before the effective date of this subsection are transferred to the appropriation account under section 20.435 (3) (ke) of the statutes, as created by this act. From the appropriations under section 20.435 (3) (cz), (kc) and (ke) of the statutes, as created by this act, the department of health and family services shall reimburse those tribes or bands for payments made under section 48.57 (3m) (am) (intro.) of the statutes, as affected by this act.

SECTION 9237. Appropriation changes; natural resources.

(1) TRANSFER FROM RECYCLING FUND. There is transferred from the recycling fund to the general fund $3,850,000.

(2) RECREATIONAL BOATING AIDS LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of the subsection, there is lapsed to the conservation fund $2,800,000 from the appropriation account to the department of natural resources under section 20.370 (5) (cq) of the statutes.

Vetoed In Part

(2q) VEHICLE, EQUIPMENT AND INFORMATION TECHNOLOGY REVENUE LAPSE. Notwithstanding section 20.001(3) (c) of the statutes, there is lapsed to the conservation fund from the appropriation account of the department of natural resources under section 20.370 (8) (mt) of the statutes, as affected by this act, $520,000 on the effective date of this subsection and $520,000 on July 1, 1998.

SECTION 9241. Appropriation changes; public service commission.

(1m) UNIVERSAL SERVICE FUND. On the effective date of this subsection, the unencumbered balance in the universal service fund established under section 196.218 (2) (b), 1995 stats., immediately prior to the effective date of this subsection is transferred to the universal service fund established under section 25.95 of the statutes, as created by this act.

(1n) TRANSFER TO DEPARTMENT OF PUBLIC INSTRUCTION. On the effective date of this subsection, there is transferred $111,000 from the appropriation account under section 20.155 (1) (q) of the statutes, as created by this act, to the appropriation account under section 20.255 (1) (ke) of the statutes. On July 1, 1998, there is transferred $35,000 from the appropriation account under section 20.155 (1) (q) of the statutes, as created by this act, to the appropriation account under section 20.255 (1) (ke) of the statutes.

SECTION 9242. Appropriation changes; regulation and licensing.

(1) APPLICANT INVESTIGATION REIMBURSEMENT. Notwithstanding section 20.002 (3m) of the statutes, the balance in the appropriation account under section 20.165 (1) (gm) of the statutes does not lapse to the general fund upon its repeal and recreation by this act.

SECTION 9243. Appropriation changes; revenue.

(1) DEBT COLLECTION LAPSE. Notwithstanding section 20.001 (3) (a) of the statutes, on the effective date of this subsection there is lapsed to the general fund $250,000 from the appropriation account to the department of revenue under section 20.566 (1) (h) of the statutes, as affected by the acts of 1997.

SECTION 9249. Appropriation changes; transportation.

(1m) TRANSPORTATION FUND APPROPRIATION TRANSFERS. If the effective date of this subsection is after July 1, 1997, there is transferred from the general fund to the transportation fund an amount of moneys equal to the amount encumbered, expended or transferred, during the period between July 1, 1997, and immediately before the effective date of this subsection, from the appropriation accounts under sections 20.115 (1) (q), 20.245 (3) (u), 20.255 (2) (r) and (u), 20.285 (1) (x), 20.292 (1) (r), (u) and (v), 20.370 (1) (mr), (2) (cq) and (3) (ay), 20.435 (1) (rg) and (rm), 20.445 (1) (uz) and (6) (v), 20.455 (2) (q), 20.465 (3) (q), (rg), (rk), (rp) and (s), 20.485 (2) (s) and (sm) and 20.505 (4) (q) of the statutes, as affected by this act. In computing the amounts to be transferred under this subsection, encumbrances, expenditures or transfers from continuing appropriation balances existing on June 30, 1997, shall be disregarded.

(2p) AUTO POOL VEHICLE REVENUE LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the transportation fund from the appropriation account of the department of transportation under section 20.395 (4) (er) of the statutes $490,000 on the effective date of this subsection and $500,000 on July 1, 1998.

SECTION 9256. Appropriation changes; other.

(1m) WISCONSIN SESQUICENTENNIAL COMMISSION.

(b) The unencumbered balances of the appropriation accounts to the office of the governor under section 20.525 (1) (e), (em), (gm) and (k) of the statutes and section 20.525 (1) (g) and (h) of the statutes, as affected by this act, immediately before the effective date of this paragraph are transferred to the historical legacy trust fund.

(c) The unencumbered balance of the appropriation account to the joint committee on finance under section 20.865 (4) (c) of the statutes immediately before the effective date of this paragraph is transferred to the historical legacy trust fund.

(2z) PROPERTY TAX RELIEF FUND TRANSFER. On the effective date of this subsection, the unencumbered balance in the property tax relief fund is transferred to the general fund.

(3x) USE OF ESTIMATED GENERAL FUND SURPLUS.

(a) *Legislative fiscal bureau certifications.*

1. No later than January 31, 1998, the legislative fiscal bureau shall certify to the joint committee on finance the bureau's estimate of the 1997–98 and 1998–99 net balances of the general fund. The bureau's certification of the estimated 1998–99 net balance of the general fund under this subdivision shall take into consideration the appropriation increases and transfers required under paragraph (c).

2. No later than January 31, 1999, the legislative fiscal bureau shall certify to the joint committee on finance the bureau's estimate of the 1998–99 net balance of the general fund. The bureau's certification of the estimated 1998–99 net balance of the general fund under this subdivision shall take into consideration the appropriation increases and transfers required under paragraph (d).

3. Copies of the certifications made under this paragraph shall be provided to the secretary of administration.

(b) *Joint committee on finance passive review.*

1. If the cochairpersons of the joint committee on finance do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the amounts certified under paragraph (a) 1. within 14 working days after the date of the certification, the secretary of administration shall direct that the appropriation increases and transfers under paragraphs (c) and (d) be made on the basis of the estimated net balances of the general fund certified by the legislative fiscal bureau. If, within 14 working days after the date of the certification, the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the amounts certified under paragraph (a) 1., the secretary of administration shall make the appropriation increases and transfers under paragraphs (c) and (d) only after the committee has notified the secretary of administration of the estimated net general fund balances approved by the committee, in which case the secretary of administration shall make the appropriation increases and transfers required under paragraphs (c) and (d) on the basis of the estimated net general fund balances approved by the committee.

2. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the amount certified under paragraph (a) 2. within 14 working days after the date of the certification, the secretary of administration shall direct that the appropriation increases and transfers under paragraph (e) be made on the basis of the estimated net balance of the general fund certified by the legislative fiscal bureau. If, within 14 working days after the date of the certification, the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the amount certified under paragraph (a) 2., the secretary of administration shall make the appropriation increases and transfers under paragraph (e) only after the committee has notified the secretary of administration of an estimated net general fund balance approved by the committee, in which case the secretary of administration shall make the appropriation increases and transfers required under paragraph (e) on the basis of the estimated net general fund balance approved by the committee.

(c) *Appropriation increases or transfers based on the 1997−98 certification of the 1997−98 net general fund balance.* If the estimated 1997−98 net general fund balance, as certified by the legislative fiscal bureau or approved by the joint committee on finance as specified under paragraph (b) 1., exceeds the amount of the estimated 1997−98 net balance of the general fund in the schedule under section 20.005 (1) of the statutes, as shown in SECTION 167 of this act, the surplus shall be appropriated or transferred, no later than June 15, 1998, as follows:

1. 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, the dollar amount for fiscal year 1997−98 is increased by an amount equal to the surplus or $20,000,000, whichever is less, for the purpose of making lapses to the general fund to offset increases in the cost of state employe compensation, employer fringe benefits costs and related adjustments that are to be funded under section 20.865 (1) (c), (ci) or (d) of the statutes that exceed the amounts designated for that purpose under "General Purpose Revenue" under the heading "Summary of Compensation Reserves — All Funds" in the summary schedule under section 20.005 (1) of the statutes for the 1997−99 fiscal biennium.

2. An amount equal to the lesser of the following is transferred to the property tax relief fund:

a. The amount by which the surplus exceeds $20,000,000.

b. The amount of $75,000,000.

(d) *Appropriation increases or transfers based on the 1997−98 certification of the 1998−99 net general fund balance.* If the estimated 1998−99 net general fund balance, as certified by the legislative fiscal bureau or approved by the joint committee on finance as specified under paragraph (b) 1., exceeds the amount of the estimated 1998−99 net balance of the general fund in the schedule under section 20.005 (1) of the statutes, as shown in SECTION 167 of this act, the surplus shall be appropriated or transferred, no later than June 21, 1999, as follows:

1. 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, the dollar amount for fiscal year 1998−99 is increased by an amount equal to the surplus or the difference between $20,000,000 and the dollar amount increase for the 1997−98 fiscal year under paragraph (c) 1., whichever is less, for the purpose of making lapses to the general fund to offset increases in the cost of state employe compensation, employer fringe benefits costs and related adjustments that are to be funded under section 20.865 (1) (c), (ci) or (d) of the statutes that exceed the amounts designated for that purpose under "General Purpose Revenue" under the heading "Summary of Compensation Reserves — All Funds" in the summary schedule under section 20.005 (1) of the statutes for the 1997−99 fiscal biennium.

2. An amount equal to the lesser of the following is transferred to the property tax relief fund:

a. The amount by which the surplus exceeds the dollar amount increase for the 1998−99 fiscal year under subdivision 1.

b. The difference between $175,000,000 and the amount transferred to the property tax relief fund under paragraph (c) 2.

(e) *Appropriation increases or transfers based on the 1998−99 certification of the 1998−99 net general fund balance.* If the estimated 1998−99 net general fund balance, as certified by the legislative fiscal bureau or approved by the joint committee on finance as specified under paragraph (b) 2., exceeds the amount of the estimated 1998−99 net balance of the general fund in the schedule under section 20.005 (1) of the statutes, as affected by any amendments to the schedule approved under section 20.004 (2) of the statutes, the surplus shall be appropriated or transferred, no later than June 21, 1999, as follows:

1. 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, the dollar amount for fiscal year 1998−99 is increased by an amount equal to the surplus or the difference between $20,000,000 and the dollar amount increases for the 1997−98 and 1998−99 fiscal years under paragraphs (c) 1. and (d) 1., whichever is less, for the purpose of making lapses to the general fund to offset increases in the cost of state employe compensation, employer fringe benefits costs and related adjustments that are to be funded under section 20.865 (1) (c), (ci) or (d) of the statutes that exceed the amounts designated for that purpose under "General Purpose Revenue" under the heading "Summary of Compensation Reserves — All Funds" in the summary schedule under section 20.005 (1) of the statutes for the 1997−99 fiscal biennium.

2. An amount equal to the lesser of the following is transferred to the property tax relief fund:

a. The amount by which the surplus exceeds the dollar amount increase for the 1998−99 fiscal year under subdivision 1.

b. The difference between $175,000,000 and the amounts transferred to the property tax relief fund under paragraphs (c) 2. and (d) 2.

Vetoed In Part

SECTION 9301. Initial applicability; administration.

(1m) COUNTRY OF ORIGIN FOR STATE MOTOR VEHICLES. The treatment of section 16.72 (2) (cm) of the statutes first applies to motor vehicles purchased on the effective date of this subsection.

SECTION 9304. Initial applicability; agriculture, trade and consumer protection.

(1t) VEHICLE SCALE LICENSES.

(a) The treatment of section 98.16 (2) (a) 1. and (c) of the statutes and the amendment of section 98.16 (2) (b) of the statutes first apply to licenses issued on the effective date of this paragraph.

(b) The repeal and recreation of section 98.16 (2) (b) of the statutes first applies to licenses issued on July 1, 1999.

(2) LICENSES TO WORK WITH WEIGHTS AND MEASURES. The treatment of section 98.18 (1) (c) and (1h) of the statutes first applies to licenses issued on the effective date of this subsection.

SECTION 9309. Initial applicability; circuit courts.

(1) LIABILITY OF CERTAIN SUBROGATED PLAINTIFFS. The treatment of section 814.03 (3) of the statutes first applies to actions or claims commenced on the effective date of this subsection.

SECTION 9310. Initial applicability; commerce.

(1) PHYSICIAN AND HEALTH CARE PROVIDER LOAN ASSISTANCE PROGRAMS; PENALTIES. The treatment of sections 560.183 (6m) and 560.184 (6m) of the statutes first applies to physicians who begin participation in the program under section 560.183 of the statutes, as affected by this act, and health care providers who begin participation in the program under section 560.184 of the statutes, as affected by this act, on the effective date of this subsection.

(2) COMMUNITY−BASED ECONOMIC DEVELOPMENT PROGRAMS. The treatment of section 560.14 (2) (a) 1. and (c) (intro.), 1. and 2. and (4m) of the statutes first applies to grants for which application is made on the effective date of this subsection.

(3) RURAL ECONOMIC DEVELOPMENT PROGRAM. The treatment of section 560.17 (1) (bm) and (d) 2., (3) (intro.), (a), (b) and (e), (4) (c), (cm) and (f), (5) (intro.), (5c), (5m) (a) (intro.), 1. and 4., (b) (intro.), (bm) and (c), (6m) and (7) (a) and (am) of the statutes first applies to grants or loans for which application is made on the effective date of this subsection.

(4) REDUCTION OF PETROLEUM PRODUCT CLEANUP AWARDS. The treatment of section 101.143 (4) (h) 1. and 1m. of the statutes first applies to claims submitted on the effective date of this subsection.

(5m) PETROLEUM DISCHARGES; INTEREST REIMBURSEMENT. The treatment of section 101.143 (4) (c) 8., 9. and 10. of the statutes first applies to loans secured on the effective date of this subsection. **Vetoed In Part**

(6) DEVELOPMENT ZONES CREDIT. The treatment of sections 560.70 (6) and (7), 560.75 (8), 560.768 (1) (a), 560.785, 560.795 (3) (d) and 560.797 (3) (b) 9. and (4) (g) of the statutes first applies to taxable years beginning on January 1, 1998.

(7) PETROLEUM ALLOWANCE. The treatment of section 168.12 (6) of the statutes first applies to purchases made on the effective date of this subsection.

(10) MUNICIPALITY PARTIALLY IN DEVELOPMENT ZONE. The treatment of section 560.735 (6r) of the statutes first applies to development zones in existence on the effective date of this subsection.

SECTION 9311. Initial applicability; corrections.

(1) VIOLENT AND DISRUPTIVE JUVENILES. The treatment of sections 48.366 (8), 301.03 (10) (d), 938.183 (2) (b), 938.357 (4) (d) and 938.538 (3) (a) 1. and 1m. and (5)

(c) of the statutes first applies to a juvenile whose conduct presents a serious problem to the juvenile or others on the effective date of this subsection.

(2m) PRISON INDUSTRIES BOARD. Except as provided in SECTION 9111 (5n), the treatment of section 15.145 (2) (intro.) (with respect to the appointment of members of the prison industries board for a 4−year terms) of the statutes first applies to members of the prison industries board appointed on the effective date of this subsection.

SECTION 9315. Initial applicability; employe trust funds.

(1k) DETERMINATION OF EARNINGS UNDER THE WISCONSIN RETIREMENT SYSTEM FOR STATE SENATORS. The renumbering of section 40.02 (22) (d) and (33) (b) of the statutes and the creation of section 40.02 (22) (d) 2. and (33) (b) 2. of the statutes first apply to a participant in the Wisconsin retirement system who is a participating employe on the effective date of this subsection.

SECTION 9316. Initial applicability; employment relations commission.

Vetoed In Part (2q) FRINGE BENEFITS OF ASSISTANT DISTRICT ATTORNEYS. The treatment of section 111.91 (2) (Lm) of the statutes first applies to employes who are affected by a collective bargaining agreement that contains provisions inconsistent with that treatment on the day on which the collective bargaining agreement expires or is extended, modified or renewed, whichever occurs first.

Vetoed In Part (4fg) QUALIFIED ECONOMIC OFFERS. The amendment of section 111.70 (1) (nc) 1. b. and c. of the statutes and the creation of section 111.70 (1) (fm) of the statutes first apply to petitions for arbitration filed under section 111.70 (4) (cm) 6. of the statutes on the effective date of this subsection.

SECTION 9317. Initial applicability; employment relations department.

(3g) VETERAN'S PREFERENCE POINTS ON CIVIL SERVICE EXAMINATIONS. The treatment of sections 230.03 (9m) and (14) (d), 230.16 (7) (a) 2., 3. and 4. and 230.25 (1g) of the statutes first applies to applications for positions in the classified service of the state submitted on the effective date of this subsection.

SECTION 9319. Initial applicability; financial institutions.

(2) BUSINESS COMBINATIONS. The treatment of sections 180.0722 (8) (b) and (c), 180.1130 (1) (a) and (c), (2) (b), (3) (a) (intro.) and (b), (8), (9) (a) 4., (10m), (11) and (13) (intro.), (d) and (f), 180.1131 (intro.), 180.1132 (1) (a) (intro.), (2) (c) and (3), 180.1134 (intro.), (1) and (2), 180.1150 (1) (a), (b) and (c), (2), (3) (intro.), (e), (f), (g) and (i), (4) (intro.), (c) and (f), (5) (a) and (d) and (7) and 180.1602 (2) (c) of the statutes first applies to transactions entered into on the effective date of this subsection.

SECTION 9323. Initial applicability; health and family services.

(1) TRANSFER BY AFFIDAVIT BY FORMER GUARDIAN. The treatment of sections 30.541 (3) (d) 2. d., 214.37 (4) (k) 1., 215.26 (8) (e) 1., 342.17 (4) (b) 4., 867.03 (1), (1c), (1m) (a) and (b) and (2) and 867.035 (1) (d) of the statutes first applies to transfers because of deaths that occur on the effective date of this subsection.

(2) LICENSE AND CERTIFICATION CONTINUANCE FOR AGENCIES AND FACILITIES THAT SERVE ADULTS. The treatment of sections 50.03 (1m), (2) (d), (3) (b) (intro.) and (f), (4) (a) 1. b. and 2., (c), (e) and (f), (5) (title), (a), (b), (c) and (d) (title), 2. and 3., (5g) (c) 3., (d) (intro.), (e) 1., (f) and (g) 2. and 3. and (5m) (a) 2. and 3., 50.032 (2), (2r) and (4), 50.033 (2), (2m) and (4), 50.037 (2) (b) and (c), 50.05 (2) (b) and (c), 50.09 (6) (d), 50.355, 50.49 (2) (b) and (6), 50.51 (2) (b) and (c), 50.52 (2) (intro.) and (4), 50.535, 50.56 (1) (intro.), 50.92 (2), (4) and (5), 50.93 (1) (intro.), (c) and (d), (2) (title), (a), (b) and (d), (3m) and (4) (title), (a), (b), (c) and (d) 2. and 3. and 50.95 (5) of the statutes first applies to licenses for nursing homes, community−based residential facilities, adult family homes, home health agencies, rural medical centers and hospices and certifications for adult family homes and hospitals that are issued, suspended or revoked on the effective date of this subsection.

(3) COMMUNITY−BASED RESIDENTIAL FACILITY LICENSURE FEES. The treatment of section 50.037 (2) (a) of the statutes first applies to licensure fees for community−based residential facility licenses that are initially issued or renewed on the effective date of this subsection.

(4) NONEXPIRING LICENSES FOR CHILDREN'S PROGRAMS. The treatment of sections 48.60 (1) and (3), 48.615 (1) (c) and (2), 48.625 (1) and (2) (b), 48.627 (2) (a), 48.65 (1), (1m) (b) 2. and 3. and (c) 2. and 3. and (3) (b), 48.66 (4) and (5), 48.68 (1) and (2), 48.715 (3) (c), (4) (e) and (4m) (b), 48.735, 48.737 and 938.22 (7) (a) (by SECTION 5250) and (c) of the statutes and the amendment of sections 48.625 (2) (a) (with respect to continuation of a license), 48.65 (3) (a) (with respect to continuation of a license), 48.66 (1), 48.72 and 938.22 (7) (b) (with respect to continuation of a license) of the statutes first apply to licenses issued under section 48.66 (1) of the statutes, as affected by this act, for which the continuation date is the effective date of this subsection.

(5) SUPPLEMENTAL PAYMENTS FOR CHILDREN OF SUPPLEMENTAL SECURITY INCOME RECIPIENTS. The treatment of section 49.775 of the statutes first applies to a person applying for aid under section 49.19 of the statutes, as affected by this act, on behalf of a dependent child on the effective date of this subsection.

(11t) COMMUNITY OPTIONS PROGRAM SERVICES LIMIT. The treatment of sections 46.27 (7) (cj) 3. a. and (11) (c) 5n. a. and 46.277 (5) (d) 1n. a. of the statutes first applies to the use of funds under those sections for a person who is admitted to a community−based residential facility on the effective date of this subsection.

SECTION 9326. Initial applicability; workforce development.

(3) FOOD STAMP OFFENSES. The treatment of section 49.127 (8) (d) 1m. of the statutes first applies to a person convicted on August 22, 1996.

(4) UNIFORM INTERSTATE FAMILY SUPPORT ACT. The treatment of sections 769.101 (7), (16) and (19), 769.207 (title), (1) (intro.), (a), (b), (c) and (d), (1c), (1r), (2), (3) and (4), 769.305 (1) and (5), 769.306, 769.307 (2) (d) and (e), 769.501 (1) (intro.), (a), (b) and (c) and (2) (intro.), (a) and (b), 769.502, 769.503, 769.504, 769.505, 769.506 (title) and (2) (b), 769.605 (1), 769.606 (3), 769.611 (1) (intro.) and (b), (3) and (5) and 769.613 and subchapter V (title) of chapter 769 of the statutes, the renumbering of section 769.304 of the statutes and the creation of section 769.304 (2) of the statutes first apply to proceedings commenced, actions taken and income–withholding orders received under chapter 769 of the statutes, as affected by this act, on the effective date of this subsection.

(8h) FINANCIAL INCENTIVE FOR FILING PATERNITY ACKNOWLEDGMENT FORM. The treatment of section 69.14 (1) (cm) of the statutes first applies to forms filed on the effective date of this subsection.

SECTION 9327. Initial applicability; insurance.

(3g) COVERAGE FOR ALCOHOLISM, OTHER DRUG ABUSE PROBLEMS AND NERVOUS AND MENTAL DISORDERS. The treatment of section 632.89 (2) (a) 2. and (c) 2. a. and b., (d) 2. and (dm) 2. of the statutes first applies to all of the following:

(a) Except as provided in paragraph (b), group or blanket disability insurance policies that are issued or renewed on the effective date of this paragraph.

(b) Group or blanket disability insurance policies covering employes who are affected by a collective bargaining agreement containing provisions inconsistent with section 632.89 (2) (a) 2. or (c) 2. a. or b., (d) 2. or (dm) 2. of the statutes, as affected by 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.

(3m) HEALTH INSURANCE RISK–SHARING PLAN; LIFETIME LIMIT. The treatment of sections 619.12 (2) (c) and 619.14 (2) (a) of the statutes (with respect to the lifetime limit of coverage) first applies to policies that are in effect on the effective date of this subsection.

(3rcg) INSURANCE COVERAGE OF TREATMENT FOR TEMPOROMANDIBULAR DISORDERS AS WELL AS HOSPITAL CHARGES AND ANESTHETICS FOR DENTAL CARE AND BREAST RECONSTRUCTION. The treatment of sections 40.51 (8) (by SECTION 1324m) and (8m) by SECTION 1325m), 60.23 (25) (by SECTION 2178p), 66.184 (by SECTION 2210m), 111.91 (2) (n), 120.13 (2) (g) (by SECTION 2860f), 185.981 (4t) (by SECTION 3133m) (with respect to requiring insurance coverage of treatment for temporomandibular disorders, as well as coverage of hospital charges and anesthetics for dental care and coverage of breast reconstruction), 185.983 (1) (intro.) (by SECTION 3134m) (with respect to requiring insurance coverage of treatment for temporomandibular disorders, as well as coverage of hospital charges and anesthetics for dental care and coverage of breast reconstruction), 609.77, 609.78, 609.79, 619.14 (4) (a) and 632.895 (11), (12) and (13) of the statutes first applies 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 9331. Initial applicability; justice.

(1x) DELINQUENCY VICTIM AND WITNESS ASSISTANCE SURCHARGE. The treatment of sections 46.07, 301.32 (1), 303.01 (8), 895.035 (2m) (b), (bm) 1. and (c), 938.34 (8d) and 938.345 (1) (c) of the statutes and the repeal and recreation of sections 20.455 (5) (g), 59.25 (3) (f) 2. and 59.40 (2) (m) of the statutes first apply to juveniles who are adjudicated delinquent on the effective date of this subsection.

SECTION 9336. Initial applicability; military affairs.

(1) NATIONAL GUARD TUITION GRANTS. The treatment of section 21.49 (2) (a) and (3) (a) of the statutes first applies to courses completed on the effective date of this subsection.

SECTION 9337. Initial applicability; natural resources.

(1) REMEDIATED PROPERTY. The treatment of section 292.15 (2) (a) of the statutes first applies to persons issued certificates by the department of natural resources on the effective date of this subsection.

(2) PETROLEUM PRODUCT DISCHARGES CAUSED BY OTHERS. The treatment of section 101.143 (4) (g) 7. of the statutes first applies to petroleum product discharges

caused by services or products provided on the day after the effective date of this subsection.

(3) WELL COMPENSATION FEE. The treatment of section 289.63 (3) (b) of the statutes first applies to solid waste or hazardous waste disposed of on the effective date of this subsection.

(4) BROWNFIELDS REDEVELOPMENT. The treatment of sections 23.09 (19) (a) and (cm), 23.175 (4m) and 30.277 (3) (k) and (6) of the statutes and the creation of section 23.09 (19) (a) 1. of the statutes first apply to grants or aid applied for on the effective date of this subsection.

(7g) CHAPTER 30 REQUESTS FOR HEARING. The treatment of section 30.28 (2) (c) of the statutes first applies to requests for hearing received by the department on the effective date of this subsection.

(7xog) WILDLIFE DAMAGE PROGRAMS. The treatment of section 29.598 (2) (b) 1., 2., 3., 4. and 5., (4) (b), (5) (b) (intro.), 1. and 2., (bm) and (c), (6) (b), (d) and (dm), (7) (a), (b), (bm), (c) and (d), (7m), (8g), (8r), (9), (10) and (11) of the statutes, the renumbering and amendment of section 29.598 (1) and (2) (b) of the statutes and the creation of section 29.598 (1) (a) to (e) of the statutes first apply to wildlife damage statements of claim and applications for wildlife damage abatement assistance filed on the effective date of this subsection.

(7z) RECREATIONAL BOATING PROJECTS. The treatment of section 30.92 (4) (b) 2. and 2m. of the statutes and the creation of section 30.92 (4) (b) 2. b. of the statutes first apply to recreational boating projects that are approved by the Wisconsin waterways commission under section 30.92 (3) (a) of the statutes.

(8g) LAND ACQUISITION WITH STEWARDSHIP FUNDING. The treatment of section 23.0915 (1m) (c) of the statutes first applies to moneys encumbered from the appropriation under section 20.866 (2) (tz) of the statutes on the effective date of this subsection.

SECTION 9340. Initial applicability; public instruction.

(2) CHARTER SCHOOLS.

(c) The treatment of section 118.40 (3) (b) (by SECTION 2837) of the statutes first applies to contracts entered into, extended, modified or renewed on the effective date of this paragraph.

(5m) SPECIAL EDUCATION AID. The treatment of sections 115.882 and 115.93 (2) of the statutes first applies to the payment of special education aid in the 1997−98 school year.

(5x) YOUTH OPTIONS PROGRAM. The treatment of sections 38.04 (11) (a) 2. and (21), 38.22 (1) (intro.), 115.28 (38), 118.15 (2) (c), 118.33 (3m), 118.37 (title), (1), (2), (3), (3m), (4), (5) (intro.), (a), (b) and (c), (6), (7g), (8) and (9), 118.55 (7r) and 121.05 (1) (a) 5. of the statutes first applies to pupils who intend to participate in the youth options program under section 118.55 of the statutes, as affected by this act, in the fall semester of 1998.

(6h) COUNTING HOME−BASED AND PRIVATE SCHOOL PUPILS. The treatment of sections 118.145, 119.04 (1) (with respect to section 118.145 (4) of the statutes), 121.004 (7) (e) and 121.05 (1) (a) 12. of the statutes first applies to state aid paid in the 1998−99 fiscal year.

(6t) SCHOOL DISTRICT REVENUE LIMITS AND CALCULATION OF SCHOOL AID. The treatment of sections 121.15 (3m) (a) 1. and 121.91 (4) (a) 3. of the statutes first applies to the calculation of school district revenue limits and school aid for the school year beginning after the effective date of this subsection.

SECTION 9341. Initial applicability; public service commission.

(2) TRANSCRIPT EXPENSES. The treatment of sections 196.20 (5) (d) and (6) and 196.36 (1r) and (2) of the statutes first applies to transcripts, audiotapes or videotapes that are produced or copies of transcripts that are requested on the effective date of this subsection.

SECTION 9342. Initial applicability; regulation and licensing.

(1) INVESTIGATIONS OF CREDENTIAL APPLICANTS. The treatment of sections 20.165 (1) (g) and (gm), 440.03 (13) and 440.26 (2) (b) 1. and 2., (3) and (5m) (a) 1. and 4. of the statutes first applies to applications for credentials under chapters 440 to 480 of the statutes, as affected by this act, that are received on the effective date of this subsection.

(3g) ASSESSMENT OF COSTS IN DISCIPLINARY PROCEEDINGS. The treatment of section 440.22 (2) of the statutes first applies to costs that are assessed on the effective date of this subsection.

SECTION 9343. Initial applicability; revenue.

(1) HOMESTEAD CREDIT, SCHOLARSHIP INCOME. The treatment of section 71.52 (6) 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 71.52 (6) of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(1c) EXCLUSION FOR CAPITAL GAINS ON CERTAIN BUSINESS ASSETS. The treatment of sections 71.05 (6) (b) 25. and 71.83 (1) (d) of the statutes first applies to taxable years beginning on January 1, 1998.

Vetoed In Part

(1tu) LOCAL GOVERNMENTAL REGULATION OF ALCOHOL BEVERAGES. The treatment of section 125.10 (1) of the statutes first applies to violations committed on the effective date of this subsection, but does not preclude the counting of prior violations of an ordinance enacted under chapter 125, 1995 stats., when sentencing a person.

(1tv) ALCOHOL BEVERAGE "CLASS B" LICENSES. The renumbering and amendment of section 125.51 (3) (e) of the statutes and the creation of section 125.51 (3) (e) 2. and 3. of the statutes first apply to license applications submitted after the effective date of this subsection.

(1vx) IMMUNITY FOR RETAINING PROOFS OF AGE. The treatment of section 125.039 of the statutes first applies to retentions of documents occurring on the effective date of this subsection.

(1wo) CHARGE FOR ADMINISTRATIVE COSTS. The renumbering and amendment of section 139.96 of the statutes and the creation of section 139.96 (2) of the statutes first apply to taxes, penalties and interest collected as the result of an arrest made on or after the effective date of this subsection.

(2g) WORKING FAMILIES TAX CREDIT. The treatment of sections 71.07 (5m), 71.10 (4) (du) and 71.64 (9) (b) of the statutes first applies to taxable years beginning on January 1, 1998.

(2u) PERSONAL EXEMPTIONS TAX CREDIT. The renumbering and amendment of section 71.07 (8) (a) of the statutes and the creation of section 71.07 (8) (a) 1. to 6. of the statutes first apply to taxable years beginning on January 1, 1997.

(3m) EXCESS DISTRIBUTIONS FROM PASSIVE FOREIGN INVESTMENT COMPANIES. The treatment of section 71.05 (6) (a) 20. of the statutes first applies to taxable years beginning on January 1, 1997.

(6d) LOTTERY CREDIT. The treatment of sections 20.835 (3) (r), 25.75 (3) (d), 66.058 (3) (c) 8., 79.10 (1) (f), (1m), (5) (a), (7m) (b) 1. a., (7r), (9) (bm) 1. and (c), (10) (title), (a) to (d) and (e) and (11) (a) and (b) and 79.11 (2) of the statutes first applies to credits against taxes that are due during 1998.

(7) SALES TAX ON MANUFACTURED BUILDINGS. The treatment of section 77.51 (2), (4) (b) 3. and 7. and (15) (b) 4. and 6. of the statutes first applies to sales of property pursuant to contracts that are entered into on the first day of the 2nd month beginning after publication.

(7m) FARM LOSS LIMITS. The treatment of section 71.05 (6) (a) 10. of the statutes first applies to taxable years beginning on January 1, 1999.

(8v) SINGLE–OWNER ENTITIES.

(a) The treatment of sections 71.02 (1) (in respect to single–owner entities), 71.195, 71.20 (1), 71.21 (1), (2), (3) and (4) (in respect to single–owner entities), 71.22 (1) and 71.63 (3) (c) of the statutes first applies to taxable years beginning on January 1, 1997.

(b) The renumbering and amendment of section 183.0802 (3) of the statutes and the creation of section 183.0802 (3) (b) of the statutes first apply to members who acquired an interest in a limited liability company on the effective date of this paragraph.

(8w) UNIVERSITY FOOD. The treatment of section 77.54 (20) (c) 5. of the statutes first applies to contracts or agreements that are entered into on the effective date of this subsection.

Vetoed In Part

(9m) GARBAGE AND TRASH DISPOSAL AND COLLECTION. The treatment of section 70.119 (3) (d) of the statutes first applies to garbage and trash disposal and collection services provided on the effective date of this subsection.

Vetoed In Part

(9x) INTERNAL REVENUE CODE UPDATE.

(a) The treatment of sections 71.01 (7r) and (15), 71.05 (6) (intro.), (a) 19. and (b) 24., 71.07 (2dr) (a) and (5) (a) 7., 71.10 (4) (j), 71.122, 71.22 (1), 71.26 (2) (b) (title) and (3) (y), 71.34 (1) (i), 71.365 (1m), (4) (a) and (7), 71.45 (2) (a) 10m. and 13. and 71.83 (1) (c) of the statutes, the renumbering and amendment of section 71.125 of the statutes and the creation of section 71.125 (2) of the statutes first apply to taxable years beginning on January 1, 1997.

(b) The treatment of section 71.77 (2m) of the statutes first applies to deficiencies caused by notices received by the department of revenue on the effective date of this paragraph.

(c) The treatment of sections 71.28 (4) (a) (as it relates to an alternative computation) and (am) 1. and 71.47 (4) (a) (as it relates to an alternative computation) and (am) (as it relates to an alternative computation) of the statutes first applies to taxable years beginning on January 1, 1997.

(9z) FUEL TAX CREDIT. The treatment of sections 71.05 (6) (a) 15. (as it relates to the credit for fuel), 71.07 (3s) and (10) (a) and (b), 71.10 (4) (de), 71.21 (4) (as it relates to the credit for fuel), 71.28 (3) (b), (c) 2. to 6. and (d), 71.34 (1) (g) (as it relates to the credit for fuel) and (j), 71.365 (3) (a) and (b) and 71.47 (3) (b), (c) 2. to 6. and (d) of the statutes and the renumbering of sections 71.28 (3) (c) and 71.47 (3) (c) of the statutes first apply to taxable years beginning on January 1, 1998.

(10c) INCOME TAX REFUNDS. The treatment of section 71.75 (5) of the statutes first applies to refunds for taxable years beginning on January 1, 2000.

Vetoed In Part

(10ia) REHABILITATION CREDIT. The treatment of sections 71.07 (9m) (a), 71.28 (6) (a) and 71.47 (6) (a) of the statutes first applies to taxable years beginning on January 1, 1989.

(10q) FUEL TAX INDEXING. The treatment of section 78.015 (1) and (3) of the statutes first applies to the indexing on April 1, 1998.

SECTION 9347. Initial applicability; technical college system.

(1) YOUTH APPRENTICESHIP INSTRUCTION. The treatment of section 38.14 (3) (am) of the statutes first applies to contracts entered into, modified or renewed on the effective date of this subsection.

SECTION 9349. Initial applicability; transportation.

(1) MOTOR VEHICLE TITLE INSPECTIONS. The treatment of sections 341.05 (19) and 342.06 (1) (g) of the statutes first applies to applications for certificates of title submitted on January 1, 1998.

(3) BREATH SCREENING EQUIPMENT. The treatment of sections 20.395 (5) (ci) and (di), 20.435 (6) (hx) and (7)

(hz) and 346.655 (1) and (2) of the statutes first applies to offenses committed on the effective date of this subsection.

Vetoed In Part (3g) LOCAL TRANSPORTATION AIDS. The treatment of section 86.303 (6) (e) of the statutes first applies to multi-year average costs that are used to calculate local transportation aid payments for calendar year 2000.

(3m) LOCAL VEHICLE REGISTRATION FEE. The treatment of section 341.35 (6r) of the statutes first applies to moneys expended by a municipality or county on January 1, 1998.

(3mg) VEHICLE WEIGHT LIMITATIONS. The treatment of section 348.21 (2) (b) of the statutes first applies to vehicles operated on the effective date of this subsection.

(4) CERTIFICATES OF TITLE.

(a) The treatment of sections 342.01 (2) (a) and (ag), 342.06 (1) (intro.) and (i) and (1m) and 342.10 (6) of the statutes first applies to applications for certificates of title that are submitted on the effective date of this paragraph.

(af) The treatment of section 342.14 (1) and (3) of the statutes first applies to applications for a certificate of title submitted on December 1, 1997.

(4mg) MASS TRANSIT OPERATING ASSISTANCE. The treatment of sections 20.395 (1) (hq), (hr) and (hs) and 85.20 (4m) (a) 6., 7. and 8. and (em) 1. (by SECTION 2481pm), (4s) (by SECTION 2481ps) and (7) (a) (intro.) (by SECTION 2481pv) of the statutes first applies to urban mass transit operating assistance payments for calendar year 1998.

(5mdq) ABSOLUTE SOBRIETY. The treatment of section 346.63 (2m) 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.

(5mg) TRAFFIC OFFENSES. The treatment of sections 27.014 (1), (1c) and (2) (c), 341.04 (1) (a) (by SECTION 3962j) and (c), 342.30 (1) and (3) (a), 346.175 (1) (a), 346.195 (1), 346.205 (1), 346.457 (1), 346.465 (1), 346.485 (1), 346.505 (3) (a), 346.94 (13) and 346.945 (1) (a) of the statutes, the renumbering of section 346.01 of the statutes and the creation of section 346.01 (2) of the statutes first apply to offenses committed on the effective date of this subsection, but does not preclude the counting of other offenses as prior offenses for sentencing a person, suspending or revoking a person's operating privilege or determining eligibility for an occupational license or authorization to operate certain motor vehicles.

(6mg) FINANCIAL RESPONSIBILITY, ACCIDENTS AND ACCIDENT REPORTS. The treatment of sections 344.01 (2) (cm), 344.02 (1), 344.14 (2m) and 346.665 of the statutes first applies to accidents occurring on the effective date of this subsection.

(7g) VEHICLE REMOVAL AND DISPOSAL. The treatment of sections 341.65 (1) (am), 342.30 (1), (1c), (3) (a) and (4) (a), 342.40 (1) and (1c), 349.13 (1), (1b) and (2) (intro.) and 349.137 (1) (a) and (3) (c) 2. e., (f) and (h) of the statutes first applies to vehicles removed, seized, impounded, towed, stored or immobilized or vehicle parts seized on the effective date of this subsection.

(9) STATE TRAFFIC PATROL SERVICES. The treatment of sections 85.51 and 348.26 (2) of the statutes first applies to services provided on the effective date of this subsection.

(9gz) SALE OF MOTOR VEHICLE ACCIDENT AND CITATION RECORDS. The treatment of 1995 Wisconsin Act 113, section 9155 (4m) (b) and (c), first applies to contracts entered into on the effective date of this subsection.

(9sm) TEMPORARY OPERATION PLATES. The treatment of sections 341.04 (1) (intro.) and (a) (by SECTION 3962m), 341.09 (2) (c) and (g), (2m) (b) and (c), (2r) and (9), 342.06 (1) (k) and 885.237 (title) of the statutes, the renumbering of section 885.237 of the statutes, the renumbering and amendment of section 341.09 (1) and (2m) (a) of the statutes and the creation of sections 341.09 (1) (b) and (c) and (2m) (a) 1. b. and 2. and 885.237 (2) of the statutes first apply to transfers of interests in and the operation of motor vehicles occurring on the effective date of this subsection. **Vetoed In Part**

(10m) TRANSACTIONS BY FINANCIAL INSTITUTIONS. The treatment of section 341.255 (title) and (4) of the statutes first applies to applications that are submitted to the department of transportation on the effective date of this subsection.

(11) FILING OF CERTIFICATIONS AND RECERTIFICATIONS BY INSURERS. The treatment of section 344.42 of the statutes first applies to certifications and recertifications submitted to the department of transportation on the effective date of this subsection.

SECTION 9350. Initial applicability; treasurer.

(1) SUNKEN LOGS ON SUBMERGED STATE LANDS. The treatment of section 170.12 (3) (d), (5) (intro.) and (a) to (c), (6) (d) and (9) of the statutes first applies to permits issued or renewed on the effective date of this subsection.

SECTION 9353. Initial applicability; University of Wisconsin System.

(1) APPLICATION FEES. The treatment of section 36.11 (3) (d) 1. and 2. of the statutes first applies to applications for enrollment in the 1998 fall semester.

SECTION 9354. Initial applicability; veterans affairs.

(1) COUNTY VETERANS' SERVICE OFFICE GRANTS. The treatment of section 45.43 (7) (b) of the statutes first applies to grant applications received by the department of veterans affairs on the effective date of this subsection.

(2) VETERANS EDUCATIONAL PROGRAMS. The treatment of sections 45.25 (1), (2) (c), (3) (a), (am) and (b) (intro.) and (4) (a) and 45.396 (2), (4), (5) and (8) of the

statutes first applies to courses completed on the effective date of this subsection.

(3) VETERANS HOUSING LOANS. The treatment of sections 45.74 (7) and 45.79 (3) (a) 1. of the statutes first applies to applications received by the department of veterans affairs on the effective date of this subsection.

SECTION 9356. Initial applicability; other.

(2d) PENALTIES FOR HARASSMENT OF FIRE ANIMALS. The treatment of sections 951.01 (3f), 951.095 (title) and (1) (intro.) and 951.18 (2m) of the statutes applies to offenses occurring on or after the effective date of this subsection.

(2m) PENALTIES FOR CRIMINAL SLANDER OF TITLE, SIMULATING LEGAL PROCESS AND FALSELY ASSUMING TO ACT IN CERTAIN PUBLIC CAPACITIES. The treatment of sections 943.60 (1), 946.68 (1), (1g), (1r) (c) and (2) and 946.69 (2) (intro.) of the statutes first applies to offenses occurring on the effective date of this subsection.

(2n) CIVIL ACTIONS FOR SLANDER OF TITLE; FAILURE TO TERMINATE A SECURITY INTEREST. The treatment of sections 409.404 (1) (d) and 706.13 (1) of the statutes first applies to acts or omissions occurring on the effective date of this subsection.

(3f) INDUCED ABORTION REPORTING. The treatment of section 69.186 (1) (hm) of the statutes first applies to abortions performed on the effective date of this subsection.

(4g) FUNDING FOR PREGNANCY PROGRAMS, PROJECTS OR SERVICES. The treatment of section 20.9275 (2) of the statutes first applies to funding provided on the effective date of this subsection.

(6) SHERIFF FEES. The renumbering of section 814.705 (intro.), (1), (2), (3) and (4) of the statutes and the creation of section 814.705 (2) of the statutes first apply to sheriff's sales commenced on the effective date of this subsection.

(6p) ACADEMIC EXCELLENCE HIGHER EDUCATION SCHOLARSHIPS. The treatment of sections 20.235 (1) (fy) and 39.41 (2) (a) and (b) and (4) (b) of the statutes first applies to scholars who are awarded or receive academic excellence higher education scholarships for the 1997–98 academic year.

(7g) MINNESOTA–WISCONSIN STUDENT RECIPROCITY AGREEMENT. The treatment of section 39.47 (2) of the statutes first applies to reciprocal fees for the 1997–98 academic year.

(8c) DRAINAGE DISTRICT ASSESSMENTS. The treatment of section 88.41 (1) of the statutes first applies to assessments, the order for which is issued on the effective date of this subsection.

(8y) SUNKEN LOGS ON SUBMERGED STATE LANDS. The treatment of sections 20.245 (4) (j), 20.507 (1) (j), 44.085, 44.47 (1) (f) and (5r), 170.12 (1) (b), (3) (intro.), (dm) and (g), (6) (intro.), (a), (dm), (e) and (g), (7), (8m) and (9m) and 560.03 (23) of the statutes, the renumbering and amendment of section 170.12 (10) of the statutes, the amendment of section 170.12 (10) (title) of the statutes and the creation of section 170.12 (10) (b) and (c) of the statutes first apply to permits issued or renewed on the effective date of this subsection.

Vetoed In Part

(9f) PUBLIC RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION. The treatment of sections 19.32 (1b) and 19.356 of the statutes first applies with respect to requests for inspection of records made on January 1, 1998.

Vetoed In Part

(9h) CHIROPRACTIC LIENS. The treatment of section 779.80 (title), (1), (1b), (2), (3) (intro.), (a), (b) and (c), (4), (5) and (6) and subchapter IX (title) of chapter 779 of the statutes first applies to services provided by a chiropractor 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 July 1, 1997, or on the day after publication, whichever is later.

SECTION 9401. Effective dates; administration.

(2) EDUCATIONAL TECHNOLOGY INFRASTRUCTURE LOANS. The amendment of section 20.866 (2) (zc) and (zcm) of the statutes takes effect on July 1, 1998.

(3g) FUNDING OF INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS. The treatment of sections 16.971 (5) (a) (by SECTION 143s) and (f) (by SECTION 145p) and 20.870 (intro.) and (1) (title) (by SECTION 740f) of the statutes and the repeal of sections 16.971 (5) (i), 20.505 (1) (am) and 20.870 (1) (intro.) and (2) of the statutes take effect on July 1, 1999.

SECTION 9404. Effective dates; agriculture, trade and consumer protection.

(1) FERTILIZER FEES AND SURCHARGES. The treatment of section 94.64 (3) (b) and (c), (3r), (4) to (6), (6m) and (6p) of the statutes takes effect on August 1, 1998.

(1m) AGRICULTURAL CHEMICAL CLEANUP COUNCIL. The treatment of sections 15.137 (4) and 94.73 (1) (d) and (10) of the statutes takes effect on July 1, 1999.

(2) COMMERCIAL FEED FEES. The treatment of section 94.72 (6) (a) and (am) of the statutes takes effect on February 1, 1998.

(2x) FEDERAL DAIRY POLICY REFORM. The repeal of sections 20.115 (4) (cd) and 93.06 (12) of the statutes takes effect on July 1, 1999.

(4t) VEHICLE SCALE LICENSES. The repeal and recreation of section 98.16 (2) (b) of the statutes takes effect on July 1, 1999.

(4x) LIQUEFIED PETROLEUM GAS METERS. The treatment of section 98.245 (7) of the statutes takes effect on January 1, 1998.

SECTION 9407. Effective dates; building commission.

(1m) BONDING FOR DEPARTMENT OF HEALTH AND FAMILY SERVICES. The treatment of section 20.866 (2) (v) of the statutes takes effect on July 1, 1999.

(1n) BONDING FOR UNIVERSITY OF WISCONSIN ACADEMIC FACILITIES. The treatment of section 20.866 (2) (s)

(by SECTION 727m) of the statutes takes effect on July 1, 1999.

(1pz) APPROVAL OF STATE BUILDING PROJECTS. The treatment of section 20.924 (1) (b) (by SECTION 759) of the statutes takes effect on July 1, 2002, or upon completion of acquisition of property sufficient for the construction of a facility to meet the space needs of the state law library, the legislative reference bureau library and legislative and judicial branch agencies and support staffs.

SECTION 9409. Effective dates; circuit courts.

(1) JUSTICE INFORMATION SYSTEM FEE. The treatment of sections 20.505 (1) (ja) and 814.635 (1) of the statutes and the repeal and recreation of section 20.680 (2) (j) of the statutes take effect on October 1, 1997, or on the day after publication, whichever is later.

SECTION 9410. Effective dates; commerce.

(1m) REDUCTION OF PETROLEUM PRODUCT CLEANUP AWARDS. The treatment of section 101.143 (4) (h) 1. and 1m. of the statutes and SECTION 9310 (4) of this act take effect on the first day of the 7th month beginning after publication.

(5g) ELIMINATION OF RECYCLING MARKET DEVELOPMENT BOARD. The treatment of sections 15.07 (1) (b) 19., 15.155 (2), 16.72 (7) (by SECTION 119d), 20.143 (1) (L) (by SECTION 200d), (st) (by SECTION 204d) and (tm) (by SECTION 205d), 20.923 (4) (a) 4q., 36.25 (30g), 560.031 (by SECTION 4338c), (2), (3) and (4), 560.09 (5) and 560.65 (4) (a) and subchapter III of chapter 287 (by SECTION 3620m) of the statutes takes effect on June 30, 2001.

(5m) IDENTIFICATION OF OXYGENATES. The treatment of section 168.11 (1) (b) 2. of the statutes takes effect on the first day of the 13th month beginning after publication.

SECTION 9411. Effective dates; corrections.

Vetoed In Part (1t) ELIMINATION OF SECURE WORK PROGRAM. The treatment of sections 303.063 and 303.21 (1) (b) of the statutes takes effect on July 1, 1998.

(4g) PRIVATE BUSINESS EMPLOYMENT OF INMATES AND RESIDENTS. The treatment of section 20.410 (1) (hm) and (km) of the statutes takes effect on January 1, 1998.

SECTION 9414. Effective dates; elections board.

(1) CAMPAIGN FINANCE FILING FEES. The treatment of sections 11.055, 11.20 (4), 11.60 (3m) and 20.510 (1) (i) of the statutes takes effect on January 1, 1998.

SECTION 9415. Effective dates; employe trust funds.

(1z) PAYMENT OF JUDGMENT AGAINST THE STATE. The repeal of section 20.515 (1) (am) of the statutes takes effect on June 30, 1998.

SECTION 9421. Effective dates; governor.

(1) NATIONAL GOVERNORS ASSOCIATION CONFERENCE FUNDING. The repeal of section 20.525 (1) (cm) of the statutes takes effect on July 1, 1999.

SECTION 9423. Effective dates; health and family services.

(1) LICENSE FEES FOR CHILDREN'S PROGRAMS. The repeal and recreation of sections 48.615 (1) (a) and (b), 48.625 (2) (a), 48.65 (3) (a) and 938.22 (7) (b) of the statutes takes effect on July 1, 1998.

(2) MILWAUKEE CHILD WELFARE SERVICES TRANSFER. The treatment of sections 20.435 (3) (cw), (cx), (gx), (kw), (kx), (ky), (kz), (mw) and (mx), 46.03 (7) (e), 46.036 (5m) (e), 46.037 (1m), 46.10 (14) (e) 1m., 46.21 (1) (d) and (2) (a), 46.215 (1) (intro.), (h) and (i) and (2) (c) 1., 46.238, 46.261 (2) (a) 2. and 3., 46.48 (15) (title), (a) (intro.) and (b) and (16) (title) and (b), 48.02 (2g), 48.06 (1) (a) 1., 2. and 3., (am) 1., 2. and 3. and (b), (2) (b) 1. and 2. and (c) and (3), 48.069 (1) (intro.), (2) and (3), 48.07 (3), 48.207 (2), 48.295 (1), 48.345 (4) (b) and (bm), (11), (12) (b) and (c) and (13) (a) and (b), 48.355 (2) (b) 6. and (c) and (2c) (a) (intro.), 48.36 (1) (a), (2) and (3), 48.38 (5) (am), 48.428 (2) (a) and (b), 48.48 (17), 48.56 (title) and (1), 48.57 (title), (1) (intro.) and (e), (3m) (am) 1., 2., 4. and 5., (b) 1., (c) and (d) and (3p) (b) 1. and 2., (c) 1., 2. and 3., (d), (e) (intro.), (fm) 1. and 2., (g) (intro.), 2. and 3., (h), (i) and (j) and (3t), 48.58 (1) (b), 48.59 (1), 48.75 (title), (1), (1b), (1g) (a) (intro.), 2., 3. and 4., (c) (intro.), 1. and 2. and (d), (1r) and (2), 48.831 (4) (c), 48.832, 48.837 (4) (d), 48.839 (4) (b), 48.88 (2) (c), 48.93 (1d), 48.977 (4) (a) 6., 48.981 (1) (ag), (3) (a), (c) 1., 2. a., 3., 4., 5., 6., 6m., 7., 8. and 9., (cm) and (d), (5), (7) (a) (intro.), 1m., 2., 5., 6., 6m., 8., 11., 11r., 13. and 15., (cm) and (d), (8) (a), (c) and (d) 1. and 2. and (10), 49.45 (25) (b), 115.85 (2m), 146.0255 (3) (b), 301.46 (4) (a) 8., 767.001 (2) (b) and 938.06 (1) (a) 1. and 2. and (am) 1. and 2. and (2) (a), (am) 1. and 2. and (b) 1. and 2. and subchapter XII (title) of chapter 48 of the statutes, the repeal of section 46.48 (15) (a) 1., 2. and 3. and (16) (a) of the statutes, the renumbering and amendment of section 48.275 (2) (d) of the statutes, the repeal and recreation of sections 46.10 (14) (e) 1., 46.261 (2) (a) 1., 46.49 (1), 48.551 (2) (a) and 48.57 (3m) (am) (intro.) of the statutes, the creation of section 48.275 (2) (d) 2. of the statutes and SECTION 9123 (1) (a), (b), (c) and (km) of this act take effect on January 1, 1998.

(2g) PROGRAM REVENUE FOR COMMUNITY AIDS. The treatment of section 20.435 (6) (gb) (by SECTION 595n) and (7) (kw) (by SECTION 606b) of the statutes takes effect on July 1, 1998. **Vetoed In Part**

(3) MILWAUKEE CHILD WELFARE SERVICES COUNTY CONTRIBUTION. The amendment of section 48.561 (1), (2) and (3) of the statutes takes effect on July 1, 1998.

(3v) COUNCIL ON AMERICAN INDIAN HEALTH. The treatment of sections 15.197 (22), 36.25 (35), 38.04 (25), 46.35 and 146.19 (3) of the statutes takes effect on December 31, 1997.

(4g) COUNCIL ON FOOD PROTECTION PRACTICES. The treatment of sections 15.197 (21) and 254.71 (4), (5) and (6) (intro.) of the statutes takes effect on July 1, 1999.

(9g) FOSTER CARE RATES. The treatment of section 48.62 (4) of the statutes takes effect on January 1, 1998, or on the day after publication, whichever is later.

(9p) RESPIRATORY CARE SERVICES. The treatment of section 49.45 (8m) (a) (by SECTION 1941c) and (b) (by SECTION 1941e) of the statutes takes effect on July 1, 1998.

(9pt) ABUSE REGISTRY AND REPORTING. The treatment of sections 48.65 (1m), 48.651 (1) (intro.) (by SECTION 1653g), (2) and (2m), 49.498 (3) (b) 1., 55.043 (1) (a) (intro.), (4) (intro.), (e) and (f) and (5) and 146.40 (title), (1) (a), (4g) (a) 2. (intro.) and b., and 3. and (4r) (a), (b), (d) and (em) of the statutes, the amendment of section 48.66 (5) of the statutes, the repeal and recreation of sections 48.60 (1), 48.625 (1), 48.65 (1) and 48.68 (1) of the statutes and the creation of sections 48.685, 50.01 (1r), 50.065 and 146.40 (1) (ad), (ag) and (as) and (4r) (am) of the statutes take effect on the first day of the 12th month beginning after publication.

(9ptt) BACKGROUND INVESTIGATIONS OF CURRENT EMPLOYES. The amendment of sections 48.685 (2) (ag) (intro.) and 50.065 (2) (ag) (intro.) of the statutes takes effect on the first day of the 24th month beginning after publication.

(10f) KINSHIP CARE BACKGROUND CHECKS. The repeal and recreation of section 48.57 (3p) (fm) 1. and 2. and (g) (intro.) of the statutes and the repeal of section 48.57 (3p) (h) of the statutes take effect on the day after publication of the 2001−03 biennial budget.

(10q) BOARD ON HUNGER. The treatment of sections 15.195 (3), 46.76 (intro.) and 46.765 (3) (intro.) of the statutes, the repeal and recreation of sections 46.76 (2) and (5) and 46.765 (2) (intro.) of the statutes and SECTION 9123 (12p) of this act take effect on July 1, 1998, or on the day after publication, whichever is later.

(10r) TRIBAL KINSHIP CARE. The repeal of section 20.435 (3) (ke) of the statutes takes effect on July 1, 1998.

SECTION 9424. Effective dates; historical society.

(1t) SUBMERGED CULTURAL RESOURCES COUNCIL. The treatment of sections 15.707 (2) and 44.47 (1) (bm) and (5m) (f) of the statutes takes effect on July 1, 1998.

(1x) NONRESIDENT FEES. The treatment of sections 27.01 (2) (d), 44.02 (5), 44.12 (3) and 44.13 (3) of the statutes, the renumbering and amendment of section 44.02 (5g) of the statutes and the creation of section 44.02 (5g) (b) of the statutes take effect on January 1, 1998.

Vetoed In Part

SECTION 9426. Effective dates; workforce development.

(1h) STATE DIRECTORY OF NEW HIRES. The treatment of sections 20.445 (1) (gd) (by SECTION 612m) and 103.05 of the statutes takes effect as follows:

(a) On January 1, 1998, if the department of workforce development publishes the notice specified in section 103.05 (6) of the statutes, as created by this act, before that date.

(b) On April 1, 1998, if the department of workforce development does not publish the notice specified in section 103.05 (6) of the statutes, as created by this act, before January 1, 1998.

(5) LOW−INCOME CHILD CARE. The treatment of sections 49.131 (1), (2) (intro.) and (4), 49.134 (2) (a), (by SECTION 1780), 49.136 (2) (a) (by SECTION 1782) and 49.137 (2) (a) (by SECTION 1784), (3) (a) (by SECTION 1786) and (4) (intro.) (by SECTION 1788) of the statutes, the renumbering of section 49.131 (2) (b) 1m. and 2. of the statutes and the creation of section 49.155 (1g) (title) of the statutes take effect on September 30, 1997, or on the day after publication, whichever is later.

(5t) CHILD CARE FOR EDUCATION AND TRAINING. The repeal and recreation of section 49.155 (1m) (a) 4. (intro.) of the statutes takes effect on October 1, 1997, or on the day after publication, whichever is later.

(8) CENTRALIZED RECEIPT AND DISBURSEMENT OF SUPPORT AND MAINTENANCE. The treatment of sections 20.445 (3) (a), (ja), (k), (q) and (r), 20.855 (7) (j), 25.17 (1) (tm), 25.68, 49.24 (1) (by SECTION 1882n), 49.855 (1), (2), (3) (by SECTION 1992m), (4), (4m) (b) (by SECTION 1995m) and (c) and (5), 565.30 (5), 767.001 (7), 767.025 (3) and (4), 767.25 (4m) (c) 1. and (6) (intro.) and (a), 767.261 (intro.) and (1), 767.262 (4) (b), 767.263, 767.265 (1), (2r), (3h), (6) (a) and (b) and (7), 767.267 (1), (2) and (5), 767.29 (1m) (intro.) and (d) and (2), 767.32 (1r), 767.51 (3m) (c) 1. and (5p) (intro.) and (a), 769.319 and 814.61 (12) (cm) of the statutes, the repeal of sections 20.445 (3) (g), 59.40 (2) (h), 59.53 (5m), 814.61 (12) (b) and 814.612 of the statutes, the renumbering and amendment of sections 59.53 (5) and 767.29 (1) of the statutes, the amendment of section 49.175 (1) (intro.) of the statutes, the creation of sections 59.53 (5) (b) and 767.29 (1) (b), (d) and (f) of the statutes and SECTION 9226 (1) of this act take effect on the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under section 767.29 (1) (f) of the statutes, as created by this act, or on October 1, 1999, whichever is earlier.

(12) CAREER COUNSELING CENTERS. The repeal and recreation of sections 20.445 (1) (gd), 106.14 (1) and 108.20 (2m) of the statutes takes effect on July 1, 1999.

(12w) COMMUNITY SERVICE JOBS WAGES. The treatment of sections 20.445 (3) (dz) (by SECTION 627b), 20.835 (2) (k), 49.124 (1m) (cm) (by SECTION 1751g), 49.147 (4), 49.148 (1m) (a) (by SECTION 1817b) and (b), 49.155 (1m) (a) 3. (by SECTION 1845b), 49.161 (1) and (2) and 49.96 of the statutes, the renumbering and amendment of sections 49.148 (1) (b) and 49.175 (1) (b) of the statutes and the creation of sections 49.148 (1) (b) 2. and 49.175 (1) (b) 2. of the statutes take effect on February 1, 1999.

(13) FINANCIAL INCENTIVE FOR FILING PATERNITY ACKNOWLEDGMENT FORM. The treatment of section 69.14

(1) (cm) of the statutes and SECTION 9326 (8h) of this act take effect on January 1, 1998.

SECTION 9427. Effective dates; insurance.

(1m) TRANSFER OF MANDATORY HEALTH INSURANCE PLAN. The treatment of sections 20.145 (7) (title), (a), (b), (g) and (u), 20.435 (5) (af) and (gh), 71.65 (4), 149.10 (2f), (2m), (4c), (4p), (5m), (8b), (8c), (8j), (8m), (8p), (10) and (11), 149.12 (2) (f), 149.14 (4m), 149.143, 149.145, 149.15 (2m) and (3) (f), 149.16 (title) and (1), 149.20, 185.981 (4t) (by SECTION 3133m), 185.983 (1) (intro.) (by SECTION 3134m), 601.41 (1) (by SECTION 4796), 601.415 (12), 601.64 (1), (3) (a) and (c) and (4), 613.03 (3) and (4), 614.05 (1), 619.10 (intro.), (1) (1m), (2), (2c) (by SECTION 4817bm), (2j) (by SECTION 4817cm), (2t) (by SECTION 4817mm), (3), (3c) (by SECTION 4818cm), (3d) (by SECTION 4818dm), (3g) (by SECTION 4818gm), (3j) (by SECTION 4818jm), (3m), (4), (4m), (5), (6), (7), (8) and (9), 619.11, 619.115 (by SECTION 4825f), 619.12 (title), (1), (1m) (intro.), (a) and (b) and (2) (b), (c), (d) and (e) (by SECTION 4830ec), 619.125, 619.13 (title), (1) (a), (b), (c) and (d) and (2), 619.135 (title), (1), (2) and (3), 619.14 (title), (1), (2), (3), (4), (5) (title), (a), (b), (c), (d) and (e) (by SECTION 4857c), (6) (by SECTION 4858c) and (7), 619.145, 619.146 (by SECTION 4860d), 619.15 (title), (1), (2), (3) (intro.), (a), (b), (c), (d), (e) and (f) (by SECTION 4869m), (4) (intro.), (a), (b), (c), (d), (e), (5), (6) and (7), 619.16 (title), (1), (2) and (3) (a), (b), (c), (d), (e), (em) and (f), 619.165 (title), (1) (a), (b) and (d) (by SECTION 4891r), (2) and (3), 619.167, 619.17 (intro.), (1), (2), (3) and (4) (a), 619.175, 619.18, 631.36 (7) (a) 2., 632.785 (1) (intro.), chapter 149 (title) and subchapter II (title) of chapter 619 of the statutes, the repeal of subchapter I (title) of chapter 619 of the statutes, the renumbering of subchapter I of chapter 619 of the statutes, the renumbering and amendment of section 619.12 (3) of the statutes and SECTIONS 9127 (2) and 9327 (3m) of this act take effect on January 1, 1998.

(4g) COVERAGE FOR ALCOHOLISM, OTHER DRUG ABUSE PROBLEMS AND NERVOUS AND MENTAL DISORDERS. The treatment of section 632.89 (2) (a) 2. and (c) 2. a. and b., (d) 2. and (dm) 2. of the statutes and SECTION 9327 (3g) of this act take effect on first day of the 5th month beginning after publication.

(4rcg) INSURANCE COVERAGE OF TREATMENT FOR TEMPOROMANDIBULAR DISORDERS AS WELL AS HOSPITAL CHARGES AND ANESTHETICS FOR DENTAL CARE AND BREAST RECONSTRUCTION. The treatment of sections 40.51 (8) (by SECTION 1324m) and (8m) (by SECTION 1325m), 60.23 (25) (by SECTION 2178p), 66.184 (by SECTION 2210m), 111.91 (2) (n), 120.13 (2) (g) (by SECTION 2860f), 609.77, 609.78, 609.79 and 632.895 (11), (12) and (13) of the statutes and SECTION 9327 (3rcg) of this act take effect on January 1, 1998.

SECTION 9431. Effective dates; justice.

(1) DRUG ENFORCEMENT FUNDING. The treatment of section 20.455 (2) (e) of the statutes takes effect on July 1, 1998.

(1pt) ABUSE AND NEGLECT REPORTS. The treatment of section 938.22 (7) (a) (by SECTION 5250b) of the statutes and the creation of section 165.825 of the statutes take effect on the first day of the 12th month beginning after publication.

(1x) DELINQUENCY VICTIM AND WITNESS ASSISTANCE SURCHARGE. The treatment of sections 46.07, 301.32 (1), 303.01 (8), 895.035 (2m) (b), (bm) 1. and (c), 938.34 (8d) and 938.345 (1) (c) of the statutes, the repeal and recreation of sections 20.455 (5) (g), 59.25 (3) (f) 2. and 59.40 (2) (m) of the statutes and SECTION 9331 (1x) of this act take effect on October 1, 1997, or on the effective date of this subsection, whichever is later.

SECTION 9432. Effective dates; legislature.

(1g) TOURING EXHIBIT OF WISCONSIN STATE CAPITOL. The treatment of section 20.765 (1) (d) (by SECTION 716e) of the statutes takes effect on July 1, 1998.

SECTION 9436. Effective dates; military affairs.

(1m) EMERGENCY MANAGEMENT. The treatment of sections 15.07 (2) (k), 15.315, 20.465 (3) (i), (j), (jt), (r) (title) and (t), 59.54 (8) (a) 4., 166.20 (1) (a), (2) (intro.), (4) (a) and (b), (4m), (5) (a) 2. and 5., (5m), (7) (b), (7g) (a) and (e), (7m) (a) and (b), (8) (a), (9) (a) 1. c., d. and e., 2. (intro.) and a. and 3. and (b) 1. (intro.) and a. and 2. and (11) (dg), 166.21 (1) (b), (2) (e), (3) (a) 1. and 3., (b), (c) and (e), (4) and (5), 166.215 (3) and 895.483 (1) of the statutes, the repeal and recreation of sections 15.07 (1) (cm), 20.465 (3) (dt) and (jm), 166.20 (7) (a) (intro.), 166.21 (2m) (intro.), 166.215 (1) and (2) and 166.22 (3m) of the statutes and SECTION 9136 (1m) of this act take effect on July 1, 1998.

SECTION 9437. Effective dates; natural resources.

(1) ISSUING SYSTEM. The treatment of sections 27.01 (7) (title), (b), (c) (intro.) and 8., (d), (e) (title) and 2., (f) (title), 1., 2., 3. and 4., (g) (title), 1., 2., 3. and 4., (gm) (title), 1., 2., 3. and 4., (gr) and (h), (7m) and (8m) (title) and (c), 27.014 (1), 29.09 (1m), (3m), (3r), (5), (6), (7), (7m), (8), (10) (a) and (c), (11) and (13), 29.095 (2), 29.102 (1) (a) and (b), 29.1025 (1) (a) and (2), 29.103 (2) (b) 1. and 2. and (5) (a), 29.104 (3), 29.105 (3), 29.113 (3), 29.117 (3), 29.1475 (3) and (6), 29.148 (2), 29.149 (2) and (3), 29.15 (2) and (3), 29.34 (4) (c), 29.343 (5), 29.36 (2) and 29.37 (3) (b) of the statutes, the amendment of sections 29.09 (4) and (12) (a), (b) and (c), 29.10, 29.104 (1), 29.105 (1), 29.1085 (3) (c) 2., 29.11, 29.112, 29.113 (1), 29.114 (1), 29.116, 29.117 (1), 29.13 (1) (a), 29.14 (1) (a), (2), (3), (4), (5), (6) and (7) (a), 29.145 (1) (a), (2) (a) and (3) (a), 29.146, 29.147 (1), 29.148 (1m) (intro.) (by SECTION 1075), 29.343 (1), 29.36 (1) and 29.37 (1) of the

statutes and the renumbering and amendment of section 27.01 (7) (e) of the statutes take effect on January 1, 1999.

(1x) VOLUNTARY PARTY ELIGIBILITY. The treatment of section 292.15 (1) (f) 1m. of the statutes takes effect on July 1, 1998.

(2) CAMPGROUND RESERVATION SYSTEM.

(a) The treatment of section 27.01 (11) (a) and (b) of the statutes takes effect on January 1, 1998.

(b) The treatment of section 27.01 (11) (d), (e), (f), (g), and (h) of the statutes takes effect on April 1, 1998.

Vetoed In Part (2m) CERTIFIED REMEDIATION PROFESSIONALS. The treatment of section 292.85 (3) of the statutes takes effect on April 1, 1998.

(3) NONPOINT SOURCE WATER POLLUTION ABATEMENT. The treatment of section 281.65 (4) (L) and (8) (f), (g), (gm), (h), (hm), (i), (j) and (jm) of the statutes takes effect on July 1, 1998.

(4d) OUT–OF–STATE WASTE. The treatment of sections 25.46 (6r), 287.07 (7) (a), (b) 3. and (d), 287.11 (1), (2) (b), (c) (intro.), (d) (intro.) and (i), (2e) (a) and (b), (2m) (b) (intro.) and (c) and (2p) (c), 287.12, 289.63 (title), (1), (2), (3) (title), (c) and (d), (5), (6), (7), (8) and (9) (title) and (a), 289.65, 289.66 and 289.67 (1) (e) of the statutes takes effect on October 1, 1999.

(5m) ELIMINATION OF PUBLIC INTERVENOR BOARD. The treatment of sections 15.07 (1) (cm) (by SECTION 45m), 15.345 (4), 18.13 (4), 23.39 and 227.485 (2) (e) of the statutes takes effect on the 30th day beginning after publication.

(6gs) REGULATION OF FISH FARMING. The treatment of sections 20.115 (2) (ha), 23.09 (2) (f), 29.01 (2s), (2w), (3), (3m), (11c), (11d), (12p) and (12r), 29.02 (3m), 29.092 (8) (title), (c), (d), (e) and (f) and (8m), 29.093 (8) (title), (a) (title) and (b) and (8m), 29.135 (8), 29.137 (8), 29.145 (1) (c), 29.286 (3), 29.29 (5) (title) and (b), 29.30 (3), 29.33 (4g), 29.34 (6), 29.343 (6), 29.344 (5), 29.36 (4), 29.37 (5), 29.42 (4), 29.43 (5) (b), 29.44 (3), 29.47 (7) (title) and (b), 29.48 (1m) and (3), 29.49 (1) (a) (intro.) and (3), 29.50 (title) and (3), 29.51 (title), (1) (intro.) and (e), (2), (3) (title), (3m) (title) and (b), (4) and (5) (title), (a) and (b), 29.513 (5), 29.514, 29.52, 29.521, 29.525, 29.53, 29.535 (title), (1) (a) 1. and 2., (c), (d), (e) and (f), (2) (a) and (b) and (3), 29.55 (2m), 29.572 (1), 29.585 (2) (a), 29.59 (1) (f), 29.60 (2g), 29.62 (1), 29.623 (2), 29.645, 29.65 (1) (intro.), 29.99 (15), 95.60, 895.57 (3) and 943.75 (3) of the statutes, the renumbering of sections 29.093 (8) (a), 29.29 (5), 29.47 (7) and 29.623 of the statutes, the renumbering and amendment of sections 29.50 and 29.51 (5) of the statutes, the amendment of section 29.087 (1) of the statutes and SECTION 9137 (12m) of this act take effect on January 1, 1998.

(7) STEWARDSHIP FINANCING. The repeal and recreation of sections 20.370 (7) (aa) and 20.866 (1) (u) of the statutes and the repeal of section 20.370 (7) (au) and (av) of the statutes take effect on July 1, 1999.

(7eq) TIRE WASTE. The repeal of section 20.370 (2) (da) of the statutes takes effect on June 30, 1999.

(7f) CLEAN WATER FUND PRIORITY. The treatment of section 281.58 (8e) (cm) of the statutes takes effect on July 1, 2001.

(9g) SNOWMOBILE TRAIL USE STICKERS. The treatment of sections 350.11 (1) (a) and (b) and (2g) and 350.12 (title), (3j), (3m) (title) and (5) (title) and (a) of the statutes takes effect on May 1, 1998.

(9w) CUMULATIVE PREFERENCE SYSTEM.

(a) The treatment of sections 29.103 (4) (a), (b) (title), 1., 2. and 3., (c) (intro.), 1. (intro.), a. and b., 2. and 3. and (cr), 29.107 (4) and (5) (b) and (d) and 29.174 (2) (c) 1. (intro.), a., b. and c. and 2., (cm) 1. (intro.), a. and b. and 2. and (er) of the statutes takes effect on April 1, 1998.

(b) The treatment of section 29.1085 (3) (b) of the statutes takes effect on October 15, 1997, or on the day after publication, whichever is later.

(9xoj) WILDLIFE DAMAGE PROGRAMS. The treatment of sections 20.370 (1) (Ls), (5) (fa) and (fq), 29.092 (2) (em) and (kd) and (14) (a) and (b), 29.174 (title) and (4m) and 29.598 (2) (b) 1., 2., 3., 4. and 5., (4) (b) and (bn), (5) (b) (intro.), 1. and 2., (bm) and (c), (6) (b), (d), (dm) and (em), (7) (a), (b), (bm), (c) and (d), (7m), (8c), (8g), (8r), (9), (10) and (11) of the statutes, the renumbering and amendment of sections 29.24 and 29.598 (1) of the statutes, the creation of sections 29.24 (1) (b) and 29.598 (1) (a) to (e) of the statutes and SECTION 9337 (7xog) of this act take effect on January 1, 1998. **Vetoed In Part** **Vetoed In Part**

(10c) AID TO WISCONSIN LAKE SCHOONER EDUCATION ASSOCIATION. The repeal and recreation of section 20.370 (5) (cq) of the statutes takes effect on July 1, 1999.

SECTION 9440. Effective dates; public instruction.

(2) CHARTER SCHOOLS.

(a) The treatment of sections 20.255 (2) (fm), 115.001 (1), 118.30 (1m) (intro.), 118.40 (2r), (3) (d), (5) (intro.) and (a) and (7) (am) 2. and 121.02 (1) (intro.) and (a) 2. of the statutes takes effect on July 1, 1998.

(b) The treatment of section 118.40 (3) (b) of the statutes takes effect on July 1, 1998.

(6m) SCHOOL LIBRARY AIDS. The repeal and recreation of section 20.255 (2) (s) of the statutes takes effect on July 1, 1999.

(6pt) ABUSE AND NEGLECT REPORTS. The treatment of section 120.13 (14) of the statutes takes effect on the first day of the 12th month beginning after publication.

(7x) OPEN ENROLLMENT. The treatment of section 121.84 (1) (a) of the statutes takes effect on July 1, 1998.

SECTION 9442. Effective dates; regulation and licensing.

Vetoed In Part (1) INITIAL AND RENEWAL CREDENTIAL FEES. The treatment of sections 440.05 (1) (a), 440.08 (2) (a) 4., 5., 6., 7., 8., 11., 11m., 12., 13., 14r., 15., 17., 18., 19., 20.,

Vetoed In Part 21., 22., 23., 24., 26., 27., 30., 32., 33., 36., 37m., 38., 39., 43., 44., 46., 46m., 48., 51., 53., 54., 55., 57., 58., 59., 60., 61., 63., 63m., 63t., 64., 65., 66., 66m., 67., 68d., 68h., 68p., 68t., 68v., 69. and 70. and 452.12 (2) (title) of the statutes takes effect on September 1, 1997, or on the first day of the 2nd month beginning after publication, whichever is later.

(1j) CREDENTIAL APPLICATIONS AND INFORMATION. The treatment of sections 440.03 (7) and (7m), 440.035 (4), 440.08 (2g) (a) and (b) (intro.), 440.11 (1), 443.06 (1) (a), 443.10 (2) (a), 445.08 (4) (a), 448.05 (7) and 454.08 (4) of the statutes takes effect on September 1, 1997, or on the first day of the 2nd month beginning after publication, whichever is later.

(1pt) ABUSE AND NEGLECT REPORTS. The creation of section 440.03 (3q) and (12m) of the statutes takes effect on the first day of the 12th month beginning after publication.

SECTION 9443. Effective dates; revenue.

(1) LOTTERY RETAILER COMPENSATION. The treatment of section 565.02 (4) (f) of the statutes and the repeal and recreation of section 565.10 (14) (b) of the statutes take effect on January 1, 1998.

(2) SALES TAX AND USE TAX EXEMPTION FOR CERTAIN KINDS OF PLASTIC. The treatment of section 77.54 (3m) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(3) EXEMPTING CERTAIN RETAILERS FROM CERTAIN LOCAL EXPOSITION DISTRICT TAXES. The treatment of section 77.9815 of the statutes takes effect on January 1, 1998.

(3t) NONRESIDENTS AND PART–YEAR RESIDENTS. The treatment of section 71.06 (2s) (b) of the statutes and the renumbering and amendment of section 71.06 (2s) (by SECTION 2261fm) of the statutes take effect on January 1, 1998.

(4) THE USE TAX ON CERTAIN MOTOR VEHICLES. The treatment of section 77.53 (1m) (a) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(5) TAX APPEALS COMMISSION FILING FEES.

(a) The amendment of section 73.01 (5) (a) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(b) The repeal and recreation of section 73.01 (5) (a) of the statutes takes effect on May 15, 1998.

(6) ADMINISTRATIVE APPROPRIATION LAPSE. The treatment of section 20.566 (1) (g) of the statutes takes effect on June 30, 1998.

(7) ELECTRONIC TAX FILING. The treatment of sections 71.01 (1m), (5g), (8r) and (9c), 71.09 (6), 71.22 (1m), (2m), (8) and (9m), 71.24 (8), 71.29 (2), 71.42 (1m) and (3m), 71.44 (4) (a), 71.63 (1m), (3m), (3r) and (5m), 71.65 (2) (title), (a) and (b) and (3) (a), (d) and (e), 71.66 (1) (a), (b), (c), (d) and (f), 71.68, 71.69, 71.70, 71.71 (2), 71.72, 71.738, 71.74 (1), (3), (6), (8) (a) and (d), (9) and (14), 71.75 (6) and (7), 71.76, 71.77 (3) and (5), 71.78 (1), (8) (d) (intro.), (9) and (10), 71.80 (1) (a) and (c) to (e), (2), (3), (3m) (intro.), (c) and (d), (7), (8), (16) (a), (17) and (18), 71.90 (1), 71.91 (1) (b), (6) (c) 3. and (g) 1. and (7) (d), 72.01 (12m) and (14m), 72.045, 72.22 (1) and (3), 72.30 (1) and (4), 72.33 (2) (intro.), 72.34, 77.51 (3r) and (17r), 77.52 (17m) (a), 77.58 (1m), 77.61 (14), 77.75, 77.92 (1m), 77.96 (5) and (5m), 78.005 (6m), (13b) and (13r), 78.09 (2) and (5), 78.12 (2) (intro.) and (a) to (c) and (5) (a) and (b), 78.20 (1m) and (4), 78.22 (1), (3) (a) and (b) and (4), 78.39 (4m), 78.49 (1) (a) and (b), 78.55 (2g), (2r), (5m) and (6), 78.58 (1) (a) and (b) and (3), 78.585, 78.59 (2), 78.66 (4), 78.75 (1m) (a) 1., (c) and (e), 78.78 (3), 139.01 (2g), (2r), (5m) and (9m), 139.03 (2x) (a) and (d), 139.05 (1), (2a), (4) and (7) (b), 139.06 (1) (c), (2) (a) and (b) and (3), 139.096, 139.11 (2), 139.30 (4m), (8m) and (12m), 139.315 (1) and (4), 139.32 (1), 139.33 (3), 139.34 (1) (a), 139.38 (2) (a) and (5), 139.44 (2), 139.75 (4m) and (5m), 139.77 (1), 139.78 (2), 139.79 (1), 139.81 (1) and 139.82 (2) (a) and (5) of the statutes and the repeal and recreation of sections 78.75 (1m) (a) 3. and 139.32 (5) of the statutes take effect on January 1, 1998.

(7m) FARM LOSS LIMITS. The treatment of section 71.05 (6) (a) 10. of the statutes takes effect on January 1, 1999.

(7z) CIGARETTE STAMP DISCOUNT. The amendment of section 139.32 (5) of the statutes takes effect on the first day of the 2nd month beginning after publication or on November 1, 1997, whichever is earlier.

(8) SALES TAX ON MANUFACTURED BUILDINGS. The treatment of section 77.51 (2), (4) (b) 3. and 7. and (15) (b) 4. and 6. of the statutes takes effect on the first day of the 2nd month beginning after publication.

(12) ANSWERING SERVICES. The treatment of section 77.52 (2) (a) 5m. of the statutes takes effect on the first day of the 2nd month beginning after publication.

(13) INTERSTATE TELECOMMUNICATIONS AND CALLING CARDS. The treatment of section 77.52 (2) (a) 5. of the statutes takes effect on the first day of the 2nd month beginning after publication. **Vetoed In Part**

(14) CIGARETTE TAX RATE. The treatment of section 139.31 (1) (a) and (b) of the statutes takes effect on the first day of the 2nd month beginning after publication or on November 1, 1997, whichever is earlier.

(15h) PROPERTY TAX EXEMPTION FOR CERTAIN CHARITABLE ORGANIZATIONS. The treatment of section 70.11 (12) of the statutes takes effect on January 1, 1998.

(15j) DYED FUEL. The treatment of sections 78.01 (2) (e) and 78.73 (1) (dm) of the statutes and the repeal and recreation of section 78.01 (2m) (f) of the statutes take effect on November 1, 1997.

(15k) STATE RENTAL CAR FEE. The treatment of section 25.40 (1) (bm), chapter 77 (title) and subchapter XI of chapter 77 of the statutes takes effect on April 1, 1998.

(15L) ADULT ENTERTAINMENT TAX. The treatment of subchapter XIII of chapter 77 of the statutes takes effect on April 1, 1998.

Vetoed In Part (16n) COUNTY SALES TAX ADMINISTRATION. The treatment of sections 20.835 (4) (g) and 77.76 (3) and (4) of the statutes takes effect on July 1, 1999.

Vetoed In Part (16p) GARBAGE AND TRASH DISPOSAL AND COLLECTION. The treatment of section 70.119 (3) (d) of the statutes and SECTION 9343 (9m) of this act take effect on January 1, 1998.

Vetoed In Part (17t) MEDICINES. The treatment of section 77.54 (14) (f) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(17x) RAW MATERIALS FOR PRINTING. The treatment of sections 77.51 (18) (intro.), (a) and (b) and (22) (a) and 77.54 (43) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(18e) SALES TAX ON FUEL TAX REFUNDS. The treatment of section 77.51 (4) (a) 4. and (15) (a) 4. of the statutes takes effect on the first day of the 2nd month beginning after publication.

Vetoed In Part (18n) TIME–SHARE PROPERTY. The treatment of sections 77.51 (4) (c) 6., 77.52 (2) (a) 1. and 77.54 (30) (d) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(18rmt) PROPERTY LEASED OR SUBLEASED TO SCHOOL DISTRICTS. The treatment of section 70.11 (2m) of the statutes takes effect on January 1, 1998.

(18t) BUSINESS TAX REGISTRATION. The treatment of sections 73.03 (51), 77.52 (7), (9), (12) and (17m) (b) 7., 77.53 (9) (by SECTION 2392mm) and (9m), 78.10 (1), (2), (3) and (4), 78.47, 78.48 (1), (2), (3) and (4), 78.56, 78.57 (1), (2), (3) and (4), 78.77 (1), 139.09, 139.81 (1) and 168.12 (7) of the statutes and 1995 Wisconsin Act 27, section 9148 (3z) (b), takes effect on January 1, 1998.

(19bn) SALES TAX EXEMPTION CERTIFICATES. The treatment of section 77.53 (10) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(19g) SALES TAX EXEMPTION FOR PERIODICALS. The treatment of section 77.54 (15) of statutes takes effect on the first day of the 2nd month beginning after publication.

Vetoed In Part **SECTION 9448. Effective dates; tourism.**

(1m) TOURISM MATERIALS GRANTS. The repeal of section 20.380 (1) (c) of the statutes takes effect on July 1, 1999.

SECTION 9449. Effective dates; transportation.

(1t) CHILDREN FIRST LICENSE PLATES. The treatment of sections 25.40 (1) (a) 16., 48.982 (2) (d) and (2m) (intro.), 341.14 (6r) (b) 3. and 6., (c), (e) and (f) 53. and 341.16 (1) (b) of the statutes, the renumbering and amendment of section 25.67 (2) of the statutes and the creation of section 25.67 (2) (a) 2. of the statutes take effect on January 1, 1999.

(2) CERTIFICATES OF TITLE. The treatment of sections 218.01 (7a) (a), 218.33 (2) (b), 218.52 (3), 341.14 (6m) (b) (intro.), 1., 2. and 3. and (6r) (g) (intro.), 1., 2. and 3., 341.145 (5) (intro.), (a), (b) and (c), 342.01 (2) (a) and (ag), 342.06 (1) (intro.) and (i) and (1m), 342.10 (6), 342.155 (1) (b) and 342.20 (1) of the statutes, the repeal and recreation of sections 341.10 (3) and 341.14 (6r) (g) (intro.) of the statutes and SECTION 9349 (4) (a) of this act take effect on January 1, 1999.

(3b) SUPPLEMENTAL TITLE FEE. The treatment of sections 20.855 (4) (f), 25.40 (1) (a) 9., 25.46 (1m) and (20) and 342.14 (3m) of the statutes takes effect retroactively to July 1, 1997.

(4) DRIVER SCHOOL AND INSTRUCTOR LICENSES. The treatment of sections 343.61 (3) and 343.62 (3) of the statutes takes effect on September 1, 1997.

(4mg) MASS TRANSIT OPERATING ASSISTANCE. The treatment of sections 20.395 (1) (dq), (dr), (ds), (dt) and (du) and 85.20 (4m) (em) 1. (by SECTION 2481png), (4s) (by SECTION 2481pt) and (7) (a) (intro.) (by SECTION 2481pw) of the statutes takes effect on July 1, 1999.

(5g) REGISTRATION OF LEASED VEHICLES. The treatment of sections 27.014 (1c) and (2) (intro.), (b), (c) and (d), 341.04 (1) (a) (by SECTION 3962j) and (c), 341.08 (2) (am), (bm) and (e) and (4m), 341.09 (4) (by SECTION 3973c), 341.10 (1), 341.14 (1q), (1r) (a), (6r) (bm) and (7), 341.145 (1g) (c) and (d) and (4) (by SECTION 3998m), 341.26 (2) (m), 341.28 (2) (b) (by SECTION 4011m) and (7) (a) (by SECTION 4012m) and (b), 341.305 (2) (bm), 341.31 (1) (b) 2., 5. and 6., (2) (a), (4) (a) and (b) and (5), 341.33 (3), 341.40 (2), 341.65 (1) (am), 342.30 (1), (1c), (3) (a) and (4) (a), 342.40 (1) and (1c), 343.51 (1), 344.01 (2) (cm), 344.02 (1), 344.14 (2m), 346.175 (1) (a), 346.195 (1), 346.205 (1), 346.457 (1), 346.465 (1), 346.485 (1), 346.505 (3) (a), 346.665, 346.94 (13), 346.945 (1) (a), 349.13 (1), (1b) and (2) (intro.) and 349.137 (1) (a) and (3) (c) 2. e., (f) and (h) of the statutes and 1995 Wisconsin Act 445, sections 14 and 23 (1), the renumbering of section 346.01 of the statutes, the renumbering and amendment of section 341.01 (2) of the statutes, the amendment of sections 341.09 (2m) (a), 341.10 (3) and 341.14 (6r) (g) (intro.) of the statutes, the creation of sections 341.01 (2) (b) and 346.01 (2) of the statutes and SECTIONS 9149 (3bg) and 9349 (5mg), (6mg) and (7g) of this act take effect on January 1, 1998.

(5m) ANTIQUE MOTORCYCLES. The treatment of sections 341.14 (4) and 341.265 (1) and (1m) of the statutes takes effect on January 1, 1998.

(5n) TRANSPORTATION AIDS TO PROFESSIONAL BASEBALL PARK DISTRICTS. The repeal of sections 20.395 (1) (gr) and 85.60 of the statutes takes effect on July 1, 1999.

(6m) TRANSACTIONS BY FINANCIAL INSTITUTIONS. The treatment of section 341.255 (title) and (4) of the statutes and SECTION 9349 (10m) of this act take effect on January 1, 1998.

(7) FILING OF CERTIFICATIONS AND RECERTIFICATIONS BY INSURERS. The treatment of section 344.42 of the statutes and SECTION 9349 (7) of this act take effect on January 1, 1998.

(7mg) ENVIRONMENTAL IMPACT FEE ON NEW CAR REGISTRATION. The treatment of section 342.14 (1r) of the statutes takes effect on December 1, 1997.

(8) DRIVER'S LICENSE AND IDENTIFICATION CARD ISSUANCE AND RENEWALS. The treatment of sections 343.14 (3) (a) and (4), 343.16 (3) (a), 343.20 (1) (a) and (f), 343.21 (1) (a), (am), (b), (bg), (d), (i) and (im) and 343.50 (5), (6) and (7) of the statutes takes effect on February 1, 1998.

(8e) LATE FEES.

(a) The treatment of section 343.21 (1m) of the statutes takes effect on April 1, 1998.

(b) The treatment of section 341.255 (5) of the statutes takes effect on October 1, 1998.

(8m) VEHICLE REGISTRATION FEES. The treatment of sections 341.25 (1) (a) and (j) 1. to 7. and (2) (a) to (q) and 341.26 (3) (a) 1. and (g) 1. to 17. of the statutes takes effect on December 1, 1997.

(8mm) VEHICLE REGISTRATION PERIOD. The treatment of sections 341.13 (1) (intro.), 341.145 (4) (by SECTION 3998q), 341.16 (2m), 341.17 (1), 341.27 (1), (2) and (3) (intro.) and (a), 341.28 (1), (2) (intro.) and (b) (by SECTION 4011q) and (7) (a) (by SECTION 4012q), 342.15 (4) (a) and 342.34 (1) (c) of the statutes takes effect on the first day of the 15th month beginning after publication.

(8nm) TEMPORARY OPERATION PLATES. The treatment of sections 341.04 (1) (intro.) and (a) (by SECTION 3962m), 341.09 (2) (c) and (g), (2m) (b) and (c), (2r) and (9), 342.06 (1) (k) and 885.237 (title) of the statutes, the renumbering of section 885.237 of the statutes, the renumbering and amendment of section 341.09 (1) and (2m) (a) of the statutes, the creation of sections 341.09 (1) (b) and (c) and (2m) (a) 1. b. and 2. and 885.237 (2) of the statutes and SECTION 9349 (9sm) of this act take effect on September 1, 1998.

Vetoed In Part

(9) MOTORCYCLE REGISTRATION FEE. The treatment of section 341.25 (1) (b) of the statutes takes effect on May 1, 1998.

SECTION 9453. Effective dates; University of Wisconsin System.

(1) UNIVERSITY OF WISCONSIN–MADISON INTERCOLLEGIATE ATHLETIC FACILITIES. The treatment of section 20.285 (1) (db) and (kd) of the statutes takes effect on July 1, 1998.

(2g) DISTINGUISHED CHAIR OF MILITARY HISTORY. The treatment of section 36.25 (42) of the statutes takes effect on July 1, 1998.

(2m) PHARMACY INTERNSHIP BOARD. The treatment of sections 15.915 (3), 19.42 (13) (d), 36.25 (20), 450.04 (3) (intro.), (a) and (b) and 450.045 of the statutes takes effect on July 1, 2001.

SECTION 9456. Effective dates; other.

(2m) HISTORICAL LEGACY PROGRAM; WISCONSIN SESQUICENTENNIAL COMMISSION. The repeal of sections 20.525 (1) (e), (em), (g), (gm) and (h) and 25.40 (1) (a) 17. of the statutes and SECTION 9256 (1m) of this act take effect on July 1, 1999.

(3m) ELIMINATION OF LAND INFORMATION BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16., 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1) (e), 36.25 (12m) (intro.), 59.43 (2) (ag) 1. and (e), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) and (5) and 92.10 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1) (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and 59.72 (1) (am), (3) (c) and (4) of the statutes and SECTION 9101 (1) of this act take effect on September 1, 2003.

(4z) CHIROPRACTIC LIENS. The treatment of section 779.80 (title), (1), (1b), (2), (3) (intro.), (a), (b) and (c), (4), (5) and (6) and subchapter IX (title) of chapter 779 of the statutes and SECTION 9356 (9h) of this act take effect on January 1, 1999.

Vetoed In Part