

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representatives VRAKAS and JENSEN.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 3: before that line insert:

3 “**SECTION 1bg.** 1.026 (1) (b) of the statutes is amended to read:

4 1.026 **(1)** (b) It is the policy of the legislature that the Apostle Islands be  
5 managed in a manner that will preserve their unique primitive and wilderness  
6 character. The department of ~~natural resources~~ fish, wildlife, parks, and forestry is  
7 directed before taking any action or making a decision concerning the Apostle  
8 Islands to make a finding that such an action or decision will ensure that the citizens  
9 of this state will be assured the opportunity for wilderness, inspirational primitive  
10 and scenic experiences in the Apostle Islands into perpetuity.

11 **SECTION 1bh.** 1.026 (3) of the statutes is amended to read:

1           1.026 **(3)** LANDS TO BE CONVEYED. Notwithstanding any other law to the  
2 contrary, the department of ~~natural resources~~ fish, wildlife, parks, and forestry, with  
3 the approval of the governor, is directed to donate and convey, upon request of the  
4 United States for purposes of the development of the lakeshore, all state-owned  
5 lands within the lakeshore boundary, as hereafter described: The state-owned lands  
6 on Basswood, Oak, Michigan and Stockton Islands in township 50 north, range 3  
7 west; township 51 north, range 1 west; township 51 north, range 3 west, township  
8 52 north, range 3 west, all in the town of La Pointe, Ashland County, Wisconsin. Each  
9 conveyance shall contain a provision that such lands shall revert to the state when  
10 they are no longer used for national lakeshore purposes as defined by section 7 of the  
11 Apostle Islands national lakeshore act of 1970 (P.L. 91-424; 84 stat. 880), except that  
12 such reversion does not apply to lands upon which capital improvements have been  
13 placed by the United States.

14           **SECTION 1bj.** 1.035 (1) of the statutes is amended to read:

15           1.035 **(1)** The state of Wisconsin consents that the government of the United  
16 States may acquire in this state, in any manner, such areas of land, or of land and  
17 water, as the United States deems necessary for the establishment of the “Upper  
18 Mississippi River Wildlife and Fish Refuge,” in accordance with the act of congress  
19 approved June 7, 1924; provided, that the states of Illinois, Iowa and Minnesota  
20 grant a like consent, and all rights respectively reserved by said states, in addition  
21 to the reservation herein made, are hereby reserved to this state; and provided,  
22 further, that any acquisition by the government of the United States of land, or of  
23 land and water, shall first be approved by the governor, on the advice of the  
24 department of ~~natural resources~~ fish, wildlife, parks, and forestry.

25           **SECTION 1bL.** 1.055 (1) of the statutes is amended to read:

1           1.055 (1) Consent of this state is given to the acquisition by the United States  
2 by purchase, gift, lease or condemnation, with adequate compensation therefor, of  
3 such areas of land not exceeding 2,000,000 acres as the United States deems  
4 necessary for the establishment of national forests in the state, in accordance with  
5 the act of congress approved June 7, 1924, and the board of commissioners of public  
6 lands are authorized to sell and convey for a fair consideration to the United States  
7 any state lands included within such areas; provided, that this state shall retain  
8 concurrent jurisdiction with the United States in and over such areas so far that civil  
9 process, in all cases, and such criminal process as may issue under the authority of  
10 this state against any persons charged with the commission of any crime within or  
11 without said areas, may be executed thereon in like manner as if this consent had  
12 not been given. Provided, further, that the boundaries of any areas so selected shall  
13 be first approved by the governor, the board of commissioners of public lands, the  
14 department of ~~natural resources~~ fish, wildlife, parks, and forestry, and the county  
15 board of each county in which any such area is located.

16           **SECTION 1bn.** 1.056 of the statutes is amended to read:

17           **1.056 State conservation areas.** Consent of this state is given to the United  
18 States to acquire by purchase, gift, lease or condemnation, with adequate  
19 compensation therefor, areas of land and water within boundaries approved by the  
20 governor and the county board of the county in which the land is located, for the  
21 establishment of state forests, state parks or other state conservation areas to be  
22 administered by the state under long-term leases, treaties or cooperative  
23 agreements, which the department of ~~natural resources~~ fish, wildlife, parks, and  
24 forestry is hereby authorized to enter into on behalf of the state with the federal  
25 government.”.

1           **2.** Page 2, line 24: after that line insert:

2           “**SECTION 1L.** 1.11 (2) (d) of the statutes is amended to read:

3           1.11 **(2)** (d) Prior to making any detailed statement, the responsible official  
4 shall consult with and obtain the comments of any agency ~~which~~ that has jurisdiction  
5 or special expertise with respect to any environmental impact involved. Copies of  
6 such statement and the comments and views of the appropriate agencies, which are  
7 authorized to develop and enforce environmental standards, shall be made available  
8 to the governor, to the department of natural resources environmental management,  
9 and to the public. Every proposal other than for legislation shall receive a public  
10 hearing before a final decision is made. Holding a public hearing as required by  
11 another statute fulfills this section. If no public hearing is otherwise required, the  
12 responsible agency shall hold the hearing in the area affected. Notice of the hearing  
13 shall be given by publishing a class 1 notice, under ch. 985, at least 15 days prior to  
14 the hearing in a newspaper covering the affected area. If the proposal has statewide  
15 significance, notice shall be published in the official state newspaper;”.

16           **3.** Page 2, line 25: after that line insert:

17           “**SECTION 29n.** 6.10 (7m) of the statutes is created to read:

18           6.10 **(7m)** (a) The residence of a person who is detained, or committed and  
19 institutionalized, under s. 51.20, 971.14, or 971.17 or ch. 980 shall be determined by  
20 applying the standards under sub. (1) to whichever of the following dates is  
21 applicable to the circumstances of the person:

22           1. For a person detained or committed under s. 51.20, the date that the person  
23 was detained under s. 51.20 (2) or, if the person was not detained under s. 51.20 (2),  
24 the date that the person was committed under s. 51.20 (13).

1           2. For a person committed under s. 971.14 or 971.17, the date of the offense or  
2           alleged offense that resulted in the person’s commitment.

3           3. For a person detained or committed under ch. 980, the date that the person  
4           committed the sexually violent offense that resulted in the sentence, placement, or  
5           commitment that was in effect when the state filed a petition under s. 980.02 against  
6           the person.

7           (b) That the person’s habitation was fixed at the place established under par.  
8           (a) before he or she was detained or committed shall be considered prima facie  
9           evidence that the person intends to return to that place. The prima facie evidence  
10          of intent to return to the place determined under par. (a) may be rebutted by  
11          presenting information that indicates that the person is not likely to return to that  
12          place if the person’s detention or commitment is terminated.”.

13          **4.** Page 2, line 25: after that line insert:

14          “**SECTION 9d.** 5.40 (6) of the statutes is amended to read:

15          5.40 **(6)** A municipality which utilizes voting machines or an electronic voting  
16          system at a polling place may permit use of the machines or system by electors voting  
17          under s. 6.15 only as authorized under s. 6.15 (3) ~~(b)~~.

18          **SECTION 10d.** 6.15 (2) (title) of the statutes is amended to read:

19          6.15 **(2)** (title) ~~APPLICATION FOR BALLOT~~ PROCEDURE AT CLERK’S OFFICE.

20          **SECTION 11d.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

21          6.15 **(2)** (a) (intro.) The elector’s request for the application form may be made  
22          to the proper municipal clerk either in person or in writing ~~any time during the~~  
23          ~~10-day period in which the elector’s residence requirement is incomplete, but not~~  
24          ~~later than the applicable deadline for making application for an absentee ballot.~~

1 Except as provided in par. (e), application may be made not sooner than 9 days nor  
2 later than 5 p.m. on the day before the election, or may be made at the proper polling  
3 place ~~in~~ for the ward or election district in which the elector resides. The application  
4 form shall be returned to the municipal clerk after the affidavit has been signed in  
5 the presence of the clerk or any officer authorized by law to administer oaths. The  
6 affidavit shall be in substantially the following form:

7 **SECTION 12d.** 6.15 (2) (bm) of the statutes is created to read:

8 6.15 (2) (bm) When making application in person at the office of the municipal  
9 clerk, each applicant shall present a valid operator's license issued to the person  
10 under ch. 343 that contains a photograph of the license holder or present a valid  
11 identification card issued to the person under s. 343.50.

12 **SECTION 13d.** 6.15 (2) (d) 1g. of the statutes is created to read:

13 6.15 (2) (d) 1g. If the elector makes application in person at the office of the  
14 municipal clerk, the clerk shall verify that the name on the identification provided  
15 by the elector under par. (bm) is the same as the name on the elector's application  
16 and shall verify that the photograph contained in the identification reasonably  
17 resembles the elector.

18 **SECTION 14d.** 6.15 (2) (e) of the statutes is created to read:

19 6.15 (2) (e) If the elector makes application in writing but does not appear in  
20 person, and the clerk receives a properly completed application and cancellation card  
21 from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be  
22 mailed, the application must be received no later than 5 p.m. on the Friday before  
23 the election. In order to be counted, the ballot must be received by the municipal  
24 clerk no later than 5 p.m. on the day before the election.

25 **SECTION 15d.** 6.15 (3) (a) (title) of the statutes is repealed.

1           **SECTION 16d.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2)  
2           (d) 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

3           6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,  
4           and compliance with subd. 1g., the municipal clerk shall ~~inform the elector that he~~  
5           ~~or she may vote for the presidential electors not sooner than 9 days nor later than~~  
6           ~~5 p.m. on the day before the election at the office of the municipal clerk, or at a~~  
7           ~~specified polling place on election day. When voting at the municipal clerk's office,~~  
8           ~~the applicant shall provide identification and permit the elector to cast his or her~~  
9           ballot for president and vice president. The elector shall then mark or punch the  
10          ballot in the clerk's presence in a manner that will not disclose his or her vote. Unless  
11          the ballot is utilized with an electronic voting system, the ~~applicant~~ elector shall fold  
12          the ballot so as to conceal his or her vote. The ~~applicant~~ elector shall then deposit  
13          the ballot and seal it in an envelope furnished by the clerk.

14          **SECTION 17d.** 6.15 (3) (b) (title) of the statutes is repealed.

15          **SECTION 18d.** 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended  
16          to read:

17          6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector  
18          may appear at the polling place for the ward or election district where he or she  
19          resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~  
20          ~~or special registration deputy~~ Except as otherwise provided in this subsection, an  
21          elector who casts a ballot under this subsection shall follow the same procedure  
22          required for casting a ballot at the municipal clerk's office under sub. (2). The  
23          inspectors shall perform the duties of the municipal clerk. ~~The elector shall provide~~  
24          ~~identification. If the elector is qualified, he or she shall be permitted to vote, except~~  
25          that the inspectors shall return the cancellation card under sub. (2) (b) to the

1 municipal clerk and the clerk shall forward the card as provided under sub. (2) (c)  
2 if required. Upon proper completion of the application and cancellation card and  
3 compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or  
4 her ballot for president and vice president. The elector shall then mark or punch the  
5 ballot and, unless the ballot is utilized with an electronic voting system, the elector  
6 shall fold the ballot, and shall deposit the ballot into the ballot box or give it to the  
7 inspector. The inspector shall deposit it directly into the ballot box. Voting machines  
8 or ballots utilized with electronic voting systems may be used by electors voting  
9 under this section if they permit voting for president and vice president only.

10 **SECTION 19f.** 6.22 (4) of the statutes is amended to read:

11 6.22 (4) INSTRUCTIONS AND HANDLING. An individual who qualifies as a military  
12 elector may request an absentee ballot for any election, or for all elections until the  
13 individual otherwise requests or until the individual no longer qualifies as a military  
14 elector. A military elector need not provide the identification required under s. 6.86  
15 (1) (ar) 2. A military elector's application may be received at any time. The municipal  
16 clerk shall not send a ballot for an election if the application is received later than  
17 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot,  
18 as soon as available, to each military elector who requests a ballot. The board shall  
19 prescribe the instructions for marking or punching and returning ballots and the  
20 municipal clerk shall enclose instructions with each ballot and shall also enclose  
21 supplemental instructions for local elections. The envelope, return envelope and  
22 instructions may not contain the name of any candidate appearing on the enclosed  
23 ballots other than that of the municipal clerk affixed in the fulfillment of his or her  
24 duties. Whenever the material is mailed, the material shall be prepared and mailed



1 to make use of the federal free postage laws. The mailing list established under this  
2 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

3 **SECTION 19j.** 6.24 (4) (a) of the statutes is amended to read:

4 6.24 (4) (a) An overseas elector who is properly registered where registration  
5 is required may request an absentee ballot in writing under ss. 6.86 to 6.89. An  
6 overseas elector need not provide the identification required under s. 6.86 (1) (ar) 2.

7 **SECTION 29d.** 6.29 (1) of the statutes is amended to read:

8 6.29 (1) No names may be added to a registration list for any election after the  
9 close of registration, except as authorized under this section or s. 6.28 (1) or 6.55 (2).  
10 Any person whose name is not on the registration list but who is otherwise a qualified  
11 elector is entitled to vote at the election upon compliance with this section, if the  
12 person complies with all other requirements for voting at the polling place.

13 **SECTION 51d.** 6.55 (2) (b) of the statutes is amended to read:

14 6.55 (2) (b) Upon executing the registration form under par. (a), the person  
15 shall be required by a special registration deputy or inspector to present a valid  
16 operator's license issued to the person under ch. 343 that contains the photograph  
17 of the license holder or a valid identification card issued to the person under s. 343.50.  
18 If the identification presented is not acceptable proof of residence under sub. (7), the  
19 person shall also present acceptable proof of residence under sub. (7). ~~If the person~~  
20 ~~cannot supply such proof, the registration form shall be substantiated and signed by~~  
21 ~~one other elector who resides in the same municipality as the registering elector,~~  
22 ~~corroborating all the material statements therein. The corroborator shall then~~  
23 ~~provide acceptable proof of residence. The signing by the elector executing the~~  
24 registration form and by any elector who corroborates the information in the form  
25 under par. (a) shall be in the presence of the special registration deputy or inspector.

1 Upon compliance with this procedure and all other requirements for voting at the  
2 polling place, such person shall then be given the right to vote.

3 **SECTION 52d.** 6.55 (2) (c) 1. of the statutes is amended to read:

4 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.  
5 (a) and (b), the board of election commissioners, or the governing body of any  
6 municipality in which registration is required may by resolution require a person  
7 who qualifies as an elector and who is not registered and desires to register on the  
8 day of an election to do so at another readily accessible location in the same building  
9 as the polling place serving the elector's residence or at an alternate polling place  
10 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's  
11 residence. In such case, the municipal clerk shall prominently post a notice of the  
12 registration location at the polling place. The municipal clerk, deputy clerk, or  
13 special registration deputy at the registration location shall require such person to  
14 execute a registration form as prescribed under par. (a) and to present a valid  
15 operator's license issued to the person under ch. 343 that contains the photograph  
16 of the license holder or a valid identification card issued to the person under s. 343.50.  
17 If the identification presented is not acceptable proof of residence under sub. (7), the  
18 person shall also provide acceptable proof of residence as provided under sub. (7).  
19 ~~If the person cannot supply such proof, the registration form shall be corroborated~~  
20 ~~in the manner provided in par. (b).~~ The signing by the elector executing the  
21 registration form and by any corroborating elector as prescribed under par. (a) shall  
22 be in the presence of the municipal clerk, deputy clerk, or special registration deputy.  
23 Upon proper completion of registration, the municipal clerk, deputy clerk, or special  
24 registration deputy shall serially number the registration and give one copy to the

1 elector for presentation at the polling place serving the elector's residence or an  
2 alternate polling place assigned under s. 5.25 (5) (b).

3 **SECTION 53d.** 6.55 (2) (c) 2. of the statutes is amended to read:

4 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the  
5 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors  
6 of the proper polling place directing that the elector be permitted to cast his or her  
7 vote. ~~If the elector's registration is corroborated, the clerk shall enter the name and~~  
8 ~~address of the corroborator on the face of the certificate~~ if the elector complies with  
9 all requirements for voting at the polling place. The certificate shall be numbered  
10 serially and prepared in duplicate. The municipal clerk shall preserve one copy in his  
11 or her office.

12 **SECTION 54d.** 6.55 (2) (d) of the statutes is amended to read:

13 6.55 (2) (d) A registered elector who has changed his or her name but resides  
14 at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c),  
15 shall notify the inspector of the change before voting. The inspector shall then notify  
16 the municipal clerk at the time which materials are returned under s. 6.56 (1). If an  
17 elector ~~changes~~ has changed both a name and address, the elector shall ~~complete a~~  
18 ~~registration form~~ register at the polling place or other registration location under  
19 pars. (a) and (b).

20 **SECTION 55d.** 6.55 (3) of the statutes is amended to read:

21 6.55 (3) Any qualified elector in the ward or election district where the elector  
22 desires to vote whose name does not appear on the registration list where  
23 registration is required but who claims to be registered to vote in the election may  
24 request permission to vote at the polling place for that ward or election district.  
25 When the request is made, the inspector shall require the person to give his or her

1 name and address. If the elector is not at the polling place which serves the ward or  
2 election district where the elector resides, the inspector shall provide the elector with  
3 directions to the correct polling place. If the elector is at the correct polling place, the  
4 elector shall then execute the following written statement: “I, ....., hereby certify that  
5 to the best of my knowledge, I am a qualified elector, having resided at .... for at least  
6 10 days immediately preceding this election, and that I am not disqualified on any  
7 ground from voting, and I have not voted at this election and am properly registered  
8 to vote in this election.” The person shall be required to ~~provide~~ present a valid  
9 operator’s license issued to the person under ch. 343 that contains a photograph of  
10 the license holder or present a valid identification card issued to the person under  
11 s. 343.50. If any identification presented by the person is not acceptable proof of  
12 residence as provided under sub. (7), the person shall also present acceptable proof  
13 of residence as provided under sub. (7) and shall then be given the right to vote. If  
14 acceptable proof is presented, the elector need not have the information corroborated  
15 by any other elector. If acceptable proof is not presented, the statement shall be  
16 certified by the elector and shall be corroborated by another elector who resides in  
17 the municipality. The corroborator shall then provide acceptable proof of residence  
18 as provided in sub. (7). Whenever the question of identity or residence cannot be  
19 satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall  
20 telephone the office of the municipal clerk to reconcile the records at the polling place  
21 with those at the office.

22 **SECTION 56d.** 6.55 (7) (c) 1. of the statutes is amended to read:

23 6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator’s license issued under ch.  
24 343.

25 **SECTION 57d.** 6.55 (7) (c) 2. of the statutes is amended to read:

1           6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under ~~s. 125.08, 1987~~  
2 ~~stats. s. 343.50.~~

3           **SECTION 57f.** 6.56 (5) of the statutes is repealed.

4           **SECTION 59d.** 6.79 (1) of the statutes is amended to read:

5           6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as provided in sub. (6)  
6 ~~(a)~~, where there is no registration, before being permitted to vote, each person shall  
7 state his or her full name and address and present to the officials a valid operator's  
8 license issued to the person under ch. 343 that contains a photograph of the license  
9 holder or present a valid identification card issued to the person under s. 343.50. The  
10 officials shall enter each name and address on a poll list in the same order as the votes  
11 are cast. If the residence of the elector does not have a number, the election officials  
12 shall, in the appropriate space, enter "none". Alternatively, the municipal clerk may  
13 maintain a poll list consisting of the full name and address of electors compiled from  
14 previous elections. Whenever an elector appears to vote, the officials shall verify the  
15 correctness of the elector's name and address, and shall enter a serial number next  
16 to the name of the elector in the order that the votes are cast, beginning with the  
17 number one. If the name and address of an elector do not appear on the prepared poll  
18 list, the officials shall enter the name, address and serial number of the elector at the  
19 bottom of the list. Except as provided in sub. (6), before being permitted to vote, each  
20 elector shall present to the officials a valid operator's license issued to the elector  
21 under ch. 343 that contains a photograph of the license holder or present a valid  
22 identification card issued to the elector under s. 343.50. The officials may require any  
23 elector to provide identification, including acceptable proof of residence, ~~or to have~~  
24 ~~another elector corroborate his or her information in accordance with the procedure~~  
25 ~~specified in s. 6.55 (2) (b)~~ under s. 6.55 (7) before permitting the elector to vote. ~~An~~

1 ~~elector who presents an identification card under sub. (6) (a) is not required to~~  
2 ~~provide separate identification.~~ The officials shall maintain a separate list of those  
3 persons voting under ss. 6.15 and 6.24.

4 **SECTION 60d.** 6.79 (2) of the statutes is amended to read:

5 **6.79 (2) MUNICIPALITIES WITH REGISTRATION.** Except as provided in sub. (6) (b),  
6 where there is registration, each person, before receiving a voting number, shall state  
7 his or her full name and address and present to the officials a valid operator's license  
8 issued to the person under ch. 343 that contains a photograph of the license holder  
9 or present a valid identification card issued to the person under s. 343.50. Upon the  
10 prepared registration list, after the name of each elector, the officials shall enter the  
11 serial number of the vote as it is polled, beginning with number one. Each elector  
12 shall receive a slip bearing the same serial number. A separate list shall be  
13 maintained for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3) and  
14 electors who are reassigned from another polling place under s. 5.25 (5) (b). Each  
15 such elector shall have his or her full name, address and serial number likewise  
16 entered and shall be given a slip bearing such number.

17 **SECTION 61d.** 6.79 (3) of the statutes is amended to read:

18 **6.79 (3) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT**  
19 **IDENTIFICATION.** Except as provided in sub. (6), if any elector offering to vote at any  
20 polling place refuses to give his or her name and address or is unable to present  
21 identification authorized under sub. (1) or (2), the elector may not be permitted to  
22 vote.

23 **SECTION 62d.** 6.79 (4) of the statutes is amended to read:

24 **6.79 (4) SUPPLEMENTAL INFORMATION.** ~~When any elector provides identification~~  
25 ~~under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the~~

1 ~~type of identification on the poll or registration list, or supplemental list maintained~~  
2 ~~under sub. (2). If the form of identification includes a number which applies only to~~  
3 ~~the individual holding that piece of identification, the election officials shall also~~  
4 ~~enter that number on the list. When any elector corroborates the registration~~  
5 ~~identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or~~  
6 ~~(c) or (3) the name and address of the corroborator shall also be entered next to the~~  
7 ~~name of the elector whose information is being corroborated on the registration or~~  
8 ~~poll list, or the separate list maintained under sub. (2). When any person offering~~  
9 ~~to vote has been challenged and taken the oath, following the person's name on the~~  
10 ~~registration or poll list, the officials shall enter the word "Sworn".~~

11 **SECTION 64d.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

12 **6.79 (6)** (title) EXCEPTIONS REGARDING IDENTIFICATION.

13 **SECTION 65f.** 6.79 (6) (a) of the statutes is amended to read:

14 **6.79 (6)** (a) In municipalities where there is no registration, an elector who has  
15 a confidential listing under s. 6.47 (2) may present an identification card issued  
16 under s. 6.47 (3) in lieu of providing his or her name and address and presenting  
17 identification under sub. (1). If the elector resides in the area served by the polling  
18 place, the inspectors shall then enter the elector's name and identification serial  
19 number on the poll list in a section following the other names, shall issue a voting  
20 serial number to the elector and shall record that number on the poll list and permit  
21 the elector to vote.

22 **SECTION 66d.** 6.79 (6) (am) of the statutes is created to read:

23 **6.79 (6)** (am) The requirement under sub. (1) or (2) that a person present  
24 identification does not apply to a person who is voting under s. 6.15 or 6.55 (3).

25 **SECTION 67d.** 6.79 (6) (b) of the statutes is amended to read:

1           6.79 (6) (b) In municipalities where registration is required, an elector who has  
2 a confidential listing under s. 6.47 (2) may present his or her identification card  
3 issued under s. 6.47 (3) or may give his or her name and identification serial number  
4 issued under s. 6.47 (3), in lieu of stating his or her name and address and presenting  
5 identification under sub. (2). If the elector’s name and identification serial number  
6 appear on the confidential portion of the list, the inspectors shall issue a voting serial  
7 number to the elector, record that number on the registration list and permit the  
8 elector to vote.

9           **SECTION 68d.** 6.82 (1) (a) of the statutes is amended to read:

10           6.82 (1) (a) When any inspectors are informed that an elector is at the entrance  
11 to the polling place who as a result of disability is unable to enter the polling place,  
12 they shall permit the elector to be assisted in marking or punching a ballot by any  
13 individual selected by the elector, except the elector’s employer or an agent of that  
14 employer or an officer or agent of a labor organization which represents the elector.  
15 The individual selected by the elector shall provide all information necessary for the  
16 elector to obtain a ballot under s. 6.79 (1) or (2). The inspectors shall then issue a  
17 ballot to the individual selected by the elector and shall accompany the individual  
18 to the polling place entrance where the assistance is to be given. If the ballot is a  
19 paper ballot, the assisting individual shall fold the ballot after the ballot is marked  
20 or punched by the assisting individual. The assisting individual shall then  
21 immediately take the ballot into the polling place and give the ballot to an inspector.  
22 The inspector shall distinctly announce that he or she has “a ballot offered by ....  
23 (stating person’s name), an elector who, as a result of disability, is unable to enter the  
24 polling place without assistance”. The inspector shall then ask, “Does anyone object  
25 to the reception of this ballot?” If no objection is made, the inspectors shall record



1 the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall  
2 make a notation on the registration or poll list: "Ballot received at poll entrance".

3 **SECTION 68dg.** 6.86 (1) (a) 3. of the statutes is amended to read:

4 6.86 (1) (a) 3. By signing a statement and providing the required identification  
5 under sub. (2) (a).

6 **SECTION 68f.** 6.86 (1) (a) 5. of the statutes is amended to read:

7 6.86 (1) (a) 5. By delivering an application and providing the required  
8 identification to a special voting deputy under s. 6.875 (6).

9 **SECTION 68h.** 6.86 (1) (ar) of the statutes is renumbered 6.86 (1) (ar) 1. and  
10 amended to read:

11 6.86 (1) (ar) 1. Except as authorized in s. 6.22 (4), 6.24 (4) (a), or 6.875 (6), the  
12 municipal clerk ~~shall not~~ may issue an absentee ballot ~~unless the~~ only to a qualified  
13 elector who provides the identification required under subd. 2. and gives the clerk  
14 receives a written absentee ballot application ~~therefor from a qualified elector of the~~  
15 municipality.

16 3. The clerk shall retain each absentee ballot application received under this  
17 section until destruction is authorized under s. 7.23 (1).

18 **SECTION 68j.** 6.86 (1) (ar) 2. of the statutes is created to read:

19 6.86 (1) (ar) 2. An elector who applies in person at the office of the municipal  
20 clerk shall present a valid operator's license issued to the elector under ch. 343 that  
21 contains a photograph of the license holder or a valid identification card issued to the  
22 elector under s. 343.50. Except as provided in s. 6.22 (4), 6.24 (4) (a), and 6.875 (6),  
23 an elector who applies but does not appear in person at the office of the municipal  
24 clerk shall provide a photocopy of the license or identification card that would satisfy  
25 this subdivision if the elector were applying in person.

1           **SECTION 68L.** 6.86 (2) (a) of the statutes is amended to read:

2           6.86 **(2)** (a) An elector who is indefinitely confined because of age, physical  
3 illness or infirmity or is disabled for an indefinite period may by signing a statement  
4 to that effect require that an absentee ballot be sent to the elector automatically for  
5 every election. The application form and instructions shall be prescribed by the  
6 board, and furnished, in addition to other information required by the board, shall  
7 require the elector to provide the identification required under sub. (1) (ar) 2. The  
8 municipal clerk shall furnish the application form and instructions upon request to  
9 any elector by each municipality. The envelope containing the absentee ballot shall  
10 be clearly marked as not forwardable. If any elector is no longer indefinitely  
11 confined, the elector shall so notify the municipal clerk.

12           **SECTION 69d.** 6.86 (3) (a) of the statutes is amended to read:

13           6.86 **(3)** (a) Any elector who is registered, or otherwise qualified where  
14 registration is not required, and who is hospitalized, may apply for and obtain an  
15 official ballot by agent. The agent may apply for and obtain a ballot for the  
16 hospitalized absent elector by presenting ~~a form prescribed by the board and an~~  
17 application containing the required information supplied by the hospitalized elector  
18 and signed by that elector and any other elector residing in the same municipality  
19 as the hospitalized elector, corroborating the information contained therein. The  
20 ~~corroborating elector shall state on the form~~ application form and instructions shall  
21 be prescribed by the board and, in addition to other information required by the  
22 board, shall require the elector to provide the identification required under sub. (1)  
23 (ar) 2. The application form and instructions shall require the corroborating elector  
24 to provide his or her full name and address.

25           **SECTION 69g.** 6.875 (6) of the statutes is amended to read:

1           6.875 (6) Special voting deputies in each municipality shall, not later than 5  
2 p.m. on the Friday preceding an election, arrange one or more convenient times with  
3 the administrator of each nursing home or qualified retirement home and qualified  
4 community-based residential facility in the municipality from which one or more  
5 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
6 election. The time may be no earlier than the 4th Monday preceding the election and  
7 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
8 of an occupant of a nursing home or qualified retirement home or qualified  
9 community-based residential facility, the administrator may notify the relative of  
10 the time or times at which special voting deputies will conduct absentee voting at the  
11 home or facility, and permit the relative to be present in the room where the voting  
12 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit  
13 the nursing home or qualified retirement home or qualified community-based  
14 residential facility. The municipal clerk or executive director of the board of election  
15 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
16 provide for the number of valid applications received by the clerk, and a reasonable  
17 additional number of ballots. The municipal clerk or executive director shall keep  
18 a careful record of all ballots issued to the deputies and shall require the deputies to  
19 return every ballot issued to them. The deputies shall personally offer each elector  
20 who has filed a proper application the opportunity to cast his or her absentee ballot.  
21 If an elector is present who has not filed a proper application, the 2 deputies may  
22 accept an application from the elector and shall issue a ballot to the elector if the  
23 elector is qualified and, the application is proper, and the elector presents a valid  
24 operator's license issued to the elector under ch. 343 that contains a photograph of  
25 the license holder or presents a valid identification card issued to the elector under

1 s. 343.50. The deputies shall administer the oath and may, upon request of the  
2 elector, assist the elector in marking or punching the elector's ballot. Upon request  
3 of the elector, a relative of the elector who is present in the room may assist the elector  
4 in marking or punching the elector's ballot. All voting shall be conducted in the  
5 presence of the deputies. No individual other than a deputy may administer the oath  
6 and no individual other than a deputy or relative of an elector may render voting  
7 assistance to the elector. Upon completion of the voting, the deputies shall promptly  
8 deliver, either personally or by 1st class mail, any absentee ballot applications and  
9 the sealed certificate envelope containing each ballot to the clerk or board of election  
10 commissioners of the municipality in which the elector casting the ballot resides,  
11 within such time as will permit delivery to the polling place serving the elector's  
12 residence on election day. Personal delivery may be made by the deputies no later  
13 than noon on election day. If a qualified elector is not able to cast his or her ballot  
14 on 2 separate visits by the deputies to the nursing home or qualified retirement  
15 home, they shall so inform the municipal clerk or executive director of the board of  
16 election commissioners, who may then send the ballot to the elector no later than 5  
17 p.m. on the Friday preceding the election.

18 **5.** Page 2, line 25: after that line insert:

19 “**SECTION 57f.** 6.78 (intro.) of the statutes is renumbered 6.78 (1m) and  
20 amended to read:

21 **6.78 (1m)** The polls at ~~any every~~ election shall be open: from 7 a.m. until 8 p.m.

22 **SECTION 57h.** 6.78 (1) of the statutes is repealed.

23 **SECTION 57j.** 6.78 (2) of the statutes is repealed.

24 **SECTION 57L.** 6.78 (3) of the statutes is repealed.”.

1           **6.** Page 2, line 25: after that line insert:

2           “**SECTION 4.** 5.02 (17) of the statutes is amended to read:

3           5.02 **(17)** “Registration list” means the list of electors who are properly  
4 registered to vote ~~in municipalities in which registration is required.~~

5           **SECTION 19.** 6.20 of the statutes is amended to read:

6           **6.20 Absent electors.** Any qualified elector of this state who registers where  
7 required may vote by absentee ballot under ss. 6.84 to 6.89.

8           **SECTION 20.** 6.24 (3) of the statutes is amended to read:

9           6.24 **(3)** REGISTRATION. ~~If registration is required in the municipality where the~~  
10 The overseas elector resided or where the overseas elector’s parent resided, the  
11 elector shall register in the municipality where he or she was last domiciled or where  
12 the overseas elector’s parent was last domiciled on a form prescribed by the board  
13 designed to ascertain the elector’s qualifications under this section. The form shall  
14 be substantially similar to the original form under s. 6.33 (1), insofar as applicable.  
15 Registration shall be accomplished in accordance with s. 6.30 (4).

16           **SECTION 21.** 6.24 (4) (a) of the statutes is amended to read:

17           6.24 **(4)** (a) An overseas elector who is properly registered ~~where registration~~  
18 ~~is required~~ may request an absentee ballot in writing under ss. 6.86 to 6.89.

19           **SECTION 22.** 6.24 (4) (c) of the statutes is amended to read:

20           6.24 **(4)** (c) Upon receipt of a timely application from an individual who  
21 qualifies as an overseas elector and who has registered to vote in a municipality  
22 under sub. (3) ~~whenever registration is required in that municipality,~~ the municipal  
23 clerk of the municipality shall send an absentee ballot to the individual for all  
24 subsequent elections for national office to be held during the year in which the ballot

1 is requested, unless the individual otherwise requests or until the individual no  
2 longer qualifies as an overseas elector.

3 **SECTION 23.** 6.24 (8) of the statutes is repealed.

4 **SECTION 24.** 6.27 (1) of the statutes is renumbered 6.27 and amended to read:

5 **6.27 Where elector Elector registration required.** Every municipality  
6 ~~over 5,000 population shall keep a registration list consisting of all currently~~  
7 ~~registered electors. Where used, registration applies to~~ Registration is required in  
8 every municipality for all elections.

9 **SECTION 25.** 6.27 (2) to (5) of the statutes are repealed.

10 **SECTION 27.** 6.28 (2) (b) of the statutes is amended to read:

11 **6.28 (2) (b)** The municipal clerk of each municipality ~~in which elector~~  
12 ~~registration is required~~ shall notify the school board of each school district in which  
13 the municipality is located that high schools shall be used for registration pursuant  
14 to par. (a). The school board and the municipal clerk shall agree upon the  
15 appointment of at least one qualified elector at each high school as a special school  
16 registration deputy. The municipal clerk shall appoint such person as a school  
17 registration deputy and explain the person's duties and responsibilities. Students  
18 and staff may register at the high school on any day that classes are regularly held.  
19 The school registration deputies shall promptly forward properly completed  
20 registration forms to the municipal clerk of the municipality in which the registering  
21 student or staff member resides. The municipal clerk, upon receiving such  
22 registration forms, shall add all those registering electors who have met the  
23 registration requirements to the registration list. The municipal clerk may reject  
24 any registration form and shall promptly notify the person whose registration is  
25 rejected of the rejection and the reason therefor. A person whose registration is

1 rejected may reapply for registration if he or she is qualified. The form of each high  
2 school student who is qualified and will be eligible to vote at the next election shall  
3 be filed in such a way that when a student attains the age of 18 years the student is  
4 registered to vote automatically. Each school board shall assure that the principal  
5 of every high school communicates elector registration information to students.

6 **SECTION 28.** 6.28 (3) of the statutes is amended to read:

7 6.28 (3) AT OFFICE OF REGISTER OF DEEDS. Any person ~~who resides in a~~  
8 ~~municipality requiring registration of electors~~ shall be given an opportunity to  
9 register to vote at the office of the register of deeds for the county in which the  
10 person's residence is located. An applicant may fill out the required registration form  
11 under s. 6.33. Upon receipt of a completed form, the register of deeds shall forward  
12 the form within 5 days to the appropriate municipal clerk, or to the board of election  
13 commissioners in cities over 500,000 population. The register of deeds shall forward  
14 the form immediately whenever registration closes within 5 days of receipt.

15 **SECTION 30d.** 6.29 (2) (a) of the statutes is amended to read:

16 6.29 (2) (a) Any qualified elector of a municipality ~~where registration is~~  
17 ~~required~~ who has not previously filed a registration form or whose name does not  
18 appear on the registration list of the municipality shall be entitled to vote at the  
19 election if he or she delivers to the municipal clerk, or the county clerk if designated  
20 under s. 6. 33 (5) (b), a registration form executed by the elector. The form shall  
21 contain a certification by the elector that all statements are true and correct.  
22 Alternatively, if the elector cannot obtain a registration form, the elector may deliver  
23 a statement, signed by the elector, containing all of the information required on the  
24 registration form. The elector shall present acceptable proof of residence as provided  
25 in s. 6.55 (7). If no proof is presented, the registration form or the listing of required

1 information shall be substantiated by one other elector of the municipality,  
2 corroborating all the material statements therein. The corroborating elector shall  
3 then provide acceptable proof of residence under s. 6.55 (7). The signing of the form  
4 by the registering elector and statement by the corroborating elector shall be done  
5 in the presence of the municipal clerk or deputy clerk, or the county clerk if  
6 designated under s. 6.33 (5) (b), not later than 5 p.m. of the day before an election.

7 **SECTION 31d.** 6.29 (2) (b) of the statutes is amended to read:

8 6.29 (2) (b) ~~Upon~~ Unless the municipal clerk determines that the registration  
9 list will be revised to incorporate the registration in time for the election, upon the  
10 filing of the registration form required by this section, the municipal clerk, or the  
11 county clerk if designated under s. 6.33 (5) (b), shall issue a certificate addressed to  
12 the inspectors of the proper ward or election district directing that the elector be  
13 permitted to cast his or her vote, ~~unless the clerk determines that the registration~~  
14 ~~list will be revised to incorporate the registration in time for the election.~~ The  
15 certificate shall be numbered serially, prepared in duplicate and one copy preserved  
16 in the office of the municipal clerk.

17 **SECTION 35.** 6.33 (5) of the statutes is created to read:

18 6.33 (5) (a) Except as provided in par. (b), whenever a municipal clerk receives  
19 a valid registration or valid change of a name or address under an existing  
20 registration and whenever a municipal clerk cancels a registration, the municipal  
21 clerk shall promptly enter electronically on the list maintained by the board under  
22 s. 6.36 (1) the information required under that subsection, except that the municipal  
23 clerk may update any entries that change on the date of an election in the  
24 municipality within 10 days after that date, and the municipal clerk shall provide



1 to the board information that is confidential under s. 6.47 (2) in such manner as the  
2 board prescribes.

3 (b) The town clerk of any town having a population of not more than 5,000 may  
4 designate the county clerk of the county where the town is located as the town clerk's  
5 agent to carry out the functions of the town clerk under this subsection for that town.  
6 The town clerk shall notify the county clerk of any such designation in writing. The  
7 town clerk may, by similar notice to the county clerk at least 14 days prior to the  
8 effective date of any change, discontinue the designation. If the town clerk  
9 designates a county clerk as his or her agent, the town clerk shall immediately  
10 forward all registration changes filed with the town clerk to the county clerk for  
11 electronic entry on the registration list.

12 **SECTION 36.** 6.35 (2) of the statutes is repealed.

13 **SECTION 37.** 6.35 (3) of the statutes is amended to read:

14 6.35 (3) ~~In municipalities employing data processing for keeping of registration~~  
15 ~~forms, original~~ Original registration forms shall be maintained in the office of the  
16 municipal clerk or board of election commissioners at all times.

17 **SECTION 38.** 6.35 (5) and (6) of the statutes are repealed.

18 **SECTION 39d.** 6.36 (1) of the statutes is repealed and recreated to read:

19 6.36 (1) (a) The board shall compile and maintain electronically an official  
20 registration list. Except as provided in sub. (2) (b), the list shall contain the name  
21 and address of each registered elector in this state and such other information as the  
22 board prescribes by rule.

23 (b) Except for the addresses of electors who obtain a confidential listing under  
24 s. 6.47 (2), the list shall be open to public inspection under s. 19.35 (1) and shall be  
25 electronically accessible by any person, but no person other than an election official

1 who is authorized by a municipal clerk may make a change in the list. The list shall  
2 be electronically accessible by name and shall also be accessible in alphabetical order  
3 of the electors' names for the entire state and for each county, municipality, ward, and  
4 combination of wards authorized under s. 5.15 (6) (b).

5 (c) The list shall be designed in such a way that the municipal clerk or board  
6 of election commissioners of any municipality may, by electronic transmission  
7 utilizing a format prescribed by the board, add, revise, or remove entries on the list  
8 for any elector who resides in, or who the list identifies as residing in, that  
9 municipality and no other municipality.

10 (d) The board may not make any changes in entries to the registration list.

11 **SECTION 40d.** 6.36 (2) (a) of the statutes is amended to read:

12 6.36 (2) (a) Except as provided in par. (b), the each registration lists list  
13 prepared for use at a polling place shall contain the full name and address of each  
14 registered elector, a blank column for the entry of the serial number of the electors  
15 when they vote, and a form of a certificate bearing the certification of the executive  
16 director of the board stating that each the list is a true and complete ~~combined check~~  
17 and registration list of the respective municipality or the ward or wards for which  
18 the list is prepared.

19 **SECTION 41.** 6.36 (3) of the statutes is amended to read:

20 6.36 (3) ~~Municipalities shall prepare at least 2 copies of the registration list for~~  
21 ~~each ward and bind them in book form.~~ The original registration forms constitute  
22 ~~the official registration list and shall be controlling whenever discrepancies occur in~~  
23 entering information from the forms under s. 6.33 (5).

24 **SECTION 42.** 6.47 (2) of the statutes is amended to read:

1           6.47 (2) Except as authorized in sub. (8), the board and each municipal clerk,  
2 and each county clerk who is designated under s. 6.33 (5) (b) as the agent of a  
3 municipal clerk, shall withhold from public inspection under s. 19.35 (1) the name  
4 and address of any eligible individual whose name appears on a poll list or  
5 registration list if the individual files provides the municipal clerk, or the county  
6 clerk if designated under s. 6.33 (5) (b), with a valid written request ~~with the clerk~~  
7 to protect the individual's confidentiality. To be valid, a request under this subsection  
8 must be accompanied by a copy of a protective order that is in effect, an affidavit  
9 under sub. (1) (a) 2. that is dated within 30 days of the date of the request or a  
10 statement signed by the operator or an authorized agent of the operator of a shelter  
11 that is dated within 30 days of the date of the request and that indicates that the  
12 operator operates the shelter and that the individual making the request resides in  
13 the shelter. A physically disabled individual who appears personally at the office of  
14 the municipal clerk, or the county clerk if designated under s. 6.33 (5) (b),  
15 accompanied by another elector of this state may designate that elector to make a  
16 request under this subsection on his or her behalf. Any county clerk that receives  
17 a valid written request under this subsection shall promptly forward the request to  
18 the municipal clerk.

19           **SECTION 43.** 6.47 (3) of the statutes is amended to read:

20           6.47 (3) Upon ~~listing of~~ receiving a valid written request from an elector under  
21 sub. (2), the municipal clerk, or the county clerk if designated under s. 6.33 (5) (b),  
22 shall issue to the elector a voting identification card on a form prescribed by the board  
23 that shall contain the name of the elector's municipality issuing the card of residence  
24 and in the case of a town, the county in which the town is located, the elector's name,  
25 the ward in which the elector resides, if any, and a unique identification serial

1 number issued by the board. The number issued to an elector under this subsection  
2 shall not be changed for so long as the elector continues to qualify for a listing under  
3 sub. (2).

4 **SECTION 44.** 6.50 (1) (intro.) of the statutes is amended to read:

5 6.50 (1) (intro.) Within 90 days following each general election, the municipal  
6 clerk or board of election commissioners of each municipality ~~in which registration~~  
7 ~~is required~~ shall examine the registration records and identify each elector who has  
8 not voted within the previous 4 years if qualified to do so during that entire period  
9 and shall mail a notice to the elector in substantially the following form:

10 **SECTION 45.** 6.50 (2m) (a) of the statutes is amended to read:

11 6.50 (2m) (a) As an alternative to the procedure prescribed in subs. (1) and (2),  
12 the governing body of a municipality ~~where registration is required~~ may provide for  
13 revision of registration lists under this subsection.

14 **SECTION 50d.** 6.55 (2) (a) 1. (intro.) of the statutes is amended to read:

15 6.55 (2) (a) 1. (intro.) Except where the procedure under par. (c) or (cm) is  
16 employed, any person who qualifies as an elector in the ward or election district  
17 where he or she desires to vote, but has not previously filed a registration form, or  
18 was registered at another location ~~in a municipality where registration is required~~,  
19 may request permission to vote at the polling place for that ward or election district,  
20 or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request  
21 is made, the inspector shall require the person to execute a registration form  
22 prescribed by the board that shall contain the following certification:

23 **SECTION 52d.** 6.55 (2) (c) 1. of the statutes is amended to read:

24 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.  
25 (a) and (b), the board of election commissioners, or the governing body of any

1 municipality ~~in which registration is required~~ may by resolution require a person  
2 who qualifies as an elector and who is not registered and desires to register on the  
3 day of an election to do so at another readily accessible location in the same building  
4 as the polling place serving the elector's residence or at an alternate polling place  
5 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's  
6 residence. In such case, the municipal clerk shall prominently post a notice of the  
7 registration location at the polling place. The municipal clerk, deputy clerk or special  
8 registration deputy at the registration location shall require such person to execute  
9 a registration form as prescribed under par. (a) and to provide acceptable proof of  
10 residence as provided under sub. (7). If the person cannot supply ~~such proof~~  
11 acceptable proof of residence, the information contained in the registration form  
12 shall be corroborated in the manner provided in par. (b). The signing by the elector  
13 person executing the registration form and by any ~~corroborating elector~~ corroborator  
14 shall be in the presence of the municipal clerk, deputy clerk or special registration  
15 deputy. Upon proper completion of registration, the municipal clerk, deputy clerk  
16 or special registration deputy shall serially number the registration and give one  
17 copy to the elector for presentation at the polling place serving the elector's residence  
18 or an alternate polling place assigned under s. 5.25 (5) (b).

19 **SECTION 55d.** 6.55 (3) of the statutes is amended to read:

20 6.55 (3) Any qualified elector in the ward or election district where the elector  
21 desires to vote whose name does not appear on the registration list where  
22 ~~registration is required~~ but who claims to be registered to vote in the election may  
23 request permission to vote at the polling place for that ward or election district.  
24 When the request is made, the inspector shall require the person to give his or her  
25 name and address. If the elector is not at the polling place which serves the ward or

1 election district where the elector resides, the inspector shall provide the elector with  
2 directions to the correct polling place. If the elector is at the correct polling place, the  
3 elector shall then execute the following written statement: “I, ..., hereby certify that  
4 to the best of my knowledge, I am a qualified elector, having resided at .... for at least  
5 10 days immediately preceding this election, and that I am not disqualified on any  
6 ground from voting, and I have not voted at this election and am properly registered  
7 to vote in this election.” The person shall be required to provide acceptable proof of  
8 residence as provided under sub. (7) and shall then be given the right to vote. If  
9 acceptable proof is presented, the elector need not have the information corroborated  
10 by any other elector. If acceptable proof is not presented, the statement shall be  
11 certified by the elector and shall be corroborated by another elector who resides in  
12 the municipality. The corroborator shall then provide acceptable proof of residence  
13 as provided in sub. (7). Whenever the question of residence cannot be satisfactorily  
14 resolved and the elector cannot be permitted to vote, an inspector shall telephone the  
15 office of the municipal clerk to reconcile the records at the polling place with those  
16 at the office.

17 **SECTION 58.** 6.79 (intro.) (except 6.79 (title)) of the statutes is renumbered 6.79  
18 (1m) and amended to read:

19 **6.79 (1m) SEPARATE POLL LISTS.** Two election officials at each election ward shall  
20 be in charge of and shall maintain 2 separate poll lists of containing information  
21 relating to all persons voting. The municipal clerk may elect to maintain the  
22 information on the ~~poll list~~ lists manually or electronically. If the ~~list is~~ lists are  
23 maintained electronically, the officials shall enter the information into an electronic  
24 data recording system that enables retrieval of a printed copy of the ~~poll list~~ at the  
25 polling place. The system employed is subject to the approval of the board.

1           **SECTION 59.** 6.79 (1) of the statutes is repealed.

2           **SECTION 60d.** 6.79 (2) of the statutes is repealed and recreated to read:

3           **6.79 (2) VERIFICATION OF NAME AND ADDRESS AND MAINTENANCE OF POLL LISTS.** (a)

4           Unless information on the poll list is entered electronically, the municipal clerk shall  
5           supply the inspectors with 2 copies of the most current original registration list or  
6           lists prepared under s. 6.36 (1) for use as poll lists at the polling place. Except as  
7           provided in sub. (6), each person, before receiving a serial number, shall state his or  
8           her full name and address. The officials shall verify that the name and address  
9           provided by the person are the same as the person's name and address on the poll list.

10           (b) Upon the poll list, after the name of each elector, the officials shall enter a  
11           serial number for each elector in the order that votes are cast, beginning with  
12           number one. The officials shall maintain a separate list for electors who are voting  
13           under s. 6.15 or 6.55 (2) or (3), electors who are voting after presenting a certificate  
14           issued under s. 6.285 (2) (b) 2. or 6.29 (2) (b), and electors who are reassigned from  
15           another polling place under s. 5.25 (5) (b). The officials shall enter the full name,  
16           address, and serial number of each of these electors on the appropriate separate list.  
17           The officials shall provide each elector with a slip bearing the same serial number  
18           as is recorded for the elector upon the poll list or separate list.

19           **SECTION 62d.** 6.79 (4) of the statutes is amended to read:

20           **6.79 (4) SUPPLEMENTAL INFORMATION.** When any elector provides identification  
21           under ~~sub. (1) of~~ s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the  
22           type of identification on the poll ~~or registration~~ list, or supplemental list maintained  
23           under sub. (2). If the form of identification includes a number which applies only to  
24           the individual holding that piece of identification, the election officials shall also  
25           enter that number on the list. When any elector corroborates the registration

1 identity or residence of any person offering to vote under ~~sub. (1) or~~ s. 6.55 (2) (b) or  
2 (c) or (3) the name and address of the corroborator shall also be entered next to the  
3 name of the elector whose information is being corroborated on the ~~registration or~~  
4 poll list, or the separate list maintained under sub. (2). When any person offering  
5 to vote has been challenged and taken the oath, following the person's name on the  
6 ~~registration or~~ poll list, the officials shall enter the word "Sworn".

7 **SECTION 63.** 6.79 (5) of the statutes is repealed.

8 **SECTION 65.** 6.79 (6) (a) of the statutes is repealed.

9 **SECTION 67d.** 6.79 (6) (b) of the statutes is renumbered 6.79 (6) and amended  
10 to read:

11 6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. ~~In municipalities where~~  
12 ~~registration is required, an~~ An elector who has a confidential listing under s. 6.47 (2)  
13 may present his or her identification card issued under s. 6.47 (3), or may give his  
14 or her name and identification serial number issued under s. 6.47 (3), in lieu of  
15 stating his or her name and address under sub. (2). If the elector's name and  
16 identification serial number appear on the confidential portion of the list, the  
17 inspectors shall issue a voting serial number to the elector, record that number on  
18 the registration poll list and permit the elector to vote.

19 **SECTION 68d.** 6.82 (1) (a) of the statutes is amended to read:

20 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance  
21 to the polling place who as a result of disability is unable to enter the polling place,  
22 they shall permit the elector to be assisted in marking or punching a ballot by any  
23 individual selected by the elector, except the elector's employer or an agent of that  
24 employer or an officer or agent of a labor organization which represents the elector.  
25 The inspectors shall issue a ballot to the individual selected by the elector and shall



1 accompany the individual to the polling place entrance where the assistance is to be  
2 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after  
3 the ballot is marked or punched by the assisting individual. The assisting individual  
4 shall then immediately take the ballot into the polling place and give the ballot to an  
5 inspector. The inspector shall distinctly announce that he or she has “a ballot offered  
6 by .... (stating person’s name), an elector who, as a result of disability, is unable to  
7 enter the polling place without assistance”.-.” The inspector shall then ask, “Does  
8 anyone object to the reception of this ballot?” If no objection is made, the inspectors  
9 shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box,  
10 and shall make a notation on the ~~registration or~~ poll list: “Ballot received at poll  
11 entrance”.-.”

12 **SECTION 69.** 6.86 (3) (a) of the statutes is amended to read:

13 6.86 (3) (a) Any elector who is registered, ~~or otherwise qualified where~~  
14 ~~registration is not required,~~ and who is hospitalized, may apply for and obtain an  
15 official ballot by agent. The agent may apply for and obtain a ballot for the  
16 hospitalized absent elector by presenting a form prescribed by the board and  
17 containing the required information supplied by the hospitalized elector and signed  
18 by that elector and any other elector residing in the same municipality as the  
19 hospitalized elector, corroborating the information contained therein. The  
20 corroborating elector shall state on the form his or her full name and address.

21 **SECTION 70.** 6.88 (3) (a) of the statutes is amended to read:

22 6.88 (3) (a) Any time between the opening and closing of the polls on election  
23 day, the inspectors shall open the carrier envelope only, and announce the name of  
24 the absent elector or the identification serial number of the absent elector if the  
25 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the

1 certification has been properly executed, the applicant is a qualified elector of the  
2 ward or election district, and the applicant has not voted in the election, they shall  
3 enter an indication on the poll ~~or registration~~ list next to the applicant's name  
4 indicating an absentee ballot is cast by the elector. They shall then open the envelope  
5 containing the ballot in a manner so as not to deface or destroy the certification  
6 thereon. The inspectors shall take out the ballot without unfolding it or permitting  
7 it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors  
8 shall verify that the ballot has been endorsed by the issuing clerk. The inspectors  
9 shall deposit the ballot into the proper ballot box and enter the absent elector's name  
10 or voting number after his or her name on the poll ~~or registration~~ list in the same  
11 manner as if the elector had been present and voted in person.

12 **SECTION 71.** 6.94 of the statutes is amended to read:

13 **6.94 Challenged elector oath.** If the person challenged refuses to answer  
14 fully any relevant questions put to him or her by the inspector under s. 6.92, the  
15 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the  
16 person offering to vote has answered the questions, one of the inspectors shall  
17 administer to the person the following oath or affirmation: "You do solemnly swear  
18 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you  
19 are now and for 10 days have been a resident of this ward except under s. 6.02 (2);  
20 you have not voted at this election; you have not made any bet or wager or become  
21 directly or indirectly interested in any bet or wager depending upon the result of this  
22 election; you are not on any other ground disqualified to vote at this election".," If  
23 the person challenged refuses to take the oath or affirmation, the person's vote shall  
24 be rejected. If the person challenged answers fully all relevant questions put to the  
25 elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the

1 applicable registration requirements, ~~where applicable~~, and if the answers to the  
2 questions given by the person indicate that the person meets the voting qualification  
3 requirements, the person's vote shall be received.

4 **SECTION 72.** 6.95 of the statutes is amended to read:

5 **6.95 Voting procedure for challenged electors.** Whenever the inspectors  
6 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been  
7 challenged, they shall give the elector a ballot. Before depositing the ballot, the  
8 inspectors shall write on the back of the ballot the serial number of the challenged  
9 person corresponding to the number kept at the election on the ~~registration or~~ poll  
10 list, or other list maintained under s. 6.79. If voting machines are used in the  
11 municipality where the person is voting, the person's vote may be received only upon  
12 an absentee ballot furnished by the municipal clerk which shall have the  
13 corresponding serial number from the ~~registration or~~ poll list or other list  
14 maintained under s. 6.79 written on the back of the ballot before the ballot is  
15 deposited. The inspectors shall indicate on the list the reason for the challenge. The  
16 challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of  
17 canvassers may decide any challenge when making its canvass under s. 7.53. If the  
18 returns are reported under s. 7.60, a challenge may be reviewed by the county board  
19 of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed  
20 by the chairperson of the board or the chairperson's designee. The decision of any  
21 board of canvassers or of the chairperson or chairperson's designee may be appealed  
22 under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to  
23 determine the validity of challenged ballots.

24 **SECTION 73.** 7.08 (1) (c) of the statutes is amended to read:

1           7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),  
2           6.40 (1) (b), 6.47 (1) (a) 2. and (3), 6.55 (2) and (3), ~~6.79 (5)~~ and 6.86 (2) and (3). All  
3           such forms shall contain a statement of the penalty applicable to false or fraudulent  
4           registration or voting through use of the form. Forms are not required to be furnished  
5           by the board.

6           **SECTION 77.** 7.10 (1) (b) of the statutes is amended to read:

7           7.10 (1) (b) The county clerk shall supply sufficient ~~poll list blanks for~~  
8           ~~municipalities that do not have elector registration and other~~ election supplies for  
9           national, state and county elections to municipalities within the county. The ~~poll list~~  
10          ~~blanks and other~~ election supplies shall be enclosed in the sealed package containing  
11          the official ballots and delivered to the municipal clerk.

12          **SECTION 78.** 7.10 (7) of the statutes is created to read:

13          7.10 (7) REGISTRATION AGENT FOR TOWN CLERK. The county clerk shall carry out  
14          the registration functions specified in ss. 6.29 (2) and 6.33 (5) (b) for any town clerk  
15          who designates the county clerk as the agent of the town clerk under s. 6.33 (5) (b).

16          **SECTION 79d.** 7.15 (1) (intro.) of the statutes is amended to read:

17          7.15 (1) SUPERVISE REGISTRATION AND ELECTIONS. (intro.) ~~Each~~ Except as  
18          provided in ss. 6.33 (5) (b) and 6.36 (1), each municipal clerk has charge and  
19          supervision of elections and registration in the municipality. The clerk shall perform  
20          the following duties and any others which may be necessary to properly conduct  
21          elections or registration:

22          **SECTION 80.** 7.15 (1) (c) of the statutes is amended to read:

23          7.15 (1) (c) Prepare ballots for municipal elections, and distribute ballots and  
24          provide other supplies for conducting all elections. The municipal clerk shall deliver

1 ~~poll list forms received from the county clerk to the polling places with the ballots to~~  
2 ~~the polling places~~ before the polls open.

3 **SECTION 82.** 7.15 (4) of the statutes is amended to read:

4 7.15 (4) RECORDING ELECTORS. After each election where registration is used,  
5 the municipal clerk shall make a record of each elector who has voted at the election  
6 by stamping or writing the date of the election in the appropriate space on the  
7 original registration form of the elector. Municipalities employing data processing  
8 may, in lieu of this requirement, record voting information in such a manner that it  
9 is readily available for retrieval by computer.”.

10 **7.** Page 2, line 25: after that line insert:

11 “**SECTION 72m.** 7.03 (1) (a) of the statutes is amended to read:

12 7.03 (1) (a) A reasonable daily compensation shall be paid to each inspector,  
13 voting machine custodian, automatic tabulating equipment technician, member of  
14 a board of canvassers, messenger and tabulator who is employed and performing  
15 duties under chs. 5 to 12. Daily compensation shall also be provided for attendance  
16 at training sessions and examinations required by the board under s. 7.31.  
17 Alternatively, such officials may be paid by the hour at a proportionate rate for each  
18 hour actually worked.

19 **SECTION 81aa.** 7.15 (1) (e) of the statutes is amended to read:

20 7.15 (1) (e) ~~Instruct~~ In coordination with the board, instruct election officials  
21 in their duties, calling them together whenever advisable, advise them of changes  
22 in laws, rules and procedures affecting the performance of their duties, and  
23 administer examinations as authorized under s. 7.30 (2) (c). The clerk shall assure  
24 that officials who serve at polling places where an electronic voting system is used

1 are familiar with the system and competent to instruct electors in its proper use. The  
2 clerk shall inspect systematically and thoroughly the conduct of elections in the  
3 municipality so that elections are honestly, efficiently and uniformly conducted.

4 **SECTION 83ab.** 7.30 (1) of the statutes is amended to read:

5 7.30 (1) NUMBER. There shall be 7 inspectors for each polling place at each  
6 election. In municipalities where voting machines are used, the municipal governing  
7 body may reduce the number of inspectors to 5. A municipal governing body may  
8 provide for the appointment of additional inspectors whenever more than one voting  
9 machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing  
10 body may provide by ordinance for the selection of alternate officials or the selection  
11 of 2 or more sets of officials to work at different times on election day, and may permit  
12 the municipal clerk or board of election commissioners to establish different working  
13 hours for different officials assigned to the same polling place. Alternate officials  
14 shall also be appointed in a number sufficient to maintain adequate staffing of  
15 polling places. Unless officials are appointed without regard to party affiliation  
16 under sub. (4) (c), additional officials shall be appointed in such a manner that the  
17 total number of officials is an odd number and the predominant party under sub. (2)  
18 is represented by one more official than the other party.

19 **SECTION 85m.** 7.30 (6) (b) of the statutes is amended to read:

20 7.30 (6) (b) Prior to the first election following the appointment of the  
21 inspectors, the inspectors at each polling place shall elect one of their number to act  
22 as chief inspector. No person may serve as chief inspector at any election who is not  
23 certified by the board under s. 7.31 at the time of the election. The chief inspector  
24 shall hold the position for the remainder of the term unless the inspector ceases to  
25 be certified under s. 7.31, except that whenever wards are combined or separated

1 under s. 5.15 (6) (b), the inspectors shall elect a new chief inspector who is certified  
2 under s. 7.31. If a vacancy occurs in the position of chief inspector, the municipal  
3 clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the  
4 vacancy.

5 **SECTION 85s.** 7.31 of the statutes is created to read:

6 **7.31 Training and certification of chief inspectors. (1)** The board shall,  
7 by rule, prescribe requirements for certification of individuals to serve as chief  
8 inspectors.

9 **(2)** No individual may serve as a chief inspector at a polling place in an election  
10 unless the individual is certified by the board to hold that office on the date of the  
11 election at which the individual serves.

12 **(3)** The board shall, upon application, issue certificates to qualified individuals  
13 who meet the requirements to be certified as chief inspectors. Each certificate shall  
14 carry an expiration date.

15 **(4)** The board shall require each individual to whom a certificate is issued  
16 under this section to meet requirements to maintain that certification. The board  
17 shall renew the certificate of any individual who requests renewal and who meets the  
18 requirements prescribed under this subsection.

19 **(5)** The board shall conduct regular training and administer examinations to  
20 ensure that individuals who are certified by the board under this section are  
21 knowledgeable concerning their authority and responsibilities. The board shall pay  
22 all costs required to conduct the training and to administer the examinations from  
23 the appropriation under s. 20.510 (1) (b).”.

24 **8.** Page 2, line 25: after that line insert:

1           **“SECTION 81m.** 7.15 (2) (d) of the statutes is amended to read:

2           7.15 **(2)** (d) Whenever the governing body of any municipality submits any  
3 question to a vote of the electors or whenever a proper recall petition and certificate  
4 are filed under s. 9.10, the municipal clerk shall issue a call for the election and  
5 prepare and distribute ballots as required in the authorization of submission or as  
6 provided in s. 9.10. The date of the referendum shall be established in accordance  
7 with s. 8.065, and shall be fixed by the municipal clerk or board of election  
8 commissioners unless otherwise provided by law or unless the governing body fixes  
9 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already  
10 an official municipal referendum ballot for the election, the question may appear on  
11 the same ballot.”.

12           **9.** Page 2, line 25: before that line insert:

13           **“SECTION 2m.** 5.02 (1e) of the statutes is amended to read:

14           5.02 **(1e)** “Ballot” means a ~~tabulating card~~, ballot label, sheet of paper or  
15 envelope on which votes are recorded. The term also includes a sheet or card,  
16 filmstrip or other device listing or containing information relative to offices,  
17 candidates and referenda which is placed, projected or composed on the board or  
18 screen inside a voting machine.

19           **SECTION 2p.** 5.02 (1m) of the statutes is repealed.

20           **SECTION 8m.** 5.35 (2) of the statutes is amended to read:

21           5.35 **(2)** VOTING BOOTHS. There shall be one voting booth for every 200 electors  
22 who voted at the last general election. The booths shall have a surface on which to  
23 write or work and be sufficiently enclosed to assure privacy for the elector and anyone  
24 lawfully assisting the elector while marking ~~or punching~~ the elector’s ballot.



1           **SECTION 8p.** 5.35 (6) (b) of the statutes is amended to read:

2           5.35 **(6)** (b) At each polling place in the state where a consolidated ballot under  
3 s. 5.655 is used or an electronic voting system is utilized at a partisan primary  
4 election incorporating a ballot upon which electors may mark ~~or punch~~ votes for  
5 candidates of more than one recognized political party or for candidates of a  
6 recognized political party and independent candidates, the municipal clerk or board  
7 of election commissioners shall prominently post a sign in the form prescribed by the  
8 board warning electors in substance that on any ballot with votes cast for candidates  
9 of more than one recognized political party or any ballot with votes cast for  
10 candidates of a recognized political party and independent candidates, no votes cast  
11 for any candidates for partisan office will be counted unless a preference for a party  
12 or for the independent candidates is made. If the elector designates a preference,  
13 only votes cast for candidates of that preference will be counted.

14           **SECTION 9e.** 5.54 of the statutes is amended to read:

15           **5.54 Notice to electors.** Every ballot, except a ~~ballot label or~~ voting machine  
16 ballot, shall bear substantially the following information on the face: “NOTICE TO  
17 ELECTORS: This ballot may be invalid unless initialed by 2 election inspectors. If cast  
18 as an absentee ballot, the ballot must bear the initials of the municipal clerk or  
19 deputy clerk.

20           **SECTION 9g.** 5.55 of the statutes is amended to read:

21           **5.55 Ballot identification.** On every ballot, except a ~~ballot label or~~ voting  
22 machine ballot, shall be printed “Official .... Ballot” or “Official .... Ballot for ....”  
23 followed by the designation of the polling place for which the ballot has been  
24 prepared, the date of the election, and the official endorsement and blank  
25 certificates. The number of the ward or wards or aldermanic district, if any, and the

1 name of the municipality may be omitted in printing and stamped or written on the  
2 ballots at any location which is clearly visible at the option of the county clerk.  
3 Printed information and initials shall appear on the back and outside of the ballot.  
4 ~~When a ballot card is employed with an electronic voting system, the date of the~~  
5 ~~election may be printed or stamped on the back of the ballot card in such a manner~~  
6 ~~that the card is not reusable, at the option of the county clerk.~~

7 **SECTION 9i.** 5.66 (2) of the statutes is amended to read:

8 5.66 (2) The county clerk or board of election commissioners shall print a  
9 sufficient number of sample ballots. The municipal clerk or board of election  
10 commissioners shall print sample ballots whenever the municipality prepares  
11 ballots under s. 7.15 (2) (b) or (c). Sample ballots shall be printed on nonwhite colored  
12 paper and shall be overprinted "SAMPLE". Voting machine sample ballots shall be  
13 a reduced size diagram of the face of the board or screen inside the voting machine  
14 with all candidates, issues and voting instructions as they will appear on the official  
15 ballot. Sample ballots to be used with an electronic voting system in which ~~ballot~~  
16 ~~labels and ballot cards~~ ballots that are distributed to electors are used shall be an  
17 actual size copy of the ballot ~~label and ballot card~~. The clerk or board of election  
18 commissioners printing the ballots shall distribute the samples approximately as  
19 follows: 45% shall be kept in the clerk's or board's office and distributed to electors  
20 requesting them; 45% shall be sent to the municipalities, or, if the municipality  
21 prints ballots, 45% shall be sent to the county for distribution to the electors; and 10%  
22 shall be reserved to be sent to the polling places by municipalities in proportion to  
23 the number certified in sub. (1) and made available to electors at the polls on election  
24 day.

25 **SECTION 9k.** 5.68 (3) of the statutes is amended to read:

1           5.68 (3) If voting machines are used or if an electronic voting system is used  
2 in which all candidates and referenda appear on the same ballot card, the ballots for  
3 all national, state and county offices and for county and state referenda shall be  
4 prepared and paid for by the county wherein they are used. If the voting machine  
5 or electronic voting system ballot includes a municipal or school, technical college,  
6 sewerage or sanitary district ballot, the cost of that portion of the ballot shall be  
7 reimbursed to the county or paid for by the municipality or district, except as  
8 provided in a 1st class city school district under sub. (2).

9           **SECTION 9m.** 5.79 of the statutes is amended to read:

10           **5.79 Instruction of electors.** At polling places where an electronic voting  
11 system employing the use of ~~ballot cards or ballot labels~~ ballots and voting devices  
12 is used, the election officials shall offer each elector instruction in the operation of  
13 the voting device and ~~ballot label or ballot card~~ before the elector enters the voting  
14 booth. No instructions may be given after the elector has entered the voting booth,  
15 except as authorized under s. 6.82 (2). All instructions shall be given by election  
16 officials in such a manner that they may be observed by other persons in the polling  
17 place.

18           **SECTION 9n.** 5.81 (1) of the statutes is amended to read:

19           5.81 (1) Whenever the statutes provide for the use of separate ballots or  
20 columns or rows for offices, parties or referenda, and an electronic voting system  
21 ~~employing a ballot label or ballot card~~ in which ballots are distributed to electors is  
22 used at a polling place, a single ballot may be used for all offices, referenda and  
23 parties. The ballot information, whether placed on the ballot or on the voting device,  
24 shall, as far as practicable, be grouped and ordered in the same manner as provided  
25 for other ballots under this chapter, except that the information on the ballot card

1 need not be in separate columns or rows ~~and the information in the ballot label~~  
2 ~~booklet may appear on a number of pages.~~

3 **SECTION 9p.** 5.81 (2) of the statutes is repealed.

4 **SECTION 9r.** 5.81 (3) of the statutes is amended to read:

5 5.81 (3) If a municipality utilizes an electronic voting system in which ballots  
6 distributed to electors are employed, absentee ballots may consist of ballots utilized  
7 with the system or paper ballots and envelopes voted in person in the office of the  
8 municipal clerk or voted by mail. ~~If a ballot card is used for voting by mail it shall~~  
9 ~~be accompanied by a punching tool or marking device, elector instructions and a~~  
10 ~~sample ballot showing the proper positions to vote on the ballot card for each party,~~  
11 ~~candidate or referendum and, if the ballot card is to be punched, shall be mounted~~  
12 ~~on a suitable material.~~

13 **SECTION 9t.** 5.82 of the statutes is amended to read:

14 **5.82 Write-in ballots.** If the ballot card employed by a municipality does not  
15 provide a space for write-in votes, the municipality shall provide a separate write-in  
16 ballot, which may be in the form of a paper ballot, to permit electors to write in the  
17 names of persons whose names are not on the ballot whenever write-in votes are  
18 authorized.

19 **SECTION 9tm.** 5.84 (1) of the statutes is amended to read:

20 5.84 (1) Where any municipality employs an electronic voting system which  
21 utilizes automatic tabulating equipment, either at the polling place or at a central  
22 counting location, the municipal clerk shall, on any day not more than 10 days prior  
23 to the election day on which the equipment is to be utilized, have the equipment  
24 tested to ascertain that it will correctly count the votes cast for all offices and on all  
25 measures. Public notice of the time and place of the test shall be given by the clerk

1 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in  
2 one or more newspapers published within the municipality if a newspaper is  
3 published therein, otherwise in a newspaper of general circulation therein. The test  
4 shall be open to the public. The test shall be conducted by processing a preaudited  
5 group of ballots so ~~punched or~~ marked as to record a predetermined number of valid  
6 votes for each candidate and on each referendum. The test shall include for each  
7 office one or more ballots which have votes in excess of the number allowed by law  
8 and, for a partisan primary election, one or more ballots which have votes cast for  
9 candidates of more than one recognized political party, in order to test the ability of  
10 the automatic tabulating equipment to reject such votes. If any error is detected, the  
11 municipal clerk shall ascertain the cause and correct the error. The clerk shall make  
12 an errorless count before the automatic tabulating equipment is approved by the  
13 clerk for use in the election.

14 **SECTION 9w.** 5.85 (2) and (3) of the statutes are amended to read:

15 5.85 (2) The election officials shall examine the ballots or record of votes cast  
16 for write-in votes and shall count and tabulate the write-in votes. When an  
17 electronic voting system is used which utilizes a ballot which is distributed to  
18 electors, before separating the remaining ~~ballot cards~~ ballots from their respective  
19 covering envelopes, the election officials shall examine the ballots for write-in votes.  
20 When an elector has cast a write-in vote, the election officials shall compare the  
21 write-in vote with the votes on the ballot to determine whether the write-in vote  
22 results in an overvote for any office. In case of an overvote for any office, the election  
23 officials shall make a true duplicate ballot of all votes on the ballot card except for  
24 the office which is overvoted, by using the an official ballot label booklet and voting  
25 device for the ward, if any of that kind used by the elector who voted the original

1 ballot, and one of the ~~punching or~~ marking devices so as to transfer all votes of the  
2 elector except for the office overvoted, to an official ballot of that kind used in the  
3 ward at that election. Unless election officials are selected under s. 7.30 (4) (c)  
4 without regard to party affiliation, the election officials shall consist in each case of  
5 at least one election official of each of the 2 major political parties, whenever officials  
6 of both parties are present. Write-in votes shall be counted as provided in s. 7.50 (2)  
7 (d). The original ballot upon which there is an overvote shall be clearly labeled  
8 “Overvoted Ballot” and the ballot so produced “Duplicate Overvoted Ballot”, and  
9 each shall bear the same serial number which shall be placed thereon by the election  
10 officials, commencing with number “1” and continuing consecutively for each of the  
11 ballots of that kind in that ward or election district. The election officials shall initial  
12 the “Duplicate Overvoted Ballot” ballots and shall place them in the container for  
13 return of the ballots. The “Overvoted Ballot” ballots and their envelopes shall be  
14 placed in the “Original Ballots” envelope. Ballots bearing write-in votes marked in  
15 the place designated therefor and bearing the initials of an election official and not  
16 resulting in an overvote and otherwise complying with the election laws as to  
17 marking shall be counted, tallied, and their votes recorded on a tally sheet provided  
18 by the municipal clerk. ~~Ballot cards~~ Ballots and ballot card envelopes shall be  
19 separated and all ballots except any which are defective or overvoted shall be placed  
20 separately in the container for return of the ballots, along with the ballots marked  
21 “Duplicate Overvoted Ballots”.

22 **(3)** The election officials shall examine the ballots to determine if any is  
23 damaged or defective so that it cannot be counted by the automatic tabulating  
24 equipment. If any ballot is damaged or defective so that it cannot be properly counted  
25 by the automatic tabulating equipment, the election officials, in the presence of

1 witnesses, shall make a true duplicate ballot of all votes on that ballot by using the  
2 ~~ballot label booklet and voting device for the ward, if any, and one of the punching~~  
3 ~~or marking devices so as to transfer all votes of the elector to an official ballot of that~~  
4 ~~kind used in the ward by the elector who voted the original ballot in that election.~~  
5 Unless election officials are selected under s. 7.30 (4) (c) without regard to party  
6 affiliation, the election officials shall consist in each case of at least one election  
7 official of each of the 2 major political parties, whenever officials of both parties are  
8 present. The original ballot shall be clearly labeled “Damaged Ballot” and the ballot  
9 so produced “Duplicate Damaged Ballot”, and each shall bear the same number  
10 which shall be placed thereon by the election officials, commencing with number “1”  
11 and continuing consecutively for the ballots of that kind in the ward. The election  
12 officials shall initial the “Duplicate Damaged Ballot” ballots, and shall place them  
13 in the container for return of the ballots. The officials shall place “Damaged Ballot”  
14 ballots and their envelopes in the “Original Ballots” envelope.

15 **SECTION 9x.** 5.91 (14) of the statutes is created to read:

16 5.91 (14) It does not employ any mechanism by which a ballot is punched or  
17 punctured to record the votes cast by an elector.

18 **SECTION 9y.** 5.94 of the statutes is amended to read:

19 **5.94 ~~Sample ballot labels and cards~~ ballots; **publication.**** When an  
20 electronic voting system employing a ballot ~~label and ballot card~~ that is distributed  
21 to electors is used, the county and municipal clerk of the county and municipality in  
22 which the polling place designated for use of the system is located shall cause to be  
23 published, in the type B notices, a true actual-size copy of the ballot ~~label and ballot~~  
24 ~~card~~ containing the names of offices and candidates and statements of measures to  
25 be voted on, as nearly as possible, in the form in which they will appear on the official

1     ~~ballot label and ballot card~~ on election day. The notice may be published as a  
2     newspaper insert. Municipal clerks may post the notice if the remainder of the type  
3     B notice is posted.

4             **SECTION 16ab.** 6.15 (3) (a) 1. of the statutes is amended to read:

5             6.15 (3) (a) 1. Upon proper completion of the application and cancellation card,  
6     the municipal clerk shall inform the elector that he or she may vote for the  
7     presidential electors not sooner than 9 days nor later than 5 p.m. on the day before  
8     the election at the office of the municipal clerk, or at a specified polling place on  
9     election day. When voting at the municipal clerk's office, the applicant shall provide  
10    identification and shall mark ~~or punch~~ the ballot in the clerk's presence in a manner  
11    that will not disclose his or her vote. Unless the ballot is utilized with an electronic  
12    voting system, the applicant shall fold the ballot so as to conceal his or her vote. The  
13    applicant shall then deposit the ballot and seal it in an envelope furnished by the  
14    clerk.

15            **SECTION 17ab.** 6.15 (3) (b) of the statutes is amended to read:

16            6.15 (3) (b) *Election day.* An eligible elector may appear at the polling place for  
17    the ward or election district where he or she resides and make application for a ballot  
18    under sub. (2). In such case, the inspector or special registration deputy shall  
19    perform the duties of the municipal clerk. The elector shall provide identification.  
20    If the elector is qualified, he or she shall be permitted to vote. The elector shall mark  
21    ~~or punch~~ the ballot and, unless the ballot is utilized with an electronic voting system,  
22    the elector shall fold the ballot, and shall deposit the ballot into the ballot box or give  
23    it to the inspector. The inspector shall deposit it directly into the ballot box. Voting  
24    machines or ballots utilized with electronic voting systems may only be used by



1 electors voting under this section if they permit voting for president and vice  
2 president only.

3 **SECTION 19m.** 6.22 (4) and (5) of the statutes are amended to read:

4 **6.22 (4) INSTRUCTIONS AND HANDLING.** An individual who qualifies as a military  
5 elector may request an absentee ballot for any election, or for all elections until the  
6 individual otherwise requests or until the individual no longer qualifies as a military  
7 elector. A military elector's application may be received at any time. The municipal  
8 clerk shall not send a ballot for an election if the application is received later than  
9 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot,  
10 as soon as available, to each military elector who requests a ballot. The board shall  
11 prescribe the instructions for marking ~~or punching~~ and returning ballots and the  
12 municipal clerk shall enclose instructions with each ballot and shall also enclose  
13 supplemental instructions for local elections. The envelope, return envelope and  
14 instructions may not contain the name of any candidate appearing on the enclosed  
15 ballots other than that of the municipal clerk affixed in the fulfillment of his or her  
16 duties. Whenever the material is mailed, the material shall be prepared and mailed  
17 to make use of the federal free postage laws. The mailing list established under this  
18 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

19 **(5) VOTING PROCEDURE.** Except as authorized in s. 6.25, the ballot shall be  
20 marked ~~or punched~~ and returned, deposited and recorded in the same manner as  
21 other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a  
22 statement of the elector's birth date. Failure to return any unused ballots in a  
23 primary election does not invalidate the ballot on which the elector casts his or her  
24 votes.

25 **SECTION 22m.** 6.24 (6) and (7) of the statutes are amended to read:

1           **6.24 (6) INSTRUCTIONS AND HANDLING.** The municipal clerk shall send a ballot,  
2 as soon as available, to each overseas elector by whom a request has been made. The  
3 board shall prescribe the instructions for marking ~~or punching~~ and returning ballots  
4 and the municipal clerk shall enclose such instructions with each ballot. The  
5 envelope, return envelope and instructions may not contain the name of any  
6 candidate appearing on the enclosed ballots other than that of the municipal clerk  
7 affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the  
8 municipal clerk shall mail the material postage prepaid to any place in the world.  
9 The overseas elector shall provide return postage.

10           **(7) VOTING PROCEDURE.** Except as authorized under s. 6.25, the ballot shall be  
11 marked ~~or punched~~ and returned, deposited and recorded in the same manner as  
12 other absentee ballots. In addition, the certificate shall have a statement of the  
13 elector's birth date. Failure to return the unused ballots in a primary election does  
14 not invalidate the ballot on which the elector casts his or her votes.

15           **SECTION 68ab.** 6.82 (1) (a) and (2) (a) and (b) of the statutes are amended to  
16 read:

17           **6.82 (1) (a)** When any inspectors are informed that an elector is at the entrance  
18 to the polling place who as a result of disability is unable to enter the polling place,  
19 they shall permit the elector to be assisted in marking ~~or punching~~ a ballot by any  
20 individual selected by the elector, except the elector's employer or an agent of that  
21 employer or an officer or agent of a labor organization which represents the elector.  
22 The inspectors shall issue a ballot to the individual selected by the elector and shall  
23 accompany the individual to the polling place entrance where the assistance is to be  
24 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after  
25 the ballot is marked ~~or punched~~ by the assisting individual. The assisting individual

1 shall then immediately take the ballot into the polling place and give the ballot to an  
2 inspector. The inspector shall distinctly announce that he or she has “a ballot offered  
3 by .... (stating person’s name), an elector who, as a result of disability, is unable to  
4 enter the polling place without assistance”. The inspector shall then ask, “Does  
5 anyone object to the reception of this ballot?” If no objection is made, the inspectors  
6 shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box,  
7 and shall make a notation on the registration or poll list: “Ballot received at poll  
8 entrance”.

9 (2) (a) If an elector declares to the presiding election official that he or she  
10 cannot read or write, or has difficulty in reading, writing or understanding English  
11 or that due to disability is unable to mark ~~or punch~~ a ballot or depress a button or  
12 lever on a voting machine, the elector shall be informed by the officials that he or she  
13 may have assistance. When assistance is requested, the elector may select any  
14 individual to assist in casting his or her vote. The selected individual rendering  
15 assistance may not be the elector’s employer or an agent of that employer or an officer  
16 or agent of a labor organization which represents the elector. The selected individual  
17 shall certify on the back of the ballot that it was marked ~~or punched~~ with his or her  
18 assistance. Where voting machines are used, certification shall be made on the  
19 registration list.

20 (b) The individual chosen shall enter the voting booth or machine with the  
21 elector and shall read the names of all candidates on the ballot for each office, and  
22 ask, “For which one do you vote?”. The ballot shall be marked ~~or punched~~ or the lever  
23 or button depressed according to the elector’s expressed preference. The individual  
24 selected to assist may not disclose to anyone how the elector voted.”.

25 **SECTION 69e.** 6.87 (3) (d) of the statutes is amended to read:

1           6.87 (3) (d) ~~Unless a municipality uses an electronic voting system that~~  
2 ~~requires an elector to punch a ballot in order to record the elector's votes, a~~ A  
3 municipal clerk of a municipality may, if the clerk is reliably informed by an absent  
4 elector of a facsimile transmission number or electronic mail address where the  
5 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the  
6 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the  
7 judgment of the clerk, the time required to send the ballot through the mail may not  
8 be sufficient to enable return of the ballot by the time provided under sub. (6). An  
9 elector may receive an absentee ballot under this subsection only if the elector has  
10 filed a valid application for the ballot under sub. (1). If the clerk transmits an  
11 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or  
12 electronic copy of the text of the material that appears on the certificate envelope  
13 prescribed in sub. (2), together with instructions prescribed by the board. The  
14 instructions shall require the absent elector to make and subscribe to the  
15 certification as required under sub. (4) and to enclose the absentee ballot in a  
16 separate envelope contained within a larger envelope, that shall include the  
17 completed certificate. The elector shall then mail the absentee ballot with postage  
18 prepaid to the municipal clerk. An absentee ballot received under this paragraph  
19 shall not be counted unless it is cast in the manner prescribed in this paragraph and  
20 in accordance with the instructions provided by the board.

21           **SECTION 69m.** 6.87 (4) and (5) of the statutes are amended to read:

22           6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee  
23 shall make and subscribe to the certification before one witness. The absent elector,  
24 in the presence of the witness, shall mark ~~or punch~~ the ballot in a manner that will  
25 not disclose how the elector's vote is cast. The elector shall then, still in the presence

1 of the witness, fold the ballots if they are paper ballots so each is separate and so that  
2 the elector conceals the markings thereon and deposit them in the proper envelope.  
3 If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is  
4 a paper ballot so that the elector conceals the markings thereon and deposit the ballot  
5 in the proper envelope. The elector may receive assistance under sub. (5). The return  
6 envelope shall then be sealed. The witness may not be a candidate. The envelope  
7 shall be mailed by the elector, postage prepaid, or delivered in person, to the  
8 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in  
9 a primary does not invalidate the ballot on which the elector's votes are cast. Return  
10 of more than one marked ~~or punched~~ ballot in a primary or return of a ballot prepared  
11 under s. 5.655 or a ballot used with an electronic voting system in a primary which  
12 is marked ~~or punched~~ for candidates of more than one party invalidates all votes cast  
13 by the elector for candidates in the primary.

14 (5) If the absent elector declares that he or she is unable to read, has difficulty  
15 in reading, writing or understanding English or due to disability is unable to mark  
16 ~~or punch~~ his or her ballot, the elector may select any individual, except the elector's  
17 employer or an agent of that employer or an officer or agent of a labor organization  
18 which represents the elector, to assist in marking ~~or punching~~ the ballot, and the  
19 assistant shall then sign his or her name to a certification on the back of the ballot,  
20 as provided under s. 5.55.

21 **SECTION 69s.** 6.875 (6) of the statutes is amended to read:

22 6.875 (6) Special voting deputies in each municipality shall, not later than 5  
23 p.m. on the Friday preceding an election, arrange one or more convenient times with  
24 the administrator of each nursing home or qualified retirement home and qualified  
25 community-based residential facility in the municipality from which one or more

1 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
2 election. The time may be no earlier than the 4th Monday preceding the election and  
3 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
4 of an occupant of a nursing home or qualified retirement home or qualified  
5 community-based residential facility, the administrator may notify the relative of  
6 the time or times at which special voting deputies will conduct absentee voting at the  
7 home or facility, and permit the relative to be present in the room where the voting  
8 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit  
9 the nursing home or qualified retirement home or qualified community-based  
10 residential facility. The municipal clerk or executive director of the board of election  
11 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
12 provide for the number of valid applications received by the clerk, and a reasonable  
13 additional number of ballots. The municipal clerk or executive director shall keep  
14 a careful record of all ballots issued to the deputies and shall require the deputies to  
15 return every ballot issued to them. The deputies shall personally offer each elector  
16 who has filed a proper application the opportunity to cast his or her absentee ballot.  
17 If an elector is present who has not filed a proper application, the 2 deputies may  
18 accept an application from the elector and shall issue a ballot to the elector if the  
19 elector is qualified and the application is proper. The deputies shall administer the  
20 oath and may, upon request of the elector, assist the elector in marking or punching  
21 the elector's ballot. Upon request of the elector, a relative of the elector who is present  
22 in the room may assist the elector in marking or punching the elector's ballot. All  
23 voting shall be conducted in the presence of the deputies. No individual other than  
24 a deputy may administer the oath and no individual other than a deputy or relative  
25 of an elector may render voting assistance to the elector. Upon completion of the

1 voting, the deputies shall promptly deliver, either personally or by 1st class mail, any  
2 absentee ballot applications and the sealed certificate envelope containing each  
3 ballot to the clerk or board of election commissioners of the municipality in which the  
4 elector casting the ballot resides, within such time as will permit delivery to the  
5 polling place serving the elector's residence on election day. Personal delivery may  
6 be made by the deputies no later than noon on election day. If a qualified elector is  
7 not able to cast his or her ballot on 2 separate visits by the deputies to the nursing  
8 home or qualified retirement home, they shall so inform the municipal clerk or  
9 executive director of the board of election commissioners, who may then send the  
10 ballot to the elector no later than 5 p.m. on the Friday preceding the election.

11 **SECTION 76ab.** 7.08 (7) of the statutes is created to read:

12 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under  
13 s. 20.510 (1) (c), provide assistance to municipalities that used punch card electronic  
14 voting systems at the 2001 spring election to enable the municipalities to employ  
15 another type of electronic voting system, and provide training for election officials  
16 in the use of replacement systems.

17 **SECTION 76ac.** 7.08 (7) of the statutes, as created by 2001 Wisconsin Act .... (this  
18 act), is repealed.

19 **SECTION 81m.** 7.15 (3) (b) of the statutes is amended to read:

20 7.15 (3) (b) Sample ballots, and voting machine ballots and ballot labels for  
21 electronic voting systems, ~~whenever the labels are affixed to the voting devices,~~ shall  
22 be furnished to the officials in the ward or election district at least one day before each  
23 election.”.

24 **10.** Page 3, line 3: after that line insert:

1           **“SECTION 87f.** 7.33 (4) of the statutes is amended to read:

2           7.33 (4) Each Except as otherwise provided in this subsection, each local  
3 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon  
4 proper application under sub. (3), permit each of its employees to serve as an election  
5 official without loss of fringe benefits or seniority privileges earned for scheduled  
6 working hours during the period specified in sub. (3), ~~and~~ without loss of pay for  
7 scheduled working hours during the period specified in sub. (3) except as provided  
8 in sub. (5), and ~~shall not impose~~ without any other penalty ~~upon an employee who~~  
9 ~~serves as an election official.~~ For employees who are included in a collective  
10 bargaining unit for which a representative is recognized or certified under subch. V  
11 of ch. 111, this subsection shall apply unless otherwise provided in a collective  
12 bargaining agreement.

13           **SECTION 87m.** 7.33 (5) of the statutes is amended to read:

14           7.33 (5) Any employee of ~~the state~~ a local governmental unit, as defined in s.  
15 16.97 (7), or state agency who obtains a paid leave of absence under sub. (4) in order  
16 to serve as an election official under s. 7.30 shall certify in writing to the head of the  
17 local governmental unit or state agency by which he or she is employed the amount  
18 of compensation that the employee receives for such service. Upon receipt of the  
19 certification, the head of the local governmental unit or state agency shall deduct  
20 that amount from the employee’s pay earned for scheduled working hours during the  
21 period specified in sub. (2) when the employee is on a paid leave of absence.”.

22           **11.** Page 3, line 3: after that line insert:

23           **“SECTION 88.** 7.37 (7) of the statutes is amended to read:



1           7.37 (7) ~~REGISTRATION AND POLL~~ POLL LISTS. Two inspectors shall be assigned  
2 to have charge of the ~~registration or~~ poll lists at each election.

3           **SECTION 89.** 7.51 (2) (a) of the statutes is amended to read:

4           7.51 (2) (a) The inspectors shall first compare the poll ~~or registration~~ lists,  
5 correcting any mistakes until the poll ~~or registration~~ lists agree. The chief inspector  
6 and the inspectors who are responsible for recording electors under s. 6.79 shall  
7 verify the correctness of the poll ~~or registration~~ lists after the polls close by each  
8 signing their name thereto. Where ballots are distributed to electors, the inspectors  
9 shall then open the ballot box and remove and count the number of ballots therein  
10 without examination except as is necessary to ascertain that each is a single ballot.  
11 If 2 or more ballots are folded together so as to appear as a single ballot, the inspectors  
12 shall lay them aside until the count is completed; and if, after a comparison of the  
13 count and the appearance of the ballots it appears to a majority of the inspectors that  
14 the ballots folded together were voted by the same person they may not be counted  
15 but the inspectors shall mark them as to the reason for removal, set them aside and  
16 carefully preserve them. The inspectors shall then proceed under par. (b).

17           **SECTION 90.** 7.51 (2) (c) of the statutes is amended to read:

18           7.51 (2) (c) Whenever the number of ballots exceeds the number of voting  
19 electors as indicated on the poll ~~or registration~~ list, the inspectors shall place all  
20 ballots face up to check for blank ballots. In this paragraph, “blank ballot” means  
21 a ballot on which no votes are cast for any office or question. The inspectors shall  
22 mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds  
23 the number of voting electors, the inspectors shall place all ballots face down and  
24 proceed to check for the initials. The inspectors shall mark, lay aside and preserve  
25 any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing

1 the initials of the municipal clerk. During the count the inspectors shall count those  
2 ballots cast by challenged electors the same as the other ballots.

3 **SECTION 91d.** 7.51 (2) (e) of the statutes is amended to read:

4 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still  
5 exceeds the total number of electors recorded on the ~~registration or~~ poll list, the  
6 inspectors shall separate the absentee ballots from the other ballots. If there is an  
7 excess number of absentee ballots, the inspectors shall place the absentee ballots in  
8 the ballot box and one of the inspectors shall publicly and without examination draw  
9 therefrom by chance the number of ballots equal to the excess number of absentee  
10 ballots. If there is an excess number of other ballots, the inspectors shall place those  
11 ballots in the ballot box and one of the inspectors shall publicly and without  
12 examination draw therefrom by chance the number of ballots equal to the excess  
13 number of those ballots. All ballots so removed may not be counted but shall be  
14 specially marked as having been removed by the inspectors on original canvass due  
15 to an excess number of ballots, set aside and preserved. When the number of ballots  
16 and total shown on the poll ~~or registration~~ list agree, the inspectors shall return all  
17 ballots to be counted to the ballot box and shall turn the ballot box in such manner  
18 as to thoroughly mix the ballots. The inspectors shall then open, count and record  
19 the number of votes. When the ballots are counted, the inspectors shall separate  
20 them into piles for ballots similarly voted. Objections may be made to placement of  
21 ballots in the piles at the time the separation is made.

22 **SECTION 92d.** 7.51 (4) (a) of the statutes is amended to read:

23 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each  
24 office and for each individual receiving votes for that office, whether or not the  
25 individual's name appears on the ballot, and shall state the vote for and against each

1 proposition voted on. Upon completion of the tally sheets, the inspectors shall  
2 immediately complete inspectors' statements in duplicate. The inspectors shall state  
3 the excess, if any, by which the number of ballots exceeds the number of electors  
4 voting as shown by the poll ~~or registration~~ list, ~~if any~~, and shall state the number of  
5 the last elector as shown by the ~~registration or~~ poll lists. At least 3 inspectors,  
6 including the chief inspector and, unless election officials are appointed under s. 7.30  
7 (4) (c) without regard to party affiliation, at least one inspector representing each  
8 political party, shall then certify to the correctness of the statements and tally sheets  
9 and sign their names. All other election officials assisting with the tally shall also  
10 certify to the correctness of the tally sheets. When the tally is complete, the  
11 inspectors shall publicly announce the results from the statements.

12 **SECTION 93.** 7.51 (5) of the statutes is amended to read:

13 7.51 (5) RETURNS. The inspectors shall make full and accurate return of the  
14 votes cast for each candidate and proposition on tally sheet blanks provided by the  
15 municipal clerk for the purpose. Each tally sheet shall record the returns for each  
16 office or referendum by ward, unless combined returns are authorized in accordance  
17 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group  
18 of combined wards. After recording the votes, the inspectors shall seal in a carrier  
19 envelope outside the ballot bag or container one inspectors' statement under sub. (4)  
20 (a), one tally sheet and one poll ~~or registration~~ list for delivery to the county clerk,  
21 unless the election relates only to municipal or school district offices or referenda.  
22 The inspectors shall also similarly seal one inspectors' statement, one tally sheet and  
23 one poll ~~or registration~~ list for delivery to the municipal clerk. For school district  
24 elections, except in 1st class cities, the inspectors shall similarly seal one inspectors'  
25 statement, one tally sheet and one poll ~~or registration~~ list for delivery to the school

1 district clerk. The inspectors shall immediately deliver all ballots, statements, tally  
2 sheets, lists and envelopes to the municipal clerk. The municipal clerk shall arrange  
3 for delivery of all ballots, statements, tally sheets, lists and envelopes relating to a  
4 school district election to the school district clerk. The municipal clerk shall deliver  
5 the ballots, statements, tally sheets, lists and envelopes for his or her municipality  
6 relating to any county, technical college district, state or national election to the  
7 county clerk by 2 p.m. on the day following each such election. The person delivering  
8 the returns shall be paid out of the municipal treasury. Each clerk receiving ballots,  
9 statements, tally sheets or envelopes shall retain them until destruction is  
10 authorized under s. 7.23 (1).

11 **SECTION 94.** 9.01 (1) (b) 1. of the statutes is amended to read:

12 9.01 (1) (b) 1. The board of canvassers shall first compare the ~~registration or~~  
13 poll lists and determine the number of voting electors.”.

14 **12.** Page 3, line 3: after that line insert:

15 “**SECTION 93m.** 9.01 (1) (a) of the statutes is amended to read:

16 9.01 (1) (a) Any candidate voted for at any election or any elector who voted  
17 upon any referendum question at any election may request a recount. The petitioner  
18 shall file a verified petition or petitions ~~accompanied by the fee prescribed in par.~~  
19 ~~(ag), if any,~~ with the proper clerk or body under par. (ar) not earlier than the time of  
20 completion of the canvass and not later than 5 p.m. on the 3rd business day following  
21 the last meeting day of the municipal or county board of canvassers determining the  
22 election for that office or on that referendum question or, if more than one board of  
23 canvassers makes the determination not later than 5 p.m. on the 3rd business day  
24 following the last meeting day of the last board of canvassers which makes a

1 determination. If the chairperson of the board or chairperson's designee makes the  
2 determination for the office or the referendum question, the petitioner shall file the  
3 petition not earlier than the last meeting day of the last county board of canvassers  
4 to make a statement in the election or referendum and not later than 5 p.m. on the  
5 3rd business day following the day on which the elections board receives the last  
6 statement from a county board of canvassers for the election or referendum. Each  
7 verified petition shall state that at the election the petitioner was a candidate for the  
8 office in question or that he or she voted on the referendum question in issue; that  
9 the petitioner is informed and believes that a mistake or fraud has been committed  
10 in a specified ward or municipality in the counting and return of the votes cast for  
11 the office or upon the question; or shall specify any other defect, irregularity or  
12 illegality in the conduct of the election. The petition shall specify each ward, or each  
13 municipality where no wards exist, in which a recount is desired. If a recount is  
14 requested for all wards within a jurisdiction, each ward need not be specified. The  
15 petition may be amended to include information discovered as a result of the  
16 investigation of the board of canvassers or the chairperson of the board or  
17 chairperson's designee after the filing of the petition, if the petitioner moves to  
18 amend the petition as soon as possible after the petitioner discovered or reasonably  
19 should have discovered the information which is the subject of the amendment and  
20 the petitioner was unable to include information in the original petition.

21 **SECTION 93n.** 9.01 (1) (ad) of the statutes is created to read:

22 9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving  
23 the petition shall calculate any fee due under par. (ag) 1m. or reasonably estimate  
24 any fee due under par. (ag) 2. The clerk or body shall provide the petitioner promptly  
25 with the total due or estimate.

1           **SECTION 93o.** 9.01 (1) (ag) 1. of the statutes is amended to read:

2           9.01 (1) (ag) 1. ~~Each petition for a recount shall be accompanied by the fee~~  
3 ~~prescribed in this paragraph.~~ If the difference between the votes cast for the leading  
4 candidate and those cast for the petitioner or the difference between the affirmative  
5 and negative votes cast upon any referendum question is less than 10 if 1,000 or less  
6 votes are cast or ~~less~~ not more than ~~.5%~~ 0.5% of the total votes cast for the office or  
7 on the question if more than 1,000 votes are cast, the petitioner is not required to pay  
8 a fee.

9           **SECTION 93p.** 9.01 (1) (ag) 1m. of the statutes is created to read:

10          9.01 (1) (ag) 1m. If the difference between the votes cast for the leading  
11 candidate and those cast for the petitioner or the difference between the affirmative  
12 and negative votes cast upon any referendum question is at least 10 if 1,000 or less  
13 votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes  
14 are cast, the petitioner shall pay a fee of \$5 for each ward for which the petition  
15 requests a ballot recount, or \$5 for each municipality for which the petition requests  
16 a recount where no wards exist.

17          **SECTION 93q.** 9.01 (1) (ag) 2. of the statutes is amended to read:

18          9.01 (1) (ag) 2. If the difference between the votes cast for the leading candidate  
19 and those cast for the petitioner or the difference between the affirmative and  
20 negative votes cast upon any referendum question is at least 10 if 1,000 or less votes  
21 are cast or at least ~~.5%~~ more than 2% if more than 1,000 votes are cast, the petitioner  
22 shall pay a fee of \$5 for equal to the actual cost of performing the recount in each ward  
23 for which the petition requests a ballot recount, or \$5 for in each municipality for  
24 which the petition request a recount where no wards exist.

25          **SECTION 93r.** 9.01 (1) (ag) 3. of the statutes is amended to read:

1           9.01 (1) (ag) 3. All fees calculated or estimated under par. (ad) shall be prepaid  
2 in cash or another form of payment which is acceptable to the officer to whom they  
3 are paid. No petition for which a fee is required is valid unless the proper calculated  
4 or estimated fee is paid at the time of filing.

5           **SECTION 93s.** 9.01 (1) (ag) 3m. of the statutes is created to read:

6           9.01 (1) (ag) 3m. The petitioner shall pay any balance owing toward the fee due  
7 under subd. 2. within 30 days after the clerk or body receiving the petition provides  
8 the petitioner with a written statement of the amount due. If the petitioner has  
9 overpaid the fee due under subd. 2. the clerk or body receiving the petition shall  
10 refund the amount overpaid within 30 days after the board of canvassers makes its  
11 determination in the recount.

12           **SECTION 93t.** 9.01 (1) (ar) 3. of the statutes is amended to read:

13           9.01 (1) (ar) 3. ~~Upon receipt of~~ Whenever a clerk receives a valid petition and  
14 any payment under par. (ag) 3., the clerk shall thereupon notify the proper board of  
15 canvassers. ~~Upon receipt of~~ Whenever the board receives a valid petition ~~by the~~  
16 ~~board~~ and any payment under par. (ag) 3., the board shall promptly by certified mail  
17 or other expeditious means order the proper county boards of canvassers to  
18 commence the recount. County boards of canvassers shall convene no later than 9  
19 a.m. on the second day ~~following~~ after receipt of an order and may adjourn for not  
20 more than one day at a time until the recount is completed in the county, except that  
21 the board may permit extension of the time for adjournment. Returns from a recount  
22 ordered by the board shall be transmitted to the office of the board as soon as possible,  
23 but in no case later than 13 days from the date of the order of the board directing the  
24 recount. The chairperson of the board or the chairperson's designee may not make  
25 a determination in any election if a recount is pending before any county board of

1 canvassers in that election. The chairperson of the board or the chairperson's  
2 designee need not recount actual ballots, but shall verify the returns of the county  
3 boards of canvassers in making his or her determinations.”.

4 **13.** Page 3, line 3: after that line insert:

5 “**SECTION 93e.** 8.05 (3) (d) and (e) of the statutes are amended to read:

6 8.05 (3) (d) The question of adoption of the nonpartisan primary under this  
7 subsection may be submitted to the electors at any regular election authorized under  
8 s. 8.065 to be held in the town or at a special election called for the purpose. When  
9 a petition requesting adoption of the nonpartisan primary conforming to the  
10 requirements of s. 8.40 signed by at least 20 electors of the town is filed with the town  
11 clerk as provided in s. 8.37, the question shall be submitted to a vote.

12 (e) Petitions requesting a vote on the question at a regular town election shall  
13 be filed in accordance with s. 8.37 no later than 5 p.m. the last Tuesday in February.  
14 When the petition is filed, the clerk shall check its sufficiency. ~~Whether at a regular~~  
15 ~~or special election, the~~ The clerk shall give separate notice by one publication in a  
16 newspaper at least 5 days before the election.

17 **SECTION 93m.** 8.06 of the statutes is amended to read:

18 **8.06 Special elections may be called.** Towns, cities, villages and school  
19 districts may call special elections for any purpose whenever such action is  
20 authorized or required by law. If an election is called for a special referendum, the  
21 election shall be called and noticed under as provided in s. 8.55.

22 **SECTION 93s.** 8.065 of the statutes is created to read:

23 **8.065 Scheduling of referenda. (1)** In this section, “local governmental  
24 unit” has the meaning given in s. 16.97 (7).



1           **(2)** Unless otherwise required by law or unless authorized under sub. (3), a  
2 referendum held by any local governmental unit that is authorized or required by  
3 law to hold a referendum may only be held concurrently with the spring primary,  
4 spring election, or general election, or on the first Tuesday after the first Monday of  
5 November of an odd-numbered year. Unless otherwise required by law or unless  
6 authorized under sub. (3), no referendum submitted by the same local governmental  
7 unit relating to substantially similar subject matter or relating to authorization for  
8 the borrowing of money may be held more than once in any 12-month period.

9           **(3)** If a local governmental unit wishes to hold a special referendum on a date  
10 that is not concurrent with an election specified in s. 5.02 (5), (21), or (22) or on a date  
11 other than the first Tuesday after the first Monday in November of an odd-numbered  
12 year, the local governmental unit may petition the referendum appeal board for a  
13 determination that an emergency exists with respect to a particular question. The  
14 referendum appeal board shall make a determination within 10 days after receipt  
15 of a petition under this subsection. If the referendum appeal board finds, with the  
16 concurrence of at least 4 members, that an emergency exists which requires a special  
17 referendum to be held by a local governmental unit on a date that is not concurrent  
18 with an election specified in s. 5.02 (5), (21), or (22) or on a date other than the first  
19 Tuesday after the first Monday in November of an odd-numbered year, the board  
20 may permit a referendum relating to the question specified in the petition to be held  
21 on a date determined by the local governmental unit.”.

22           **14.** Page 3, line 3: after that line insert:

23           “**SECTION 87e.** 7.37 (4) of the statutes is amended to read:

1           **7.37 (4) BALLOTING PROCEDURE.** At polling places which utilize paper ballots or  
2 electronic voting systems in which ballots are distributed to electors, 2 inspectors  
3 shall be assigned to take charge of the official ballots. They shall write their initials  
4 on the back of each ballot and deliver to each elector as he or she enters the voting  
5 booth one ballot properly endorsed by each of them. Where paper ballots are used,  
6 the inspectors shall fold each ballot in the proper manner to be deposited before  
7 delivering it to the elector. If asked, inspectors may instruct any elector as to the  
8 proper manner of marking ~~or punching~~ the ballot, but they may not give advice,  
9 suggestions, express any preferences or make any requests as to the person for  
10 whom, the question on which or the ballot on which the elector shall vote.

11           **SECTION 87m.** 7.37 (8) of the statutes is amended to read:

12           **7.37 (8) ELECTRONIC VOTING SYSTEMS.** Prior to the opening of the polling place,  
13 wherever electronic voting systems employing voting devices are used, the  
14 inspectors shall place the voting devices in position for voting and examine them to  
15 see that they are in proper working order ~~and that they have the correct ballot labels~~  
16 ~~by comparing them with the sample ballots.~~

17           **SECTION 87s.** 7.50 (1) (d) and (2) (a), (b) and (d) of the statutes are amended to  
18 read:

19           **7.50 (1) (d)** Whenever an electronic voting system is used at a polling place in  
20 a partisan primary, and the same ballot is utilized to cast votes for candidates of more  
21 than one recognized political party or candidates of a party and independent  
22 candidates, if an elector designates a preference for a party or for independent  
23 candidates, only votes cast within that preference category may be counted. If an  
24 elector does not designate a preference and makes a mark ~~or punch~~ or affixes a  
25 sticker opposite candidates of more than one recognized political party or opposite

1 a candidate in the independent candidates' column and a candidate of a recognized  
2 political party, no votes cast by the elector for any candidate for partisan office are  
3 valid. Votes for other candidates and votes on ballot questions, if any, shall be  
4 counted if otherwise valid.

5 (2) (a) At a general election, if the elector places a mark, symbol or sticker ~~or~~  
6 ~~punches a hole~~ under a party designation at the head of a column in or near the space  
7 indicated for that purpose, it is a vote for all the candidates whose names appear in  
8 the marked ~~or punched~~ column except as otherwise provided in this paragraph. If  
9 a name is stricken, it is not a vote for that candidate. If a name is written in, it is a  
10 vote for the write-in candidate. If a sticker is attached it is a vote for the candidate  
11 whose name appears on the sticker. If in some other column there is a mark ~~or punch~~  
12 in the square to the right of a specific candidate's name or at the place designated on  
13 the ballot for marking ~~or punching~~ a vote for a specific candidate for the same office,  
14 it is a vote for that specific candidate and no vote may be counted for the candidate  
15 for the same office in the column marked ~~or punched~~ for a straight party vote.

16 (b) A ballot cast without any marks, or stickers ~~or punches~~ may not be counted.  
17 A ballot without a mark ~~or punch~~ at the top of a party column may be counted only  
18 for persons for whom marks ~~or punches~~ are applicable.

19 (d) If an elector writes a person's name in the proper space for write-in  
20 candidates for an office, it is a vote for the person written in for the office indicated,  
21 regardless of whether the elector strikes the names appearing in the same column  
22 for the same office, or places a mark ~~or punch~~ by the same or any other name for the  
23 same office, or omits placing a mark ~~or punch~~ to the right of the name written in. If  
24 an elector is permitted to vote for more than one candidate for the same office in an  
25 election and casts one or more write-in votes which, when added to the votes cast for

1 candidates whose names appear on the ballot, exceed the number of votes authorized  
2 to be cast for the office, the write-in votes shall be counted and the votes for  
3 candidates whose names appear on the ballot may not be counted, unless there are  
4 more write-in votes than votes authorized to be cast, in which case no votes may be  
5 counted for the office.”.

6 **15.** Page 7, line 4: after that line insert:

7 **“SECTION 97n.** 13.097 (1) (a) of the statutes is amended to read:

8 13.097 (1) (a) “Department” means the department of ~~natural resources~~  
9 environmental management.

10 **SECTION 97p.** 13.097 (2) (b) of the statutes is amended to read:

11 13.097 (2) (b) If the legislation conveys a lake bed area, the department shall  
12 describe the conveyance contained in the legislation. If the legislation amends a  
13 prior conveyance of a lake bed area, the department’s report shall describe the prior  
14 conveyance and how it is amended by this legislation. The report shall include any  
15 written comments under sub. (3) and the department’s findings under sub. (4) and  
16 its conclusions under sub. (6).

17 **SECTION 97q.** 13.097 (2) (c) of the statutes is amended to read:

18 13.097 (2) (c) Legislation that requires a report by the department under this  
19 section shall have that requirement noted on its jacket when the jacket is prepared.  
20 When legislation that requires a report under this section receives a jacket to be  
21 introduced or offered, the legislative reference bureau shall submit a copy of the  
22 legislation to the department and to the department of fish, wildlife, parks, and  
23 forestry.

24 **SECTION 97r.** 13.097 (3) of the statutes is created to read:

1           13.097 **(3)** COMMENTS OF THE DEPARTMENT OF FISH, WILDLIFE, PARKS, AND FORESTRY.  
2           The department of fish, wildlife, parks, and forestry may submit to the department  
3           of environmental management written comments on legislation specified under sub.  
4           (2) within 10 days after the legislation is introduced or offered.”.

5           **16.** Page 7, line 4: after that line insert:

6           “**SECTION 95f.** 11.385 of the statutes is created to read:

7           **11.385 Use of moneys derived from employment for political purposes.**

8           **(1)** In this section, “employer” includes the state and every local governmental unit,  
9           as defined in s. 16.97 (7).

10           **(2)** No employer or labor organization may increase the salary of an officer or  
11           employee, or give an emolument to an officer, employee, or other person, with the  
12           intention that the increase in salary, or the emolument, or a part of it, be used to make  
13           a contribution or disbursement.

14           **(3)** No employer or labor organization may discriminate against an officer or  
15           employee with respect to any term or condition of employment for failing to make a  
16           contribution; failing to support or oppose a candidate, proposition, political party, or  
17           committee; or supporting or opposing a candidate, proposition, political party, or  
18           committee.

19           **(4)** No employer or other person who is responsible for the disbursement of  
20           moneys in payment of wages or salaries may withhold any portion of an employee’s  
21           wages or salary for the purpose of making a contribution to a committee or for use  
22           as a contribution to a committee except upon the written request of the employee.  
23           Any such request shall be made on a form prescribed by the board informing the  
24           employee of the prohibition under sub. (3). The request is valid for 12 months from

1 the date on which it is made by the employee unless an earlier termination is  
2 provided or authorized under the agreement.

3 (5) Each person who withholds moneys under sub. (4) shall maintain open for  
4 public inspection for a period of no less than 3 years from the date on which a  
5 withholding occurs, during normal business hours, documents and books of accounts  
6 which shall include a copy of each employee's request for withholding, the amounts  
7 and dates on which moneys are withheld under the request, and the amounts and  
8 dates on which moneys are transferred to any committee by the person. Each such  
9 person shall deliver or transmit copies of such information to the board upon its  
10 request.

11 **SECTION 95m.** 11.386 of the statutes is created to read:

12 **11.386 Use of deductions for payments to labor organizations. (1)** In  
13 this section:

14 (a) "All-union agreement" has the meaning given under s. 111.02 (1).

15 (b) "Fair-share agreement" has the meaning given under s. 111.70 (1) (f) or  
16 111.81 (9).

17 (2) No labor organization may use moneys derived from an all-union  
18 agreement or a fair-share agreement that are paid by an individual who is not a  
19 member of the organization for the purpose of making a contribution or  
20 disbursement, unless authorized by the individual. Any contribution shall be  
21 authorized under s. 11.385 (4).".

22 **17.** Page 7, line 4: after that line insert:

23 "**SECTION 95d.** 10.02 (3) (a) of the statutes is amended to read:

1           10.02 (3) (a) Upon entering the polling place and before being permitted to vote,  
2           an elector shall give state his or her name and address ~~before being permitted to vote~~  
3           and shall present identification as required by law. Where ballots are distributed to  
4           electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted  
5           to vote, the elector shall retire alone to a voting booth or machine and cast his or her  
6           ballot, except that an elector who is a parent or guardian may be accompanied by the  
7           elector’s minor child or minor ward. An election official may inform the elector of the  
8           proper manner for casting a vote, but the official may not in any manner advise or  
9           indicate a particular voting choice.”.

10           **18.** Page 7, line 4: after that line insert:

11           “**SECTION 95f.** 11.06 (1) (intro.) of the statutes is amended to read:

12           11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), ~~(3)~~ and  
13           (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full  
14           reports, upon a form prescribed by the board and signed by the appropriate  
15           individual under sub. (5), of all contributions received, contributions or  
16           disbursements made, and obligations incurred. Each report shall contain the  
17           following information, covering the period since the last date covered on the previous  
18           report, unless otherwise provided:

19           **SECTION 95m.** 11.06 (3) (b) (intro.) of the statutes is amended to read:

20           11.06 (3) (b) (intro.) ~~Notwithstanding sub. (1), a~~ A nonresident registrant shall  
21           report on a form prescribed by the board the applicable information concerning that  
22           makes a report under sub. (1) shall ensure that the report separately states  
23           information under sub. (1) concerning all of the following, in a manner prescribed by  
24           the board:

1           **SECTION 95r.** 11.12 (4) of the statutes is amended to read:

2           11.12 **(4)** Each registrant shall report contributions, disbursements, and  
3 incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06  
4 (2),~~(3)~~ and (3m), each report shall contain the information which is required under  
5 s. 11.06 (1).”.

6           **19.** Page 7, line 4: after that line insert:

7           “**SECTION 94w.** 9.20 (4) of the statutes is amended to read:

8           9.20 **(4)** The common council or village board shall, without alteration, either  
9 pass the ordinance or resolution within 30 days following the date of the clerk’s final  
10 certificate, or submit it to the electors at the next ~~spring or general~~ election  
11 authorized under s. 8.065, if the election is more than 6 weeks after the date of the  
12 council’s or board’s action on the petition or the expiration of the 30-day period,  
13 whichever first occurs. If there are 6 weeks or less before the election, the ordinance  
14 or resolution shall be voted on at the next election authorized under s. 8.065 (2) or  
15 an election authorized under s. 8.065 (3) thereafter. ~~The council or board by a~~  
16 ~~three-fourths vote of the members-elect may order a special election for the purpose~~  
17 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~  
18 ~~more than one special election for direct legislation may be ordered in any 6-month~~  
19 ~~period.”.~~

20           **20.** Page 7, line 4: after that line insert:

21           “**SECTION 95r.** 11.50 (3) (a) 1. of the statutes is renumbered 11.50 (3) (a) 2m. and  
22 amended to read:

23           11.50 **(3)** (a) 2m. If After making any transfer required under subd. 1m., if an  
24 election for state superintendent is scheduled in the following year, the state



1 treasurer shall transfer an amount equal to 8% of the fund shall be placed in to a  
2 superintendency account. From this account, an equal amount shall be disbursed  
3 to the campaign depository account of each eligible candidate by the state treasurer.

4 **SECTION 95s.** 11.50 (3) (a) 2. of the statutes is renumbered 11.50 (3) (a) 1m. and  
5 amended to read:

6 11.50 (3) (a) 1m. If an election for justice is scheduled in the following year, 8%  
7 of the fund shall be placed in the state treasurer shall transfer an amount sufficient  
8 to finance payment of the full amount of the grants authorized under sub. (9) for  
9 candidates for the office of justice to a supreme court account. From this account, an  
10 equal amount shall be disbursed to the campaign depository account of each eligible  
11 candidate by the state treasurer. Any unencumbered balance in the supreme court  
12 account after an election for the office of justice is held shall revert to the unallocated  
13 corpus of the fund.

14 **SECTION 95t.** 11.50 (3) (b) of the statutes is amended to read:

15 11.50 (3) (b) If a vacancy occurs in the office of justice after August 15 in any  
16 year and an election is scheduled to fill the vacancy at the spring election in the  
17 following year, the state treasurer shall transfer an amount sufficient to finance  
18 payment of the full amount of the grants authorized under sub. (9) for candidates for  
19 the office of justice to the supreme court account. If a vacancy occurs in the office of  
20 state superintendent or justice after August 15 in any year and an election is  
21 scheduled to fill the vacancy at the spring election in the following year, the state  
22 treasurer shall, after making any transfer that is required to be made to the supreme  
23 court account, transfer an amount not exceeding 8% of the moneys transferred to the  
24 fund on the preceding August 15 to the superintendency account for the office in  
25 which the vacancy occurs, such. The moneys to shall be drawn transferred from any

1 account within the accounts created under sub. (4) in the amount or amounts  
2 specified by the board.

3 **SECTION 95u.** 11.50 (3) (c) of the statutes is created to read:

4 11.50 (3) (c) If there are insufficient moneys in the fund to make any transfer  
5 that is required to be made under par. (a) or (b), the state treasurer shall transfer the  
6 balance in the fund to the account to which the transfer is required to be made.”.

7 **21.** Page 7, line 4: after that line insert:

8 “**SECTION 94sm.** 10.01 (2) (b) of the statutes is amended to read:

9 10.01 (2) (b) Type B—The type B notice shall include the relevant facsimile  
10 ballots and the relevant portions of voting instructions to electors under s. 10.02 for  
11 each office or referendum and shall specify the date of the election. In counties or  
12 municipalities where an electronic voting system ~~employing a ballot label and ballot~~  
13 ~~card~~ in which ballots are distributed to electors is used, the notice shall include the  
14 information specified in s. 5.94. The type B notice shall be published once by the  
15 county clerks, and for primaries and other elections in municipalities or special  
16 purpose districts, once by the clerk of the municipality or special purpose district on  
17 the day preceding each primary and other election.

18 **SECTION 95m.** 10.06 (3) (e) of the statutes is amended to read:

19 10.06 (3) (e) When electronic or mechanical voting machines or electronic  
20 voting systems ~~employing a ballot card or label~~ in which ballots are distributed to  
21 electors are used in a municipality at a municipal election, the municipal clerk shall  
22 publish a type B notice on the Monday before the election. The notice shall include  
23 all offices and questions to be voted on at the election. The cost of this notice shall  
24 be shared under s. 5.68 (2) and (3).

1           **SECTION 95ms.** 12.13 (1) (f) of the statutes is amended to read:

2           12.13 (1) (f) Shows his or her marked ~~or punched~~ ballot to any person or places  
3 a mark upon the ballot so it is identifiable as his or her ballot.

4           **SECTION 96m.** 12.13 (3) (e) and (j) of the statutes are amended to read:

5           12.13 (3) (e) Prepare or cause to be prepared an official ballot with intent to  
6 change the result of the election as to any candidate or referendum; prepare an  
7 official ballot which is premarked ~~or prepunched~~ or which has an unauthorized  
8 sticker affixed prior to delivery to an elector; or deliver to an elector an official ballot  
9 bearing a mark ~~or punch~~ opposite the name of a candidate or referendum question  
10 that might be counted as a vote for or against a candidate or question.

11           (j) When called upon to assist an elector who cannot read or write, has difficulty  
12 in reading, writing or understanding English, or is unable to mark ~~or punch~~ a ballot  
13 or depress a lever or button on a voting machine, inform the elector that a ballot  
14 contains names or words different than are printed or displayed on the ballot with  
15 the intent of inducing the elector to vote contrary to his or her inclination,  
16 intentionally fail to cast a vote in accordance with the elector's instructions or reveal  
17 the elector's vote to any 3rd person.”.

18           **22.** Page 7, line 4: after that line insert:

19           “**SECTION 95p.** 11.50 (2) (b) 5. of the statutes is amended to read:

20           11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as  
21 of the date of the spring or September primary, or the date that the special primary  
22 is or would be held, if required, indicate that the candidate has received at least the  
23 amount provided in this subdivision, from contributions of money, other than loans,  
24 made by individuals who reside in this state and, in the case of a candidate for

1 legislative office, by individuals at least 50% of whom reside in a county having  
2 territory within the legislative district in which the candidate seeks office, which  
3 contributions have been received during the period ending on the date of the spring  
4 primary and July 1 preceding such date in the case of candidates at the spring  
5 election, or the date of the September primary and January 1 preceding such date  
6 in the case of candidates at the general election, or the date that a special primary  
7 will or would be held, if required, and 90 days preceding such date or the date a  
8 special election is ordered, whichever is earlier, in the case of special election  
9 candidates, which contributions are in the aggregate amount of \$100 or less, and  
10 which contributions are fully identified and itemized as to the exact source thereof.  
11 A contribution received from a conduit which is identified by the conduit as  
12 originating from an individual shall be considered a contribution made by the  
13 individual. Only the first \$100 of an aggregate contribution of more than \$100 may  
14 be counted toward the required percentage. For a candidate at the spring or general  
15 election for an office identified in s. 11.26 (1) (a) or a candidate at a special election,  
16 the required amount to qualify for a grant is 5% of the candidate's authorized  
17 disbursement limitation under s. 11.31. For any other candidate at the general  
18 election, the required amount to qualify for a grant is 10% of the candidate's  
19 authorized disbursement limitation under s. 11.31.”.

20 **23.** Page 8, line 3: delete “~~(eq) to (ex) (fq) to (fx).~~” and substitute “(eq) to (ex)”.

21 **24.** Page 8, line 15: after that line insert:

22 “**SECTION 99m.** 13.101 (6) (a) of the statutes, as affected by 2001 Wisconsin Act  
23 .... (this act), is amended to read:

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

20           **25.** Page 8, line 24: after that line insert:

21           “**SECTION 101m.** 13.107 of the statutes is created to read:

22           **13.107 Review of certain proposed legal services contracts. (1)** Upon  
23 the filing of a proposed legal services contract under s. 14.11 (2) (bh) or 20.930 (5),

1 the chief clerk of the house to whom it is referred shall refer the proposed contract  
2 to the presiding officer of that house.

3 (2) The presiding officer shall promptly refer any proposed contract under sub.  
4 (1) to the appropriate standing committee of the house.

5 (3) Within 30 days after referral under sub. (2), a committee to which a  
6 proposed legal services contract is referred may hold a public hearing concerning the  
7 proposed contract and issue a report to the governor recommending changes to the  
8 proposed contract.”.

9 **26.** Page 9, line 19: after that line insert:

10 “SECTION 102p. 13.205 of the statutes is created to read:

11 **13.205 Legislative hotline prohibited.** (1) Except as provided in sub. (2),  
12 the joint committee on legislative organization, the assembly committee on  
13 organization, and the senate committee on organization may not maintain a toll-free  
14 telephone service for the use of members of the public to contact members of the  
15 legislature or for the use of members of the legislature to contact members of the  
16 public.

17 (2) An organization committee under sub. (1) may maintain or allow the  
18 maintenance of one toll-free telephone service per member of the legislature for the  
19 use of members of the public to contact the member of the legislature. The senate  
20 committee on organization and the assembly committee on organization shall  
21 publish the number of the toll-free telephone service of each member of its house.”.

22 **27.** Page 9, line 19: after that line insert:

23 “SECTION 102d. 13.123 (2) of the statutes is repealed.

24 SECTION 102f. 13.123 (3) (c) of the statutes is amended to read:

1           13.123 (3) (c) Paragraph (b) may not be construed to affect eligibility for any  
2 allowance authorized under sub. (1) ~~or (2)~~.”.

3           **28.** Page 9, line 19: after that line insert:

4           “**SECTION 102m.** 13.123 (3) (a) of the statutes is amended to read:

5           13.123 (3) (a) Any senator authorized by the committee on senate organization  
6 to attend a meeting outside the state capital, any representative to the assembly  
7 authorized by the committee on assembly organization to attend an out-of-state  
8 meeting or authorized by the speaker to attend a meeting within this state outside  
9 the state capital, and all members of the legislature required by law, legislative rule,  
10 resolution or joint resolution to attend such meetings, shall be paid no additional  
11 compensation for such services but shall be reimbursed for actual and necessary  
12 expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may  
13 be reimbursed under this subsection for expenses on any day for which the legislator  
14 submits a claim under sub. (1). ~~Any expenses incurred by a legislator under s. 14.82~~  
15 ~~shall be reimbursed from the appropriation under s. 20.315 (1) (q).~~”.

16           **29.** Page 11, line 17: after that line insert:

17           “**SECTION 103m.** 13.45 (3) (a) of the statutes is amended to read:

18           13.45 (3) (a) For any day for which the legislator does not file a claim under s.  
19 13.123 (1), any legislator appointed to serve on a legislative committee or a  
20 committee to which the legislator was appointed by either house or the officers  
21 thereof shall be reimbursed from the appropriations under ~~ss. 20.315 (1) (q) and s.~~  
22 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the  
23 committee.”.

24           **30.** Page 12, line 11: after that line insert:

1           “**SECTION 104v.** 13.48 (10) (b) 1. of the statutes is amended to read:

2           13.48 (10) (b) 1. Contracts by the department of natural resources  
3           environmental management for construction work related to hazardous substance  
4           spill response under s. 292.11 or environmental repair under s. 292.31.”.

5           **31.** Page 12, line 11: after that line insert:

6           “**SECTION 104r.** 13.48 (10) (a) of the statutes is amended to read:

7           13.48 (10) (a) No state board, agency, officer, department, commission, or body  
8           corporate may enter into a contract for the construction, reconstruction, remodeling  
9           of or addition to any building, structure, or facility, which involves a cost in excess  
10          of \$100,000, without completion of final plans and arrangement for supervision of  
11          construction and prior approval by the building commission. ~~The building~~  
12          ~~commission may not approve a contract for the construction, reconstruction,~~  
13          ~~renovation or remodeling of or an addition to a state building as defined in s. 44.51~~  
14          ~~(2) unless it determines that s. 44.57 has been complied with or does not apply.~~ This  
15          section applies to the department of transportation only in respect to buildings,  
16          structures and facilities to be used for administrative or operating functions,  
17          including buildings, land and equipment to be used for the motor vehicle emission  
18          inspection and maintenance program under s. 110.20.”.

19          **32.** Page 13, line 8: after that line insert:

20          “**SECTION 107m.** 13.48 (14) (am) of the statutes is amended to read:

21          13.48 (14) (am) Subject to par. (d) and s. 20.9145, the building commission shall  
22          have the authority to sell or lease all or any part of a state-owned building or  
23          structure or state-owned land, including farmland, where such authority is not



1 otherwise provided to an agency by law, and may transfer land under its jurisdiction  
2 among agencies.

3 **SECTION 107n.** 13.48 (14) (b) of the statutes is amended to read:

4 13.48 (14) (b) Subject to par. (d) and s. 20.9145, the building commission shall  
5 sell or lease on the basis of either public bids, with the building commission reserving  
6 the right to reject any or all bids in the best interest of the state, or negotiated prices.  
7 Buildings, structures and land mentioned in this subsection shall be subject to  
8 general property taxes levied by those taxing bodies within whose area they lie if  
9 used for commercial purposes, and shall be subject to special assessments for public  
10 improvements in the same manner and to the same extent as privately owned  
11 buildings, structures and land, subject to approval of the building commission when  
12 required under s. 66.0703 (6).

13 **SECTION 107p.** 13.48 (14) (d) 4. of the statutes is amended to read:

14 13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus  
15 land having a fair market value of at least \$20,000 that is not subject to sale under  
16 s. 20.9145, the commission shall notify the joint committee on finance in writing of  
17 its proposed action. If the cochairpersons of the committee do not notify the  
18 commission that the committee has scheduled a meeting for the purpose of reviewing  
19 the proposed sale or transfer within 14 working days after the date of the  
20 commission's notification, the parcel may be sold or transferred by the commission.  
21 If, within 14 working days after the date of the commission's notification, the  
22 cochairpersons of the committee notify the commission that the committee has  
23 scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the  
24 parcel may be sold or transferred under this subdivision only upon approval of the  
25 committee.”.

1           **33.** Page 14, line 16: after that line insert:

2           “**SECTION 108dm.** 13.48 (26) of the statutes is amended to read:

3           **13.48 (26)** ENVIRONMENTAL IMPROVEMENT ANNUAL FINANCE PLAN APPROVAL. The  
4 building commission shall review the versions of the biennial finance plan and any  
5 amendments to the biennial finance plan submitted to it by the department of  
6 ~~natural resources~~ environmental management and the department of  
7 administration under s. 281.59 (3) (bm) and the recommendations of the joint  
8 committee on finance and the standing committees to which the versions of the  
9 biennial finance plan and any amendments were submitted under s. 281.59 (3) (bm).  
10 The building commission shall consider the extent to which that version of the  
11 biennial finance plan that is updated to reflect the adopted biennial budget act will  
12 maintain the funding for the clean water fund program and the safe drinking water  
13 loan program, in the environmental improvement fund, in perpetuity. The building  
14 commission shall consider the extent to which the implementation of the clean water  
15 fund program, the safe drinking water loan program, and the land recycling loan  
16 program, as set forth in the biennial finance plan updated to reflect the adopted  
17 biennial budget act, implements legislative intent on the clean water fund program,  
18 the safe drinking water loan program, and the land recycling loan program. The  
19 building commission shall, no later than 60 days after the date of enactment of the  
20 biennial budget act, either approve or disapprove the biennial finance plan that is  
21 updated to reflect the adopted biennial budget act, except that the building  
22 commission may not disapprove those amounts that the legislature approves under  
23 s. 281.59 (3e) (a), (3m) (a), and (3s) (a). If the building commission disapproves the  
24 version of the biennial finance plan that is updated to reflect the adopted biennial

1 budget act, it must notify the department of ~~natural resources~~ environmental  
2 management and the department of administration of its reasons for disapproving  
3 the plan, and those departments must revise that version of the biennial finance plan  
4 and submit the revision to the building commission.”.

5 **34.** Page 17, line 15: after that line insert:

6 “**SECTION 112d.** 13.625 (8m) of the statutes is amended to read:

7 13.625 **(8m)** Subsection (3) does not apply to the solicitation of anything of  
8 pecuniary value to pay the costs of remedying environmental contamination, as  
9 defined in s. 292.51 (1), by an agency official of the department of ~~natural resources~~  
10 environmental management.

11 **SECTION 112n.** 13.83 (3) (f) (intro.) of the statutes is amended to read:

12 13.83 **(3)** (f) (intro.) The special committee shall be assisted by a technical  
13 advisory committee composed of 7 8 members representing the following:

14 **SECTION 112p.** 13.83 (3) (f) 4. of the statutes is amended to read:

15 13.83 **(3)** (f) 4. The department of ~~natural resources~~ fish, wildlife, parks, and  
16 forestry.

17 **SECTION 112r.** 13.83 (3) (f) 8. of the statutes is created to read:

18 13.83 **(3)** (f) 8. The department of environmental management.”.

19 **35.** Page 18, line 8: after “(4) (a)” insert “1.”.

20 **36.** Page 22, line 18: after that line insert:

21 “**SECTION 118m.** 14.11 (2) (bd), (bh), (bp) and (bt) of the statutes are created to  
22 read:

1           14.11 **(2)** (bd) Notwithstanding s. 16.75 (1) (c), (2m) and (6) (c) to (e), all  
2 contracts for legal services under this subsection shall be awarded only by  
3 solicitation of bids under s. 16.75.

4           (bh) 1. The governor shall not enter into a contract for the provision of legal  
5 services under which the state is obligated or reasonably may be anticipated to be  
6 obligated to pay more than \$1,000,000 unless the governor first files the proposed  
7 contract with the chief clerk of each house of the legislature and complies with subds.  
8 2. to 4. If the governor does not receive a report from a legislative committee under  
9 subd. 2. recommending changes to a proposed contract within 60 days of the date on  
10 which the proposed contract is filed, the governor may enter into the contract as  
11 proposed.

12           2. If the governor receives a timely report from a legislative committee under  
13 s. 13.107 concerning a proposed legal services contract, the governor shall review the  
14 report and, if the governor determines to make any changes to the proposed contract  
15 that is the subject of the report, the governor shall file a revised copy of the proposed  
16 contract with the chief clerk of each house of the legislature.

17           3. If the governor does not make all of the changes to a proposed legal services  
18 contract recommended by a legislative committee under s. 13.107 (3), the governor  
19 shall submit a report to the chairperson or cochairpersons of the committee  
20 recommending the changes containing an explanation of the reasons why all of the  
21 proposed changes were not made.

22           4. If the governor submits a report under subd. 3. pertaining to a proposed legal  
23 services contract, the governor shall not enter into that contract until at least 45 days  
24 after submittal of the report.

1           5. If, within 60 days after referral under s. 13.107 (2), a committee to which a  
2 proposed legal services contract is referred has not transmitted a report to the  
3 governor concerning the proposed contract, the governor may enter into the proposed  
4 contract.

5           (bp) Every legal services contract entered into by the governor which provides  
6 for counsel to be retained on a contingent fee basis shall contain a provision requiring  
7 the counsel to submit a statement of the number of hours worked under the contract,  
8 the expenses incurred in relation to the contract and the net charge per hour under  
9 the contract, computed on the basis of the total charges, less expenses, divided by the  
10 number of hours worked. The governor shall not authorize payment to be made  
11 under the contract until the statement is submitted.

12           (bt) The governor shall not enter into any contract that requires the state to pay  
13 for legal services at a rate that exceeds \$1,000 per hour. If a contract provides for a  
14 contingent or fixed fee, the hourly charge shall be computed in the manner provided  
15 in par. (bp). The governor shall not authorize any payment to be made exceeding the  
16 amount specified in this paragraph.”.

17           **37.** Page 22, line 25: after that line insert:

18           “**SECTION 122p.** 14.58 (21) of the statutes is amended to read:

19           14.58 (21) CREDIT CARD USE CHARGES. From moneys received under ss. 59.25 (3)  
20 (j) and (k) and 85.14 (1) (b), pay the charges under ss. 23.49 and, 85.14 (1) (b) and (2),  
21 and 278.49 from the appropriation under s. 20.585 (1) (km).”.

22           **38.** Page 23, line 13: after that line insert:

23           “**SECTION 126t.** 14.82 (1) (intro.) of the statutes is amended to read:

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

22           **SECTION 126w.** 14.85 (2) of the statutes is amended to read:

23           14.85 (2) The secretary of commerce, the secretary of tourism, the secretary of  
24 ~~natural resources~~ fish, wildlife, parks, and forestry, the secretary of transportation

1 and the director of the historical society, or their designees, shall serve as nonvoting  
2 members of the commission.”.

3 **39.** Page 23, line 13: after that line insert:

4 “**SECTION 126s.** 14.82 of the statutes is repealed.”.

5 **40.** Page 24, line 21: after that line insert:

6 “**SECTION 130j.** 15.01 (6) of the statutes is amended to read:

7 15.01 (6) “Division,” “bureau,” “section,” and “unit” ~~means~~ mean the subunits  
8 of a department or an independent agency, whether specifically created by law or  
9 created by the head of the department or the independent agency for the more  
10 economic and efficient administration and operation of the programs assigned to the  
11 department or independent agency. The office of justice assistance and the office of  
12 faith-based crime prevention initiatives in the department of administration and  
13 the office of credit unions in the department of financial institutions have the  
14 meaning of “division” under this subsection. The office of the long-term care  
15 ombudsman under the board on aging and long-term care and the office of  
16 educational accountability in the department of public instruction have the meaning  
17 of “bureau” under this subsection.

18 **SECTION 130k.** 15.01 (6) of the statutes, as affected by 2001 Wisconsin Act ...

19 (this act), is amended to read:

20 15.01 (6) “Division,” “bureau,” “section,” and “unit” mean the subunits of a  
21 department or an independent agency, whether specifically created by law or created  
22 by the head of the department or the independent agency for the more economic and  
23 efficient administration and operation of the programs assigned to the department  
24 or independent agency. The office of justice assistance ~~and the office of faith-based~~

1 ~~crime prevention initiatives~~ in the department of administration and the office of  
2 credit unions in the department of financial institutions have the meaning of  
3 “division” under this subsection. The office of the long-term care ombudsman under  
4 the board on aging and long-term care and the office of educational accountability  
5 in the department of public instruction have the meaning of “bureau” under this  
6 subsection.

7 **SECTION 130r.** 15.02 (3) (c) 1. of the statutes is amended to read:

8 15.02 (3) (c) 1. The principal subunit of the department is the “division.” Each  
9 division shall be headed by an “administrator.” The office of justice assistance and  
10 the office of faith-based crime prevention initiatives in the department of  
11 administration and the office of credit unions in the department of financial  
12 institutions have the meaning of “division.” and the executive staff director of the  
13 office of justice assistance and the executive director heading the office of faith-based  
14 crime prevention initiatives in the department of administration and the director of  
15 credit unions have the meaning of “administrator” under this subdivision.

16 **SECTION 130s.** 15.02 (3) (c) 1. of the statutes, as affected by 2001 Wisconsin Act  
17 .... (this act), is amended to read:

18 15.02 (3) (c) 1. The principal subunit of the department is the “division.” Each  
19 division shall be headed by an “administrator.” The office of justice assistance ~~and~~  
20 ~~the office of faith-based crime prevention initiatives~~ in the department of  
21 administration and the office of credit unions in the department of financial  
22 institutions have the meaning of “division.” and the executive staff director of the  
23 office of justice assistance ~~and the executive director heading the office of faith-based~~  
24 ~~crime prevention initiatives~~ in the department of administration and the director of  
25 credit unions have the meaning of “administrator” under this subdivision.”.



1           **41.** Page 24, line 21: after that line insert:

2           “**SECTION 130b.** 15.01 (4) of the statutes, as affected by 2001 Wisconsin Act ....  
3 (this act), is amended to read:

4           15.01 (4) “Council” means a part-time body appointed to function on a  
5 continuing basis for the study, and recommendation of solutions and policy  
6 alternatives, of the problems arising in a specified functional area of state  
7 government, except the Wisconsin land council has the powers specified in s. 16.965  
8 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee River  
9 revitalization council has the powers and duties specified in s. ~~23.18~~ 278.18, the  
10 council on physical disabilities has the powers and duties specified in s. 46.29 (1) and  
11 (2), the state council on alcohol and other drug abuse has the powers and duties  
12 specified in s. 14.24, and, before January 1, 2001, the council on health care fraud and  
13 abuse has the powers and duties specified in s. 146.36.

14           **SECTION 130g.** 15.05 (1) (b) of the statutes is amended to read:

15           15.05 (1) (b) Except as provided in pars. (c) ~~and~~, (d) and (e), if a department is  
16 under the direction and supervision of a board, the board shall appoint a secretary  
17 to serve at the pleasure of the board outside the classified service. In such  
18 departments, the powers and duties of the board shall be regulatory, advisory and  
19 policy-making, and not administrative. All of the administrative powers and duties  
20 of the department are vested in the secretary, to be administered by him or her under  
21 the direction of the board. The secretary, with the approval of the board, shall  
22 promulgate rules for administering the department and performing the duties  
23 assigned to the department.

24           **SECTION 130h.** 15.05 (1) (c) of the statutes is repealed and recreated to read:

1           15.05 (1) (c) The fish, wildlife, parks, and forestry board shall nominate and,  
2 with the approval of the governor, appoint the secretary of fish, wildlife, parks, and  
3 forestry.

4           **SECTION 130j.** 15.05 (1) (e) of the statutes is created to read:

5           15.05 (1) (e) The environmental management board shall nominate and, with  
6 the approval of the governor, appoint the secretary of environmental management.”.

7           **42.** Page 25, line 10: after that line insert:

8           “**SECTION 136h.** 15.09 (1) (b) of the statutes is amended to read:

9           15.09 (1) (b) The terms of the members of the council on recycling shall expire  
10 as specified under s. ~~15.347 (17)~~ 15.337 (5) (c).”.

11          **43.** Page 25, line 12: after that line insert:

12          “**SECTION 138j.** 15.105 (title) of the statutes is amended to read:

13          **15.105** (title) **Same; attached boards, commissions and office offices.**

14          **SECTION 138k.** 15.105 (title) of the statutes, as affected by 2001 Wisconsin Act  
15 .... (this act), is amended to read:

16          **15.105** (title) **Same; attached boards, commissions and offices office.**”.

17          **44.** Page 25, line 18: after that line insert:

18          “**SECTION 141b.** 15.105 (16) (b) 1. of the statutes is amended to read:

19          15.105 (16) (b) 1. The secretary of administration, the secretary of agriculture,  
20 trade and consumer protection, the secretary of environmental management, the  
21 secretary of ~~natural resources~~ fish, wildlife, parks, and forestry, the secretary of  
22 revenue and the secretary of transportation, or their designees.”.

23          **45.** Page 26, line 9: after that line insert:

24          “**SECTION 160j.** 15.105 (28) of the statutes is created to read:

1           15.105 **(28)** OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. There is  
2           created an office of faith-based crime prevention initiatives, headed by the executive  
3           director, which is attached to the department of administration under s. 15.03. The  
4           executive director shall be nominated by the governor, and with the advice and  
5           consent of the senate appointed, to serve at the pleasure of the governor. The  
6           executive director may not be a member of the board of directors of, be otherwise  
7           involved in the governance or control of, or be employed by any faith-based  
8           organization eligible for contracts or grants under s. 59.54 (27) or 301.065. The  
9           executive director shall have experience relevant to the operation of nonprofit  
10          organizations or state or local government and shall have a demonstrated  
11          understanding of state and federal laws regarding nondiscrimination against  
12          religious organizations. This subsection does not apply after June 30, 2004.”.

13           **46.** Page 26, line 9: after that line insert:

14           “**SECTION 160t.** 15.107 (5) (a) 2m. of the statutes is created to read:

15           15.107 **(5)** (a) 2m. The secretary of environmental management or his or her  
16          designee.

17           **SECTION 160u.** 15.107 (5) (a) 3. of the statutes is amended to read:

18           15.107 **(5)** (a) 3. The secretary of ~~natural resources~~ fish, wildlife, parks, and  
19          forestry or his or her designee.”.

20           **47.** Page 26, line 12: after that line insert:

21           “**SECTION 162q.** 15.107 (16) (b) 3m. of the statutes is created to read:

22           15.107 **(16)** (b) 3m. The secretary of environmental management.

23           **SECTION 162r.** 15.107 (16) (b) 4. of the statutes is amended to read:

1           15.107 (16) (b) 4. The secretary of natural resources fish, wildlife, parks, and  
2 forestry.”.

3           **48.** Page 26, line 25: after that line insert:

4           “**SECTION 168.** 15.137 (1) of the statutes is created to read:

5           15.137 (1) AGRICULTURAL PRODUCER SECURITY COUNCIL. (a) There is created in  
6 the department of agriculture, trade and consumer protection an agricultural  
7 producer security council consisting of the following members appointed by the  
8 secretary of agriculture for 3–year terms:

9           1. One person representing the Farmers’ Educational and Cooperative Union  
10 of America, Wisconsin Division.

11           2. One person representing the Midwest Food Processors Association, Inc.

12           3. One person representing the National Farmers’ Organization, Inc.

13           4. One person representing the Wisconsin Agri–Service Association, Inc.

14           5. One person representing the Wisconsin Cheese Makers Association.

15           6. One person representing both the Wisconsin Corn Growers Association, Inc.,  
16 and the Wisconsin Soybean Association, Inc.

17           7. One person representing the Wisconsin Dairy Products Association, Inc.

18           8. One person representing the Wisconsin Farm Bureau Federation.

19           9. One person representing the Wisconsin Federation of Cooperatives.

20           10. One person representing the Wisconsin Potato and Vegetable Growers  
21 Association, Inc.

22           (b) Each organization identified in par. (a) shall nominate 2 persons to  
23 represent that organization on the agricultural producer security council. The

1 secretary of agriculture, trade and consumer protection shall appoint members from  
2 among the nominees.”.

3 **49.** Page 26, line 25: after that line insert:

4 “**SECTION 167g.** 15.107 (17) (f) of the statutes is amended to read:

5 15.107 (17) (f) One member appointed by the secretary of ~~natural resources~~  
6 environmental management.

7 **SECTION 167p.** 15.135 (4) (b) 1. of the statutes is amended to read:

8 15.135 (4) (b) 1. The secretaries of administration, of ~~natural resources~~  
9 environmental management, and of agriculture, trade and consumer protection or  
10 their designees;”.

11 **50.** Page 27, line 9: after that line insert:

12 “**SECTION 168h.** 15.137 (5) (a) of the statutes is amended to read:

13 15.137 (5) (a) *Nonvoting members.* The secretary of agriculture, trade and  
14 consumer protection, the secretary of ~~natural resources~~ environmental  
15 management, and the dean of the College of Agricultural and Life Sciences at the  
16 University of Wisconsin–Madison, or their designees, shall serve as nonvoting  
17 members.

18 **SECTION 168i.** 15.137 (5) (b) 2. of the statutes is amended to read:

19 15.137 (5) (b) 2. One voting member shall be appointed by the secretary of  
20 ~~natural resources~~ environmental management to serve for a 3–year term. The  
21 member appointed under this subdivision shall be knowledgeable about water  
22 quality.”.

23 **51.** Page 27, line 18: after that line insert:

24 “**SECTION 170d.** 15.157 (3) of the statutes is amended to read:

1           15.157 (3) DWELLING CODE COUNCIL. There is created in the department of  
2 commerce, a dwelling code council, consisting of 17 18 members appointed for  
3 staggered 3-year terms. Four members shall be representatives of building trade  
4 labor organizations; 4 members shall be certified building inspectors employed by  
5 local units of government; 2 members shall be representatives of building contractors  
6 actively engaged in on-site construction of one- and 2-family housing; 2 members  
7 shall be representatives of manufacturers or installers of manufactured one- and  
8 2-family housing; one member shall be an architect, engineer or designer actively  
9 engaged in the design or evaluation of one- and 2-family housing; 2 members shall  
10 represent the construction material supply industry; one member shall represent  
11 remodeling contractors actively engaged in the remodeling of one-family and  
12 2-family housing; and 2 members shall represent the public, one of whom shall  
13 represent persons with disabilities, as defined in s. 106.50 (1m) (g). An employee of  
14 the department designated by the secretary of commerce shall serve as nonvoting  
15 secretary of the council. The council shall meet at least twice a year. Eleven members  
16 of the council shall constitute a quorum. For the purpose of conducting business a  
17 majority vote of the council is required.”.

18           **52.** Page 27, line 18: delete that line.

19           **53.** Page 28, line 5: after that line insert:

20           “**SECTION 172t.** 15.157 (10) (f) of the statutes is amended to read:

21           15.157 (10) (f) One member appointed by the secretary of ~~natural resources~~  
22 environmental management to represent the department of ~~natural resources~~  
23 environmental management.

24           **SECTION 173b.** 15.157 (11) of the statutes is amended to read:

1           15.157 (11) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is  
2           created in the department of commerce a petroleum storage environmental cleanup  
3           council consisting of 5 members appointed for 4–year terms and the secretary of  
4           ~~natural resources~~ environmental management and the secretary of commerce, or  
5           their designees. The governor shall appoint the members, other than ex officio  
6           members, to the council from lists of names submitted by the secretary of ~~natural~~  
7           ~~resources~~ environmental management and by the secretary of commerce. In  
8           preparing the lists, each secretary shall consider representatives from petroleum  
9           product transporters, manufacturers, suppliers, retailers and wholesalers,  
10          professional geologists, hydrologists and soil scientists and environmental  
11          scientists, consultants, contractors, and engineers.”.

12           **54.** Page 29, line 8: after that line insert:

13           “**SECTION 174g.** 15.197 (11n) (cm) of the statutes is created to read:

14           15.197 (11n) (cm) Four members of the legislature, of which one each is  
15           designated by the speaker of the assembly, the senate majority leader, and the  
16           minority leader in each house of the legislature and appointed by the governor.

17           **SECTION 174h.** 15.197 (11n) (e) of the statutes is created to read:

18           15.197 (11n) (e) By January 31 of each year, the council shall prepare a report  
19           for the preceding calendar year and shall submit the report to the legislature under  
20           s. 13.172 (2). The report shall evaluate the waiting lists compiled by the department  
21           of health and family services for services for persons with developmental  
22           disabilities.”.

23           **55.** Page 29, line 8: after that line insert:

24           “**SECTION 174p.** 15.197 (25) (c) of the statutes is amended to read:

1           15.197 **(25)** (c) This subsection does not apply beginning on July 1, 2002  
2           2004.”.

3           **56.** Page 30, line 7: after that line insert:

4           “**SECTION 178f.** 15.225 (2) (c) of the statutes is amended to read:

5           15.225 **(2)** (c) *Liaison representatives.* The secretary of agriculture, trade and  
6           consumer protection, the secretary of health and family services, the secretary of  
7           workforce development, the secretary of natural resources fish, wildlife, parks, and  
8           forestry and the chancellor of the University of Wisconsin–Extension, or a designee  
9           of such a secretary or the chancellor, shall serve as liaison representatives to the  
10          Wisconsin conservation corps board, and provide information to and assist the board.  
11          The liaison representatives are not board members and may not vote on any board  
12          decision or action.”.

13          **57.** Page 30, line 10: after that line insert:

14          “**SECTION 179e.** 15.255 (1) (a) 8. of the statutes is amended to read:

15          15.255 **(1)** (a) 8. The secretary of natural resources fish, wildlife, parks, and  
16          forestry or the secretary’s designee.

17          **SECTION 179k.** 15.33 of the statutes is created to read:

18          **15.33 Department of environmental management; creation. (1)** There  
19          is created a department of environmental management under the direction and  
20          supervision of the environmental management board.

21          **(2)** (a) The board shall consist of 7 members appointed for 6–year terms.

22          (b) No person may be appointed to the environmental management board, or  
23          remain a member of the board, who receives, or has during the previous 2 years  
24          received, a significant portion of his or her income directly or indirectly from holders



1 of or applicants for permits issued by the department under ch. 283, except that this  
2 paragraph does not apply with respect to permits issued under s. 283.33.

3 (c) The majority of members of the environmental management board may not  
4 derive a significant portion of their incomes from persons who are subject to permits  
5 or enforcement orders under ch. 285. Each board member shall inform the governor  
6 of any significant change in the income that he or she derives from persons who are  
7 subject to permits or enforcement orders under ch. 285.

8 (d) The restrictions in pars. (b) and (c) do not apply with respect to permits or  
9 licenses held or applied for by agencies, departments, or subdivisions of this state.

10 **SECTION 179m.** 15.337 (title) of the statutes is created to read:

11 **15.337 (title) Same; councils.**

12 **SECTION 179n.** 15.337 (4) (a) 1m. of the statutes is created to read:

13 15.337 **(4)** (a) 1m. The secretary of environmental management or his or her  
14 designee.”.

15 **58.** Page 30, line 10: after that line insert:

16 “**SECTION 279g.** 15.227 (14) of the statutes is created to read:

17 15.227 **(14)** APPRENTICESHIP MARKETING COUNCIL. There is created in the  
18 department of workforce development an apprenticeship marketing council  
19 appointed by the secretary of workforce development. The council shall consist of 4  
20 members appointed for 3–year terms who represent the interests of employees, 4  
21 members appointed for 3–year terms who represent the interests of employers, and  
22 2 employees of the department of workforce development to serve at the pleasure of  
23 the secretary.”.

1           **59.** Page 30, line 11: delete the material beginning with that line and ending  
2 with page 31, line 9, and substitute:

3           “**SECTION 179qb.** 15.34 of the statutes is amended to read:

4           **15.34 Department of natural resources fish, wildlife, parks, and**  
5 **forestry; creation.** There is created a department of ~~natural resources~~ fish,  
6 wildlife, parks, and forestry under the direction and supervision of the ~~natural~~  
7 ~~resources~~ fish, wildlife, parks, and forestry board. The board shall consist of 7  
8 members appointed for staggered 6-year terms. At least 3 members of the board  
9 shall be from the territory north, and at least 3 members of the board shall be from  
10 the territory south, of a line running east and west through the south limits of the  
11 city of Stevens Point. ~~No person may be appointed to the natural resources board,~~  
12 ~~or remain a member thereof, who is a permit holder or who receives, or has during~~  
13 ~~the previous 2 years received, a significant portion of his or her income directly or~~  
14 ~~indirectly from permit holders or applicants for permits issued by the department.~~  
15 For purposes of this section, “permit holders” or “applicants for permits” shall not  
16 include agencies, departments or subdivisions of this state.

17           **SECTION 179qe.** 15.343 (1) of the statutes is amended to read:

18           15.343 (1) DIVISION OF FORESTRY. There is created in the department of ~~natural~~  
19 ~~resources~~ fish, wildlife, parks, and forestry a division of forestry.

20           **SECTION 179qg.** 15.345 (1) (intro.) of the statutes is amended to read:

21           15.345 (1) WISCONSIN WATERWAYS COMMISSION. (intro.) There is created a  
22 Wisconsin waterways commission which is attached to the department of ~~natural~~  
23 ~~resources~~ fish, wildlife, parks, and forestry under s. 15.03.

24           **SECTION 179qk.** 15.345 (2) (intro.) of the statutes is amended to read:

1           15.345 (2) LAKE SUPERIOR COMMERCIAL FISHING BOARD. (intro.) There is created  
2 a Lake Superior commercial fishing board attached to the department of natural  
3 resources fish, wildlife, parks, and forestry under s. 15.03.

4           **SECTION 179qm.** 15.345 (3) (intro.) of the statutes is amended to read:

5           15.345 (3) LAKE MICHIGAN COMMERCIAL FISHING BOARD. (intro.) There is created  
6 a Lake Michigan commercial fishing board attached to the department of natural  
7 resources fish, wildlife, parks, and forestry under s. 15.03.”.

8           **60.** Page 31, line 15: after that line insert:

9           “**SECTION 180b.** 15.345 (5) of the statutes, as affected by 2001 Wisconsin Act  
10 .... (this act), is amended to read:

11           15.345 (5) FOX RIVER MANAGEMENT COMMISSION. There is created in the  
12 department of natural resources fish, wildlife, parks, and forestry a Fox River  
13 management commission consisting of 7 members. The commission shall cease to  
14 exist on the day after the date on which the state and the Fox River Navigational  
15 System Authority enter into the lease agreement specified in s. 237.06.

16           **SECTION 180p.** 15.347 (2) of the statutes is renumbered 15.337 (1), and 15.337  
17 (1) (intro.), as renumbered, is amended to read:

18           15.337 (1) DRY CLEANER ENVIRONMENTAL RESPONSE COUNCIL. (intro.) There is  
19 created in the department of natural resources environmental management a dry  
20 cleaner environmental response council consisting of the following members  
21 appointed for 3-year terms:

22           **SECTION 181c.** 15.347 (4) (intro.) of the statutes is amended to read:

1           15.347 (4) NATURAL AREAS PRESERVATION COUNCIL. (intro.) There is created in  
2 the department of ~~natural resources~~ fish, wildlife, parks, and forestry a natural  
3 areas preservation council consisting of the following representatives:

4           **SECTION 181d.** 15.347 (4) (a) of the statutes is amended to read:

5           15.347 (4) (a) Two from the department of ~~natural resources~~ fish, wildlife,  
6 parks, and forestry, appointed by the board of ~~natural resources~~ fish, wildlife, parks,  
7 and forestry, one to serve as secretary.

8           **SECTION 181f.** 15.347 (7) of the statutes is amended to read:

9           15.347 (7) SNOWMOBILE RECREATIONAL COUNCIL. There is created in the  
10 department of ~~natural resources~~ fish, wildlife, parks, and forestry a snowmobile  
11 recreational council consisting of 15 members nominated by the governor, and with  
12 the advice and consent of the senate, appointed for staggered 3-year terms.  
13 Commencing on July 1, 1972, 5 members shall be appointed to serve for one year, 5  
14 members for 2 years and 5 members for 3 years. Thereafter all terms shall be for 3  
15 years with 5 positions on the council to expire each year. At least 5 members of the  
16 council shall be from the territory north, and at least 5 members shall be from the  
17 territory south, of a line running east and west through the south limits of the city  
18 of Stevens Point.

19           **SECTION 181h.** 15.347 (12) of the statutes is renumbered 15.337 (2) and  
20 amended to read:

21           15.337 (2) METALLIC MINING COUNCIL. There is created in the department of  
22 ~~natural resources~~ environmental management a metallic mining council consisting  
23 of 9 persons representing a variety and balance of economic, scientific, and  
24 environmental viewpoints. Members shall be appointed by the secretary of the  
25 department for staggered 3-year terms.

1           **SECTION 181i.** 15.347 (13) of the statutes is renumbered 15.337 (3), and 15.337  
2 (3) (a) and (b) 1., as renumbered, are amended to read:

3           15.337 **(3)** (a) *Creation.* There is created a groundwater coordinating council,  
4 attached to the department of ~~natural resources~~ environmental management under  
5 s. 15.03. The council shall perform the functions specified under s. 160.50.

6           (b) 1. The secretary of ~~natural resources~~ environmental management.

7           **SECTION 181j.** 15.347 (15) of the statutes is renumbered 15.337 (4), and 15.337  
8 (4) (a) (intro.), as renumbered, is amended to read:

9           15.337 **(4)** (a) (intro.) There is created in the department of ~~natural resources~~  
10 environmental management a Milwaukee River revitalization council consisting of:

11           **SECTION 181k.** 15.347 (16) of the statutes is amended to read:

12           15.347 **(16)** STATE TRAILS COUNCIL. There is created in the department of ~~natural~~  
13 ~~resources~~ fish, wildlife, parks, and forestry a state trails council consisting of 9  
14 members, appointed for 4-year terms, who are knowledgeable in the various  
15 recreational uses of trails.

16           **SECTION 181L.** 15.347 (17) of the statutes is renumbered 15.337 (5), and 15.337  
17 (5) (a), as renumbered, is amended to read:

18           15.337 **(5)** (a) *Creation and membership.* There is created a council on  
19 recycling, attached to the department of ~~natural resources~~ environmental  
20 management under s. 15.03, consisting of 7 members selected by the governor.

21           **SECTION 181m.** 15.348 of the statutes is amended to read:

22           **15.348 Conservation congress.** The conservation congress shall be an  
23 independent organization of citizens of the state and shall serve in an advisory  
24 capacity to the ~~natural resources~~ fish, wildlife, parks, and forestry board on all  
25 matters under the jurisdiction of the board. Its records, budgets, studies and surveys

1 shall be kept and established in conjunction with the department of natural  
2 resources fish, wildlife, parks, and forestry. Its reports shall be an independent  
3 advisory opinion of such the congress.”.

4 **61.** Page 31, line 15: after that line insert:

5 “SECTION 382g. 15.405 (6) (a) of the statutes, as affected by 1997 Wisconsin Act  
6 96, is repealed and recreated to read:

7 15.405 (6) (a) Six dentists who are licensed under ch. 447.

8 SECTION 182i. 15.405 (6) (b) of the statutes, as affected by 1997 Wisconsin Act  
9 96, is repealed and recreated to read:

10 15.405 (6) (b) Three dental hygienists who are licensed under ch. 447.  
11 Notwithstanding s. 15.08 (1m) (a), the dental hygienist members may participate in  
12 the preparation and grading of licensing examinations for dental hygienists.”.

13 **62.** Page 31, line 15: after that line insert:

14 “SECTION 181m. 15.377 (2) of the statutes is created to read:

15 15.377 (2) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL. There is created a  
16 deaf and hard-of-hearing education council in the department of public instruction.  
17 The council shall consist of the following members, at least 3 of whom must be  
18 hearing impaired, appointed by the state superintendent of public instruction for  
19 3-year terms:

20 (a) Two parents of children who are hearing impaired.

21 (b) One licensed teacher of pupils who are hearing impaired.

22 (c) One person who is licensed as a speech-language pathologist under subch.  
23 II of ch. 459.

24 (d) One school district special education director.

1 (e) One person who is licensed as an audiologist under subch. II of ch. 459 and  
2 whose expertise is in educational audiology.

3 (f) One person who is experienced in educating the hearing impaired, or in  
4 educating teachers of the hearing impaired, and is affiliated with an institution of  
5 higher education.

6 (g) One person who is an instructor in a technical college interpreter training  
7 program.

8 (h) One person employed as an educational interpreter.

9 (i) Three other members.”.

10 **63.** Page 31, line 15: after that line insert:

11 “**SECTION 181m.** 15.347 (18) of the statutes is created to read:

12 15.347 (18) LAKESHORE BASIN COUNCIL. There is created in the department of  
13 natural resources a lakeshore basin council consisting of the following members  
14 appointed for 4–year terms:

15 (a) One resident of Brown county appointed by the county board of Brown  
16 county.

17 (b) One resident of Door county appointed by the county board of Door county.

18 (c) One resident of Kewaunee county appointed by the county board of  
19 Kewaunee county.

20 (d) Two members appointed by the governor.”.

21 **64.** Page 32, line 4: after that line insert:

22 “**SECTION 183m.** 15.463 of the statutes is created to read:

23 **15.463 Same; specified division. (1) DIVISION OF MOTOR VEHICLES.** There is  
24 created in the department of transportation a division of motor vehicles.”.

1           **65.** Page 32, line 4: after that line insert:

2           “**SECTION 183g.** 15.445 (2) (b) 2. of the statutes is amended to read:

3           15.445 (2) (b) 2. Two members who are residents of that portion of the Kickapoo  
4 River watershed, as determined by the department of ~~natural resources~~ fish,  
5 wildlife, parks, and forestry, that lies outside of the area specified in subd. 1.

6           **SECTION 183h.** 15.445 (2) (e) of the statutes is amended to read:

7           15.445 (2) (e) *Liaison representatives.* The secretary of agriculture, trade and  
8 consumer protection, the secretary of ~~natural resources~~ fish, wildlife, parks, and  
9 forestry, the secretary of transportation, the secretary of commerce, the secretary of  
10 administration, the director of the state historical society and the chancellor of the  
11 University of Wisconsin–Extension, or their designees, shall serve as liaison  
12 representatives to the board. The board may request any federally recognized  
13 American Indian tribe or band in this state, other than the Ho–Chunk Nation, that  
14 expresses an interest in the governance of the Kickapoo valley reserve to appoint a  
15 liaison representative to the board. The liaison representatives are not board  
16 members and have no voting power.”.

17           **66.** Page 32, line 4: after that line insert:

18           “**SECTION 183h.** 15.445 (4) (a) 1. of the statutes is amended to read:

19           15.445 (4) (a) 1. Two representatives to the assembly, one recommended by the  
20 speaker of the assembly and one recommended by the minority leader of the  
21 assembly. ~~This subdivision does not apply after June 30, 2003.~~

22           **SECTION 183i.** 15.445 (4) (a) 2. of the statutes is amended to read:



1           15.445 (4) (a) 2. Two senators, one recommended by the majority leader of the  
2 senate and one recommended by the minority leader of the senate. ~~This subdivision~~  
3 ~~does not apply after June 30, 2003.~~”.

4           **67.** Page 32, line 12: after that line insert:

5           “**SECTION 187d.** 15.915 (3) of the statutes is repealed.”.

6           **68.** Page 32, line 12: after that line insert:

7           “**SECTION 187b.** 15.915 (2) (a) of the statutes is amended to read:

8           15.915 (2) (a) The president of the University of Wisconsin System, the  
9 secretary of health and family services, the secretary of ~~natural resources~~ fish,  
10 wildlife, parks, and forestry, the secretary of environmental management, and the  
11 secretary of agriculture, trade and consumer protection, or their designees.

12           **SECTION 187d.** 15.915 (6) (b) 2. of the statutes is amended to read:

13           15.915 (6) (b) 2. The secretary of ~~natural resources~~ fish, wildlife, parks, and  
14 forestry.

15           **SECTION 187e.** 15.915 (6) (b) 2m. of the statutes is created to read:

16           15.915 (6) (b) 2m. The secretary of environmental management.”.

17           **69.** Page 32, line 12: after that line insert:

18           “**SECTION 185m.** 15.615 of the statutes is created to read:

19           **15.615 Same; attached boards.**

20           **(2) REFERENDUM APPEAL BOARD.** There is created a referendum appeal board  
21 which is attached to the elections board under s. 15.03. The referendum appeal board  
22 shall consist of the governor, the senate majority leader, the senate minority leader,  
23 the speaker of the assembly, and the assembly minority leader or the designees of  
24 these persons. Members of the board shall serve for indefinite terms.”.

1           **70.** Page 35, line 20: after that line insert:

2           “**SECTION 194p.** 16.02 (2) of the statutes is amended to read:

3           16.02 (2) The acid deposition research council shall, by July 1 of each  
4 even-numbered year, submit a report of its work summarizing its recommendations  
5 under sub. (1) (a) to (c) and the results of the research reviewed under sub. (1) (d) and  
6 shall file the report with the governor, the secretary, the chairperson of the ~~natural~~  
7 resources fish, wildlife, parks, and forestry board, the chairperson of the  
8 environmental management board, and the chief clerk of each house of the  
9 legislature for distribution to the appropriate standing committees under s. 13.172  
10 (2).

11           **SECTION 196g.** 16.023 (1) (g) (intro.) of the statutes is amended to read:

12           16.023 (1) (g) (intro.) Establish a state agency resource working group that is  
13 composed of representatives of the departments of administration, agriculture,  
14 trade and consumer protection, commerce, ~~natural-resources~~ environmental  
15 management, fish, wildlife, parks, and forestry, revenue, transportation and other  
16 appropriate agencies to discuss, analyze and address land use issues and related  
17 policy issues, including the following:”.

18           **71.** Page 36, line 8: after that line insert:

19           “**SECTION 201m.** 16.04 (1) (b) of the statutes is renumbered 16.04 (1e) and  
20 amended to read:

21           16.04 (1e) ~~Screen~~ The department shall screen all requests for additional or  
22 replacement vehicle or aircraft acquisitions prior to forwarding the requests to the  
23 governor in accordance with s. 20.915 (1). The department shall require agencies.

1 when requesting authorization for vehicle acquisitions, to specify by model the kinds  
2 of vehicles that are requested.

3 **SECTION 201n.** 16.04 (1f) of the statutes is created to read:

4 16.04 (1f) The department shall ensure that requests for vehicles to be  
5 acquired for use by the departments of administration, natural resources, and  
6 transportation and requests for vehicles to be acquired for use at the University of  
7 Wisconsin–Madison are 4–door subcompact vehicles, when a 4–door compact or  
8 4–door subcompact vehicle is requested, or are 2–door subcompact vehicles, when a  
9 2–door compact or subcompact vehicle is requested.”.

10 **72.** Page 36, line 14: after that line insert:

11 “**SECTION 219j.** 16.235 of the statutes is created to read:

12 **16.235 Office of faith–based crime prevention initiatives.** (1) The office  
13 of faith–based crime prevention initiatives shall do all of the following to assist in the  
14 implementation of federal and state laws regarding nondiscrimination against  
15 religious organizations in the provision of government services:

16 (a) Act as a clearinghouse for and provide information to faith–based  
17 organizations on opportunities to provide government services related to drug  
18 control and crime prevention.

19 (b) Assist state and local governments in using the services of faith–based  
20 organizations to address violent crimes, crimes and other matters involving  
21 controlled substances, and other serious crimes.

22 (c) Compile and provide to the public information on government drug control  
23 and crime prevention services available through faith–based organizations.

24 **(2)** This section does not apply after June 30, 2004.”.

1           **73.** Page 36, line 14: after that line insert:

2           “**SECTION 202c.** 16.045 (1) (b) (intro.) of the statutes is amended to read:

3           16.045 (1) (b) (intro.) “Alternative fuel” means any of the following fuels the use  
4 of which the department of ~~natural resources~~ environmental management finds  
5 would improve air quality as compared to the use of gasoline or petroleum-based  
6 diesel fuel:

7           **SECTION 202e.** 16.045 (1) (b) 10. of the statutes is amended to read:

8           16.045 (1) (b) 10. Any other fuel except gasohol that the department of ~~natural~~  
9 ~~resources~~ environmental management finds to be composed substantially of  
10 material other than petroleum, the use of which would yield substantial  
11 environmental benefits.

12           **SECTION 202g.** 16.045 (1) (d) of the statutes is amended to read:

13           16.045 (1) (d) “Gasohol” means any motor fuel containing at least 10% alcohol  
14 the use of which the department of ~~natural resources~~ environmental management  
15 finds would improve air quality as compared to the use of gasoline or  
16 petroleum-based diesel fuel.

17           **SECTION 203e.** 16.15 (3) (b) 1. (intro.) of the statutes is amended to read:

18           16.15 (3) (b) 1. (intro.) The department of ~~natural resources~~ environmental  
19 management shall, at the request of an agency or authority, grant a variance to a  
20 requirement under par. (a) 3. for up to one year for a material that is generated by  
21 the agency or authority in one or more locations if the department of ~~natural~~  
22 ~~resources~~ environmental management determines that the cost of selling processed  
23 material exceeds any of the following:

24           **SECTION 203f.** 16.15 (3) (b) 1. a. of the statutes is amended to read:

1           16.15 (3) (b) 1. a. Forty dollars per ton of processed material, as annually  
2 adjusted by the department of ~~natural resources~~ environmental management to  
3 reflect changes in price levels due to inflation since 1989.

4           **SECTION 203g.** 16.15 (3) (b) 2. of the statutes is amended to read:

5           16.15 (3) (b) 2. The department of ~~natural resources~~ environmental  
6 management may on its own initiative grant a variance to a requirement under par.  
7 (a) 3. for up to one year for a material that is generated by one or more state agencies  
8 or authorities in one or more locations if the department of ~~natural resources~~  
9 environmental management determines that the cost of selling processed material  
10 exceeds the amount under subd. 1. a. or b.

11           **SECTION 203h.** 16.15 (3) (b) 3. of the statutes is amended to read:

12           16.15 (3) (b) 3. The department of ~~natural resources~~ environmental  
13 management may grant a variance to a requirement under par. (a) for up to one year  
14 in the event of an unexpected emergency condition.”.

15           **74.** Page 39, line 15: delete lines 15 to 19 and substitute:

16           “**SECTION 226c.** 16.40 (15) of the statutes is repealed.”.

17           **75.** Page 40, line 12: after that line insert:

18           “**SECTION 227q.** 16.40 (24) of the statutes is created to read:

19           16.40 (24) GRANTS TO WISCONSIN PATIENT SAFETY INSTITUTE, INC. Annually,  
20 provide grants to the Wisconsin Patient Safety Institute, Inc., for collection, analysis,  
21 and dissemination of information about patient safety and training of health care  
22 providers and their employees directed toward improving patient safety. The  
23 department shall ensure that no grant moneys provided under this subsection are  
24 expended for the purpose of entertainment, foreign travel, or payments to persons

1 not providing goods or services to the Wisconsin Patient Safety Institute, Inc. In this  
2 subsection, “health care provider” means any of the following:

3 (a) A nurse licensed under ch. 441.

4 (b) A chiropractor licensed under ch. 446.

5 (c) A dentist licensed under ch. 447.

6 (d) A physician, physician assistant, or respiratory care practitioner licensed  
7 or certified under subch. II of ch. 448.

8 (e) A physical therapist licensed under subch. III of ch. 448.

9 (f) A podiatrist licensed under subch. IV of ch. 448.

10 (g) A dietitian certified under subch. V of ch. 448.

11 (h) An athletic trainer licensed under subch. VI of ch. 448.

12 (i) An occupational therapist or occupational therapy assistant licensed under  
13 subch. VII of ch. 448.

14 (j) An optometrist licensed under ch. 449.

15 (k) A pharmacist licensed under ch. 450.

16 (L) An acupuncturist certified under ch. 451.

17 (m) A psychologist licensed under ch. 455.

18 (n) A massage therapist or bodyworker issued a license of registration under  
19 subch. XI of ch. 440.”.

20 **76.** Page 40, line 12: after that line insert:

21 “**SECTION 227r.** 16.40 (23m) of the statutes is created to read:

22 16.40 (23m) PURCHASING CARD REBATES. Authorize any state agency to use  
23 purchasing cards for purchases that do not exceed \$5,000. If the state receives any  
24 rebates from a purchasing card issuer for purchases made with a purchasing card,

1 the department shall deposit the rebate in the fund from which the appropriation is  
2 made for payment of the obligation incurred as a result of the purchase.”.

3 **77.** Page 46, line 3: after that line insert:

4 “**SECTION 240m.** 16.505 (2m) of the statutes is amended to read:

5 16.505 (**2m**) The board of regents of the University of Wisconsin System may  
6 create or abolish a full-time equivalent position or portion thereof from revenues  
7 appropriated under s. 20.285 (1) (h), (ip), (iz), (j), (m), (n), or (u) or (3) (iz) or (n) and  
8 may create or abolish a full-time equivalent position or portion thereof from  
9 revenues appropriated under s. 20.285 (1) (im) that are generated from increased  
10 enrollment and from courses for which the academic fees or tuition charged equals  
11 the full cost of offering the courses. No later than the last day of the month following  
12 completion of each calendar quarter, the board of regents shall report to the  
13 department and the cochairpersons of the joint committee on finance concerning the  
14 number of full-time equivalent positions created or abolished by the board under  
15 this subsection during the preceding calendar quarter and the source of funding for  
16 each such position.”.

17 **78.** Page 46, line 3: after that line insert:

18 “**SECTION 239g.** 16.505 (2) (b) of the statutes is amended to read:

19 16.505 (**2**) (b) This subsection does not apply to full-time equivalent positions  
20 funded from the appropriation under s. ~~20.370~~ 20.375 (2) (bg) or (~~8~~) (~~mg~~) (sg).”.

21 **79.** Page 47, line 2: after that line insert:

22 “**SECTION 243p.** 16.515 (3) of the statutes is amended to read:

23 16.515 (**3**) This section does not apply to supplementation of the appropriation  
24 under s. ~~20.370~~ 20.375 (2) (bg) or (~~8~~) (~~mg~~) (sg).”.

1           **80.** Page 48, line 6: delete lines 6 to 8 and substitute “sub. (3) and shall  
2 transfer this amount to the tax relief fund.”.

3           **81.** Page 53, line 10: after that line insert:

4           “**SECTION 261.** 16.61 (7) (d) of the statutes is created to read:

5           16.61 (7) (d) This subsection does not apply to public records governed by s.  
6 137.20.

7           **SECTION 262.** 16.611 (2) (e) of the statutes is created to read:

8           16.611 (2) (e) This subsection does not apply to public records governed by s.  
9 137.20.

10          **SECTION 263.** 16.612 (2) (c) of the statutes is created to read:

11          16.612 (2) (c) This subsection does not apply to documents or public records  
12 governed by s. 137.20.”.

13          **82.** Page 60, line 18: after that line insert:

14          “**SECTION 276m.** 16.71 (4g) of the statutes is created to read:

15          16.71 (4g) The department shall delegate authority to the department of  
16 natural resources to enter into contracts under s. 23.0925.”.

17          **83.** Page 60, line 18: after that line insert:

18          “**SECTION 276m.** 16.71 (4r) of the statutes is created to read:

19          16.71 (4r) The department shall delegate authority to the department of  
20 natural resources to enter into contracts under s. 23.257.”.

21          **84.** Page 62, line 25: after that line insert:

22          “**SECTION 282m.** 16.73 (6) of the statutes is created to read:

23          16.73 (6) The department shall administer a program to facilitate purchases of  
24 large equipment that is needed by municipalities. The department shall purchase



1 large equipment as a part of the program. The department may, by rule, prescribe  
2 requirements for participation in the program and for participation in specific  
3 purchases under the program.”.

4 **85.** Page 63, line 5: delete that line and substitute “(6), (7), (8), and (9) and ss.  
5 14.11 (2) (bd), 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 20.930 (2), 50.05 (7) (f), and”.

6 **86.** Page 70, line 6: after that line insert:

7 “**SECTION 312m.** 16.845 (1m) of the statutes is created to read:

8 16.845 (1m) USE BY FEDERALLY CHARTERED CORPORATIONS. No agency or  
9 authority may treat a federally chartered corporation differently than it treats any  
10 other organization in the use or rental of the grounds, buildings, facilities, or  
11 equipment of the agency or authority, except that if an agency or authority  
12 establishes membership or leadership policies with respect to users or renters of its  
13 grounds, buildings, facilities, or equipment, it shall not use the membership or  
14 leadership policies of a federally chartered organization as the basis for denying such  
15 use or rental.

16 **SECTION 312n.** 16.845 (2) (a) of the statutes is renumbered 16.845 (2) (am).

17 **SECTION 312o.** 16.845 (2) (ab), (ac) and (ad) of the statutes are created to read:

18 16.845 (2) (ab) “Agency” has the meaning given in s. 16.70 (1).

19 (ac) “Authority” has the meaning given in s. 16.70 (2).

20 (ad) “Federally chartered corporation” means an organization that is listed in  
21 36 USC subtitle II, part B.”.

22 **87.** Page 73, line 10: after that line insert:

23 “**SECTION 321p.** 16.855 (21) of the statutes is amended to read:

1           16.855 **(21)** This section does not apply to contracts by the department of  
2 ~~natural resources~~ environmental management for construction work related to  
3 hazardous substance spill response under s. 292.11 or environmental repair under  
4 s. 292.31.”.

5           **88.** Page 74, line 19: after that line insert:

6           “**SECTION 322h.** 16.87 (4) of the statutes is amended to read:

7           16.87 **(4)** This section does not apply to contracts by the department of natural  
8 resources fish, wildlife, parks, and forestry, or the department of environmental  
9 management for environmental consultant services or engineering services for  
10 hazardous substance spill response under s. 292.11 or environmental repair under  
11 s. 292.31, or for environmental consultant services to assist in the preparation of an  
12 environmental impact statement or to provide preapplication services under s. 23.40  
13 or 278.40.”.

14           **89.** Page 74, line 20: after that line insert:

15           “**SECTION 323.** 16.956 of the statutes is created to read:

16           **16.956 Stray voltage and electrical wiring assistance. (1)** From the  
17 appropriation under s. 20.505 (1) (q), the department shall award grants to operators  
18 of dairy, beef, or swine farms for the purpose of eliminating potential stray voltage  
19 concerns and sources and replacing electrical wiring. A farm operator is not eligible  
20 to receive a grant under this subsection unless the public utility that provides electric  
21 service to the farm has conducted tests to determine the sources of stray voltage on  
22 the farm.

1           **(2)** The department shall promulgate rules establishing criteria and  
2 procedures for awarding grants under sub. (1), including procedures for assuring  
3 that any work is completed in accordance with acceptable practices.”.

4           **90.** Page 74, line 20: after that line insert:

5           “**SECTION 322m.** 16.95 (16) of the statutes is created to read:

6           16.95 **(16)** Require public utilities to provide the department with energy  
7 billing and use data regarding public schools, if the department determines that the  
8 data would facilitate any effort by the department to administer or provide energy  
9 assistance for public schools, including any effort to direct energy assistance to public  
10 schools with the highest energy costs.”.

11           **91.** Page 74, line 21: delete the material beginning with that line and ending  
12 with page 75, line 2, and substitute:

13           “**SECTION 323b.** 16.957 (1) (c) of the statutes is amended to read:

14           16.957 **(1)** (c) “Commitment to community program” means a program by a  
15 municipal utility ~~or~~ retail electric cooperative, or wholesale supplier for low-income  
16 assistance ~~or an energy conservation program by a municipal utility or retail electric~~  
17 cooperative.

18           **SECTION 323d.** 16.957 (1) (n) of the statutes is repealed.

19           **SECTION 323f.** 16.957 (1) (o) of the statutes is repealed.

20           **SECTION 323h.** 16.957 (1) (p) of the statutes is repealed.

21           **SECTION 323L.** 16.957 (1) (u) of the statutes is repealed.

22           **SECTION 324b.** 16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2)  
23 (a) and amended to read:

1           16.957 (2) (a) *Low-income programs*. After holding a hearing, establish  
2 programs to be administered by the department for awarding grants from the  
3 appropriation under s. 20.505 (10) ~~(3)~~ (r) to provide low-income assistance. ~~In each~~  
4 ~~fiscal year, the amount awarded under this paragraph shall be sufficient to ensure~~  
5 ~~that an amount equal to 47% of the sum of the following is spent for weatherization~~  
6 ~~and other energy conservation services:~~

7           **SECTION 324c.** 16.957 (2) (a) 1., 2., 3. and 4. of the statutes are repealed.”.

8           **92.** Page 75, line 19: after that line insert:

9           “**SECTION 325e.** 16.958 (1) (d) of the statutes is amended to read:

10           16.958 (1) (d) “Initial compliance date” means the date specified in a notice by  
11 the department of ~~natural resources~~ environmental management under s. 285.48 (2)  
12 by which electric generating facilities in the midcontinent area of this state are  
13 required to comply with initial nitrogen oxide emission reduction requirements.

14           **SECTION 325h.** 16.958 (2) (intro.) of the statutes is amended to read:

15           16.958 (2) (intro.) If the department of ~~natural resources~~ environmental  
16 management makes a notification to the department of administration under s.  
17 285.48 (2), the department of administration shall do each of the following:”.

18           **93.** Page 75, line 19: after that line insert:

19           “**SECTION 326bd.** 16.957 (2) (b) 2. of the statutes is amended to read:

20           16.957 (2) (b) 2. For each fiscal year after fiscal year 2003–04, determine  
21 whether to continue, discontinue or reduce any of the programs established under  
22 subd. 1. and determine the total amount necessary to fund the programs that the  
23 department determines to continue or reduce under this subdivision. ~~The~~  
24 ~~department shall notify the commission if~~ If the department determines under this

1 subdivision to reduce funding by an amount that is greater than the portion of the  
2 public benefits fee specified in sub. (4) (c) 2. The notice shall specify the portion of  
3 the reduction that exceeds the amount of public benefits fees specified in sub. (4) (c)  
4 2 the total amount necessary to fund the programs, the department shall notify the  
5 commission about the amount of the reduction.

6 **SECTION 326bf.** 16.957 (2) (c) 1. of the statutes is amended to read:

7 16.957 (2) (c) 1. Eligibility requirements for low-income assistance under  
8 programs established under par. (a). The rules shall prohibit a person who receives  
9 low-income assistance from a municipal utility or retail electric cooperative under  
10 a commitment to community program specified in sub. (5) (d) 2. b. or 3. a. (dm) from  
11 receiving low-income assistance under programs established under par. (a).

12 **SECTION 326bj.** 16.957 (2) (c) 5. of the statutes is repealed.

13 **SECTION 326bL.** 16.957 (2) (d) 1. of the statutes is repealed.

14 **SECTION 326bn.** 16.957 (2) (d) 3. of the statutes is amended to read:

15 16.957 (2) (d) 3. Deposit all moneys received under sub. (4) (a) or (5) (c) or (d)  
16 in the utility public benefits fund.

17 **SECTION 326bs.** 16.957 (3m) of the statutes is created to read:

18 16.957 (3m) PERFORMANCE CONTRACT PROGRAM. (a) In this subsection,  
19 “energy-related services” includes electric or gas energy engineering; equipment  
20 design, installation, or maintenance; or the financing of energy-related services or  
21 products.

22 (b) From the appropriation under s. 20.505 (3) (u), the department shall make  
23 a payment to a person if all of the following are satisfied:

24 1. The person satisfies any eligibility requirements that the department may  
25 establish by rule.

1           2. The person enters into a contract with a nonresidential customer of a public  
2 utility for providing energy-related services or products to the customer for the  
3 purpose of reducing the customer's energy utility expenses by an amount specified  
4 in the contract over a period of time specified in the contract.

5           3. An independent third party certifies to the department that, as a result of  
6 the services or products provided under a contract specified in subd. 2., the  
7 customer's energy utility expenses were reduced by the specified amount over the  
8 specified period of time.

9           (c) The amount of a payment under par. (b) shall be based on the amount of the  
10 reduction in a customer's energy utility expenses.

11           (d) The department shall promulgate rules establishing requirements and  
12 procedures for making payments under par. (b). The department may contract with  
13 a person to administer the requirements and procedures established in the rules.

14           **SECTION 326bv.** 16.957 (4) (c) 1. (intro.) of the statutes is renumbered 16.957  
15 (4) (c) 1. and amended to read:

16           16.957 **(4)** (c) 1. 'Low-income funding.' In fiscal year ~~1999–2000~~ 2001–02 and  
17 fiscal year 2002–03, a portion of the public benefits fee shall be an amount that, when  
18 added to 50% of the estimated public benefits fees charged by municipal utilities and  
19 retail electric cooperatives under sub. (5) (a) for that fiscal year, shall equal  
20 \$24,000,000. ~~In each fiscal year after fiscal year 1999–2000, a portion of the public~~  
21 ~~benefits fee shall be an amount that, when added to the sum of the following shall~~  
22 ~~equal the low-income need target for that fiscal year determined by the department~~  
23 ~~under sub. (2) (d) 1.:~~

24           **SECTION 326bx.** 16.957 (4) (c) 1. of the statutes, as affected by 2001 Wisconsin  
25 Act .... (this act), is repealed and recreated to read:

1           16.957 (4) (c) 1. ‘Low-income funding.’ In each fiscal year, the public benefits  
2 fee shall be an amount that, when added to 100% of the estimated public benefits fees  
3 charged by municipal utilities and retail electric cooperatives under sub. (5) (a) for  
4 that fiscal year shall equal \$24,000,000.

5           **SECTION 326bz.** 16.957 (4) (c) 1. a., b. and c. of the statutes are repealed.

6           **SECTION 326cb.** 16.957 (4) (c) 2. of the statutes is repealed.

7           **SECTION 326cd.** 16.957 (5) (a) of the statutes is amended to read:

8           16.957 (5) (a) *Requirement to charge public benefits fees.* Each retail electric  
9 cooperative and municipal utility shall charge a monthly public benefits fee to each  
10 customer or member in an amount that is sufficient for the retail electric cooperative  
11 or municipal utility to collect an annual average of \$16 \$8 per meter. A retail electric  
12 cooperative or municipal utility may determine the amount that a particular class  
13 of customers or members is required to pay under this paragraph and may charge  
14 different fees to different classes of customers or members.

15           **SECTION 326cf.** 16.957 (5) (b) 1. of the statutes is amended to read:

16           16.957 (5) (b) 1. No later than October 1, 2000, each municipal utility or retail  
17 electric cooperative shall notify the department whether it has elected to contribute  
18 to the programs established under sub. (2) (a) ~~or (b) 1.~~ for a 3-year period.

19           **SECTION 326ch.** 16.957 (5) (b) 2. of the statutes is amended to read:

20           16.957 (5) (b) 2. No later than every 3rd year after the date specified in subd.  
21 1., each municipal utility or retail electric cooperative shall notify the department  
22 whether it has elected to contribute to the programs established under sub. (2) (a)  
23 ~~or (b) 1.~~ for a 3-year period.

24           **SECTION 326cj.** 16.957 (5) (c) of the statutes is amended to read:

1           16.957 (5) (c) *Full contribution.* If a municipal utility or retail electric  
2 cooperative elects under par. (b) 1. or 2. to contribute to the programs established  
3 ~~both~~ under sub. (2) (a) ~~and under sub. (2) (b) 1.~~, it shall pay 100% of the public benefits  
4 fees that it charges under par. (a) to the department in each fiscal year of the 3–year  
5 period for which it has made the election.

6           **SECTION 326cL.** 16.957 (5) (d) (intro.), 1. and 2. of the statutes are repealed.

7           **SECTION 326cn.** 16.957 (5) (d) 3. (intro.) and 3. a. of the statutes are  
8 consolidated, renumbered 16.957 (5) (dm) and amended to read:

9           16.957 (5) (dm) *Commitment to community spending.* If ~~the~~ a municipal utility  
10 or retail electric cooperative elects not to contribute to ~~any~~ of the programs  
11 established under sub. (2) (a) ~~or (b) 1.~~, the municipal utility or retail electric  
12 cooperative shall, in each fiscal year of the 3–year period for which it elects not to  
13 contribute under par. (b) 1. or 2., ~~do all of the following:~~ a. Spend 50% ~~spend 100%~~  
14 of the public benefits fees that it charges under par. (a) on commitment to community  
15 programs ~~for low–income assistance.~~

16           **SECTION 326cp.** 16.957 (5) (d) 3. b. of the statutes is repealed.

17           **SECTION 326cr.** 16.957 (5) (e) (intro.) and 1. of the statutes are consolidated,  
18 renumbered 16.957 (5) (e) and amended to read:

19           16.957 (5) (e) *Wholesale supplier credit.* If a wholesale supplier has established  
20 a commitment to community program ~~for low–income assistance or an energy~~  
21 ~~conservation program~~, a municipal utility or retail electric cooperative that is a  
22 customer or member of the wholesale supplier may ~~do any of the following:~~ 1. ~~Include~~  
23 include an amount equal to the product of the municipal utility’s or retail electric  
24 cooperative’s wholesale supply percentage and the amount that the wholesale  
25 supplier has spent on ~~low–income assistance~~ the commitment to community



1 program in a fiscal year in calculating the amount that the municipal utility or retail  
2 electric cooperative has spent on ~~low-income assistance~~ a commitment to  
3 community program in that fiscal year under par. (d) 2. b. or 3. a (dm).

4 **SECTION 326ct.** 16.957 (5) (e) 2. of the statutes is repealed.

5 **SECTION 326cv.** 16.957 (5) (f) of the statutes is amended to read:

6 16.957 (5) (f) *Joint programs.* Municipal utilities or retail electric cooperatives  
7 may establish joint commitment to community programs, except that each municipal  
8 utility or retail electric cooperative that participates in a joint program is required  
9 to comply with the spending requirements under par. (d) (dm).

10 **SECTION 326cx.** 16.957 (5) (g) 1. a. of the statutes is amended to read:

11 16.957 (5) (g) 1. a. An accounting of public benefits fees charged to customers  
12 or members under par. (a) in the fiscal year and expenditures on commitment to  
13 community programs under par. (d) (dm), including any amounts included in the  
14 municipal utility's or retail electric cooperative's calculations under par. (e).".

15 **94.** Page 76, line 19: after "grant." insert "The department shall establish a  
16 deadline for receipt of applications. Immediately following the deadline, all  
17 applications received by the department are open to public inspection.".

18 **95.** Page 79, line 23: after that line insert:

19 "SECTION 343mb. 16.967 (6) of the statutes, as affected by 2001 Wisconsin Act  
20 .... (this act), is amended to read:

21 16.967 (6) REPORTS. By March 31 of each year, the department of  
22 administration, the department of agriculture, trade and consumer protection, the  
23 department of commerce, the department of environmental management, the  
24 department of health and family services, the department of ~~natural resources~~ fish,

1 wildlife, parks, and forestry, the department of tourism, the department of revenue,  
2 the department of transportation, the board of regents of the University of Wisconsin  
3 System, the public service commission and the board of curators of the historical  
4 society shall each submit to the board a plan to integrate land information to enable  
5 such information to be readily translatable, retrievable and geographically  
6 referenced for use by any state, local governmental unit or public utility. The plans  
7 shall include the information that will be needed by local governmental units to  
8 prepare comprehensive plans containing the planning elements required under s.  
9 66.1001 (2). Upon receipt of this information, the board shall integrate the  
10 information to enable the information to be used to meet land information data  
11 needs. The integrated information shall be readily translatable, retrievable, and  
12 geographically referenced to enable members of the public to use the information.”.

13 **96.** Page 80, line 2: after that line insert:

14 “**SECTION 343s.** 16.967 (7) (a) 1. of the statutes is amended to read:

15 16.967 (7) (a) 1. The design, development and implementation of a land  
16 information system that contains and integrates, at a minimum, property and  
17 ownership records with boundary information, including a parcel identifier  
18 referenced to the U.S. public land survey; tax and assessment information; soil  
19 surveys, if available; wetlands identified by the department of ~~natural resources~~  
20 environmental management; a modern geodetic reference system; current zoning  
21 restrictions; and restrictive covenants.”.

22 **97.** Page 80, line 5: after that line insert:

23 “**SECTION 344b.** 16.968 of the statutes is amended to read:

1           **16.968 Groundwater survey and analysis.** The department shall allocate  
2 funds for programs of groundwater survey and analysis to the department of natural  
3 resources environmental management and the geological and natural history survey  
4 following review and approval of a mutually agreed upon division of responsibilities  
5 concerning groundwater programs between the department of natural resources  
6 environmental management and the geological and natural history survey, a specific  
7 expenditure plan, and groundwater data collection standards consistent with the  
8 purposes of s. 16.967. State funds allocated under this section shall be used to match  
9 available federal funds prior to being used for solely state-funded activities.”.

10           **98.** Page 88, line 15: delete lines 15 and 16 and substitute:

11           “**SECTION 371b.** 16.974 (7) (b) to (d) of the statutes are renumbered 16.974 (2)  
12 to (4), and 16.974 (4), as renumbered, is amended to read:

13           16.974 **(4)** Coordinate with the technology for educational achievement in  
14 Wisconsin board to provide the Wisconsin Center for the Blind and Visually Impaired  
15 and the Wisconsin School Educational Services Program for the Deaf and Hard of  
16 Hearing with telecommunications access under s. 44.73 and contract with  
17 telecommunications providers to provide such access.”.

18           **99.** Page 93, line 3: after that line insert:

19           “**SECTION 382wd.** 19.32 (1d) (b) of the statutes is repealed.

20           **SECTION 382we.** 19.32 (1d) (c) of the statutes is amended to read:

21           19.32 **(1d)** (c) A secure mental health unit or facility established or unit for the  
22 institutional care of sexually violent persons specified under s. 980.065 ~~(2)~~.

23           **SECTION 382wf.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

1           19.35 (1) (am) 2. c. Endanger the security, including the security of the  
2 population or staff, of any state prison under s. 302.01, jail, as defined in s. 165.85  
3 (2) (bg), secured correctional facility, as defined in s. 938.02 (15m), secured child  
4 caring institution, as defined in s. 938.02 (15g), secured group home, as defined in  
5 s. 938.02 (15p), mental health institute, as defined in s. 51.01 (12), ~~or center for the~~  
6 ~~developmentally disabled, as defined in s. 51.01 (3), or facility, specified under s.~~  
7 980.065, for the institutional care of sexually violent persons.”.

8           **100.** Page 93, line 15: after that line insert:

9           “**SECTION 386m.** 19.42 (13) (d) of the statutes is repealed.”.

10          **101.** Page 93, line 21: after that line insert:

11          “**SECTION 389e.** 19.62 (2) of the statutes is created to read:

12          19.62 (2) “Internet protocol address” means an identifier for a computer or  
13 device on a transmission control protocol–Internet protocol network.

14          **SECTION 389m.** 19.68 of the statutes is created to read:

15          **19.68 Collection of personally identifiable information from Internet**  
16 **users.** No state authority that maintains an Internet site may use that site to obtain  
17 personally identifiable information from any person who visits that site without the  
18 consent of the person from whom the information is obtained. This section does not  
19 apply to acquisition of Internet protocol addresses.”.

20          **102.** Page 94, line 21: after that line insert:

21          “**SECTION 391m.** 20.002 (14) of the statutes is created to read:

22          20.002 (14) TRANSFER BETWEEN ACCOUNTS IN THE TRANSPORTATION FUND. (a) No  
23 later than 30 days after the enactment of the biennial budget act for the first fiscal

1 year of the fiscal biennium and no later than August 1 of the 2nd fiscal year of the  
2 fiscal biennium, the secretary of administration shall do all of the following:

3 1. Estimate the anticipated segregated fund revenues, as defined in s. 20.001  
4 (2) (d), to be deposited in each account established under s. 25.40 (3) to (5) for the  
5 applicable fiscal year, calculate a sum of these amounts, and determine a percentage  
6 that each account represents of such sum.

7 2. Determine the total amount of moneys appropriated from segregated fund  
8 revenues, as defined in s. 20.001 (2) (d), in the multimodal account established under  
9 s. 25.40 (6) for the applicable fiscal year, less moneys specified in s. 25.40 (6) (a) 1.,  
10 3., and 4. that are segregated fund revenues for that fiscal year.

11 3. a. Determine the total amount of moneys appropriated from segregated fund  
12 revenues, as defined in s. 20.001 (2) (d), in the operations account established under  
13 s. 25.40 (7) for the applicable fiscal year, less amounts appropriated for the state  
14 traffic patrol and division of motor vehicles.

15 b. Determine the total amount of moneys appropriated from the operations  
16 account established under s. 25.40 (7) for the applicable fiscal year for the state  
17 traffic patrol and division of motor vehicles.

18 4. Transfer moneys from each account established under s. 25.40 (3) to (5) to  
19 the multimodal account established under s. 25.40 (6) in an amount equal to the sum  
20 determined under subd. 2. multiplied by the applicable percentage for that account  
21 determined under subd. 1.

22 5. a. Transfer moneys from each account established under s. 25.40 (3) to (5)  
23 to the operations account established under s. 25.40 (7) in an amount equal to the  
24 sum determined under subd. 3. a. multiplied by the applicable percentage for that  
25 account determined under subd. 1.

1           b. Transfer moneys from the state and local highways account established  
2 under s. 25.40 (3) to the operations account established under s. 25.40 (7) in an  
3 amount equal to the sum determined under subd. 3. b.

4           (b) The secretary of transportation may, at any time during a fiscal year,  
5 request the secretary of administration to make a recalculation under par. (a) for the  
6 purpose of reestimating anticipated revenues, calculating any amounts, or, if  
7 required, transferring additional amounts under par. (a) to the multimodal account  
8 established under s. 25.40 (6) or the operations account established under s. 25.40  
9 (7). If the secretary of administration makes a recalculation under this paragraph,  
10 the secretary of administration shall, on the basis of such recalculation, make  
11 adjustments with respect to transfers to the multimodal account established under  
12 s. 25.40 (6) or the operations account established under s. 25.40 (7) as provided under  
13 par. (a) 4. and 5.”.

14           **103.** Page 94, line 21: after that line insert:

15           “**SECTION 391t.** 20.003 (3) (c) (intro.) of the statutes is amended to read:

16           20.003 (3) (c) (intro.) All appropriations under ss. 20.370, 20.375, and 20.395  
17 shall be identified by 2 letters, the first letter indicating a subprogram and the 2nd  
18 letter indicating the source of funds, as defined in s. 20.001. To the extent feasible,  
19 the 2nd paragraph letters shall be assigned as follows:”.

20           **104.** Page 107, line 17: increase the dollar amount for fiscal year 2001–02 by  
21 \$808,700 and increase the dollar amount for fiscal year 2002–03 by \$808,700, and  
22 adjust the NET APPROPRIATION totals accordingly, to reflect the transfer of  
23 certain consumer protection functions to the department of agriculture, trade and

1 consumer protection and to increase the authorized FTE positions in that  
2 department by 9.3 GPR positions related to those consumer protection functions.

3 **105.** Page 107, line 19: delete that line.

4 **106.** Page 108, line 4: decrease the dollar amount for fiscal year 2001–02 by  
5 \$250,800 and decrease the dollar amount for fiscal year 2002–03 by \$501,600 to  
6 reflect the implementation of the agricultural producer security program and to  
7 decrease the authorized FTE positions by 7.72 PR positions on January 1, 2002.

8 **107.** Page 108, line 12: delete lines 12 and 13.

9 **108.** Page 108, line 13: after that line insert:

10 “(k) Payments to ethanol producers PR–S A –0– 3,000,000”.

11 **109.** Page 108, line 14: after that line insert:

12 “(q) Dairy, grain, and vegetable  
13 security SEG A 588,100 828,500”.

14 **110.** Page 108, line 19: after that line insert:

15 “(v) Agricultural producer security;  
16 bonds SEG S –0– –0–

17 (w) Agricultural producer security;  
18 payments SEG S –0– –0–

19 (wb) Agricultural producer security;  
20 bond proceeds SEG C –0– –0–”.





1           **119.** Page 116, line 18: increase the dollar amount for fiscal year 2001–02 by  
2           \$150,000 and increase the dollar amount for fiscal year 2002–03 by \$150,000 to  
3           increase funding for the purposes for which the appropriation is made.

4           **120.** Page 116, line 21: delete lines 21 and 22.

5           **121.** Page 120, line 12: increase the dollar amount for fiscal year 2001–02 by  
6           \$120,000 and increase the dollar amount for fiscal year 2002–03 by \$120,000 for the  
7           purpose of funding public education on financial matters.

8           **122.** Page 123, line 16: decrease the dollar amount for fiscal year 2001–02 by  
9           \$150,000 and decrease the dollar amount for fiscal year 2002–03 by \$150,000 for the  
10          purpose of reducing funding for the link–up America program described in section  
11          PSC 160.061, Wisconsin Administrative Code.

12          **123.** Page 123, line 16: decrease the dollar amount for fiscal year 2001–02 by  
13          \$1,000,000 and decrease the dollar amount for fiscal year 2002–03 by \$1,000,000 for  
14          the purpose of reducing funding for the lifeline program described in section PSC  
15          160.062, Wisconsin Administrative Code.

16          **124.** Page 123, line 16: decrease the dollar amount for fiscal year 2001–02 by  
17          \$150,000 and decrease the dollar amount for fiscal year 2002–03 by \$150,000 for the  
18          purpose of reducing funding for the outreach for low–income assistance programs  
19          described in section PSC 160.063, Wisconsin Administrative Code.

20          **125.** Page 123, line 16: decrease the dollar amount for fiscal year 2001–02 by  
21          \$20,000 and decrease the dollar amount for fiscal year 2002–03 by \$20,000 for the  
22          purpose of reducing funding for the voice–mail service for the homeless program  
23          described in section PSC 160.125 (1), Wisconsin Administrative Code.

1           **126.** Page 123, line 16: decrease the dollar amount for fiscal year 2001–02 by  
2 \$500,000 and decrease the dollar amount for fiscal year 2002–03 by \$500,000 for the  
3 purpose of reducing funding for the access programs or projects by nonprofit groups  
4 described in section PSC 160.125 (2), Wisconsin Administrative Code.

5           **127.** Page 123, line 16: decrease the dollar amount for fiscal year 2001–02 by  
6 \$103,000 and decrease the dollar amount for fiscal year 2002–03 by \$103,000 for the  
7 purpose of reducing funding for administration of the universal service fund.

8           **128.** Page 127, line 1: delete lines 1 to 3.

9           **129.** Page 129, line 3: increase the dollar amount for fiscal year 2001–02 by  
10 \$420,800 and increase the dollar amount for fiscal year 2002–03 by \$850,000 to  
11 increase funding for the purpose for which the appropriation is made.

12           **130.** Page 129, line 4: after that line insert:

13           “(cm) Nursing student loan program      GPR      A           –0–      450,000”.

14           **131.** Page 129, line 18: increase the dollar amount for fiscal year 2001–02 by  
15 \$378,000 and increase the dollar amount for fiscal year 2002–03 by \$763,600 to  
16 increase funding for the purpose for which the appropriation is made.

17           **132.** Page 129, line 20: increase the dollar amount for fiscal year 2001–02 by  
18 \$264,000 and increase the dollar amount for fiscal year 2002–03 by \$533,300 to  
19 increase funding for the purpose for which the appropriation is made.

20           **133.** Page 133, line 14: increase the dollar amount for fiscal year 2001–02 by  
21 \$100,000 to allow the department of public instruction to complete an equating study  
22 to ensure that the high school graduation test meets all federal requirements as a  
23 result of eliminating the 10th grade knowledge and concepts examination.

1           **134.** Page 134, line 1: delete “Gen pgm ops; school for the deaf” and substitute  
2 “Gen pgm ops; Wis educ services pgm for the deaf and hard of hrg”.

3           **135.** Page 134, line 2: delete “and ctr” and substitute “and Wis ctr”.

4           **136.** Page 134, line 4: delete “Energy costs; school for the deaf” and substitute  
5 “Energy costs; Wis educ services pgm for the deaf and hard of hearing”.

6           **137.** Page 134, line 5: delete “and center” and substitute “and Wis center”.

7           **138.** Page 134, line 8: increase the dollar amount for fiscal year 2001–02 by  
8 \$3,580,500 and increase the dollar amount for fiscal year 2002–03 by \$3,613,000 to  
9 increase funding for the high school graduation test.

10           **139.** Page 134, line 8: decrease the dollar amount for fiscal year 2001–02 by  
11 \$460,000 and decrease the dollar amount for fiscal year 2002–03 by \$460,000 to  
12 decrease funding for the 10th grade knowledge and concepts examination.

13           **140.** Page 134, line 10: delete “School for the deaf and center for” and  
14 substitute “Wis educ services pgm for the deaf and hard of hearing and Wis center  
15 for”.

16           **141.** Page 134, line 13: delete “School for the deaf and ctr for the” and  
17 substitute “Wis educ services pgm for the deaf and hard of hearing and Wis ctr for  
18 the”.

19           **142.** Page 134, line 16: delete “Center” and substitute “Wis educ services pgm  
20 for the deaf and hard of hearing and Wis ctr”.

21           **143.** Page 134, line 18: delete “School for the deaf and center for” and  
22 substitute “Wis educ services pgm for the deaf and hard of hearing and Wis ctr for”.



1           **153.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
2           \$450,000 to provide funding for the University of Wisconsin–Extension small  
3           business development centers.

4           **154.** Page 141, line 11: increase the dollar amount for fiscal year 2001–02 by  
5           \$162,500 and increase the dollar amount for fiscal year 2002–03 by \$325,000 to  
6           increase the number of authorized FTE positions of the board of regents of the  
7           University of Wisconsin System by 8.0 GPR positions for faculty and staff at the  
8           University of Wisconsin–Green Bay.

9           **155.** Page 141, line 11: increase the dollar amount for fiscal year 2001–02 by  
10          \$1,575,000 and increase the dollar amount for fiscal year 2002–03 by \$2,225,000 to  
11          increase the number of authorized FTE positions of the board of regents of the  
12          University of Wisconsin System by 34.0 GPR positions for an expansion of  
13          information systems and computer science programs at the University of  
14          Wisconsin–Eau Claire and to initiate a work–based university consortium at the  
15          University of Wisconsin–Stout.

16          **156.** Page 141, line 11: increase the dollar amount for fiscal year 2001–02 by  
17          \$162,500 and increase the dollar amount for fiscal year 2002–03 by \$212,500 to  
18          increase the number of authorized FTE positions of the board of regents of the  
19          University of Wisconsin System by 5.0 GPR positions for additional course offerings  
20          in computer science and informational technology at the University of  
21          Wisconsin–River Falls.

22          **157.** Page 141, line 11: increase the dollar amount for fiscal year 2001–02 by  
23          \$625,000 and increase the dollar amount for fiscal year 2002–03 by \$1,375,000 to  
24          increase the number of authorized FTE positions of the board of regents of the

1 University of Wisconsin System by 18.0 GPR positions for additional computer,  
2 Internet, technology, and media studies programs at the University of  
3 Wisconsin–Whitewater.

4 **158.** Page 141, line 11: increase the dollar amount for fiscal year 2001–02 by  
5 \$700,000 and increase the dollar amount for fiscal year 2002–03 by \$500,000 to  
6 increase the number of authorized FTE positions of the board of regents of the  
7 University of Wisconsin System by 5.0 GPR positions for the University of  
8 Wisconsin–Platteville, University of Wisconsin–Fox Valley, and University of  
9 Wisconsin–Oshkosh engineering collaboration.

10 **159.** Page 141, line 11: decrease the dollar amount for fiscal year 2001–02 by  
11 \$2,000,000 and decrease the dollar amount for fiscal year 2002–03 by \$4,000,000 to  
12 decrease funding for the purpose for which the appropriation is made.

13 **160.** Page 141, line 11: decrease the dollar amount for fiscal year 2002–03 by  
14 \$250,000 to decrease funding for research concerning agriculture and the  
15 environment.

16 **161.** Page 141, line 11: decrease the dollar amount for fiscal year 2001–02 by  
17 \$110,000 and decrease the dollar amount for fiscal year 2002–03 by \$110,000 for the  
18 purpose for which the appropriation is made.

19 **162.** Page 141, line 11: decrease the dollar amount for fiscal year 2001–02 by  
20 \$151,000 and decrease the dollar amount for fiscal year 2002–03 by \$151,000 for the  
21 purpose of decreasing the authorized FTE positions for the board of regents of the  
22 University of Wisconsin System by 3.0 GPR positions associated with vehicle fleet  
23 maintenance.

1           **163.** Page 141, line 18: decrease the dollar amount for fiscal year 2001–02 by  
2           \$2,300,000 and decrease the dollar amount for fiscal year 2002–03 by \$2,000,000 to  
3           decrease funding for the purpose for which the appropriation is made.

4           **164.** Page 142, line 1: delete that line.

5           **165.** Page 142, line 7: decrease the dollar amount for fiscal year 2001–02 by  
6           \$200,000 and decrease the dollar amount for fiscal year 2002–03 by \$200,000 to  
7           decrease funding for the purpose for which the appropriation is made.

8           **166.** Page 145, line 8: delete lines 8 and 9.

9           **167.** Page 145, line 10: increase the dollar amount for fiscal year 2001–02 by  
10          \$168,500 and increase the dollar amount for fiscal year 2002–03 by \$168,500 to  
11          increase funding for the purpose for which the appropriation is made and to increase  
12          the authorized FTE positions by 2.0 SEG positions.

13          **168.** Page 147, line 14: increase the dollar amount for fiscal year 2001–02 by  
14          \$500,000 and increase the dollar amount for fiscal year 2002–03 by \$500,000 to  
15          increase funding for the purposes for which the appropriation is made.

16          **169.** Page 148, line 13: decrease the dollar amount for fiscal year 2001–02 by  
17          \$200,000 and decrease the dollar amount for fiscal year 2002–03 by \$8,100,000 to  
18          decrease funding for the purposes for which the appropriation is made.

19          **170.** Page 148, line 15: increase the dollar amount for fiscal year 2001–02 by  
20          \$750,000 and increase the dollar amount for fiscal year 2002–03 by \$750,000 to  
21          increase funding for the purposes for which the appropriation is made.

22          **171.** Page 149, line 11: after that line insert:

1 “(kd) Job retention skills development  
2 programs PR–S A 200,000 –0–”.

3 **172.** Page 149, line 12: delete that line.

4 **173.** Page 150, line 1: delete lines 1 to 4.

5 **174.** Page 154, line 12: delete that line.

6 **175.** Page 154, line 18: delete that line.

7 **176.** Page 155, line 12: delete lines 12 and 13.

8 **177.** Page 155, line 21: decrease the dollar amount for fiscal year 2001–02 by  
9 \$37,600 and decrease the dollar amount for fiscal year 2002–03 by \$43,500, and  
10 adjust the NET APPROPRIATION totals accordingly, for the purpose of eliminating  
11 funding for costs associated with reintroducing whooping cranes into the state and  
12 to decrease the authorized FTE positions of the department of natural resources by  
13 0.5 SEG position related to the reintroduction of whooping cranes into the state.

14 **178.** Page 155, line 21: increase the dollar amount for fiscal year 2001–02 by  
15 \$266,000 and increase the dollar amount for fiscal year 2002–03 by \$257,900, and  
16 adjust the NET APPROPRIATION totals accordingly, for the purpose of managing  
17 the state’s deer population.

18 **179.** Page 155, line 21: decrease the dollar amount for fiscal year 2001–02 by  
19 \$100,000, and adjust the NET APPROPRIATION total accordingly, to decrease  
20 funding for pheasant stocking.

21 **180.** Page 156, line 14: increase the dollar amount for fiscal year 2001–02 by  
22 \$127,200 and increase the dollar amount for fiscal year 2002–03 by \$127,200 to



1 increase funding for the purposes for which the appropriation is made and to  
2 increase the authorized FTE positions by 2.0 PR positions.

3 **181.** Page 159, line 1: after that line insert:

4 “(ir) Promotional activities and publi-  
5 cations SEG C –0– –0–”.

6 **182.** Page 159, line 1: decrease the dollar amount for fiscal year 2001–02 by  
7 \$247,000 and decrease the dollar amount for fiscal year 2002–03 by \$245,000 to  
8 decrease funding for the purpose for which the appropriation is made and to decrease  
9 the authorized FTE positions by 3.6 SEG positions.

10 **183.** Page 159, line 15: after that line insert:

11 “(sa) Administration — state funds GPR A –0– –0–  
12 (sk) Administration — service funds PR–S C –0– –0–  
13 (su) Administration — conservation  
14 fund SEG A –0– –0–  
15 (ta) Customer service — state funds GPR A –0– –0–  
16 (tu) Customer service — conserva-  
17 tion fund SEG A –0– –0–  
18 (uu) General program operations —  
19 state funds SEG A –0– –0–  
20 (uy) General program operations —  
21 federal funds SEG–F C –0– –0–”.

22 **184.** Page 160, line 9: increase the dollar amount for fiscal year 2001–02 by  
23 \$205,900 and increase the dollar amount for fiscal year 2002–03 by \$205,900 to

1 increase the authorized FTE positions for the department of natural resources by 4.0  
2 SEG conservation warden positions for state law enforcement functions related to  
3 all-terrain vehicles.

4 **185.** Page 160, line 10: after that line insert:

5 “(au) Hunter education and bow  
6 hunter education SEG A 171,200 171,200”.

7 **186.** Page 160, line 21: after that line insert:

8 “(ir) Promotional activities and publi-  
9 cations SEG C -0- -0-”.

10 **187.** Page 161, line 2: decrease the dollar amount for fiscal year 2001–02 by  
11 \$205,900 and decrease the dollar amount for fiscal year 2002–03 by \$205,900 to  
12 decrease the authorized FTE positions for the department of natural resources by 4.0  
13 GPR conservation warden positions to reflect the reassignment of conservation  
14 warden positions from general enforcement functions to state law enforcement  
15 functions related to all-terrain vehicles.”.

16 **188.** Page 161, line 2: decrease the dollar amount for fiscal year 2001–02 by  
17 \$357,900 and decrease the dollar amount for fiscal year 2002–03 by \$357,900 to  
18 decrease the authorized FTE positions for the department of natural resources by 5.0  
19 GPR conservation warden positions.

20 **189.** Page 161, line 16: increase the dollar amount for fiscal year 2001–02 by  
21 \$357,900 and increase the dollar amount for fiscal year 2002–03 by \$357,900 to  
22 increase the authorized FTE positions for the department of natural resources by 5.0  
23 SEG conservation warden positions.

1           **190.** Page 161, line 20: after that line insert:

2           “(sk) Administration — service funds   PR–S   C                   –0–           –0–

3           (su) Administration — conservation

4           fund   SEG    A                   –0–           –0–

5           (tu) Customer service — conserva-

6           tion fund                                       SEG    A                   –0–           –0–

7           (uu) General program operations —

8           state funds                                    SEG    A                   –0–           –0–

9           (uy) General program operations —

10          federal funds                                SEG–F  C               –0–           –0–”.

11          **191.** Page 163, line 16: decrease the dollar amount for fiscal year 2001–02 by

12          \$149,300 and decrease the dollar amount for fiscal year 2002–03 by \$199,000, and

13          adjust the NET APPROPRIATION totals accordingly, to decrease the authorized

14          FTE positions for the department of natural resources by 3.5 GPR positions related

15          to dam inspections.”.

16          **192.** Page 163, line 20: decrease the dollar amount for fiscal year 2001–02 by

17          \$440,200 and decrease the dollar amount for fiscal year 2002–03 by \$440,200, and

18          adjust the NET APPROPRIATION TOTALS accordingly, to eliminate funding for the

19          water integration team and to decrease the authorized FTE positions for the

20          department of natural resources by 6.5 GPR positions related to that team.

21          **193.** Page 164, line 19: decrease the dollar amount for fiscal year 2001–02 by

22          \$20,000 to decrease funding for a walleye population and size survey on the

23          Wisconsin River.

1           **194.** Page 165, line 13: delete lines 13 and 14.

2           **195.** Page 166, line 9: decrease the dollar amount for fiscal year 2001–02 by  
3 \$300,000 to remove funding for the Great Lakes Forestry Museum.

4           **196.** Page 166, line 11: increase the dollar amount for fiscal year 2001–02 by  
5 \$75,000 and increase the dollar amount for fiscal year 2002–03 by \$75,000 for the  
6 purpose for which the appropriation is made.

7           **197.** Page 167, line 2: increase the dollar amount for fiscal year 2001–02 by  
8 \$100,000 for the purpose of increasing funding for the urban forestry grant program.

9           **198.** Page 167, line 6: after that line insert:

10       “(bz) Resource aids — fire suppression

11           grants; rural areas                           SEG     A           320,000     320,000”.

12           **199.** Page 167, line 10: increase the dollar amount for fiscal year 2001–02 by  
13 \$200,000 to provide funding for the Southeastern Wisconsin Fox River commission.

14           **200.** Page 167, line 10: decrease the dollar amount for fiscal year 2001–02 by  
15 \$50,000 to eliminate funding to upgrade that part of the Wisconsin River in the city  
16 of Wausau that is known as the Wausau Whitewater Course.

17           **201.** Page 170, line 5: decrease the dollar amount for fiscal year 2001–02 by  
18 \$40,000 and decrease the dollar amount for fiscal year 2002–03 by \$40,000 to  
19 decrease funding for the purpose for which the appropriation is made.

20           **202.** Page 170, line 9: after that line insert:

21       “(bv) Wheelchair recycling project       SEG     A           40,000     40,000”.

22           **203.** Page 177, line 6: decrease the dollar amount for fiscal year 2001–02 by  
23 \$138,400 and decrease the dollar amount for fiscal year 2002–03 by \$138,400 to

1 decrease funding for the purpose for which the appropriation is made and to decrease  
2 the authorized FTE positions by 2.0 PR positions.

3 **204.** Page 177, line 24: increase the dollar amount for fiscal year 2001–02 by  
4 \$30,000 and increase the dollar amount for fiscal year 2002–03 by \$30,000 to  
5 increase the authorized FTE positions for the department of natural resources by 1.0  
6 SEG position for the administration of the program to provide grants for fire  
7 suppression equipment and materials for rural areas.

8 **205.** Page 177, line 24: decrease the dollar amount for fiscal year 2001–02 by  
9 \$24,000 and decrease the dollar amount for fiscal year 2002–03 by \$32,000 to  
10 decrease the authorized FTE positions of the department of natural resources by 1.0  
11 SEG program assistant position in the bureau of customer service and licensing at  
12 the Medford ranger center.”.

13 **206.** Page 179, line 4: before that line insert:

14 **“20.375 Environmental management,**

15 **department of**

16 (2) AIR AND WASTE

17 (ag) Environmental impact — consul-

18 tant services; printing and post-

19 age costs

PR

C

–0–

–0–

20 (ig) Promotional activities and publi-

21 cations

PR

C

–0–

–0–

22 (pa) Enforcement — state funds

GPR

A

–0–

–0–

1	(pi)	Enforcement — private and pub-				
2		lic sources	PR	C	-0-	-0-
3	(pk)	Enforcement — service funds	PR-S	C	-0-	-0-
4	(pm)	Enforcement — federal funds	PR-F	C	-0-	-0-
5	(sa)	Administration — state funds	GPR	A	-0-	-0-
6	(si)	General program operations —				
7		private and public sources	PR	C	-0-	-0-
8	(sk)	Administration — service funds	PR-S	C	-0-	-0-
9	(sp)	Indirect cost reimbursements	PR-F	C	-0-	-0-
10	(ta)	Customer service — state funds	GPR	A	-0-	-0-
11	(tk)	Customer service — service				
12		funds	PR-S	C	-0-	-0-
13	(tm)	Customer service — federal				
14		funds	PR-F	C	-0-	-0-
15	(tp)	Indirect cost reimbursement,				
16		customer service	PR-F	C	-0-	-0-
17	(uk)	Equipment pool operations	PR-S	C	-0-	-0-
18	(zg)	Gifts and grants	PR	C	-0-	-0-
19	(4)	WATER				
20	(bg)	Water information computer				
21		access fees	PR	C	-0-	-0-

1	(ma)	General program operations —				
2		state funds	GPR	A	–0–	–0–
3	(mi)	Water resources operations —				
4		private and public sources	PR	C	–0–	–0–
5	(mk)	Water resources operations —				
6		service funds	PR–S	C	–0–	–0–
7	(ni)	Geographic information systems,				
8		general program operations	PR	C	–0–	–0–
9	(nk)	Geographic information systems,				
10		general program operations —				
11		service funds	PR–S	C	–0–	–0–
12	(sa)	Administration — state funds	GPR	A	–0–	–0–
13	(sk)	Administration — service funds	PR–S	C	–0–	–0–
14	(sp)	Indirect cost reimbursements	PR–F	C	–0–	–0–
15	(su)	Administration — conservation				
16		fund	SEG	A	–0–	–0–
17	(ta)	Customer service — state funds	GPR	A	–0–	–0–
18	(tm)	Customer service — federal				
19		funds	PR–F	C	–0–	–0–
20	(tu)	Customer service — conserva-				
21		tion fund	SEG	A	–0–	–0–
22	(7)	DEBT SERVICE				

1	(aa) Dam safety — principal repay-				
2	ment and interest	GPR	S	–0–	–0–
3	(ea) Administrative facilities — prin-				
4	incipal repayment and interest	GPR	S	–0–	–0–
5	(ha) Facilities acquisition, develop-				
6	ment, and maintenance	GPR	C	–0–	–0–”.

7           **207.** Page 179, line 8: decrease the dollar amount for fiscal year 2001–02 by  
 8 \$43,400 and decrease the dollar amount for fiscal year 2002–03 by \$43,400 to  
 9 eliminate funding for the badger state games and to reallocate a portion for the  
 10 heritage tourism program.

11           **208.** Page 179, line 8: after that line insert:

12	“(bm) Heritage tourism program	GPR	B	43,400	43,400”.
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13           **209.** Page 180, line 10: after that line insert:

14	“(r) Principal repayment, interest,				
15	and rebates	SEG	S	–0–	–0–”.

16           **210.** Page 183, line 11: decrease the dollar amount for fiscal year 2001–02 by  
 17 \$21,300 and decrease the dollar amount for fiscal year 2002–03 by \$21,300 to  
 18 decrease funding for the purpose for which the appropriation is made.

19           **211.** Page 183, line 13: decrease the dollar amount for fiscal year 2001–02 by  
 20 \$5,700 and decrease the dollar amount for fiscal year 2002–03 by \$5,700 to decrease  
 21 funding for the purpose for which the appropriation is made.





1           **219.** Page 188, line 19: decrease the dollar amount for fiscal year 2001–02 by  
2           \$2,000 to decrease funding for a sidewalk reconstruction project in Wisconsin  
3           Rapids.

4           **220.** Page 188, line 19: decrease the dollar amount for fiscal year 2001–02 by  
5           \$27,000,000 to decrease funding for the purposes for which the appropriation is  
6           made.

7           **221.** Page 189, line 2: on lines 2, 6, and 10, delete “reconstruction” and  
8           substitute “rehabilitation”.

9           **222.** Page 189, line 12: increase the dollar amount for fiscal year 2001–02 by  
10          \$27,000,000 to increase funding for the purposes for which the appropriation is  
11          made.

12          **223.** Page 190, line 8: decrease the dollar amount for fiscal year 2001–02 by  
13          \$42,000 and decrease the dollar amount for fiscal year 2002–03 by \$42,000 to  
14          decrease funding for the scholarship and loan repayment incentive grant program  
15          under section 85.107 of the statutes.

16          **224.** Page 190, line 8: increase the dollar amount for fiscal year 2001–02 by  
17          \$430,000 and increase the dollar amount for fiscal year 2002–03 by \$430,000 to  
18          increase funding for the Type 1 motorcycle, moped, and motor bicycle safety  
19          programs.

20          **225.** Page 192, line 3: increase the dollar amount for fiscal year 2001–02 by  
21          \$34,600 to increase funding for veterans’ registration plates for motorcycles.

1           **226.** Page 192, line 18: decrease the dollar amount for fiscal year 2001–02 by  
2           \$23,000 and decrease the dollar amount for fiscal year 2002–03 by \$23,000 to  
3           decrease funding for the statewide public safety radio management program.

4           **227.** Page 195, line 3: decrease the dollar amount for fiscal year 2001–02 by  
5           \$49,600 to decrease the authorized FTE positions for the department of corrections  
6           by 0.5 GPR positions for fiscal year 2001–02 and decrease the dollar amount for fiscal  
7           year 2002–03 by \$78,800 for the purpose of providing one probation, extended  
8           supervision, and parole agent for each 48 offenders.

9           **228.** Page 195, line 3: decrease the dollar amount for fiscal year 2001–02 by  
10          \$226,300 and decrease the dollar amount for fiscal year 2002–03 by \$269,000 to  
11          decrease the authorized FTE positions for the department of corrections by 4.0 GPR  
12          positions for the purpose of eliminating 24–hour health care coverage at Columbia  
13          Correctional Institution and at Oakhill Correctional Institution.

14          **229.** Page 195, line 8: decrease the dollar amount for fiscal year 2001–02 by  
15          \$1,019,200 and decrease the dollar amount for fiscal year 2002–03 by \$4,569,000 to  
16          decrease the authorized FTE positions for the department of corrections by 21.0 GPR  
17          positions for fiscal year 2001–02 and by 76.0 GPR positions for fiscal year 2002–03  
18          for the purpose of providing one probation, extended supervision, and parole agent  
19          for each 48 offenders.

20          **230.** Page 196, line 4: decrease the dollar amount for fiscal year 2001–02 by  
21          \$4,831,900 and decrease the dollar amount for fiscal year 2002–03 by \$5,027,300 for  
22          the purpose for which the appropriation is made.

1           **231.** Page 196, line 10: decrease the dollar amount for fiscal year 2001–02 by  
2           \$454,500 and decrease the dollar amount for fiscal year 2002–03 by \$346,200 for the  
3           purpose of reducing payments for prison fuel and utility costs.

4           **232.** Page 200, line 4: decrease the dollar amount for fiscal year 2001–02 by  
5           \$100,000 and decrease the dollar amount for fiscal year 2002–03 by \$200,000 to  
6           decrease the authorized FTE positions for the employment relations commission by  
7           2.0 GPR attorney positions beginning on January 1, 2002, for the purpose for which  
8           the appropriation is made.

9           **233.** Page 200, line 7: increase the dollar amount for fiscal year 2001–02 by  
10          \$100,000 and increase the dollar amount for fiscal year 2002–03 by \$200,000 to  
11          increase the authorized FTE positions for the employment relations commission by  
12          2.0 PR attorney positions beginning on January 1, 2002, for the purpose for which  
13          the appropriation is made.

14          **234.** Page 201, line 1: delete that line.

15          **235.** Page 201, line 5: after that line insert:

16          “(kc) Volunteer coordination                      PR–S    A            35,300    40,200”.

17          **236.** Page 203, line 11: decrease the dollar amount for fiscal year 2001–02 by  
18          \$265,100 and decrease the dollar amount for fiscal year 2002–03 by \$265,100 to  
19          decrease funding for the Winnebago Mental Health Institute and Mendota Mental  
20          Health Institute.

21          **237.** Page 204, line 9: increase the dollar amount for fiscal year 2001–02 by  
22          \$265,100 and increase the dollar amount for fiscal year 2002–03 by \$265,100 to

1 increase funding for the Winnebago Mental Health Institute and Mendota Mental  
2 Health Institute.

3 **238.** Page 205, line 4: increase the dollar amount for fiscal year 2001–02 by  
4 \$125,000 and increase the dollar amount for fiscal year 2002–03 by \$125,000 to  
5 increase funding for basic services, children’s programming, satellite programs,  
6 tribal programs, under represented populations, and training and technical  
7 assistance.

8 **239.** Page 205, line 9: decrease the dollar amount for fiscal year 2001–02 by  
9 \$527,400 and decrease the dollar amount for fiscal year 2002–03 by \$859,300 to  
10 decrease funding for general supplies and services, including contracted services,  
11 relating to the provision of child welfare services in Milwaukee County.

12 **240.** Page 205, line 21: after that line insert:

13 “(ft) Neighborhood organization incu-  
14 bator grants GPR A 100,000 100,000”.

15 **241.** Page 208, line 6: decrease the dollar amount for fiscal year 2002–03 by  
16 \$500,800 to decrease funding for medical assistance benefits.

17 **242.** Page 208, line 6: decrease the dollar amount for fiscal year 2001–02 by  
18 \$721,500 and decrease the dollar amount for fiscal year 2002–03 by \$967,700 to  
19 decrease funding for medical assistance reimbursement to pharmacists, as a result  
20 of the increased copayments for prescription drugs.

21 **243.** Page 208, line 6: decrease the dollar amount for fiscal year 2001–02 by  
22 \$500,000 and decrease the dollar amount for fiscal year 2002–03 by \$500,000 to  
23 decrease funding for medical assistance payments to disproportionate share  
24 hospitals.





1           **259.** Page 214, line 3: decrease the dollar amount for fiscal year 2001–02 by  
2           \$1,000,000 and decrease the dollar amount for fiscal year 2002–03 by \$1,000,000 to  
3           decrease funding for substance abuse treatment grants under section 46.48 (30) (a)  
4           of the statutes.

5           **260.** Page 214, line 5: decrease the dollar amount for fiscal year 2001–02 by  
6           \$1,212,600 and decrease the dollar amount for fiscal year 2002–03 by \$2,425,000 to  
7           decrease funding for assessments, case planning, and services under the long–term  
8           support community options program under section 46.27 (7) (am) of the statutes.

9           **261.** Page 214, line 10: decrease the dollar amount for fiscal year 2001–02 by  
10          \$1,000,000 and decrease the dollar amount for fiscal year 2002–03 by \$1,000,000 to  
11          decrease funding for community support programs that is provided under  
12          community aids.

13          **262.** Page 220, line 1: delete that line.

14          **263.** Page 220, line 3: delete that line and substitute:

15          “(jr) Wisconsin service corps member  
16                compensation and support; spon-  
17                sor contribution                               PR       C               –0–       –0–”.

18          **264.** Page 220, line 14: delete “Childsupport” and substitute “Child support”.

19          **265.** Page 222, line 7: decrease the dollar amount for fiscal year 2001–02 by  
20          \$438,500 and decrease the dollar amount for fiscal year 2002–03 by \$438,500 to  
21          decrease funding for public assistance reform studies.

22          **266.** Page 222, line 14: increase the dollar amount for fiscal year 2001–02 by  
23          \$400,000 and increase the dollar amount for fiscal year 2002–03 by \$400,000 to



1 increase funding for grants to local agencies for child care resource and referral  
2 services.

3 **267.** Page 222, line 14: increase the dollar amount for fiscal year 2001–02 by  
4 \$200,000 and increase the dollar amount for fiscal year 2002–03 by \$1,816,600 to  
5 increase funding for the workforce attachment and advancement program.

6 **268.** Page 222, line 15: after that line insert:

7 “(fs) Child support order conversion  
8 assistance GPR A 1,000,000 –0–”.

9 **269.** Page 222, line 15: delete that line.

10 **270.** Page 222, line 20: after that line insert:

11 “(km) Workforce attachment and  
12 advancement program; Indian  
13 gaming receipts PR–S A –0– 250,000”.

14 **271.** Page 223, line 13: delete “C” and substitute “A”.

15 **272.** Page 223, line 14: increase the dollar amount for fiscal year 2001–02 by  
16 \$200,000 to increase funding for job retention skills development programs.

17 **273.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
18 \$83,200 and decrease the dollar amount for fiscal year 2002–03 by \$83,200 to  
19 decrease funding for the Badger Challenge program.

20 **274.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
21 \$500,000 and decrease the dollar amount for fiscal year 2002–03 by \$600,000 to  
22 decrease funding for child care subsidies provided to low–income individuals.

1           **275.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
2           \$466,700 and decrease the dollar amount for fiscal year 2002–03 by \$466,700 to  
3           decrease funding for job access loans.

4           **276.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
5           \$100,000 and decrease the dollar amount for fiscal year 2002–03 by \$100,000 to  
6           decrease funding for legal services for individuals who are eligible to receive  
7           temporary assistance for needy families.

8           **277.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
9           \$100,000 and decrease the dollar amount for fiscal year 2002–03 by \$100,000 to  
10          decrease funding for a grant to the school board of the Wausau school district for  
11          English training for Southeast Asian children.

12          **278.** Page 223, line 14: increase the dollar amount for fiscal year 2002–03 by  
13          \$2,933,400 to increase funding for the workforce attachment and advancement  
14          program.

15          **279.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
16          \$1,000,000 and decrease the dollar amount for fiscal year 2002–03 by \$1,000,000 to  
17          decrease funding for transportation assistance provided to Wisconsin works  
18          participants.

19          **280.** Page 223, line 14: delete “C” and substitute “A”.

20          **281.** Page 226, line 2: delete lines 2 to 4.

21          **282.** Page 228, line 3: decrease the dollar amount for fiscal year 2001–02 by  
22          \$808,700 and decrease the dollar amount for fiscal year 2002–03 by \$808,700 to

1 decrease the authorized FTE positions of the department of justice by 9.3 GPR  
2 positions related to consumer protection investigation and enforcement.

3 **283.** Page 230, line 11: after that line insert:

4 “(kb) Firearms restrictions record

5 searches PR–S A 369,400 369,400”.

6 **284.** Page 234, line 6: increase the dollar amount for fiscal year 2001–02 by  
7 \$295,100 and increase the dollar amount for fiscal year 2002–03 by \$562,200 to  
8 increase funding for the purpose for which the appropriation is made.

9 **285.** Page 234, line 9: delete that line.

10 **286.** Page 236, line 1: decrease the dollar amount for fiscal year 2001–02 by  
11 \$280,200 and decrease the dollar amount for fiscal year 2002–03 by \$280,200 to  
12 decrease funding for the purpose for which the appropriation is made.

13 **287.** Page 239, line 6: increase the dollar amount for fiscal year 2001–02 by  
14 \$128,700 and increase the dollar amount for fiscal year 2002–03 by \$76,900 to  
15 increase funding for the purpose for which the appropriation is made.

16 **288.** Page 239, line 11: increase the dollar amount for fiscal year 2002–03 by  
17 \$20,000 for the purposes of providing aid under an emergency aid pilot program.

18 **289.** Page 240, line 10: decrease the dollar amount for fiscal year 2001–02 by  
19 \$128,700 and decrease the dollar amount for fiscal year 2002–03 by \$76,900 to  
20 decrease funding for the purpose for which the appropriation is made.

21 **290.** Page 245, line 8: increase the dollar amount for fiscal year 2001–02 by  
22 \$357,900 and increase the dollar amount for fiscal year 2002–03 by \$357,900 to  
23 increase funding for the purpose for which the appropriation is made.



1 “(kf) Office of faith-based crime pre-  
2 vention initiatives PR-S A 67,600 77,400”.

3 **299.** Page 252, line 2: increase the dollar amount for fiscal year 2001–02 by  
4 \$28,400 and increase the dollar amount for fiscal year 2002–03 by \$37,900 to  
5 increase funding for the purpose for which the appropriation is made.

6 **300.** Page 252, line 2: increase the dollar amount for fiscal year 2001–02 by  
7 \$13,800 and increase the dollar amount for fiscal year 2002–03 by \$8,700 to increase  
8 funding for the purpose for which the appropriation is made.

9 **301.** Page 252, line 3: after that line insert:

10 “(kr) Grants for cooperative county-  
11 tribal law enforcement PR-S A 360,600 360,600”.

12 **302.** Page 252, line 6: increase the dollar amount for fiscal year 2001–02 by  
13 \$16,900 to increase funding for the purpose for which the appropriation is made.

14 **303.** Page 252, line 6: decrease the dollar amount for fiscal year 2002–03 by  
15 \$83,200 to decrease funding for the purpose for which the appropriation is made.

16 **304.** Page 252, line 6: decrease the dollar amount for fiscal year 2002–03 by  
17 \$22,500 to decrease funding for the purpose for which the appropriation is made.

18 **305.** Page 255, line 11: after that line insert:

19 “(bm) Training of chief inspectors GPR B 45,000 –0–”.

20 **306.** Page 255, line 11: after that line insert:

21 “(c) Voting system transitional assis-  
22 tance GPR B –0– –0–”.



1       “(rd) Transfer from the transportation  
2               fund to the general fund               SEG     A           100,000     100,000”.

3               **315.** Page 288, line 2: increase the dollar amount for fiscal year 2001–02 by  
4       \$454,500 and increase the dollar amount for fiscal year 2002–03 by \$346,200 to  
5       increase funding for the purpose for which the appropriation is made.

6               **316.** Page 288, line 2: increase the dollar amount for fiscal year 2001–02 by  
7       \$2,000,000 to increase funding for administration of the prescription drug assistance  
8       for elderly program.

9               **317.** Page 288, line 2: increase the dollar amount for fiscal year 2001–02 by  
10       \$299,000 and increase the dollar amount for fiscal year 2002–03 by \$231,000 to  
11       increase funding for the purpose of providing supplemental moneys for the  
12       development and implementation of a registry of medical assistance recipient  
13       immunizations.

14               **318.** Page 294, line 2: before that line insert:

15               “**SECTION 397b.** 20.115 (1) (g) of the statutes is amended to read:

16               20.115 (1) (g) *Related services.* The amounts in the schedule for the conduct of  
17       services related to food and trade regulation, including special and overtime meat  
18       inspection services under s. 97.42 (3), and investigative and audit services under ss.  
19       93.06 (6) (b), ~~100.06 (1g) (e)~~ and 100.07 (1), but excluding services financed under  
20       pars. (gf) and (h). Except as provided in pars. (gf) and (h), all moneys received from  
21       authorized service fees related to food and trade regulation shall be credited to this  
22       appropriation.

23               **SECTION 398.** 20.115 (1) (gf) of the statutes is amended to read:

1           20.115 (1) (gf) *Fruit and vegetable inspection.* All moneys received for the  
2 inspection of fruits and vegetables under ss. 93.06 (1m), and 93.09 (10) ~~and 100.03~~  
3 ~~(3) (a) 1.~~ to carry out the purposes for which those moneys are received.

4           **SECTION 400.** 20.115 (1) (gm) of the statutes is amended to read:

5           20.115 (1) (gm) ~~*Dairy and vegetable security and trade practices regulation.*~~  
6 The amounts in the schedule for the regulation of ~~vegetable procurement under s.~~  
7 ~~100.03, of dairy plant financial condition under s. 100.06 and of dairy trade practices~~  
8 under s. 100.201. All moneys received under ~~ss. 100.03 (3) (a) 2. and 3., 100.06 (9)~~  
9 ~~and s.~~ 100.201 (6) shall be credited to this appropriation.”.

10           **319.** Page 294, line 6: delete “100.261 3 (c)” and substitute “100.261 (3) (c)”.

11           **320.** Page 294, line 6: after that line insert:

12           “**SECTION 403.** 20.115 (1) (jm) of the statutes is repealed.

13           **SECTION 404.** 20.115 (1) (q) of the statutes is created to read:

14           20.115 (1) (q) *Dairy, grain, and vegetable security.* From the agricultural  
15 producer security fund, the amounts in the schedule to administer dairy, grain, and  
16 vegetable producer security programs under ch. 126.

17           **SECTION 405.** 20.115 (1) (v) of the statutes is created to read:

18           20.115 (1) (v) *Agricultural producer security; bonds.* From the agricultural  
19 producer security fund, a sum sufficient to acquire the surety bonds required under  
20 ss. 126.06 and 126.07.

21           **SECTION 406.** 20.115 (1) (w) of the statutes is created to read:

22           20.115 (1) (w) *Agricultural producer security; payments.* From the agricultural  
23 producer security fund, a sum sufficient to make default claim payments authorized  
24 under s. 126.72 (1).



1           **SECTION 407.** 20.115 (1) (wb) of the statutes is created to read:

2           20.115 (1) (wb) *Agricultural producer security; bond proceeds.* From the  
3 agricultural producer security fund, all moneys received under s. 126.72 (2) and (3)  
4 to be used to make default claim payments under s. 126.71 (1).”.

5           **321.** Page 294, line 6: after that line insert:

6           “**SECTION 403g.** 20.115 (1) (k) of the statutes is created to read:

7           20.115 (1) (k) *Payments to ethanol producers.* The amounts in the schedule for  
8 payments to ethanol producers under s. 93.75. All moneys transferred from the  
9 appropriation account under s. 20.505 (8) (hm) 2m. shall be credited to this  
10 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered  
11 balance on June 30 of each year shall revert to the appropriation account under s.  
12 20.505 (8) (hm). No funds may be encumbered under this paragraph after June 30,  
13 2006.”.

14           **322.** Page 295, line 1: delete that line and substitute:

15           “**SECTION 415b.** 20.115 (3) (d) of the statutes is repealed.”.

16           **323.** Page 295, line 2: after that line insert:

17           “**SECTION 417r.** 20.115 (4) (am) of the statutes is created to read:

18           20.115 (4) (am) *Wisconsin agricultural research and development initiative.*  
19 The amounts in the schedule for the Wisconsin agricultural research and  
20 development initiative under s. 93.45.”.

21           **324.** Page 295, line 3: after that line insert:

22           “**SECTION 421h.** 20.115 (4) (q) of the statutes is created to read:

1           20.115 (4) (q) *Grants for agriculture in the classroom program.* From the  
2 agricultural management fund, the amounts in the schedule for grants for the  
3 agriculture in the classroom program under s. 93.32.”.

4           **325.** Page 295, line 21: delete lines 21 to 24.

5           **326.** Page 297, line 19: delete “, and 560.175 and 560.25” and substitute “,  
6 560.175, and 560.25”.

7           **327.** Page 297, line 22: after “560.167.” insert “No moneys may be  
8 encumbered under this paragraph for grants under s. 560.25 after June 30, 2003.”.

9           **328.** Page 298, line 15: after that line insert:

10          “**SECTION 447v.** 20.143 (1) (kc) of the statutes is amended to read:

11          20.143 (1) (kc) *Clean air act compliance assistance.* From moneys transferred  
12 from the appropriation account under s. ~~20.370~~ 20.375 (2) (bg), the amounts in the  
13 schedule for assisting the department of ~~natural resources~~ environmental  
14 management in administering the small business stationary source technical and  
15 environmental compliance assistance program under s. 285.79 and for expenses  
16 related to serving as ombudsman for small business stationary sources as required  
17 under s. 560.03 (9).”.

18          **329.** Page 298, line 15: after that line insert:

19          “**SECTION 447m.** 20.143 (1) (kd) of the statutes is created to read:

20          20.143 (1) (kd) *Development assistance; Indian gaming receipts.* The amounts  
21 in the schedule for grants under ss. 560.145, 560.16, 560.175, and 560.26; for grants  
22 and loans under ss. 560.62, 560.63, and 560.66; for loans under s. 560.147; and for  
23 reimbursements under s. 560.167. All moneys transferred from the appropriation  
24 account under s. 20.505 (8) (hm) 5r. shall be credited to this appropriation account.

1 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year  
2 shall revert to the appropriation account under s. 20.505 (8) (hm).”.

3 **330.** Page 299, line 23: delete “grant” and substitute “grants”.

4 **331.** Page 299, line 24: after “(1)” insert “and (11zx)”.

5 **332.** Page 299, line 24: after “(1)” insert “, (10fk), (11pk), and (12fk)”.

6 **333.** Page 300, line 16: delete lines 16 to 21.

7 **334.** Page 301, line 14: delete “grant” and substitute “grant grants”.

8 **335.** Page 301, line 15: after “(8gm)” insert “, and 2001 Wisconsin Act .... (this  
9 act), section 9110 (10zx)”.

10 **336.** Page 301, line 23: after that line insert:

11 “**SECTION 460r.** 20.143 (3) (sa) of the statutes is amended to read:

12 20.143 (3) (sa) *Administration of mobile homes.* From the state and local  
13 highways account in the transportation fund, the amounts in the schedule for  
14 administration of subch. V of ch. 101.”.

15 **337.** Page 303, line 4: after that line insert:

16 “**SECTION 465s.** 20.215 (1) (k) of the statutes is repealed.

17 **SECTION 465t.** 20.215 (1) (ka) of the statutes is repealed.”.

18 **338.** Page 309, line 12: after that line insert:

19 “**SECTION 481e.** 20.235 (1) (cm) of the statutes is created to read:

20 20.235 (1) (cm) *Nursing student loan program.* The amounts in the schedule  
21 for the nursing student loan program under s. 39.393.”.

22 **339.** Page 315, line 17: delete lines 17 and 18 and substitute “schedule for the  
23 development and operation of ~~family practice residency programs~~ to support the

1 recruitment and training of medical students and residents in family and community  
2 medicine.”.

3 **340.** Page 315, line 25: after that line insert:

4 “**SECTION 541r.** 20.255 (1) (b) of the statutes is amended to read:

5 20.255 (1) (b) *General program operations; School Wisconsin Educational*  
6 *Services Program for the Deaf and Hard of Hearing and Wisconsin Center for the*  
7 *Blind and Visually Impaired.* The amounts in the schedule for the operation and  
8 maintenance of the facilities of the Wisconsin School Educational Services Program  
9 for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually  
10 Impaired, including the matching of federal funds, but not including expenses  
11 financed under par. (js).”.

12 **341.** Page 316, line 2: delete lines 2 to 4 and substitute:

13 “20.255 (1) (c) *Energy costs; School Wisconsin Educational Services Program*  
14 *for the Deaf and Hard of Hearing and Wisconsin Center for the Blind and Visually*  
15 *Impaired.* The amounts in the schedule to be used at the facilities of the Wisconsin  
16 School Educational Services Program for the Deaf and Hard of Hearing and the  
17 Wisconsin Center for the Blind and Visually Impaired to pay for”.

18 **342.** Page 316, line 13: after that line insert:

19 “**SECTION 545d.** 20.255 (1) (gb) of the statutes is amended to read:

20 20.255 (1) (gb) *School Wisconsin Educational Services Program for the Deaf*  
21 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*  
22 *nonresident fees.* All moneys received from fees charged nonresident pupils for  
23 services provided at by the Wisconsin School Educational Services Program for the

1 Deaf and Hard of Hearing under s. 115.52 (3) and for services provided by the  
2 Wisconsin Center for the Blind and Visually Impaired under s. 115.525 (3) (a) 3.

3 **SECTION 545f.** 20.255 (1) (gh) of the statutes is amended to read:

4 20.255 (1) (gh) *School Wisconsin Educational Services Program for the Deaf*  
5 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*  
6 *hospitalization. All moneys received on account of hospitalization under s. 115.53*  
7 *(4) for the operation of the Wisconsin School Educational Services Program for the*  
8 *Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually*  
9 *Impaired.*

10 **SECTION 545h.** 20.255 (1) (gL) of the statutes is amended to read:

11 20.255 (1) (gL) *Wisconsin Educational Services Program for the Deaf and Hard*  
12 *of Hearing and Wisconsin Center for the Blind and Visually Impaired; leasing of*  
13 *space. All moneys received from leasing space at the facilities of the Wisconsin*  
14 *Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6)*  
15 *and at the Wisconsin Center for the Blind and Visually Impaired under s. 115.525*  
16 *(6) for the operation and maintenance of the center and program.*

17 **SECTION 545j.** 20.255 (1) (gs) of the statutes is amended to read:

18 20.255 (1) (gs) *School Wisconsin Educational Services Program for the Deaf*  
19 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*  
20 *services. All moneys received from services provided at by the Wisconsin School*  
21 *Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6)*  
22 *(5) and at by the Wisconsin Center for the Blind and Visually Impaired under s.*  
23 *115.525 (5) for the operation and maintenance of the school program and the center.*

24 **SECTION 545L.** 20.255 (1) (gt) of the statutes is amended to read:

1           20.255 (1) (gt) *School Wisconsin Educational Services Program for the Deaf and*  
2 *Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired; pupil*  
3 *transportation.* The amounts in the schedule for the weekend transportation of  
4 pupils enrolled in the school operated by the Wisconsin School Educational Services  
5 Program for the Deaf and Hard of Hearing under s. 115.52 or the school operated by  
6 the Wisconsin Center for the Blind and Visually Impaired under s. 115.525 to and  
7 from their homes. All moneys received under s. 115.53 (6) shall be credited to this  
8 appropriation.”.

9           **343.** Page 316, line 20: delete lines 20 to 22.

10          **344.** Page 316, line 24: after that line insert:

11          “**SECTION 548m.** 20.255 (2) (cp) of the statutes is amended to read:

12          20.255 (2) (cp) *Wisconsin ~~morning~~ school day milk program.* The amounts in  
13 the schedule for the Wisconsin ~~morning~~ school day milk program under s. 115.343.”.

14          **345.** Page 319, line 4: after that line insert:

15          “**SECTION 567m.** 20.275 (1) (gm) of the statutes is repealed.”.

16          **346.** Page 319, line 14: delete “s. 44.74” and substitute “2001 Wisconsin Act  
17 .... (this act), section 9149 (3mk)”.

18          **347.** Page 322, line 13: after that line insert:

19          “**SECTION 577m.** 20.285 (1) (cg) of the statutes is repealed.”.

20          **348.** Page 322, line 17: after that line insert:

21          “**SECTION 580k.** 20.285 (1) (kb) of the statutes is amended to read:

22          20.285 (1) (kb) *Great Lakes studies.* The amounts in the schedule for studies  
23 of Great Lakes fish. All moneys transferred from the appropriation account under  
24 s. 20.370 (4) ~~(mu)~~ (1) (qu) shall be credited to this appropriation account.”.

1           **349.** Page 324, line 20: delete lines 20 to 23.

2           **350.** Page 324, line 23: after that line insert:

3           “**SECTION 583g.** 20.292 (1) (ep) of the statutes is amended to read:

4           20.292 (1) (ep) *Grants to students.* The amounts in the schedule for grants to  
5 students under s. 38.305. No moneys may be encumbered from this appropriation  
6 after June 30, 2002.”.

7           **351.** Page 325, line 3: after that line insert:

8           “**SECTION 583r.** 20.292 (1) (kd) of the statutes is created to read:

9           20.292 (1) (kd) *Job retention skills development programs.* The amounts in the  
10 schedule for job retention skills development programs under s. 38.34. All moneys  
11 transferred from the appropriation account under s. 20.445 (3) (md) to this  
12 appropriation account under 2001 Wisconsin Act .... (this act), section 9258 (3z), shall  
13 be credited to this appropriation account. No moneys may be encumbered from this  
14 appropriation after June 30, 2003.”.

15           **352.** Page 325, line 4: delete lines 4 to 8.

16           **353.** Page 325, line 8: after that line insert:

17           “**SECTION 584w.** 20.370 (intro.) of the statutes is amended to read:

18           **20.370** ~~Natural resources,~~ Fish, wildlife, parks, and forestry,  
19 **department of.** (intro.) There is appropriated from the conservation fund, or from  
20 other funds if so indicated, to the department of ~~natural resources~~ fish, wildlife,  
21 parks, and forestry for the following programs:

22           **SECTION 585b.** 20.370 (1) (title) of the statutes is repealed and recreated to  
23 read:

24           20.370 (1) (title) FISH, WILDLIFE, AND RECREATION.

1           **SECTION 585c.** 20.370 (1) (cq) of the statutes is renumbered 20.370 (3) (cq).

2           **SECTION 585d.** 20.370 (1) (cr) of the statutes is renumbered 20.370 (3) (cr).

3           **SECTION 585e.** 20.370 (1) (cs) of the statutes is renumbered 20.370 (3) (cs).

4           **SECTION 585f.** 20.370 (1) (ct) of the statutes is renumbered 20.370 (3) (ct).”.

5           **354.** Page 325, line 8: after that line insert:

6           “**SECTION 584m.** 20.315 of the statutes is repealed.”.

7           **355.** Page 325, line 12: after that line insert:

8           “**SECTION 585gb.** 20.370 (1) (cu) of the statutes, as created by 2001 Wisconsin  
9 Act .... (this act), is renumbered 20.370 (3) (eu).”.

10          **356.** Page 325, line 17: after that line insert:

11          “**SECTION 585hb.** 20.370 (1) (cv) of the statutes, as created by 2001 Wisconsin  
12 Act .... (this act), is renumbered 20.370 (3) (ev).”.

13          **SECTION 585i.** 20.370 (1) (ea) of the statutes is renumbered 20.370 (2) (ea).

14          **SECTION 585j.** 20.370 (1) (eq) of the statutes is renumbered 20.370 (2) (es).

15          **SECTION 585k.** 20.370 (1) (er) of the statutes is renumbered 20.370 (2) (er).”.

16          **357.** Page 326, line 14: after that line insert:

17          “**SECTION 588g.** 20.370 (1) (iu) of the statutes is amended to read:

18               20.370 (1) (iu) *Gravel pit reclamation.* All moneys received under s. 23.20 to  
19 be used to reclaim gravel pits and similar facilities on property under the jurisdiction  
20 of the department of ~~natural resources~~ fish, wildlife, parks, and forestry.”.

21          **358.** Page 326, line 15: delete lines 15 to 22.

22          **359.** Page 327, line 6: delete lines 6 to 14 and substitute:

23          “**SECTION 589m.** 20.370 (1) (Lk) of the statutes, as affected by 1999 Wisconsin  
24 Act 9, section 308L, is repealed.”.



1           **360.** Page 327, line 15: delete lines 15 to 20.

2           **361.** Page 327, line 24: after that line insert:

3           “**SECTION 591d.** 20.370 (1) (mu) of the statutes is amended to read:

4           20.370 (1) (mu) *General program operations — state funds.* The amounts in  
5 the schedule for general program operations that do not relate to the management  
6 and protection of the state’s fishery resources under ss. 23.09 to 23.11, ~~27.01, 30.203~~  
7 ~~and 30.277, subch. VI of ch. 77 and chs. 26, 28 and 23.178 and ch. 29~~ and for transfers  
8 to the appropriation account under s. 20.285 (1) (kf).

9           **SECTION 592b.** 20.370 (1) (my) of the statutes is amended to read:

10           20.370 (1) (my) *General program operations — federal funds.* All moneys  
11 received as federal aid for land, other than parks and forests, and for wildlife  
12 management, as authorized by the governor under s. 16.54 for the purposes for which  
13 received.

14           **SECTION 592c.** 20.370 (1) (mz) of the statutes is renumbered 20.370 (3) (uz).

15           **SECTION 592d.** 20.370 (2) (title) of the statutes is repealed and recreated to  
16 read:

17           20.370 (2) (title) PARKS AND TRAILS.

18           **SECTION 592e.** 20.370 (2) (intro.) of the statutes is repealed.

19           **SECTION 592f.** 20.370 (2) (bg) of the statutes is renumbered 20.375 (2) (bg) and  
20 amended to read:

21           20.375 (2) (bg) *Air management — stationary sources.* The amounts in the  
22 schedule for purposes related to stationary sources of air contaminants as specified  
23 in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc)  
24 to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees

1 imposed under s. 285.69 (2) (a) and (e), except moneys appropriated under ~~subs. (3)~~  
2 ~~(bg), (8) (mg) and (9) (mh) pars. (bh), (sg), and (th)~~, and all moneys received from fees  
3 imposed under s. 285.69 (7) shall be credited to this appropriation.

4 **SECTION 592g.** 20.370 (2) (bi) of the statutes is renumbered 20.375 (2) (bi).

5 **SECTION 592h.** 20.370 (2) (bq) of the statutes is renumbered 20.375 (2) (bq).

6 **SECTION 592i.** 20.370 (2) (br) of the statutes is renumbered 20.375 (2) (br).

7 **SECTION 592j.** 20.370 (2) (cf) of the statutes is renumbered 20.375 (2) (cf).

8 **SECTION 592k.** 20.370 (2) (cg) of the statutes is renumbered 20.375 (2) (cg).

9 **SECTION 592L.** 20.370 (2) (ch) of the statutes is renumbered 20.375 (2) (ch).

10 **SECTION 592m.** 20.370 (2) (ci) of the statutes is renumbered 20.375 (2) (ci).

11 **SECTION 592n.** 20.370 (2) (cL) of the statutes is renumbered 20.375 (2) (cL).

12 **SECTION 592p.** 20.370 (2) (dg) of the statutes is renumbered 20.375 (2) (dg) and  
13 amended to read:

14 20.375 (2) (dg) *Solid waste management — solid and hazardous waste disposal*  
15 *administration.* All moneys received from fees under ss. 289.43 (7) (e) 1. and 2.,  
16 289.61, 291.05 (7) and 291.33, except for moneys appropriated under ~~sub. (9) (mj) par.~~  
17 ~~(tj)~~, for the purpose of administering ss. 289.43, 289.47, 289.53, 289.95, 291.23,  
18 291.25, 291.29, 291.31 and 291.87 and subch. III of ch. 289.

19 **SECTION 592q.** 20.370 (2) (dh) of the statutes is renumbered 20.375 (2) (dh).

20 **SECTION 592r.** 20.370 (2) (di) of the statutes is renumbered 20.375 (2) (di).

21 **SECTION 592s.** 20.370 (2) (dq) of the statutes is renumbered 20.375 (2) (dq).

22 **SECTION 592t.** 20.370 (2) (dt) of the statutes is renumbered 20.375 (2) (dt).”.

23 **362.** Page 328, line 10: after that line insert:

1           “**SECTION 593b.** 20.370 (2) (du) of the statutes, as created by 2001 Wisconsin  
2 Act ... (this act), is renumbered 20.375 (2) (du).

3           **SECTION 593d.** 20.370 (2) (dv) of the statutes is renumbered 20.375 (2) (dv).

4           **SECTION 593g.** 20.370 (2) (dw) of the statutes is renumbered 20.375 (2) (dw).

5           **SECTION 593j.** 20.370 (2) (dy) of the statutes is renumbered 20.375 (2) (dy).

6           **SECTION 593L.** 20.370 (2) (dz) of the statutes is renumbered 20.375 (2) (dz).

7           **SECTION 593n.** 20.370 (2) (eg) of the statutes is renumbered 20.375 (2) (eg).

8           **SECTION 593p.** 20.370 (2) (eh) of the statutes is renumbered 20.375 (2) (eh).”.

9           **363.** Page 328, line 14: after that line insert:

10           “**SECTION 594b.** 20.370 (2) (eq) of the statutes, as created by 2001 Wisconsin  
11 Act ... (this act), is renumbered 20.375 (2) (eq).

12           **SECTION 594c.** 20.370 (2) (fq) of the statutes is renumbered 20.375 (2) (fq).

13           **SECTION 594d.** 20.370 (2) (gh) of the statutes is renumbered 20.375 (2) (gh).

14           **SECTION 594e.** 20.370 (2) (gr) of the statutes is renumbered 20.375 (2) (gr).

15           **SECTION 594f.** 20.370 (2) (hq) of the statutes is renumbered 20.375 (2) (hq).

16           **SECTION 594g.** 20.370 (2) (ir) of the statutes is created to read:

17           20.370 (2) (ir) *Promotional activities and publications.* All moneys received  
18 from subscriptions and other revenues generated by promotional activities,  
19 photographs, slides, videotapes, artwork, publications, magazines, and other  
20 periodicals related to parks and trails, to be used for these promotional activities,  
21 photographs, slides, videotapes, artwork, publications, and magazines and for  
22 educational and informational activities concerning parks and trails.

23           **SECTION 594h.** 20.370 (2) (ma) of the statutes is renumbered 20.375 (2) (ma).

24           **SECTION 594i.** 20.370 (2) (mi) of the statutes is renumbered 20.375 (2) (mi).

1           **SECTION 594j.** 20.370 (2) (mk) of the statutes is renumbered 20.375 (2) (mk).

2           **SECTION 594k.** 20.370 (2) (mm) of the statutes is renumbered 20.375 (2) (mm).

3           **SECTION 594L.** 20.370 (2) (mq) of the statutes is renumbered 20.375 (2) (mq).

4           **SECTION 594n.** 20.370 (2) (mu) of the statutes is renumbered 20.375 (2) (mu).

5           **SECTION 594p.** 20.370 (2) (my) of the statutes is renumbered 20.375 (2) (my).

6           **SECTION 594q.** 20.370 (2) (sa) of the statutes is created to read:

7           20.370 (2) (sa) *Administration — state funds.* From the general fund, the  
8 amounts in the schedule for general administration and field administration related  
9 to parks and trails.

10          **SECTION 594r.** 20.370 (2) (sk) of the statutes is created to read:

11          20.370 (2) (sk) *Administration — service funds.* From the general fund, all  
12 moneys received by the department from the department and from other state  
13 agencies, for parks and trails facilities, materials, or services provided by the  
14 department relating to administrative services, to provide those facilities, materials,  
15 or services.

16          **SECTION 594s.** 20.370 (2) (su) of the statutes is created to read:

17          20.370 (2) (su) *Administration — conservation fund.* The amounts in the  
18 schedule for the general administration and field administration of the department  
19 related to parks and trails.

20          **SECTION 594t.** 20.370 (2) (ta) of the statutes is created to read:

21          20.370 (2) (ta) *Customer service — state funds.* From the general fund, the  
22 amounts in the schedule for communications, customer services, and aids  
23 administration related to parks and trails.

24          **SECTION 594u.** 20.370 (2) (tu) of the statutes is created to read:

1           20.370 (2) (tu) *Customer service — conservation fund*. The amounts in the  
2 schedule for communications, customer services, licensing, registration, and aids  
3 administration related to parks and trails.

4           **SECTION 594v.** 20.370 (2) (uu) of the statutes is created to read:

5           20.370 (2) (uu) *General program operations — state funds*. The amounts in the  
6 schedule for general program operations that relate to parks and trails.

7           **SECTION 594w.** 20.370 (2) (uy) of the statutes is created to read:

8           20.370 (2) (uy) *General program operations — federal funds*. All moneys  
9 received as federal aid for parks and trails, as authorized by the governor under s.  
10 16.54 for the purposes for which received.

11          **SECTION 594x.** 20.370 (3) (title) of the statutes is repealed and recreated to  
12 read:

13          20.370 (3) (title) FORESTRY.

14          **SECTION 594y.** 20.370 (3) (ad) of the statutes is renumbered 20.370 (1) (ad).”.

15          **364.** Page 328, line 23: after that line insert:

16          “**SECTION 595b.** 20.370 (3) (ak) of the statutes, as affected by 2001 Wisconsin  
17 Act .... (this act), is renumbered 20.370 (1) (ak).

18          **SECTION 595g.** 20.370 (3) (aq) of the statutes is renumbered 20.370 (1) (aq).

19          **SECTION 595p.** 20.370 (3) (ar) of the statutes is renumbered 20.370 (1) (ar).”.

20          **365.** Page 329, line 5: after that line insert:

21          “**SECTION 596b.** 20.370 (3) (as) of the statutes, as affected by 2001 Wisconsin  
22 Act .... (this act), is renumbered 20.370 (1) (as).

23          **SECTION 596h.** 20.370 (3) (aw) of the statutes is renumbered 20.370 (1) (aw).

1           **SECTION 596k.** 20.370 (3) (bg) of the statutes is renumbered 20.375 (2) (bh) and  
2 amended to read:

3           20.375 (2) (bh) *Enforcement — stationary sources.* ~~From the general fund, from~~  
4 the moneys received from fees imposed under s. 285.69 (2) (a) and (e), the amounts  
5 in the schedule for enforcement operations related to stationary sources of air  
6 contaminants.

7           **SECTION 596n.** 20.370 (3) (dg) of the statutes is renumbered 20.370 (1) (dg).

8           **SECTION 596p.** 20.370 (3) (dh) of the statutes is renumbered 20.375 (2) (ah) and  
9 amended to read:

10           20.375 (2) (ah) *Environmental impact — power projects.* ~~From the general~~  
11 ~~fund, all~~ All moneys received as environmental impact statement fees under s. ~~23.40~~  
12 278.40 (3) related to electric power generating projects, for the review of  
13 environmental impact requirements under ss. 1.11 and ~~23.40~~ 278.40 for those  
14 projects.

15           **SECTION 596r.** 20.370 (3) (di) of the statutes is renumbered 20.375 (2) (ai) and  
16 amended to read:

17           20.375 (2) (ai) *Environmental consulting costs — federal power projects.* The  
18 amounts in the schedule for reviewing and evaluating activities under s. ~~23.42~~  
19 278.42. All moneys received from fees the department charges under s. ~~23.42~~ 278.42  
20 shall be credited to this appropriation.

21           **SECTION 596t.** 20.370 (3) (fj) of the statutes is renumbered 20.375 (2) (aj) and  
22 amended to read:

23           20.375 (2) (aj) *Environmental quality — laboratory certification.* ~~From the~~  
24 ~~general fund, the~~ The amounts in the schedule for the purpose of administering and  
25 enforcing s. 299.11. All moneys received from fees under s. 299.11 (9) shall be

1 credited to this appropriation. ~~During fiscal year 1984–85, the department may~~  
2 ~~expend and encumber up to the amount specified in the schedule for this~~  
3 ~~appropriation in that fiscal year notwithstanding the actual amount received from~~  
4 ~~fees under s. 299.11 (9). Notwithstanding ss. 16.50 (2), 16.52, 20.002 (11) and 20.903,~~  
5 ~~the department may report a deficit in this appropriation on June 30, 1985, or on~~  
6 ~~June 30, 1986, and this deficit shall be considered an encumbrance on the~~  
7 ~~appropriation under this paragraph for the subsequent fiscal year. The department~~  
8 ~~may not report a deficit in this appropriation at the close of any fiscal year after the~~  
9 ~~1985–86 fiscal year.~~

10 **SECTION 596v.** 20.370 (3) (ir) of the statutes is created to read:

11 20.370 (3) (ir) *Promotional activities and publications.* All moneys received  
12 from subscriptions and other revenues generated by promotional activities,  
13 photographs, slides, videotapes, artwork, publications, magazines, and other  
14 periodicals related to forestry, to be used for these promotional activities,  
15 photographs, slides, videotapes, artwork, publications, and magazines and for  
16 educational and informational activities concerning forestry.

17 **SECTION 596x.** 20.370 (3) (is) of the statutes is renumbered 20.370 (1) (is).”.

18 **366.** Page 329, line 5: after that line insert:

19 “**SECTION 596g.** 20.370 (3) (at) of the statutes is amended to read:

20 20.370 (3) (at) *Education and safety programs.* ~~Fifty percent of all moneys~~  
21 ~~remitted to the department of natural resources under s. 29.591 (3) and all All~~  
22 ~~moneys remitted to the department under ss. 23.33 (5) (d), 30.74 (1) (b) and 350.055~~  
23 ~~for programs or courses of instruction under ss. 23.33 (5) (d), 29.591, 30.74 (1) (a) and~~  
24 350.055.



1           **SECTION 596j.** 20.370 (3) (au) of the statutes is created to read:

2           20.370 (3) (au) *Hunter education and bow hunter education.* The amounts in  
3 the schedule to reimburse instructors under the hunter education program and the  
4 bow hunter education program under s. 29.591 (3).”.

5           **367.** Page 329, line 15: after that line insert:

6           “**SECTION 597b.** 20.370 (3) (ma) of the statutes, as affected by 2001 Wisconsin  
7 Act .... (this act), is renumbered 20.370 (1) (pa) and amended to read:

8           20.370 (1) (pa) *General program operations Enforcement — state funds.* From  
9 the general fund, the amounts in the schedule for regulatory and enforcement  
10 operations under chs. 30, 31 and 280 to 299, ~~except s. 281.48, and ss. 44.47, 59.692,~~  
11 ~~59.693, 61.351, 61.354, 62.231, 62.234 and 87.30~~ s. 44.47 and subchs. IV and V of ch.  
12 30, for reimbursement of the conservation fund for expenses incurred for actions  
13 taken under s. 166.04; ~~for nonpoint source water pollution research, evaluation, and~~  
14 ~~monitoring;~~ for review of environmental impact requirements under ss. 1.11 and  
15 23.40; and for enforcement of the treaty-based, off-reservation rights to fish, hunt  
16 and gather held by members of federally recognized American Indian tribes or bands.

17           **SECTION 597d.** 20.370 (3) (mi) of the statutes is renumbered 20.370 (1) (pi), and  
18 20.370 (1) (pi) (title), as renumbered, is amended to read:

19           20.370 (1) (pi) (title) *General program operations Enforcement — private and*  
20 *public sources.*

21           **SECTION 597g.** 20.370 (3) (mk) of the statutes is renumbered 20.370 (1) (pk),  
22 and 20.370 (1) (pk) (title), as renumbered, is amended to read:

23           20.370 (1) (pk) (title) *General program operations Enforcement — service*  
24 *funds.*



1           **SECTION 597L.** 20.370 (3) (mm) of the statutes is renumbered 20.370 (1) (pm),  
2 and 20.370 (1) (pm) (title), as renumbered, is amended to read:

3           20.370 (1) (pm) (title) ~~General program operations~~ Enforcement — federal  
4 funds.

5           **SECTION 597p.** 20.370 (3) (mq) of the statutes is renumbered 20.375 (2) (pq),  
6 and 20.375 (2) (pq) (title), as renumbered, is amended to read:

7           20.375 (2) (pq) (title) ~~General program operations~~ Enforcement —  
8 environmental fund.

9           **SECTION 597t.** 20.370 (3) (mr) of the statutes is renumbered 20.375 (2) (pr).

10          **SECTION 597x.** 20.370 (3) (ms) of the statutes is renumbered 20.375 (2) (ps).”.

11          **368.** Page 329, line 16: after that line insert:

12          “**SECTION 598b.** 20.370 (3) (mu) of the statutes is renumbered 20.370 (1) (pu)  
13 and amended to read:

14          20.370 (1) (pu) ~~General program operations~~ — state funds law enforcement.

15          The amounts in the schedule for law enforcement operations under ss. 23.09 to 23.11  
16 and 166.04 ~~and chs., ch. 29, and subchs. IV and V of ch. 30~~ and for review of  
17 environmental impact requirements under ss. 1.11 and 23.40.

18          **SECTION 598d.** 20.370 (3) (mv) of the statutes is renumbered 20.370 (1) (pv).

19          **SECTION 598e.** 20.370 (3) (my) of the statutes is renumbered 20.370 (1) (py),  
20 and 20.370 (1) (py) (title), as renumbered, is amended to read:

21          20.370 (1) (py) (title) ~~General program operations~~ Conservation enforcement —  
22 federal funds.

23          **SECTION 598g.** 20.370 (3) (sk) of the statutes is created to read:

1           20.370 (3) (sk) *Administration — service funds.* From the general fund, all  
2 moneys received by the department from the department and from other state  
3 agencies, for forestry facilities, materials, or services provided by the department  
4 relating to administrative services, to provide those facilities, materials, or services.

5           **SECTION 598h.** 20.370 (3) (su) of the statutes is created to read:

6           20.370 (3) (su) *Administration — conservation fund.* The amounts in the  
7 schedule for the general administration and field administration of the department  
8 related to forestry.

9           **SECTION 598j.** 20.370 (3) (tu) of the statutes is created to read:

10           20.370 (3) (tu) *Customer service — conservation fund.* The amounts in the  
11 schedule for communications, customer services, licensing, registration, and aids  
12 administration related to forestry.

13           **SECTION 598k.** 20.370 (3) (uu) of the statutes is created to read:

14           20.370 (3) (uu) *General program operations — state funds.* The amounts in the  
15 schedule for general program operations that relate to forestry.

16           **SECTION 598n.** 20.370 (3) (uy) of the statutes is created to read:

17           20.370 (3) (uy) *General program operations — federal funds.* All moneys  
18 received as federal aid for forestry, as authorized by the governor under s. 16.54 for  
19 the purposes for which received.

20           **SECTION 598p.** 20.370 (4) (title) of the statutes is repealed.

21           **SECTION 598q.** 20.370 (4) (ab) of the statutes, as affected by 2001 Wisconsin Act  
22 .... (this act), is renumbered 20.375 (4) (ab).

23           **SECTION 598qm.** 20.370 (4) (ac) of the statutes, as affected by 2001 Wisconsin  
24 Act .... (this act), is renumbered 20.375 (4) (ac).

1           **SECTION 598s.** 20.370 (4) (af) of the statutes is renumbered 20.375 (4) (af) and  
2 amended to read:

3           20.375 (4) (af) *Water resources — remedial action.* As a continuing  
4 appropriation ~~from the general fund~~, the amounts in the schedule for remedial action  
5 in the Great Lakes and their tributaries under s. 281.83.

6           **SECTION 598u.** 20.370 (4) (ag) of the statutes is renumbered 20.375 (4) (ag) and  
7 amended to read:

8           20.375 (4) (ag) *Water resources — pollution credits.* ~~From the general fund, all~~  
9 All moneys received under s. 283.84 (1) (c) for activities to reduce water pollution in  
10 pilot project areas.

11           **SECTION 598w.** 20.370 (4) (ah) of the statutes is renumbered 20.375 (4) (ah) and  
12 amended to read:

13           20.375 (4) (ah) *Water resources — Great Lakes protection fund.* ~~From the~~  
14 ~~general fund, all~~ All moneys received from the Great Lakes protection fund for Great  
15 Lakes protection activities under s. 281.85.

16           **SECTION 598x.** 20.370 (4) (aq) of the statutes is renumbered 20.375 (4) (aq) and  
17 amended to read:

18           20.375 (4) (aq) *Water resources management — lake and river management.*  
19 ~~The~~ From the conservation fund, from the amounts paid into the fund under s. 20.855  
20 (4) (s), the amounts in the schedule for lake and river management activities.

21           **SECTION 598z.** 20.370 (4) (ar) of the statutes is renumbered 20.375 (4) (ar).”.

22           **369.** Page 330, line 3: after that line insert:

23           “**SECTION 600d.** 20.370 (4) (au) of the statutes is renumbered 20.375 (4) (au).

1           **SECTION 600h.** 20.370 (4) (av) of the statutes is renumbered 20.375 (4) (av) and  
2 amended to read:

3           20.375 (4) (av) *Cooperative remedial action; interest on contributions.* From the  
4 environmental fund, a sum sufficient equal to the amounts earned by the investment  
5 fund on revenue received by the department of ~~natural resources~~ environmental  
6 management under par. (au), as determined quarterly by the department of  
7 administration, to conduct cooperative remedial action.”.

8           **370.** Page 330, line 8: after that line insert:

9           “**SECTION 600mb.** 20.370 (4) (aw) of the statutes, as created by 2001 Wisconsin  
10 Act .... (this act), is renumbered 20.375 (4) (aw).

11           **SECTION 600p.** 20.370 (4) (bg) of the statutes is renumbered 20.370 (1) (bg), and  
12 20.370 (1) (bg) (title), as renumbered, is amended to read:

13           20.370 (1) (bg) (title) ~~Water regulation and zoning~~ Fishery resources —  
14 *computer access fees.*

15           **SECTION 600t.** 20.370 (4) (bh) of the statutes is renumbered 20.375 (4) (bh).

16           **SECTION 600x.** 20.370 (4) (bi) of the statutes is renumbered 20.375 (4) (bi) and  
17 amended to read:

18           20.375 (4) (bi) *Water regulation and zoning — fees.* ~~From the general fund, all~~  
19 All moneys received under ss. ~~23.32~~ 278.32 (3), 30.28, 31.39 and 281.22 for activities  
20 relating to permits and approvals issued by the department under chs. 30 and 31,  
21 water quality standards under subch. II of ch. 281 and for wetland mapping under  
22 s. ~~23.32~~ 278.32.”.

23           **371.** Page 330, line 13: after that line insert:

1           **SECTION 601b.** 20.370 (4) (bj) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is renumbered 20.375 (4) (bj) and amended to read:

3           20.375 (4) (bj) *Storm water management — fees.* ~~From the general fund, the~~  
4 The amounts in the schedule for the administration, including enforcement, of the  
5 storm water discharge permit program under s. 283.33. All moneys received under  
6 s. 283.33 (9) shall be credited to this appropriation account.

7           **SECTION 601e.** 20.370 (4) (bL) of the statutes is renumbered 20.375 (4) (bL) and  
8 amended to read:

9           20.375 (4) (bL) *Wastewater management — fees.* ~~From the general fund, all~~ All  
10 moneys received under s. 281.17 (3) for the certification of operators of water  
11 systems, wastewater treatment plants, and septage servicing vehicles and under s.  
12 281.48 (4s) (a) and (b) for wastewater management activities.

13           **SECTION 601j.** 20.370 (4) (br) of the statutes is renumbered 20.375 (4) (br) and  
14 amended to read:

15           20.375 (4) (br) *Water regulation and zoning — dam safety and wetland*  
16 *mapping; conservation fund.* ~~The~~ From the conservation fund, from the amounts  
17 paid into the fund under s. 20.855 (4) (s), the amounts in the schedule for dam  
18 inspections and safety administration under ch. 31 and wetland mapping under s.  
19 ~~23.32~~ 278.32.”.

20           **372.** Page 330, line 23: after that line insert:

21           **SECTION 602b.** 20.370 (4) (kk) of the statutes, as affected by 2001 Wisconsin  
22 Act .... (this act), is renumbered 20.370 (1) (kk).

23           **SECTION 602d.** 20.370 (4) (ku) of the statutes is renumbered 20.370 (1) (ku).

24           **SECTION 602f.** 20.370 (4) (kv) of the statutes is renumbered 20.370 (1) (kv).

1           **SECTION 602k.** 20.370 (4) (ma) of the statutes is renumbered 20.370 (1) (qa),  
2 and 20.370 (1) (qa) (title), as renumbered, is amended to read:

3           20.370 (1) (qa) (title) *General program Fishery operations — state funds.*

4           **SECTION 602p.** 20.370 (4) (mi) of the statutes is renumbered 20.370 (1) (qi), and  
5 20.370 (1) (qi) (title), as renumbered, is amended to read:

6           20.370 (1) (qi) (title) *General program Fishery operations — private and public*  
7 *sources.*

8           **SECTION 602s.** 20.370 (4) (mk) of the statutes is renumbered 20.370 (1) (qk),  
9 and 20.370 (1) (qk) (title), as renumbered, is amended to read:

10          20.370 (1) (qk) *General program Fishery operations — service funds.*

11          **SECTION 602w.** 20.370 (4) (mm) of the statutes is renumbered 20.375 (4) (mm)  
12 and amended to read:

13          20.375 (4) (mm) *General program operations — federal funds.* From the  
14 general fund, all moneys received as federal aid for the state’s water resources and  
15 the state’s fishery resources, as authorized by the governor under s. 16.54, for the  
16 purposes for which received.

17          **SECTION 602y.** 20.370 (4) (mq) of the statutes is renumbered 20.375 (4) (mq).”.

18          **373.** Page 330, line 24: after that line insert:

19          “**SECTION 603bg.** 20.370 (4) (mt) of the statutes is renumbered 20.375 (4) (mt).

20          **SECTION 603br.** 20.370 (4) (mu) of the statutes is renumbered 20.370 (1) (qu)  
21 and amended to read:

22          20.370 (1) (qu) *General program Fishery operations — state funds.* The  
23 amounts in the schedule for general program operations that relate to the  
24 management and protection of the state’s fishery resources under ss. 23.09 to 23.11,

1 ~~30.203 and 30.277~~ and 23.178 and ch. 29 and for transfers to the appropriation  
2 account under s. 20.285 (1) (kb).

3 **SECTION 603cg.** 20.370 (4) (mw) of the statutes is renumbered 20.375 (4) (mw).

4 **SECTION 603cr.** 20.370 (4) (mx) of the statutes is renumbered 20.375 (4) (mx).

5 **SECTION 603dg.** 20.370 (4) (my) of the statutes is renumbered 20.375 (4) (my).

6 **SECTION 603dr.** 20.370 (4) (mz) of the statutes is renumbered 20.370 (1) (qz)

7 and amended to read:

8 20.370 (1) (qz) ~~Water and fisheries~~ Fisheries — federal funds. Except as  
9 provided in ~~sub. (9) (my) par. (ty)~~, all moneys received as federal aid for the state's  
10 ~~water resources and the state's fishery resources~~, as authorized by the governor  
11 under s. 16.54, for the purposes for which received.

12 **SECTION 603em.** 20.370 (4) (nz) of the statutes is renumbered 20.375 (4) (nz).”.

13 **374.** Page 330, line 25: delete the material beginning with that line and  
14 ending with page 331, line 9.

15 **375.** Page 331, line 10: delete lines 10 to 24.

16 **376.** Page 332, line 8: after that line insert:

17 “**SECTION 604m.** 20.370 (5) (bz) of the statutes is created to read:

18 20.370 (5) (bz) *Resource aids — fire suppression grants; rural areas.* The  
19 amounts in the schedule for grants for fire suppression equipment and materials  
20 under s. 101.576.”.

21 **377.** Page 332, line 14: after “31.309,” insert “for the Southeastern Wisconsin  
22 Fox River commission under 2001 Wisconsin Act .... (this act).”.

23 **378.** Page 332, line 16: delete the material beginning with “for a recreational”  
24 and ending with “(4x).” on line 17.

1           **379.** Page 332, line 17: delete the material beginning with “for providing” and  
2 ending with “(5e),” on line 19.

3           **380.** Page 332, line 25: delete “for the” and substitute “~~for the~~”.

4           **381.** Page 333, line 1: delete that line and substitute “~~Portage levee system~~  
5 ~~and the Portage canal under s. 31.309, for the Southeastern Wisconsin Fox River~~  
6 ~~commission under 2001 Wisconsin Act .... (this act), for development of a~~”.

7           **382.** Page 333, line 2: after “23.198,” insert “and”.

8           **383.** Page 333, line 3: delete the material beginning with “~~for a recreational~~”  
9 and ending with “(4x),” on line 4.

10          **384.** Page 333, line 4: delete the material beginning with “~~for providing~~” and  
11 ending with “(5e),” on line 6.

12          **385.** Page 333, line 6: delete the material beginning with “and” and ending  
13 with “31.307” on line 7, and substitute “~~and for the engineering and environmental~~  
14 ~~study under s. 31.307~~”.

15          **386.** Page 333, line 21: after that line insert:

16           “**SECTION 608p.** 20.370 (5) (eq) of the statutes is amended to read:

17           20.370 (5) (eq) *Enforcement aids — boating enforcement.* From the moneys  
18 received under s. 30.52 (3), the amounts in the schedule for the payment of state aids  
19 under s. 30.79, after first deducting the amounts appropriated under sub. (3) (1)  
20 (ar).”.

21          **387.** Page 334, line 6: after that line insert:

22           “**SECTION 610d.** 20.370 (6) (title) of the statutes is renumbered 20.375 (6) (title).

23           **SECTION 610e.** 20.370 (6) (intro.) of the statutes is repealed.



1           **SECTION 610f.** 20.370 (6) (aa) of the statutes is renumbered 20.375 (6) (aa).

2           **SECTION 610g.** 20.370 (6) (ac) of the statutes, as affected by 2001 Wisconsin Act  
3 .... (this act), is renumbered 20.375 (6) (ac).

4           **SECTION 610h.** 20.370 (6) (ag) of the statutes is renumbered 20.375 (6) (ag).”.

5           **388.** Page 334, line 7: after that line insert:

6           “**SECTION 612b.** 20.370 (6) (ar) of the statutes is renumbered 20.375 (6) (ar).”.

7           **389.** Page 334, line 14: after that line insert:

8           “**SECTION 613c.** 20.370 (6) (av) of the statutes is renumbered 20.375 (6) (av).

9           **SECTION 613d.** 20.370 (6) (aw) of the statutes is renumbered 20.375 (6) (aw).”.

10          **390.** Page 334, line 15: after that line insert:

11          “**SECTION 613j.** 20.370 (6) (bj) of the statutes is renumbered 20.375 (6) (bj).”.

12          **391.** Page 334, line 15: delete that line and substitute:

13          “**SECTION 613eb.** 20.370 (6) (ba) of the statutes is renumbered 20.375 (6) (ba).”.

14          **392.** Page 334, line 24: after that line insert:

15          “**SECTION 613pm.** 20.370 (6) (bk) of the statutes, as created by 2001 Wisconsin  
16 Act .... (this act), is renumbered 20.375 (6) (bk).”.

17          **393.** Page 334, line 25: after that line insert:

18          “**SECTION 614e.** 20.370 (6) (br) of the statutes is renumbered 20.375 (6) (br).

19          **SECTION 614L.** 20.370 (6) (bs) of the statutes is renumbered 20.375 (6) (bs).

20          **SECTION 615c.** 20.370 (6) (bu) of the statutes is renumbered 20.375 (6) (bu).

21          **SECTION 615j.** 20.370 (6) (ca) of the statutes is renumbered 20.370 (5) (ca) and  
22 amended to read:

1           20.370 (5) (ca) *Environmental Resource aids — scenic urban waterways*. As a  
2 continuing appropriation, the amounts in the schedule to administer a program for  
3 scenic urban waterways under s. ~~30.275~~ 23.434.

4           **SECTION 615p.** 20.370 (6) (cm) of the statutes is renumbered 20.375 (6) (cm) and  
5 amended to read:

6           20.375 (6) (cm) *Environmental aids — federal funds*. All moneys received from  
7 the federal government to provide environmental aid to localities, to carry out the  
8 purposes for which received.

9           **SECTION 615r.** 20.370 (6) (cr) of the statutes is renumbered 20.375 (6) (cr).

10          **SECTION 615w.** 20.370 (6) (da) of the statutes is renumbered 20.375 (6) (da).

11          **SECTION 615x.** 20.370 (6) (db) of the statutes, as affected by 2001 Wisconsin Act  
12 .... (this act), is renumbered 20.375 (6) (db).”.

13          **394.** Page 334, line 25: after that line insert:

14          “**SECTION 615d.** 20.370 (6) (bv) of the statutes is created to read:

15          20.370 (6) (bv) *Wheelchair recycling project*. From the recycling fund, the  
16 amounts in the schedule for the wheelchair recycling project under s. 287.26.”.

17          **395.** Page 335, line 1: after that line insert:

18          “**SECTION 616k.** 20.370 (6) (dm) of the statutes is renumbered 20.375 (6) (dm).”.

19          **396.** Page 335, line 13: after that line insert:

20          “**SECTION 618b.** 20.370 (6) (eq) of the statutes, as affected by 2001 Wisconsin  
21 Act .... (this act), is renumbered 20.375 (6) (eq).

22          **SECTION 619b.** 20.370 (6) (er) of the statutes is renumbered 20.375 (6) (er).

23          **SECTION 620b.** 20.370 (6) (et) of the statutes is renumbered 20.375 (6) (et).”.

24          **397.** Page 335, line 17: after that line insert:

1           “**SECTION 620cb.** 20.370 (6) (eu) of the statutes, as created by 2001 Wisconsin  
2 Act .... (this act), is renumbered 20.375 (6) (eu).

3           **SECTION 620e.** 20.370 (7) (aa) of the statutes, as affected by 1999 Wisconsin Act  
4 9, is amended to read:

5           20.370 (7) (aa) *Resource acquisition and development — principal repayment*  
6 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of  
7 principal and interest costs incurred in financing the placement of structures and fill  
8 under s. ~~30.203~~ 23.178, in financing the acquisition, construction, development,  
9 enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and  
10 (tr), in financing state aids for land acquisition and development of local parks under  
11 s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and  
12 (tt), ~~in financing the aid program for dams under s. 20.866 (2) (tx),~~ in financing ice  
13 age trail development under s. 20.866 (2) (tw), in financing the Warren  
14 Knowles–Gaylord Nelson stewardship program under s. 20.866 (2) (tz) and in  
15 financing the Warren Knowles–Gaylord Nelson stewardship 2000 program under s.  
16 20.866 (2) (ta), but not including payments made under par. (ac).

17           **SECTION 620v.** 20.370 (7) (ar) of the statutes is renumbered 20.375 (7) (ar).”.

18           **398.** Page 336, line 5: after that line insert:

19           “**SECTION 621db.** 20.370 (7) (ba) of the statutes, as affected by 2001 Wisconsin  
20 Act .... (this act), is renumbered 20.375 (7) (ba).”.

21           **399.** Page 336, line 11: after that line insert:

22           “**SECTION 621fb.** 20.370 (7) (bq) of the statutes, as created by 2001 Wisconsin  
23 Act .... (this act), is renumbered 20.375 (7) (bq).

24           **SECTION 621gc.** 20.370 (7) (ca) of the statutes is renumbered 20.375 (7) (ca).

1           **SECTION 621gg.** 20.370 (7) (cb) of the statutes is renumbered 20.375 (7) (cb).

2           **SECTION 621gL.** 20.370 (7) (cc) of the statutes is renumbered 20.375 (7) (cc).

3           **SECTION 621gp.** 20.370 (7) (cd) of the statutes is renumbered 20.375 (7) (cd).

4           **SECTION 621gt.** 20.370 (7) (ce) of the statutes is renumbered 20.375 (7) (ce).

5           **SECTION 621gx.** 20.370 (7) (cf) of the statutes is renumbered 20.375 (7) (cf).”.

6           **400.** Page 336, line 16: after “(ti)” insert “and in financing grants for dam  
7 rehabilitation projects under s. 31.387”.

8           **401.** Page 336, line 19: after that line insert:

9           “**SECTION 621hb.** 20.370 (7) (da) of the statutes, as created by 2001 Wisconsin  
10 Act .... (this act), is renumbered 20.375 (7) (da).

11           **SECTION 621k.** 20.370 (7) (er) of the statutes is renumbered 20.375 (7) (er).”.

12           **402.** Page 336, line 25: after that line insert:

13           “**SECTION 622c.** 20.370 (8) (title) of the statutes is repealed.

14           **SECTION 622cd.** 20.370 (8) (ir) of the statutes is renumbered 20.370 (1) (ir) and  
15 amended to read:

16           20.370 (1) (ir) *Promotional activities and publications.* Except as provided in  
17 ~~sub. (1) par.~~ (it), all moneys received from subscriptions and other revenues  
18 generated by promotional activities, photographs, slides, videotapes, artwork,  
19 publications, magazines, and other periodicals related to fish, wildlife, and  
20 recreation, except the Wisconsin natural resources magazine, to be used for these  
21 promotional activities, photographs, slides, videotapes, artwork, publications, and  
22 magazines and for educational and informational activities concerning conservation  
23 and the environment.

24           **SECTION 622d.** 20.370 (8) (iw) of the statutes is renumbered 20.375 (2) (iw).

1           **SECTION 622e.** 20.370 (8) (ma) of the statutes is renumbered 20.370 (1) (sa) and  
2 amended to read:

3           20.370 (1) (sa) *General program operations Administration — state funds.*  
4 From the general fund, the amounts in the schedule for the general administration  
5 and field administration of the department related to fish, wildlife, and recreation.

6           **SECTION 622f.** 20.370 (8) (mg) of the statutes is renumbered 20.375 (2) (sg) and  
7 amended to read:

8           20.375 (2) (sg) *General program operations — stationary sources.* From the  
9 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and  
10 (e), the amounts in the schedule for the administration of the operation permit  
11 program under ch. 285 and s. 299.15.

12           **SECTION 622g.** 20.370 (8) (mi) of the statutes is renumbered 20.370 (1) (si), and  
13 20.370 (1) (si) (title), as renumbered, is amended to read:

14           20.370 (1) (si) (title) *General program operations Administration and*  
15 *technology — private and public sources.*

16           **SECTION 622h.** 20.370 (8) (mk) of the statutes is renumbered 20.370 (1) (sk) and  
17 amended to read:

18           20.370 (1) (sk) *General program operations Administration — service funds.*  
19 From the general fund, all moneys received by the department from the department  
20 and from other state agencies, except as provided in par. (nk), for facilities, materials,  
21 or services provided by the department relating to fish, wildlife, and recreation  
22 administrative services, to provide those facilities, materials, or services.

23           **SECTION 622i.** 20.370 (8) (mq) of the statutes is renumbered 20.375 (2) (sq).

24           **SECTION 622j.** 20.370 (8) (mr) of the statutes is renumbered 20.375 (4) (sr).

25           **SECTION 622k.** 20.370 (8) (mt) of the statutes is renumbered 20.370 (1) (st).

1           **SECTION 622L.** 20.370 (8) (mu) of the statutes is renumbered 20.370 (1) (su) and  
2 amended to read:

3           20.370 (1) (su) ~~General program operations — state funds~~ Administration —  
4 conservation fund. The amounts in the schedule for the general administration and  
5 field administration of the department related to fish, wildlife, and recreation.

6           **SECTION 622n.** 20.370 (8) (mv) of the statutes is renumbered 20.375 (2) (sv),  
7 and 20.375 (2) (sv) (title), as renumbered, is amended to read:

8           20.375 (2) (sv) (title) ~~General program operations~~ Administration —  
9 environmental fund.

10          **SECTION 622p.** 20.370 (8) (mz) of the statutes is renumbered 20.370 (1) (sz).

11          **SECTION 622q.** 20.370 (8) (ni) of the statutes is renumbered 20.370 (1) (ni).

12          **SECTION 622r.** 20.370 (8) (nk) of the statutes is renumbered 20.370 (1) (nk).

13          **SECTION 622s.** 20.370 (8) (zq) of the statutes is renumbered 20.370 (1) (zq).

14          **SECTION 622t.** 20.370 (9) (title) of the statutes is repealed.

15          **SECTION 622u.** 20.370 (9) (eg) of the statutes is renumbered 20.375 (2) (tg) and  
16 amended to read:

17           20.375 (2) (tg) *Gifts and grants; environmental management systems.* ~~From the~~  
18 ~~general fund, all~~ All moneys received from gifts, grants, or bequests for the  
19 department's activities related to environmental management systems to be used for  
20 the purposes for which made.

21          **SECTION 622v.** 20.370 (9) (gb) of the statutes is renumbered 20.370 (1) (gb) and  
22 amended to read:

23           20.370 (1) (gb) *Education programs — program fees.* Biennially, from the  
24 general fund, the amounts in the schedule for department educational activities at

1 the MacKenzie environmental center. All moneys received from fees collected under  
2 s. 23.425 ~~(2)~~ for the use of the center shall be credited to this appropriation.”.

3 **403.** Page 337, line 8: after that line insert:

4 “SECTION 623b. 20.370 (9) (hk) of the statutes, as affected by 2001 Wisconsin  
5 Act .... (this act), is renumbered 20.370 (1) (hg).

6 SECTION 623g. 20.370 (9) (hs) of the statutes is renumbered 20.370 (1) (hs).

7 SECTION 623r. 20.370 (9) (ht) of the statutes is renumbered 20.370 (1) (hv).”.

8 **404.** Page 337, line 14: after that line insert:

9 “SECTION 624b. 20.370 (9) (hu) of the statutes, as affected by 2001 Wisconsin  
10 Act .... (this act), is renumbered 20.370 (1) (hw).

11 SECTION 624g. 20.370 (9) (iq) of the statutes is renumbered 20.370 (1) (iq).

12 SECTION 624r. 20.370 (9) (is) of the statutes is renumbered 20.375 (2) (is).”.

13 **405.** Page 337, line 25: after that line insert:

14 “SECTION 625b. 20.370 (9) (jL) of the statutes, as affected by 2001 Wisconsin  
15 Act .... (this act), is renumbered 20.370 (1) (jL).”.

16 **406.** Page 338, line 10: after that line insert:

17 “SECTION 626b. 20.370 (9) (ju) of the statutes, as affected by 2001 Wisconsin  
18 Act .... (this act), is renumbered 20.370 (1) (ju).

19 SECTION 626d. 20.370 (9) (ma) of the statutes is renumbered 20.370 (1) (ta) and  
20 amended to read:

21 20.370 (1) (ta) *General program operations Customer service — state funds.*

22 From the general fund, the amounts in the schedule for communications, customer  
23 services, and aids administration related to fish, wildlife, and recreation.



1           **SECTION 626f.** 20.370 (9) (mh) of the statutes is renumbered 20.375 (2) (th) and  
2 amended to read:

3           20.375 (2) (th) *General program operations — stationary sources.* From ~~the~~  
4 ~~general fund, from~~ the moneys received from fees imposed under s. 285.69 (2) (a) and  
5 (e), the amounts in the schedule for customer service, communications, and aids  
6 administration for the operation permit program under ch. 285 and s. 299.15.

7           **SECTION 626h.** 20.370 (9) (mi) of the statutes is renumbered 20.370 (1) (ti), and  
8 20.370 (1) (ti) (title), as renumbered, is amended to read:

9           20.370 (1) (ti) ~~General program operations~~ *Customer service — private and*  
10 *public sources.*

11           **SECTION 626j.** 20.370 (9) (mj) of the statutes is renumbered 20.375 (2) (tj) and  
12 amended to read:

13           20.375 (2) (tj) ~~General program operations~~ *Customer service — solid and*  
14 *hazardous waste.* From ~~the general fund, from~~ the moneys received from fees under  
15 ss. 289.43 (7) (e) 1. and 2., 289.61, 291.05 (7), and 291.33, the amounts in the schedule  
16 for customer assistance and external relations relating to ss. 289.43, 289.47, 289.53,  
17 289.95, 291.23, 291.25, 291.31, and 291.87 and subch. III of ch. 289.

18           **SECTION 626L.** 20.370 (9) (mk) of the statutes is renumbered 20.370 (1) (tk),  
19 and 20.370 (1) (tk) (title), as renumbered, is amended to read:

20           20.370 (1) (tk) (title) ~~General program operations~~ *Customer service — service*  
21 *funds.*

22           **SECTION 626n.** 20.370 (9) (mm) of the statutes is renumbered 20.370 (1) (tm),  
23 and 20.370 (1) (tm) (title), as renumbered, is amended to read:

24           20.370 (1) (tm) (title) ~~General program operations~~ *Customer service — federal*  
25 *funds.*



1           **SECTION 626p.** 20.370 (9) (mq) of the statutes is renumbered 20.375 (2) (tq), and  
2           20.375 (2) (tq) (title), as renumbered, is amended to read:

3           20.375 (2) (tq) (title) ~~General program operations~~ Customer service — mobile  
4           sources.

5           **SECTION 626r.** 20.370 (9) (ms) of the statutes is renumbered 20.375 (2) (ts).

6           **SECTION 626s.** 20.370 (9) (mt) of the statutes is renumbered 20.375 (4) (tt).

7           **SECTION 626t.** 20.370 (9) (mu) of the statutes is renumbered 20.370 (1) (tu) and  
8           amended to read:

9           20.370 (1) (tu) *General program operations — state funds.* The amounts in the  
10          schedule for communications, customer services, licensing, registration and aids  
11          administration related to fish, wildlife, and recreation.

12          **SECTION 626u.** 20.370 (9) (mv) of the statutes is renumbered 20.375 (2) (tv), and  
13          20.375 (2) (tv) (title), as renumbered, is amended to read:

14          20.375 (2) (tv) (title) ~~General program operations~~ Customer service —  
15          environmental fund.

16          **SECTION 626w.** 20.370 (9) (mw) of the statutes is renumbered 20.370 (1) (tw).

17          **SECTION 626y.** 20.370 (9) (mx) of the statutes is renumbered 20.375 (4) (tx).”.

18          **407.** Page 338, line 17: after that line insert:

19          “**SECTION 627b.** 20.370 (9) (my) of the statutes, as affected by 2001 Wisconsin  
20          Act .... (this act), is repealed.

21          **SECTION 627t.** 20.370 (9) (mz) (title) of the statutes is renumbered 20.370 (1)  
22          (tz) (title) and amended to read:

23          20.370 (1) (tz) (title) *Indirect cost reimbursements, customer service.*”.

24          **408.** Page 338, line 21: after that line insert:

1           “**SECTION 628b.** 20.370 (9) (nq) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is renumbered 20.375 (2) (uq).

3           **SECTION 6628k.** 20.370 (9) (ny) of the statutes is renumbered 20.375 (4) (ty).”.

4           **409.** Page 339, line 4: after that line insert:

5           “**SECTION 629cb.** 20.375 (intro.) of the statutes is created to read:

6           **20.375 Environmental management, department of.** (intro.) There is  
7 appropriated to the department of environmental management for the following  
8 programs:

9           **SECTION 629cd.** 20.375 (2) (title) of the statutes is created to read:

10           20.375 (2) (title) AIR AND WASTE.

11           **SECTION 629ch.** 20.375 (2) (ag) of the statutes is created to read:

12           20.375 (2) (ag) *Environmental impact — consultant services; printing and*  
13 *postage costs.* All moneys received under s. 278.40 (3) (d) which are designated as  
14 related to the cost of authorized environmental consultant services, to pay for those  
15 services, and all amounts designated as costs of printing and postage, to pay for those  
16 costs.

17           **SECTION 629cp.** 20.375 (2) (ig) of the statutes is created to read:

18           20.375 (2) (ig) *Promotional activities and publications.* All moneys received  
19 from subscriptions and other revenues generated by promotional activities,  
20 photographs, slides, videotapes, artwork, publications, magazines, and other  
21 periodicals to be used for these promotional activities, photographs, slides,  
22 videotapes, artwork, publications, and magazines and for educational and  
23 informational activities concerning the environment.

24           **SECTION 629dd.** 20.375 (2) (pa) of the statutes is created to read:

1           20.375 (2) (pa) *Enforcement — state funds.* The amounts in the schedule for  
2 regulatory and enforcement operations under chs. 31 and 280 to 299, except s.  
3 281.48, subchs. I to III of ch. 30, and ss. 59.692, 59.693, 61.351, 61.354, 62.231,  
4 62.234, and 87.30, and for review of environmental impact requirements under ss.  
5 1.11 and 278.40.

6           **SECTION 629dh.** 20.375 (2) (pi) of the statutes is created to read:

7           20.375 (2) (pi) *Enforcement — private and public sources.* All moneys not  
8 otherwise appropriated that are received from private or public sources, other than  
9 state agencies and the federal government, for facilities, materials, or services  
10 provided by the department relating to enforcement of laws administered by the  
11 department to pay for expenses associated with those facilities, materials, or  
12 services.

13           **SECTION 629dp.** 20.375 (2) (pk) of the statutes is created to read:

14           20.375 (2) (pk) *Enforcement — service funds.* All moneys received by the  
15 department from the department and from other state agencies for facilities,  
16 materials, or services provided by the department relating to enforcement of laws  
17 administered by the department under an agreement or other arrangement with the  
18 department or other state agencies to pay for expenses associated with those  
19 facilities, materials, and services.

20           **SECTION 629dt.** 20.375 (2) (pm) of the statutes is created to read:

21           20.375 (2) (pm) *Enforcement — federal funds.* All moneys received as federal  
22 aid for enforcement activities of the department, as authorized by the governor under  
23 s. 16.54 for the purposes for which received.

24           **SECTION 629ed.** 20.375 (2) (sa) of the statutes is created to read:

1           20.375 (2) (sa) *Administration — state funds.* The amounts in the schedule for  
2 general administration and field administration related to air and waste.

3           **SECTION 629eh.** 20.375 (2) (si) of the statutes is created to read:

4           20.375 (2) (si) *General program operations — private and public sources.* All  
5 moneys received from public or private sources, other than state agencies and the  
6 federal government, for facilities, materials, or services provided by the department  
7 related to administration and technology, to pay for costs and expenses associated  
8 with those facilities, materials, or services.

9           **SECTION 629ep.** 20.375 (2) (sk) of the statutes is created to read:

10          20.375 (2) (sk) *Administration — service funds.* All moneys received by the  
11 department from the department and from other state agencies, for air and waste  
12 facilities, materials, or services provided by the department relating to  
13 administrative services, to provide those facilities, materials, or services.

14          **SECTION 629et.** 20.375 (2) (sp) of the statutes is created to read:

15          20.375 (2) (sp) *Indirect cost reimbursements.* All moneys received from the  
16 federal government as reimbursement of indirect costs of grants and contracts  
17 related to air and waste for the purposes authorized in s. 16.54 (9) (b).

18          **SECTION 629fd.** 20.375 (2) (ta) of the statutes is created to read:

19          20.375 (2) (ta) *Customer service — state funds.* The amounts in the schedule  
20 for communications, customer services, and aids administration related to air and  
21 waste.

22          **SECTION 629fh.** 20.375 (2) (tk) of the statutes is created to read:

23          20.375 (2) (tk) *Customer service — service funds.* All moneys received by the  
24 department from the department and from other state agencies for facilities,

1 materials, or services provided by the department relating to communications,  
2 customer services, licensing, and aids administration.

3 **SECTION 629fp.** 20.375 (2) (tm) of the statutes is created to read:

4 20.375 (2) (tm) *Customer service — federal funds.* All moneys received as  
5 federal aid for communications, customer services, and aids administration related  
6 to air and waste, as authorized by the governor under s. 16.54, for the purposes for  
7 which received.

8 **SECTION 629ft.** 20.375 (2) (tp) of the statutes is created to read:

9 20.375 (2) (tp) *Indirect cost reimbursements, customer service.* All moneys  
10 received from the federal government as reimbursement of indirect costs of grants  
11 and contracts relating to communications, customer services, and aids  
12 administration for the purposes authorized in s. 16.54 (9) (b).

13 **SECTION 629gd.** 20.375 (2) (uk) of the statutes is created to read:

14 20.375 (2) (uk) *Equipment pool operations.* All moneys received by the  
15 department from the department or from other state agencies from car, truck,  
16 airplane, heavy equipment, information technology, or radio pools for operation,  
17 maintenance, replacement, and purchase of vehicles, equipment, radio services, and  
18 information technology.

19 **SECTION 629gh.** 20.375 (2) (zg) of the statutes is created to read:

20 20.375 (2) (zg) *Gifts and grants.* All moneys received by the department from  
21 gifts, grants, and bequests, except as provided in par. (tg), to be expended for the  
22 purposes for which made.

23 **SECTION 629gp.** 20.375 (4) (title) of the statutes is created to read:

24 20.375 (4) (title) WATER.

25 **SECTION 629gt.** 20.375 (4) (bg) of the statutes is created to read:

1           20.375 (4) (bg) *Water information computer access fees.* All moneys received  
2 under s. 278.322 to provide computer accessible water information.

3           **SECTION 629hd.** 20.375 (4) (ma) of the statutes is created to read:

4           20.375 (4) (ma) *General program operations — state funds.* The amounts in the  
5 schedule for the management and protection of the state’s water resources.

6           **SECTION 629hh.** 20.375 (4) (mi) of the statutes is created to read:

7           20.375 (4) (mi) *Water resources operations — private and public sources.* All  
8 moneys not otherwise appropriated that are received from private or public sources,  
9 other than state agencies and the federal government, for facilities, materials, or  
10 services provided by the department relating to the management of the state’s water  
11 resources to pay for expenses associated with those facilities, materials, or services.

12           **SECTION 629hp.** 20.375 (4) (mk) of the statutes is created to read:

13           20.375 (4) (mk) *Water resources operations — service funds.* All moneys  
14 received by the department from the department and from other state agencies for  
15 purposes relating to the department’s function relating to the state’s water  
16 resources.

17           **SECTION 629ht.** 20.375 (4) (ni) of the statutes is created to read:

18           20.375 (4) (ni) *Geographic information systems, general program operations —*  
19 *other funds.* All moneys received by the department from entities other than the  
20 department or other state agencies for providing facilities, support services, and  
21 materials related to geographic information systems, to provide those facilities,  
22 services, or materials to entities other than the department and other state agencies.

23           **SECTION 629id.** 20.375 (4) (nk) of the statutes is created to read:

24           20.375 (4) (nk) *Geographic information systems, general program operations*  
25 *— service funds.* All moneys received by the department from the department and

1 from other state agencies for providing facilities, support services, and materials  
2 related to geographic information systems, to provide those facilities, services, or  
3 materials to the department or to those agencies.

4 **SECTION 629ih.** 20.375 (4) (sa) of the statutes is created to read:

5 20.375 (4) (sa) *Administration — state funds.* The amounts in the schedule for  
6 general administration and field administration related to water.

7 **SECTION 629ip.** 20.375 (4) (sk) of the statutes is created to read:

8 20.375 (4) (sk) *Administration — service funds.* All moneys received by the  
9 department from the department and from other state agencies, except as provided  
10 in par. (nk), for water facilities, materials, or services provided by the department  
11 relating to administrative services, to provide those facilities, materials, or services.

12 **SECTION 629it.** 20.375 (4) (sp) of the statutes is created to read:

13 20.375 (4) (sp) *Indirect cost reimbursements.* All moneys received from the  
14 federal government as reimbursement of indirect costs of grants and contracts  
15 related to water for the purposes authorized in s. 16.54 (9) (b).

16 **SECTION 629jd.** 20.375 (4) (su) of the statutes is created to read:

17 20.375 (4) (su) *Administration — conservation fund.* From the conservation  
18 fund, from the amounts paid into the fund under s. 20.855 (4) (s), the amounts in the  
19 schedule for the general administration and field administration of the department  
20 related to water.

21 **SECTION 629jh.** 20.375 (4) (ta) of the statutes is created to read:

22 20.375 (4) (ta) *Customer service — state funds.* The amounts in the schedule  
23 for communications, customer services, and aids administration related to water.

24 **SECTION 629jp.** 20.375 (4) (tm) of the statutes is created to read:



1           20.375 (4) (tm) *Customer service — federal funds.* All moneys received as  
2 federal aid for communications, customer services, and aids administration related  
3 to water, as authorized by the governor under s. 16.54, for the purposes for which  
4 received.

5           **SECTION 629jt.** 20.375 (4) (tu) of the statutes is created to read:

6           20.375 (4) (tu) *Customer service — conservation fund.* From the conservation  
7 fund, from the amounts paid into the fund under s. 20.855 (4) (s), the amounts in the  
8 schedule for communications, customer services, licensing, registration, and aids  
9 administration related to water.

10           **SECTION 629jw.** 20.375 (6) (ba) of the statutes, as affected by 2001 Wisconsin  
11 Act .... (this act), is repealed.

12           **SECTION 629kd.** 20.375 (7) (title) of the statutes is created to read:

13           20.375 (7) (title) DEBT SERVICE.

14           **SECTION 629kh.** 20.375 (7) (aa) of the statutes is created to read:

15           20.375 (7) (aa) *Dam safety — principal repayment and interest.* A sum  
16 sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs  
17 incurred in financing the aid program for dams under s. 20.866 (2) (tx).

18           **SECTION 629kp.** 20.375 (7) (ea) of the statutes is created to read:

19           20.375 (7) (ea) *Administrative facilities — principal repayment and interest.*  
20 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and  
21 interest costs incurred in financing the acquisition, construction, development,  
22 enlargement, or improvement of administrative office, laboratory, equipment  
23 storage, or maintenance facilities.

24           **SECTION 629kt.** 20.375 (7) (ha) of the statutes is created to read:



1           20.375 (7) (ha) *Facilities acquisition, development, and maintenance.* As a  
2 continuing appropriation, the amounts in the schedule for the acquisition,  
3 development, and construction costs of new structures and buildings and for the  
4 maintenance costs of existing structures and buildings under the control of the  
5 department.”.

6           **410.** Page 339, line 9: after “(1mk)” insert “and (2wk)”.

7           **411.** Page 339, line 21: delete the material beginning with “, and \$50,000” and  
8 ending with “games” on line 22.

9           **412.** Page 340, line 2: delete lines 2 to 16 and substitute:

10           “20.380 (1) (kg) *Tourism marketing; gaming revenue.* ~~All moneys transferred~~  
11 ~~from the appropriation account under s. 20.505 (8) (hm) 6. Biennially, the amounts~~  
12 ~~in the schedule~~ for tourism marketing service expenses and the execution of the  
13 functions under ss. 41.11 (4) and 41.17, ~~for operating the heritage tourism program~~  
14 ~~under s. 41.19,~~ and for the grants under 1999 Wisconsin Act 9, section 9149 (2c) and  
15 (2tw). In each fiscal year, the department shall expend for tourism marketing service  
16 expenses and the execution of the functions under ss. 41.11 (4) and 41.17 an amount  
17 that bears the same proportion to the amount in the schedule for the fiscal year as  
18 the amount expended under par. (b) in that fiscal year bears to the amount in the  
19 schedule for par. (b) for that fiscal year. ~~Of the amounts in the schedule, \$200,000~~  
20 ~~shall be allocated for grants to the Milwaukee Public Museum for Native American~~  
21 ~~exhibits and activities~~ All moneys transferred from the appropriation account under  
22 s. 20.505 (8) (hm) 6. shall be credited to this appropriation account. Notwithstanding  
23 s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year  
24 shall revert to the appropriation account under s. 20.505 (8) (hm).”.

1           **413.** Page 340, line 23: after that line insert:

2           “**SECTION 631c.** 20.380 (1) (r) of the statutes is created to read:

3           20.380 (1) (r) *Principal repayment, interest, and rebates.* From the  
4 conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of  
5 principal and interest costs incurred in financing the acquisition, construction,  
6 development, enlargement, or improvement of department facilities and to make the  
7 payments determined by the building commission under s. 13.488 (1) (m) that are  
8 attributable to the proceeds of obligations incurred in financing this acquisition,  
9 construction, development, enlargement, or improvement.”.

10           **414.** Page 341, line 15: after that line insert:

11           “**SECTION 632m.** 20.395 (intro.) of the statutes is amended to read:

12           **20.395 Transportation, department of.** (intro.) There is appropriated from  
13 the transportation fund state and local highways account in the transportation fund,  
14 from other accounts in the transportation fund if so indicated, or from other funds  
15 if so indicated, to the department of transportation the amounts indicated for the  
16 following programs:

17           **SECTION 632r.** 20.395 (1) (br) of the statutes is amended to read:

18           20.395 (1) (br) *Milwaukee urban area rail transit system planning study; state*  
19 *funds.* ~~The~~ From the public transportation account, the amounts in the schedule for  
20 the purpose of providing the state share of a federally financially assisted planning  
21 study of an urban rail transit system under s. 85.063 to serve the Milwaukee urban  
22 area. The department shall maximize the use of federal financial aids available for  
23 this study wherever feasible and appropriate.”.

24           **415.** Page 341, line 21: after that line insert:

1           “**SECTION 633g.** 20.395 (1) (bs) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is amended to read:

3           20.395 (1) (bs) *Transportation employment and mobility, state funds.* As a  
4 continuing appropriation, from the public transportation account, the amounts in  
5 the schedule for the transportation employment and mobility program under s. 85.24  
6 (3) (d) and for the grant under 2001 Wisconsin Act .... (this act), section 9152 (5).

7           **SECTION 633j.** 20.395 (1) (bt) of the statutes is amended to read:

8           20.395 (1) (bt) *Urban rail transit system grants.* As a continuing appropriation,  
9 from the public transportation account, the amounts in the schedule for the urban  
10 rail transit system grant program under s. 85.063 (3).”.

11           **416.** Page 342, line 4: after that line insert:

12           “**SECTION 634m.** 20.395 (1) (bv) of the statutes, as affected by 2001 Wisconsin  
13 Act .... (this act), is amended to read:

14           20.395 (1) (bv) *Transit and transportation employment and mobility aids, local*  
15 *funds.* ~~All~~ From the public transportation account, all moneys received from any  
16 local unit of government or other source for urban mass transit purposes under s.  
17 85.20, for rural public transportation purposes under s. 85.23, or for transportation  
18 employment and mobility purposes under s. 85.24 that are not funded from other  
19 appropriations under this subsection, for such purposes.”.

20           **417.** Page 342, line 11: after that line insert:

21           “**SECTION 635c.** 20.395 (1) (bx) of the statutes, as affected by 2001 Wisconsin  
22 Act .... (this act), is amended to read:

23           20.395 (1) (bx) *Transit and transportation employment and mobility aids,*  
24 *federal funds.* ~~All~~ From the public transportation account, all moneys received from

1 the federal government for urban mass transit purposes under s. 85.20, for rural  
2 public transportation purposes under s. 85.23, or for transportation employment and  
3 mobility purposes under s. 85.24 that are not funded from other appropriations  
4 under this subsection, for such purposes.

5 **SECTION 635e.** 20.395 (1) (cq) of the statutes is amended to read:

6 20.395 (1) (cq) *Elderly and disabled capital aids, state funds.* As a continuing  
7 appropriation, from the public transportation account, the amounts in the schedule  
8 for specialized transportation capital assistance for the elderly and disabled under  
9 s. 85.22.

10 **SECTION 635g.** 20.395 (1) (cr) of the statutes is amended to read:

11 20.395 (1) (cr) *Elderly and disabled county aids, state funds.* ~~The~~ From the  
12 public transportation account, the amounts in the schedule for specialized  
13 transportation assistance for the elderly and disabled under s. 85.21.

14 **SECTION 635j.** 20.395 (1) (cv) of the statutes is amended to read:

15 20.395 (1) (cv) *Elderly and disabled aids, local funds.* ~~All~~ From the public  
16 transportation account, all moneys received from any local unit of government or  
17 other source for specialized transportation assistance for the elderly and disabled,  
18 for such purposes.

19 **SECTION 635m.** 20.395 (1) (cx) of the statutes is amended to read:

20 20.395 (1) (cx) *Elderly and disabled aids, federal funds.* ~~All~~ From the public  
21 transportation account, all moneys received from the federal government for  
22 specialized transportation assistance for the elderly and disabled, for such  
23 purposes.”.

24 **418.** Page 342, line 17: after that line insert:

1           **SECTION 637d.** 20.395 (1) (hr) of the statutes is amended to read:

2           20.395 (1) (hr) *Tier B transit operating aids, state funds.* ~~The From the public~~  
3 ~~transportation account, the~~ amounts in the schedule for mass transit aids under s.  
4 85.20 (4m) (a) 7.

5           **SECTION 637e.** 20.395 (1) (hs) of the statutes is amended to read:

6           20.395 (1) (hs) *Tier C transit operating aids, state funds.* ~~The From the public~~  
7 ~~transportation account, the~~ amounts in the schedule for mass transit aids under s.  
8 85.20 (4m) (a) 8.

9           **SECTION 637f.** 20.395 (1) (ht) of the statutes is amended to read:

10           20.395 (1) (ht) *Tier A-1 transit operating aids, state funds.* ~~The From the public~~  
11 ~~transportation account, the~~ amounts in the schedule for mass transit aids under s.  
12 85.20 (4m) (a) 6. cm.

13           **SECTION 637g.** 20.395 (1) (hu) of the statutes is amended to read:

14           20.395 (1) (hu) *Tier A-2 transit operating aids, state funds.* ~~The From the~~  
15 ~~public transportation account, the~~ amounts in the schedule for mass transit aids  
16 under s. 85.20 (4m) (a) 6. d.

17           **SECTION 641c.** 20.395 (2) (bq) of the statutes is amended to read:

18           20.395 (2) (bq) *Rail service assistance, state funds.* As a continuing  
19 appropriation, ~~from the public transportation account,~~ the amounts in the schedule  
20 for rail property and rail property improvements acquisition, for freight railroad  
21 assistance under s. 85.08, for administrative activities related to railroad crossings  
22 under chs. 84 to 86 and for administration of railroad programs under ch. 85.

23           **SECTION 641e.** 20.395 (2) (bu) of the statutes is amended to read:

24           20.395 (2) (bu) *Freight rail infrastructure improvements, state funds.* As a  
25 continuing appropriation, ~~from the public transportation account,~~ the amounts in

1 the schedule for loans under s. 85.08 (4m) (d) and (e) and to make payments under  
2 s. 85.085.

3 **SECTION 641g.** 20.395 (2) (bv) of the statutes is amended to read:

4 20.395 (2) (bv) *Rail service assistance, local funds.* All From the public  
5 transportation account, all moneys received from any local unit of government or  
6 other sources for the purposes of freight railroad assistance under s. 85.08, except  
7 for moneys received under par. (bw), for abandoned rail property and rail property  
8 improvements acquisition under s. 85.09, for administrative activities related to  
9 railroad crossings under chs. 84 to 86 and for administration of railroad programs  
10 under ch. 85, for such purposes.

11 **SECTION 641h.** 20.395 (2) (bw) of the statutes is amended to read:

12 20.395 (2) (bw) *Freight rail assistance loan repayments, local funds.* All From  
13 the public transportation account, all moneys received from the repayment of loans  
14 made under s. 85.08 (4m), to be used for loans under s. 85.08 (4m) (e).

15 **SECTION 641j.** 20.395 (2) (bx) of the statutes is amended to read:

16 20.395 (2) (bx) *Rail service assistance, federal funds.* All From the public  
17 transportation account, all moneys received from the federal government for the  
18 purposes of abandoned rail property and rail property improvements acquisition  
19 under s. 85.09, for freight railroad assistance under s. 85.08, for administrative  
20 activities related to railroad crossings under chs. 84 to 86 and for administration of  
21 railroad programs under ch. 85, for such purposes.

22 **SECTION 641k.** 20.395 (2) (cq) of the statutes is amended to read:

23 20.395 (2) (cq) *Harbor assistance, state funds.* As a continuing appropriation,  
24 from the public transportation account, the amounts in the schedule for harbor

1 assistance under s. 85.095 (2) (a), for administration of the harbor assistance  
2 program under s. 85.095 and for grants under 1999 Wisconsin Act 9, section 9150 (4f).

3 **SECTION 641m.** 20.395 (2) (cr) of the statutes is amended to read:

4 20.395 (2) (cr) *Rail passenger service, state funds.* As a continuing  
5 appropriation, from the public transportation account, the amounts in the schedule  
6 for purposes of rail passenger service assistance and promotion under s. 85.06.

7 **SECTION 641n.** 20.395 (2) (ct) of the statutes is amended to read:

8 20.395 (2) (ct) *Passenger railroad station improvement grants, state funds.*  
9 Biennially, from the public transportation account, the amounts in the schedule to  
10 make passenger railroad station improvement grants under s. 85.055.

11 **SECTION 641p.** 20.395 (2) (cu) of the statutes is amended to read:

12 20.395 (2) (cu) *Passenger railroad station improvement grants, local funds.* ~~All~~  
13 From the public transportation account, all moneys received from any local unit of  
14 government or other sources for passenger railroad station improvements under s.  
15 85.055, for such purposes.

16 **SECTION 641r.** 20.395 (2) (cv) of the statutes is amended to read:

17 20.395 (2) (cv) *Rail passenger service, local funds.* ~~All~~ From the public  
18 transportation account, all moneys received from any local unit of government or  
19 other sources for purposes of rail passenger service assistance and promotion under  
20 s. 85.06, for such purposes.

21 **SECTION 641t.** 20.395 (2) (cx) of the statutes is amended to read:

22 20.395 (2) (cx) *Rail passenger service, federal funds.* ~~All~~ From the public  
23 transportation account, all moneys received from the federal government for  
24 purposes of rail passenger service assistance and promotion under s. 85.06, for such  
25 purposes.



1           **SECTION 643m.** 20.395 (2) (dq) of the statutes is amended to read:

2           20.395 (2) (dq) *Aeronautics assistance, state funds.* As a continuing  
3 appropriation, from the aeronautics account, the amounts in the schedule for the  
4 state's share of airport projects under ss. 114.34 and 114.35; for developing air  
5 marking and other air navigational facilities; for administration of the powers and  
6 duties of the secretary of transportation under s. 114.31; for costs associated with  
7 aeronautical activities under s. 114.31, except for the program under s. 114.31 (3) (b);  
8 and for the administration of other aeronautical activities, except aircraft  
9 registration under s. 114.20, authorized by law.

10           **SECTION 644m.** 20.395 (2) (ds) of the statutes is amended to read:

11           20.395 (2) (ds) *Aviation career education, state funds.* The From the  
12 aeronautics account, the amounts in the schedule for an aviation career education  
13 program under s. 114.31 (3) (b).

14           **SECTION 645g.** 20.395 (2) (dv) of the statutes is amended to read:

15           20.395 (2) (dv) *Aeronautics assistance, local funds.* All From the aeronautics  
16 account, all moneys received by the state from any local unit of government or other  
17 source for airports or other aeronautical activities under s. 114.33 or 114.37, for  
18 administration of the powers and duties of the secretary of the department of  
19 transportation under s. 114.31, for costs associated with aeronautical activities  
20 under s. 114.31 and for the administration of other aeronautical activities authorized  
21 by law, for such purposes.

22           **SECTION 645m.** 20.395 (2) (dx) of the statutes is amended to read:

23           20.395 (2) (dx) *Aeronautics assistance, federal funds.* All From the aeronautics  
24 account, all moneys received from the federal government for airports or other  
25 aeronautical activities under s. 114.32 or 114.33, for administration of the powers



1 and duties of the secretary of transportation under s. 114.31, for costs associated with  
2 aeronautical activities under s. 114.31 and for the administration of other  
3 aeronautical activities authorized by law, for such purposes.”.

4 **419.** Page 342, line 18: delete the material beginning with that line and  
5 ending with page 343, line 3.

6 **420.** Page 343, line 9: delete lines 9 to 22.

7 **421.** Page 343, line 22: after that line insert:

8 “**SECTION 654g.** 20.395 (3) (bq) of the statutes is amended to read:

9 20.395 **(3)** (bq) *Major highway development, state funds.* As a continuing  
10 appropriation, the amounts in the schedule for major development of state trunk and  
11 connecting highways ~~and~~, for the disadvantaged business demonstration and  
12 training program under s. 84.076, and for the highway corridor planning grant  
13 program under s. 85.027.”.

14 **422.** Page 343, line 22: after that line insert:

15 “**SECTION 651b.** 20.395 (2) (gj) of the statutes is amended to read:

16 20.395 **(2)** (gj) *Railroad crossing protection installation and maintenance, state*  
17 *funds.* ~~All~~ From the public transportation account, all moneys received from railroad  
18 crossing improvement assessments required under ss. 346.177, 346.495 and 346.65  
19 (4r), for the purpose of railroad crossing protection installation and maintenance  
20 under s. 195.28 (2) and (3).

21 **SECTION 651d.** 20.395 (2) (gq) of the statutes is amended to read:

22 20.395 **(2)** (gq) *Railroad crossing improvement and protection maintenance,*  
23 *state funds.* ~~The~~ From the public transportation account, the amounts in the

1 schedule to pay the costs for railroad crossing protection maintenance under s.  
2 195.28 (3).

3 **SECTION 651f.** 20.395 (2) (gr) of the statutes is amended to read:

4 20.395 (2) (gr) *Railroad crossing improvement and protection installation,*  
5 *state funds.* As a continuing appropriation, from the public transportation account,  
6 the amounts in the schedule to pay the costs for railroad crossing protection  
7 improvements under s. 195.28 (2) and for the installation of railroad crossing gates  
8 under 1999 Wisconsin Act 9, section 9150 (9g).

9 **SECTION 651g.** 20.395 (2) (gs) of the statutes is amended to read:

10 20.395 (2) (gs) *Railroad crossing repair assistance, state funds.* As a continuing  
11 appropriation, from the state and local highways account, the amounts in the  
12 schedule for reimbursement of railroads under s. 86.13 (5).

13 **SECTION 651j.** 20.395 (2) (gv) of the statutes is amended to read:

14 20.395 (2) (gv) *Railroad crossing improvement, local funds.* ~~All~~ From the public  
15 transportation account, all moneys received from any local unit of government for  
16 railroad crossing protection improvements under s. 195.28 (2), for such purposes.

17 **SECTION 651k.** 20.395 (2) (gx) of the statutes is amended to read:

18 20.395 (2) (gx) *Railroad crossing improvement, federal funds.* ~~All~~ From the  
19 public transportation account, all moneys received from the federal government for  
20 the purposes of railroad crossing protection under s. 195.28 and for the purposes of  
21 railroad crossing gates under 1999 Wisconsin Act 9, section 9150 (9g), for such  
22 purposes.

23 **SECTION 651m.** 20.395 (2) (hq) of the statutes is amended to read:

24 20.395 (2) (hq) *Multimodal transportation studies, state funds.* As a continuing  
25 appropriation, from the multimodal account, the amounts in the schedule to make

1 multimodal transportation study grants and to pay multimodal transportation  
2 study contracts entered into under s. 85.022.

3 **SECTION 651n.** 20.395 (2) (hx) of the statutes is amended to read:

4 20.395 (2) (hx) *Multimodal transportation studies, federal funds.* ~~All~~ From the  
5 multimodal account, all moneys received from the federal government for the  
6 purposes of multimodal transportation study grants and contracts under s. 85.022,  
7 for such purposes.

8 **SECTION 652m.** 20.395 (2) (iq) of the statutes is amended to read:

9 20.395 (2) (iq) *Transportation facilities economic assistance and development,*  
10 *state funds.* As a continuing appropriation, from the multimodal account, the  
11 amounts in the schedule for improvement of transportation facilities for the purpose  
12 of economic assistance and development under s. 84.185.

13 **SECTION 653g.** 20.395 (2) (iv) of the statutes is amended to read:

14 20.395 (2) (iv) *Transportation facilities economic assistance and development,*  
15 *local funds.* ~~All~~ From the multimodal account, all moneys received from any local  
16 unit of government or other source for improvement of transportation facilities,  
17 except moneys received under par. (iw), for the purpose of economic assistance and  
18 development under s. 84.185.

19 **SECTION 653m.** 20.395 (2) (iw) of the statutes is amended to read:

20 20.395 (2) (iw) *Transportation facility improvement loans, local funds.* ~~All~~  
21 From the multimodal account, all moneys received in repayment of loans under s.  
22 84.185 (6m) to be used for loans under s. 84.185 (6m).

23 **SECTION 654c.** 20.395 (2) (ix) of the statutes is amended to read:

24 20.395 (2) (ix) *Transportation facilities economic assistance and development,*  
25 *federal funds.* ~~All~~ From the multimodal account, all moneys received from the

1 federal government for improvement of transportation facilities for the purpose of  
2 economic assistance and development under s. 84.185.

3 **SECTION 654e.** 20.395 (2) (jq) of the statutes is amended to read:

4 20.395 (2) (jq) *Surface transportation grants, state funds.* As a continuing  
5 appropriation, from the multimodal account, the amounts in the schedule for surface  
6 transportation discretionary grants under s. 85.243.

7 **SECTION 654g.** 20.395 (2) (jv) of the statutes is amended to read:

8 20.395 (2) (jv) *Surface transportation grants, local funds.* All From the  
9 multimodal account, all moneys received from any local unit of government for  
10 purposes of surface transportation discretionary grants under s. 85.243, for such  
11 purposes.

12 **SECTION 654h.** 20.395 (2) (jx) of the statutes is amended to read:

13 20.395 (2) (jx) *Surface transportation grants, federal funds.* All From the  
14 multimodal account, all moneys received from the federal government for purposes  
15 of surface transportation discretionary grants under s. 85.243, for such purposes.

16 **SECTION 654j.** 20.395 (2) (kv) of the statutes is amended to read:

17 20.395 (2) (kv) *Congestion mitigation and air quality improvement, local funds.*  
18 All From the multimodal account, all moneys received from any local unit of  
19 government for congestion mitigation and air quality improvements under s. 85.245,  
20 for such purposes.

21 **SECTION 654k.** 20.395 (2) (kx) of the statutes is amended to read:

22 20.395 (2) (kx) *Congestion mitigation and air quality improvement, federal*  
23 *funds.* All From the multimodal account, all moneys received from the federal  
24 government for the purposes of congestion mitigation and air quality improvement  
25 under s. 85.245, for such purposes.

1           **SECTION 654m.** 20.395 (2) (nv) of the statutes is amended to read:

2           20.395 (2) (nv) *Transportation enhancement activities, local funds.* All From  
3 the multimodal account, all moneys received from any local unit of government for  
4 purposes of transportation enhancement activities under s. 85.026, for such  
5 purposes.

6           **SECTION 654p.** 20.395 (2) (nx) of the statutes is amended to read:

7           20.395 (2) (nx) *Transportation enhancement activities, federal funds.* All From  
8 the multimodal account, all moneys received from the federal government for  
9 purposes of transportation enhancement activities under s. 85.026 and for grants  
10 under s. 85.024, for such purposes.

11           **SECTION 654r.** 20.395 (2) (ny) of the statutes is amended to read:

12           20.395 (2) (ny) *Milwaukee lakeshore walkway, federal funds.* Biennially, from  
13 the multimodal account, from the moneys received from the federal government  
14 under P.L. 102–240, section 1045, and P.L. 105–277, section 373, the amounts in the  
15 schedule for the purpose of awarding grants under 1999 Wisconsin Act 9, section  
16 9150 (3). No moneys may be encumbered under this paragraph after  
17 June 30, 2002.”.

18           **423.** Page 343, line 23: delete the material beginning with that line and  
19 ending with page 344, line 2.

20           **424.** Page 344, line 16: delete the material beginning with “the” and ending  
21 with “specified” on line 17 and substitute “any southeast Wisconsin freeway  
22 rehabilitation projects”.

23           **425.** Page 344, line 17: after “84.014” insert “, or to the installation,  
24 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,

1 highway lighting, pavement markings, or intelligent transportation systems, unless  
2 incidental to the improvement of existing state trunk and connecting highways”.

3 **426.** Page 344, line 19: delete “*reconstruction*” and substitute  
4 “*rehabilitation*”.

5 **427.** Page 344, line 20: delete the material beginning with “reconstruction”  
6 and ending with “repair” on line 21 and substitute “rehabilitation”.

7 **428.** Page 344, line 23: after “(a).” insert “This paragraph does not apply to  
8 the installation, replacemet, rehabilitation, or maintenance of highway signs, traffic  
9 control signals, highway lighting, pavement markings, or intelligent transportation  
10 systems, unless incidental to rehabilitation of southeast Wisconsin freeways.

11 **429.** Page 345, line 15: delete the material beginning with “the” and ending  
12 with “specified” on line 16 and substitute “any southeast Wisconsin freeway  
13 rehabilitation projects”.

14 **430.** Page 345, line 15: delete the material beginning with “the” and ending  
15 with “specified” on line 16 and substitute “any southeast Wisconsin freeway  
16 rehabilitation projects”.

17 **431.** Page 345, line 18: delete “*reconstruction*” and substitute  
18 “*rehabilitation*”.

19 **432.** Page 345, line 19: delete the material beginning with “reconstruction”  
20 and ending with “repair” on line 20 and substitute “rehabilitation”.

21 **433.** Page 346, line 11: delete the material beginning with “the” and ending  
22 with “specified” on line 12 and substitute “any southeast Wisconsin freeway  
23 rehabilitation projects”.

1           **434.** Page 346, line 12: after “84.014” insert “, or to the installation,  
2 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,  
3 highway lighting, pavement markings, or intelligent transportation systems, unless  
4 incidental to the improvement of existing state trunk and connecting highways”.

5           **435.** Page 346, line 14: delete “*reconstruction*” and substitute  
6 “*rehabilitation*”.

7           **436.** Page 346, line 15: delete “reconstruction and interim repair” and  
8 substitute “rehabilitation”.

9           **437.** Page 347, line 1: delete the material beginning with “for” and ending  
10 with “lighting” on line 3 and substitute “~~for highway operations such as permit~~  
11 ~~issuance, pavement marking, highway signing, traffic signalization and highway~~  
12 lighting for permit issuance and other highway operations, including the  
13 installation, replacement, rehabilitation, or maintenance of highway signs, traffic  
14 control signals, highway lighting, pavement markings, and intelligent  
15 transportation systems.”.

16           **438.** Page 346, line 18: after “purposes” insert “This paragraph does not apply  
17 to the installation, replacemet, rehabilitation, or maintenance of highway signs,  
18 traffic control signals, highway lighting, pavement markings, or intelligent  
19 transportation systems, unless incidental to rehabilitation of southeast Wisconsin  
20 freeways.”.

21           **439.** Page 347, line 23: delete the material beginning with “for” and ending  
22 with “lighting” on line 25 and substitute “~~for highway operations such as permit~~  
23 ~~issuance, pavement marking, highway signing, traffic signalization and highway~~  
24 lighting for permit issuance and other highway operations, including the

1 installation, replacement, rehabilitation, or maintenance of highway signs, traffic  
2 control signals, highway lighting, pavement markings, and intelligent  
3 transportation systems.”.

4 **440.** Page 348, line 25: after that line insert:

5 “SECTION 666g. 20.395 (3) (kq) of the statutes is created to read:

6 20.395 (3) (kq) *Hazard elimination program, state funds.* From the multimodal  
7 account, the amounts in the schedule for hazard elimination activities authorized  
8 under 23 USC 130 or 152.

9 SECTION 666j. 20.395 (3) (kv) of the statutes is created to read:

10 20.395 (3) (kv) *Hazard elimination program, local funds.* From the multimodal  
11 account, all moneys received from any local unit of government or other source for  
12 hazard elimination activities authorized under 23 USC 130 or 152, for such  
13 purposes.

14 SECTION 666k. 20.395 (3) (kx) of the statutes is created to read:

15 20.395 (3) (kx) *Hazard elimination program, federal funds.* From the  
16 multimodal account, all moneys received from federal government for hazard  
17 elimination activities authorized under 23 USC 130 or 152, for such purposes.”.

18 **441.** Page 349, line 13: after that line insert:

19 “SECTION 668b. 20.395 (4) (aq) of the statutes, as affected by 2001 Wisconsin  
20 Act .... (this act), is amended to read:

21 20.395 (4) (aq) *Departmental management and operations, state funds.* The  
22 From the operations account, the amounts in the schedule for departmental  
23 planning and administrative activities and the administration and management of  
24 departmental programs except those programs under subs. (2) (bq), (cq), and (dq) and



1 (3) (iq), including those activities in s. 85.07 and including not less than \$220,000 in  
2 each fiscal year to reimburse the department of justice for legal services provided the  
3 department under s. 165.25 (4) (a) and including activities related to the  
4 transportation employment and mobility program under s. 85.24 that are not funded  
5 from the appropriation under sub. (1) (bs), (bv) or (bx), and the scholarship and loan  
6 repayment incentive grant program under s. 85.107, ~~and the Type 1 motorcycle,~~  
7 ~~moped, and motor bicycle safety program under s. 85.30 and to match federal funds~~  
8 ~~for mass transit planning.~~

9 **SECTION 668c.** 20.395 (4) (ar) of the statutes is amended to read:

10 20.395 (4) (ar) *Minor construction projects, state funds.* As a continuing  
11 appropriation, from the operations account, the amounts in the schedule for minor  
12 construction projects approved under s. 13.48 (10) or 16.855 (16) (b). The total  
13 construction cost of any project funded under this paragraph may not exceed the  
14 amount specified in s. 13.48 (3).

15 **SECTION 668e.** 20.395 (4) (as) of the statutes is created to read:

16 20.395 (4) (as) *Motorcycle safety and mass transit planning, state funds.* The  
17 amounts in the schedule for the Type 1 motorcycle, moped, and motor bicycle safety  
18 program under s. 85.30 and to match federal funds for mass transit planning.

19 **SECTION 668g.** 20.395 (4) (at) of the statutes is amended to read:

20 20.395 (4) (at) *Capital building projects, service funds.* ~~All~~ From the operations  
21 account, all moneys received from the fund created under s. 18.57 (1) as  
22 reimbursement for the temporary financing under sub. (9) (th) of projects for  
23 transportation administrative facilities under s. 84.01 (28) approved under s. 13.48  
24 (10) or authorized under s. 84.01 (30) that are financed under s. 84.59, for the purpose  
25 of financing such projects.”.

1           **442.** Page 349, line 21: after that line insert:

2           “**SECTION 669m.** 20.395 (4) (av) of the statutes, as affected by 2001 Wisconsin  
3 Act .... (this act), is amended to read:

4           20.395 (4) (av) *Departmental management and operations, local funds.* All  
5 From the operations account, all moneys received from any local unit of government  
6 or other source for departmental planning and administrative activities, for the  
7 administration and management of departmental programs except those programs  
8 under subs. (2) (bv) and (dv) and (3) (iv), and for activities related to the  
9 transportation employment and mobility program under s. 85.24 that are not funded  
10 from the appropriation under sub. (1) (bs), (bv), or (bx), for such purposes.”.

11           **443.** Page 350, line 7: after “and” insert “for the transfers under 2001  
12 Wisconsin Act .... (this act), section 9152 (2t), and”.

13           **444.** Page 350, line 8: after that line insert:

14           “**SECTION 670c.** 20.395 (4) (ax) of the statutes, as affected by 2001 Wisconsin  
15 Act .... (this act), is amended to read:

16           20.395 (4) (ax) *Departmental management and operations, federal funds.* All  
17 From the operations account, all moneys received from the federal government for  
18 the administration and management of departmental programs except those  
19 programs under subs. (2) (bx) and (dx) and (3) (ix) and (kx), and for departmental  
20 planning and administrative activities ~~including all moneys received as federal aid~~  
21 ~~as authorized by the governor under s. 16.54 to promote highway safety and continue~~  
22 ~~the local traffic safety representatives program and for purposes of s. 85.07,~~ and for  
23 activities related to the transportation employment and mobility program under s.  
24 85.24 that are not funded from the appropriation under sub. (1) (bs), (bv), or (bx), and

1 to transfer to the appropriation account under s. 20.505 (1) (z) the amounts in the  
2 schedule under s. 20.505 (1) (z) for such purposes.

3 **SECTION 670e.** 20.395 (4) (ay) of the statutes is created to read:

4 20.395 (4) (ay) *Highway safety programs, federal funds.* All moneys received  
5 from the federal government as authorized by the governor under s. 16.54 to promote  
6 highway safety and continue the local traffic safety representatives program and for  
7 the purposes of s. 85.07, for such purposes.

8 **SECTION 670g.** 20.395 (4) (ch) of the statutes is amended to read:

9 20.395 (4) (ch) *Gifts and grants.* ~~All~~ From the multimodal account, all moneys  
10 received from gifts, grants, donations, bequests and devises, to carry out the  
11 purposes for which made and received.

12 **SECTION 670j.** 20.395 (4) (eq) of the statutes is amended to read:

13 20.395 (4) (eq) *Data processing services, service funds.* ~~All~~ From the operations  
14 account, all moneys received from the department or other state agencies as payment  
15 for data processing services, for costs associated with these operations relating to  
16 materials and equipment purchases and other direct costs relating to data  
17 processing.

18 **SECTION 670k.** 20.395 (4) (er) of the statutes is amended to read:

19 20.395 (4) (er) *Fleet operations, service funds.* ~~All~~ From the operations account,  
20 all moneys received as payment for use of auto pool vehicles for costs associated with  
21 the operation, maintenance and replacement of such vehicles.

22 **SECTION 670m.** 20.395 (4) (es) of the statutes is amended to read:

23 20.395 (4) (es) *Other department services, operations, service funds.* ~~All~~ From  
24 the operations account, all moneys received as payment for graphic, audiovisual,  
25 printing production and aircraft fleet services for costs associated with these

1 operations relating to materials and equipment purchases and other such direct  
2 costs as the department deems appropriate.

3 **SECTION 670n.** 20.395 (4) (et) of the statutes is amended to read:

4 20.395 (4) (et) *Equipment acquisition.* ~~The~~ From the operations account, the  
5 amounts in the schedule for acquisition of additional data processing equipment,  
6 fleet vehicles, aircraft and printing equipment.

7 **SECTION 670p.** 20.395 (4) (ew) of the statutes is amended to read:

8 20.395 (4) (ew) *Operating budget supplements, state funds.* ~~All~~ From the  
9 operations account, all moneys received under s. 85.15 (2), for the purpose of  
10 supplementing the costs of departmental management and operations.

11 **SECTION 671b.** 20.395 (5) (cq) of the statutes is amended to read:

12 20.395 (5) (cq) *Vehicle registration, inspection and maintenance, and driver*  
13 *licensing and aircraft registration, state funds.* ~~The~~ From the operations account, the  
14 amounts in the schedule for administering the vehicle registration and driver  
15 licensing program, including the traffic violation and registration program and the  
16 driver license reinstatement training program under s. 85.28, for administering the  
17 motor vehicle emission inspection and maintenance program under s. 110.20, for the  
18 training of inspectors under s. 110.22, for administering the fuel tax and fee  
19 reporting program under s. 341.45, ~~for administering the aircraft registration~~  
20 ~~program under s. 114.20~~ and to compensate for services performed, as determined  
21 by the secretary of transportation, by any county providing registration services.

22 **SECTION 671d.** 20.395 (5) (cr) of the statutes is created to read:

23 20.395 (5) (cr) *Aircraft registration, state funds.* From the aeronautics account,  
24 the amounts in the schedule for administering the aircraft registration program  
25 under s. 114.20.

1           **SECTION 671f.** 20.395 (5) (cx) of the statutes is amended to read:

2           20.395 (5) (cx) *Vehicle registration and driver licensing, federal funds. All From*  
3 *the operations account, all* moneys received from the federal government for vehicle  
4 registration and driver licensing, for such purposes.

5           **SECTION 671g.** 20.395 (5) (dq) of the statutes is amended to read:

6           20.395 (5) (dq) *Vehicle inspection, traffic enforcement and radio management,*  
7 *state funds. The From the operations account, the* amounts in the schedule for  
8 administering the ambulance inspection program under s. 341.085, the statewide  
9 public safety radio management program under s. 85.12, the vehicle inspection and  
10 traffic enforcement programs and transfers under s. 85.32.”.

11           **445.** Page 350, line 11: after that line insert:

12           “**SECTION 671p.** 20.395 (5) (dx) of the statutes is amended to read:

13           20.395 (5) (dx) *Vehicle inspection and traffic enforcement, federal funds. All*  
14 *From the operations account, all* moneys received from the federal government for  
15 vehicle inspection and traffic enforcement, for such purposes.

16           **SECTION 672d.** 20.395 (5) (hq) of the statutes is amended to read:

17           20.395 (5) (hq) *Motor vehicle emission inspection and maintenance program;*  
18 *contractor costs; state funds. The From the operations account, the* amounts in the  
19 schedule to provide for contracts for the operation of inspection stations under s.  
20 110.20.

21           **SECTION 672f.** 20.395 (5) (hx) of the statutes is amended to read:

22           20.395 (5) (hx) *Motor vehicle emission inspection and maintenance programs,*  
23 *federal funds. All From the operations account, all* moneys received from the federal

1 government for the purpose of the motor vehicle emission inspection and  
2 maintenance program under s. 110.20, for such purposes.

3 **SECTION 672j.** 20.395 (6) (aq) of the statutes is amended to read:

4 20.395 (6) (aq) *Principal repayment and interest, transportation facilities,*  
5 *highways, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment  
6 of principal and interest costs incurred in financing the acquisition, construction,  
7 development, enlargement or improvement of transportation facilities under ss.  
8 84.51, 84.52, 84.53, ~~85.08 (2) (L) and (4m) (c) and (d), 85.09 and 85.095 (2) and 84.53.~~

9 **SECTION 672k.** 20.395 (6) (ar) of the statutes is amended to read:

10 20.395 (6) (ar) *Principal repayment and interest, buildings, state funds.* ~~A~~  
11 From the operations account, a sum sufficient to reimburse s. 20.866 (1) (u) for the  
12 payment of principal and interest costs incurred in financing the acquisition,  
13 construction, development, enlargement or improvement of the department of  
14 transportation's administrative offices or equipment storage and maintenance  
15 facilities.

16 **SECTION 672m.** 20.395 (6) (at) of the statutes is created to read:

17 20.395 (6) (at) *Principal repayment and interest, transportation facilities,*  
18 *nonhighways, state funds.* From the public transportation account, a sum sufficient  
19 to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred  
20 in financing the acquisition, construction, development, enlargement or  
21 improvement of transportation facilities under ss. 85.08 (2) (L) and (4m) (c) and (d),  
22 85.09, and 85.095 (2).”.

23 **446.** Page 350, line 12: delete lines 12 to 16.

24 **447.** Page 352, line 6: after that line insert:

1           **“SECTION 687r.** 20.425 (1) (i) of the statutes is amended to read:

2           20.425 **(1)** (i) *Fees.* The amounts in the schedule for the performance of  
3 fact-finding, mediation ~~and~~, arbitration, and other functions and for the provision  
4 of copies of transcripts. All moneys received under ss. 111.09 (1) ~~and~~, (2), and (2m),  
5 111.71 (1) ~~and~~, (2), and (2m), and 111.94 (1) ~~and~~, (2), and (2m), except as otherwise  
6 provided in those sections, shall be credited to this appropriation account.”.

7           **448.** Page 352, line 7: delete lines 7 to 12.

8           **449.** Page 352, line 18: after that line insert:

9           **“SECTION 688d.** 20.432 (1) (kc) of the statutes is created to read:

10           20.432 **(1)** (kc) *Volunteer coordination.* The amounts in the schedule for  
11 coordination of volunteer ombudsmen. All moneys transferred from the  
12 appropriation account under s. 20.435 (6) (g) shall be credited to this appropriation  
13 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30  
14 of each fiscal year shall revert to the appropriation under s. 20.435 (6) (g).”.

15           **450.** Page 356, line 18: after that line insert:

16           **“SECTION 701j.** 20.435 (3) (ft) of the statutes is created to read:

17           20.435 **(3)** (ft) *Neighborhood organization incubator grants.* The amounts in  
18 the schedule for neighborhood organization incubator grants under s. 46.72.

19           **SECTION 701r.** 20.435 (3) (ft) of the statutes, as affected by 2001 Wisconsin Act  
20 .... (this act), is repealed.”.

21           **451.** Page 356, line 19: delete lines 19 to 22 and substitute:

22           **“SECTION 702f.** 20.435 (3) (j) of the statutes is created to read:

23           20.435 **(3)** (j) *Statewide automated child welfare information system receipts.*

24 All moneys received from counties under s. 46.45 (2) (a), for the costs of implementing



1 the statewide automated child welfare information system established under s.  
2 46.03 (7) (g).”.

3 **452.** Page 357, line 12: after that line insert:

4 “**SECTION 705m.** 20.435 (4) (b) of the statutes is amended to read:

5 20.435 (4) (b) *Medical assistance program benefits.* Biennially, the amounts in  
6 the schedule to provide the state share of medical assistance program benefits  
7 administered under s. 49.45, to provide medical assistance program benefits  
8 administered under s. 49.45 that are not also provided under par. (o), to fund the pilot  
9 project under s. 46.27 (9) and (10), to provide the facility payments under 1999  
10 Wisconsin Act 9, section 9123 (9m), to fund services provided by resource centers  
11 under s. 46.283 and for services under the family care benefit under s. 46.284 (5).  
12 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation  
13 to the appropriation under sub. (7) (kb) funds in the amount of and for the purposes  
14 specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the  
15 department may credit or deposit into this appropriation and may transfer between  
16 fiscal years funds that it transfers from the appropriation under sub. (7) (kb) for the  
17 purposes specified in s. 46.485 (3r) or funds that it transfers from the appropriation  
18 under par. (ib) for the state share of medical assistance program benefits  
19 administered under s. 49.45. Notwithstanding s. 20.002 (1), the department may  
20 transfer from this appropriation to the appropriation account under sub. (7) (bd)  
21 funds in the amount and for the purposes specified in s. 49.45 (6v). Notwithstanding  
22 s. 20.001 (3) (a) and (b), the joint committee on finance may credit or deposit into this  
23 appropriation moneys that it transfers from the appropriation under par. (bt) that  
24 are the difference between any medical assistance claims paid under this



1 appropriation as the result of operation of s. 49.45 (2) (a) 2m. and the amount  
2 transferred by the department from the appropriation under par. (it) to the  
3 appropriation under par. (bt).

4 **SECTION 705n.** 20.435 (4) (b) of the statutes, as affected by 2001 Wisconsin Act  
5 .... (this act), is amended to read:

6 20.435 (4) (b) *Medical assistance program benefits.* Biennially, the amounts in  
7 the schedule to provide the state share of medical assistance program benefits  
8 administered under s. 49.45, to provide medical assistance program benefits  
9 administered under s. 49.45 that are not also provided under par. (o), to fund the pilot  
10 project under s. 46.27 (9) and (10), to provide the facility payments under 1999  
11 Wisconsin Act 9, section 9123 (9m), to fund services provided by resource centers  
12 under s. 46.283 and for services under the family care benefit under s. 46.284 (5).  
13 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation  
14 to the appropriation under sub. (7) (kb) funds in the amount of and for the purposes  
15 specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the  
16 department may credit or deposit into this appropriation and may transfer between  
17 fiscal years funds that it transfers from the appropriation under sub. (7) (kb) for the  
18 purposes specified in s. 46.485 (3r) ~~or funds that it transfers from the appropriation~~  
19 ~~under par. (ib) for the state share of medical assistance program benefits~~  
20 ~~administered under s. 49.45.~~ Notwithstanding s. 20.002 (1), the department may  
21 transfer from this appropriation to the appropriation account under sub. (7) (bd)  
22 funds in the amount and for the purposes specified in s. 49.45 (6v). ~~Notwithstanding~~  
23 ~~s. 20.001 (3) (a) and (b), the joint committee on finance may credit or deposit into this~~  
24 ~~appropriation moneys that it transfers from the appropriation under par. (bt) that~~  
25 ~~are the difference between any medical assistance claims paid under this~~

1 ~~appropriation as the result of operation of s. 49.45 (2) (a) 2m. and the amount~~  
2 ~~transferred by the department from the appropriation under par. (it) to the~~  
3 ~~appropriation under par. (bt).”.~~

4 **453.** Page 357, line 18: after “(8),” insert “to develop and implement a registry  
5 of recipient immunizations.”.

6 **454.** Page 358, line 6: after “program” insert “and the badger care health care  
7 program under s. 49.665”.

8 **455.** Page 358, line 11: delete that line and substitute “assistance program  
9 and, the badger care health care program under s. 49.665, and the food stamp  
10 program.”.

11 **456.** Page 358, line 11: after that line insert:

12 “**SECTION 707t.** 20.435 (4) (bv) of the statutes is created to read:

13 20.435 (4) (bv) *Prescription drug assistance for elderly; aids.* The amounts in  
14 the schedule for payment to pharmacies and pharmacists under s. 49.688 (8) for  
15 prescription drug assistance for elderly persons.”.

16 **457.** Page 358, line 11: after that line insert:

17 “**SECTION 707d.** 20.435 (4) (bt) of the statutes is amended to read:

18 20.435 (4) (bt) *Relief block grants to counties.* The amounts in the schedule for  
19 relief block grants to counties under ss. 49.025 and 49.027. Notwithstanding ss.  
20 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this  
21 appropriation and may transfer between fiscal years funds that it transfers from the  
22 appropriation under par. (ib), for relief block grants to counties under ss. 49.025 and  
23 49.027. Notwithstanding s. 20.001 (3) (a) and (b), the joint committee on finance may  
24 transfer from this appropriation to the appropriation under par. (b) moneys that are

1 the difference between any medical assistance claims paid from the appropriation  
2 under par. (b) as the result of operation of s. 49.45 (2) (a) 2m. and the amount credited  
3 or deposited into this appropriation by the department from the appropriation under  
4 par. (it).

5 **SECTION 707e.** 20.435 (4) (bt) of the statutes, as affected by 2001 Wisconsin Act  
6 .... (this act), is amended to read:

7 20.435 (4) (bt) *Relief block grants to counties.* The amounts in the schedule for  
8 relief block grants to counties under ss. 49.025 and 49.027. ~~Notwithstanding ss.~~  
9 ~~20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this~~  
10 ~~appropriation and may transfer between fiscal years funds that it transfers from the~~  
11 ~~appropriation under par. (ib), for relief block grants to counties under ss. 49.025 and~~  
12 ~~49.027. Notwithstanding s. 20.001 (3) (a) and (b), the joint committee on finance may~~  
13 ~~transfer from this appropriation to the appropriation under par. (b) moneys that are~~  
14 ~~the difference between any medical assistance claims paid from the appropriation~~  
15 ~~under par. (b) as the result of operation of s. 49.45 (2) (a) 2m. and the amount credited~~  
16 ~~or deposited into this appropriation by the department from the appropriation under~~  
17 ~~par. (it).”.~~

18 **458.** Page 358, line 18: after that line insert:

19 “**SECTION 709j.** 20.435 (4) (iL) of the statutes is created to read:

20 20.435 (4) (iL) *Medical assistance provider assessments.* All moneys received  
21 from assessments charged under s. 49.45 (2) (b) 9., for performance by the  
22 department of audits and investigations under s. 49.45 (3) (g).”.

23 **459.** Page 359, line 8: after that line insert:

24 “**SECTION 711L.** 20.435 (4) (j) of the statutes is created to read:

1           20.435 (4) (j) *Prescription drug assistance for elderly; manufacturer rebates.*  
2 All moneys received from rebate payments by manufacturers under s. 49.688 (7), to  
3 be used for payment to pharmacies and pharmacists under s. 49.688 (8) for  
4 prescription drug assistance for elderly persons.

5           **SECTION 711m.** 20.435 (4) (jb) of the statutes is created to read:

6           20.435 (4) (jb) *Prescription drug assistance for elderly; enrollment fees.* All  
7 moneys received from payment of enrollment fees under s. 49.688 (3), to be used for  
8 administration of the program under s. 49.688.”.

9           **460.** Page 360, line 10: delete “(b) 6.” and substitute “(a) 3m.”.

10          **461.** Page 361, line 21: delete “all moneys received” and substitute  
11 “biennially, the amounts in the schedule”.

12          **462.** Page 362, line 6: delete “all moneys received” and substitute “biennially,  
13 the amounts in the schedule”.

14          **463.** Page 362, line 11: after that line insert:

15          “**SECTION 717bd.** 20.435 (4) (wm) of the statutes is created to read:

16          20.435 (4) (wm) *Medical assistance trust fund; nursing homes.* From the  
17 medical assistance trust fund, a sum sufficient equal to the balance in the fund, less  
18 the amounts appropriated under par. (w), for meeting medical assistance  
19 reimbursement costs under s. 49.45 (6m) and (6u).”.

20          **464.** Page 362, line 24: after that line insert:

21          “**SECTION 717f.** 20.435 (4) (y) of the statutes is created to read:

22          20.435 (4) (y) *Medical assistance program benefits; utility public benefits fund.*  
23 Biennially, from the utility public benefits fund, the amounts in the schedule for

1 medical assistance payments to nursing homes under s. 49.45. No moneys may be  
2 encumbered or expended from this appropriation after June 30, 2003.”.

3 **465.** Page 364, line 15: delete lines 15 to 17.

4 **466.** Page 366, line 13: delete lines 13 to 20.

5 **467.** Page 369, line 1: delete lines 1 and 2 and substitute “be used as provided  
6 in s. 46.46 and 2001 Wisconsin Act .... (this act), section 9123 (8z).”.

7 **468.** Page 369, line 2: after that line insert:

8 “**SECTION 732r.** 20.435 (8) (mb) of the statutes, as affected by 2001 Wisconsin  
9 Act .... (this act), is amended to read:

10 20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are  
11 received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to  
12 1396v as the result of income augmentation activities for which the state has  
13 contracted and all moneys that are received under 42 USC 1396 to 1396v in  
14 reimbursement of the cost of providing targeted case management services to  
15 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to  
16 be used as provided in s. 46.46 and 2001 Wisconsin Act .... (this act), section 9123 (8z).  
17 All moneys received under this paragraph in excess of the moneys necessary to  
18 support the costs specified in s. 46.46 shall be deposited in the general fund as a  
19 nonappropriated receipt.”.

20 **469.** Page 369, line 3: delete lines 3 to 7.

21 **470.** Page 370, line 1: after “(cm)” insert “; for child care resource and referral  
22 services grants under s. 49.134 (2); for job training services under the workforce  
23 attachment and advancement program under s. 49.173”.

1           **471.** Page 370, line 21: delete the material beginning with “, and American”  
2 and ending with “programs” on line 22.

3           **472.** Page 370, line 23: after “(cm);” insert “for child care resource and referral  
4 services grants under s. 49.134 (2); for job training services under the workforce  
5 attachment and advancement program under s. 49.173,”.

6           **473.** Page 371, line 9: after that line insert:

7           “**SECTION 737dx.** 20.445 (3) (e) of the statutes is repealed.”.

8           **474.** Page 371, line 10: after that line insert:

9           “**SECTION 737f.** 20.445 (3) (fs) of the statutes is created to read:

10           20.445 (3) (fs) *Child support order conversion assistance.* The amounts in the  
11 schedule to provide assistance to county child support agencies for the costs of  
12 converting child support orders to fixed–sum orders, to be allocated to counties on  
13 the basis of the number of percentage–expressed or mixed orders in a county in cases  
14 in which the state is a real party in interest under s. 767.075 (1).”.

15           **475.** Page 371, line 21: after that line insert:

16           “**SECTION 738p.** 20.445 (3) (km) of the statutes is created to read:

17           20.445 (3) (km) *Workforce attachment and advancement program; Indian*  
18 *gaming receipts.* The amounts in the schedule to provide job training services under  
19 the workforce attachment and advancement program under s. 49.173. All moneys  
20 transferred from the appropriation account under s. 20.505 (8) (hm) 18k. shall be  
21 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the  
22 unencumbered balance on June 30 of each year shall revert to the appropriation  
23 account under s. 20.505 (8) (hm).”.

24           **476.** Page 374, line 5: after “(kh) and (kp),” insert “20.292 (1) (kd).”.

1           **477.** Page 376, line 12: after that line insert:

2           “**SECTION 749d.** 20.445 (6) (b) of the statutes is repealed.”.

3           **478.** Page 376, line 13: after that line insert:

4           “**SECTION 751d.** 20.445 (6) (c) of the statutes is repealed.”.

5           **479.** Page 377, line 4: after that line insert:

6           “**SECTION 764n.** 20.455 (2) (gr) of the statutes is amended to read:

7           20.455 (2) (gr) *Handgun purchaser record check.* All moneys received as fee  
8           payments under s. 175.35 (2i), 1999 stats., to provide services under s. 175.35.”.

9           **480.** Page 377, line 4: after that line insert:

10           “**SECTION 764f.** 20.455 (1) (k) of the statutes is amended to read:

11           20.455 (1) (k) *Environment litigation project.* All moneys received from the  
12           department of natural resources environmental management for materials or  
13           services provided by the department of justice regarding a project involving the use  
14           of environmental litigation to protect air, land, and water resources to be used to pay  
15           for costs and expenses associated with those materials and services.”.

16           **481.** Page 377, line 4: after that line insert:

17           “**SECTION 763.** 20.455 (1) (gh) of the statutes is amended to read:

18           20.455 (1) (gh) *Investigation and prosecution.* The amounts in the schedule for  
19           the expenses of investigation and prosecution of violations, including attorney fees,  
20           under ss. 49.49 (6), ~~100.263~~, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4),  
21           295.19 (3) (b), and 299.97. Ten percent of all moneys received under ss. 49.49 (6),  
22           ~~100.263~~, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), and  
23           299.97, for the expenses of investigation and prosecution of violations, including  
24           attorney fees, shall be credited to this appropriation account.”.

1           **482.** Page 378, line 2: after that line insert:

2           “**SECTION 769n.** 20.455 (2) (kb) of the statutes is created to read:

3           20.455 **(2)** (kb) *Firearms restrictions record searches.* The amounts in the  
4           schedule to provide services under s. 175.35. All moneys transferred from the  
5           appropriation account under s. 20.505 (6) (j) 17. shall be credited to this  
6           appropriation account.”.

7           **483.** Page 380, line 24: after that line insert:

8           “**SECTION 778m.** 20.465 (3) (c) of the statutes is repealed.”.

9           **484.** Page 381, line 21: after that line insert:

10          “**SECTION 783t.** 20.485 (1) (gk) of the statutes is amended to read:

11          20.485 **(1)** (gk) *Institutional operations.* The amounts in the schedule for the  
12          care of the Wisconsin Veterans Home at King, the Southern Wisconsin Veterans  
13          Retirement Center, and veterans facilities. All moneys received under par. (m) and  
14          s. 45.37 (9) (d) and (9d) shall be credited to this appropriation.”.

15          **485.** Page 383, line 7: after “45.357” insert “, for the emergency aid pilot  
16          program under 2001 Wisconsin Act .... (this act), section 9157 (8c).”.

17          **486.** Page 383, line 8: after that line insert:

18          “**SECTION 788sf.** 20.485 (2) (rm) of the statutes, as affected by 2001 Wisconsin  
19          Act .... (this act), is amended to read:

20          20.485 **(2)** (rm) *Veterans assistance.* Biennially, the amounts in the schedule  
21          for general program operations of the veterans assistance program under s. 45.357,  
22          ~~for the emergency aid pilot program under 2001 Wisconsin Act .... (this act), section~~  
23          ~~9157 (8c),~~ and for a grant to establish a supportive living environment for veterans  
24          under 2001 Wisconsin Act .... (this act), section 9157 (6c).”.



1           **487.** Page 385, line 5: after that line insert:

2           “**SECTION 802m.** 20.505 (1) (fe) of the statutes is created to read:

3           20.505 (1) (fe) *Wisconsin Patient Safety Institute, Inc., grants.* The amounts in  
4 the schedule to provide grants to the Wisconsin Patient Safety Institute, Inc.”.

5           **488.** Page 387, line 16: after “*agencies*” insert “*; veterans services*”.

6           **489.** Page 387, line 20: after “*services*” insert “and to provide veterans  
7 services under s. 22.07 (9)”.

8           **490.** Page 389, line 23: after that line insert:

9           “**SECTION 829.** 20.505 (1) (q) of the statutes is created to read:

10           20.505 (1) (q) *Stray voltage and electrical wiring assistance.* Biennially, from  
11 the farm rewiring fund, the amounts in the schedule for awarding grants under s.  
12 16.956 (1).”.

13           **491.** Page 390, line 6: after that line insert:

14           “**SECTION 831m.** 20.505 (1) (z) of the statutes, as affected by 2001 Wisconsin Act  
15 .... (this act), is amended to read:

16           20.505 (1) (z) *Transportation planning grants to local governmental units.*  
17 Biennially, from the operations account in the transportation fund, the amounts in  
18 the schedule to provide transportation planning grants to local governmental units  
19 under s. 16.9651. All moneys received from the federal government and transferred  
20 from the appropriation account under s. 20.395 (4) (ax) shall be credited to this  
21 appropriation account.”.

22           **492.** Page 390, line 15: after that line insert:

23           “**SECTION 838m.** 20.505 (3) (u) of the statutes is created to read:

1           20.505 (3) (u) *Performance contract program*. From the utility public benefits  
2 fund, a sum sufficient equal to 25% of the amount in the utility public benefits fund  
3 less the amounts appropriated under pars. (q) and (t) and s. 20.435 (4) (y) and the  
4 amount shown in the schedule under s. 20.005 (3) for the appropriation under par.  
5 (r), for making payments under s. 16.957 (3m).”.

6           **493.** Page 391, line 19: after that line insert:

7           “**SECTION 846k.** 20.505 (4) (k) of the statutes is amended to read:

8           20.505 (4) (k) *Waste facility siting board; general program operations*. The  
9 amounts in the schedule for the general program operations of the waste facility  
10 siting board. All moneys transferred from the appropriation account under s. 20.370  
11 20.375 (2) (eg) shall be credited to this appropriation account.”.

12           **494.** Page 391, line 24: after that line insert:

13           “**SECTION 846p.** 20.505 (4) (kf) of the statutes is created to read:

14           20.505 (4) (kf) *Office of faith-based crime prevention initiatives*. The amounts  
15 in the schedule for the general program operations of the office of faith-based crime  
16 prevention initiatives. All moneys received from state agencies for the operations of  
17 the office of faith-based crime prevention initiatives shall be credited to this  
18 appropriation account.

19           **SECTION 846r.** 20.505 (4) (kf) of the statutes, as affected by 2001 Wisconsin Act  
20 .... (this act), is repealed.”.

21           **495.** Page 393, line 10: after that line insert:

22           “**SECTION 855r.** 20.505 (6) (j) 17. of the statutes is created to read:

23           20.505 (6) (j) 17. The amount transferred to s. 20.455 (2) (kb) shall be the  
24 amount in the schedule under s. 20.455 (2) (kb).”.

1           **496.** Page 394, line 2: after that line insert:

2           “**SECTION 859r.** 20.505 (6) (kr) of the statutes is created to read:

3           20.505 **(6)** (kr) *Grants for cooperative county-tribal law enforcement.* The  
4 amounts in the schedule to provide grants to counties for cooperative law  
5 enforcement activities with Indian tribes as provided under 2001 Wisconsin Act ...  
6 (this act), section 9101 (21k). All moneys transferred from the appropriation account  
7 under s. 20.505 (8) (hm) 15r. shall be credited to this appropriation account.  
8 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year  
9 shall revert to the appropriation account under s. 20.505 (8) (hm).

10           **SECTION 859s.** 20.505 (6) (kr) of the statutes, as created by 2001 Wisconsin Act  
11 .... (this act), is repealed.”.

12           **497.** Page 395, line 15: after that line insert:

13           “**SECTION 838m.** 20.505 (3) (t) of the statutes is created to read:

14           20.505 **(3)** (t) *Energy assistance grants.* From the utility public benefits fund,  
15 the amounts in the schedule for grants to school districts under 2001 Wisconsin Act  
16 .... (this act), section 9101 (4f). No moneys may be encumbered from this  
17 appropriation after June 30, 2002.”.

18           **498.** Page 396, line 6: after that line insert:

19           “**SECTION 880g.** 20.505 (8) (hm) 2m. of the statutes is created to read:

20           20.505 **(8)** (hm) 2m. The amount transferred to s. 20.115 (1) (k) shall be the  
21 amount in the schedule under s. 20.115 (1) (k).”.

22           **499.** Page 396, line 9: after that line insert:

23           “**SECTION 881L.** 20.505 (8) (hm) 5r. of the statutes is created to read:

1           20.505 (8) (hm) 5r. The amount transferred to s. 20.143 (1) (kd) shall be the  
2 amount in the schedule under s. 20.143 (1) (kd).”.

3           **500.** Page 396, line 20: delete lines 20 to 22.

4           **501.** Page 397, line 4: after that line insert:

5           “**SECTION 885k.** 20.505 (8) (hm) 8d. of the statutes is amended to read:

6           20.505 (8) (hm) 8d. The amount transferred to s. 20.370 (4) (1) (kk) shall be the  
7 amount in the schedule under s. 20.370 (4) (1) (kk).”.

8           **502.** Page 397, line 5: delete lines 5 to 9.

9           **503.** Page 397, line 9: after that line insert:

10          “**SECTION 886d.** 20.505 (8) (hm) 8i. of the statutes is repealed.”.

11          **504.** Page 397, line 10: delete lines 10 to 12.

12          **505.** Page 397, line 12: after that line insert:

13          “**SECTION 887k.** 20.505 (8) (hm) 8k. of the statutes is amended to read:

14          20.505 (8) (hm) 8k. The amount transferred to s. 20.370 (3) (1) (ak) shall be the  
15 amount in the schedule under s. 20.370 (3) (1) (ak).”.

16          **506.** Page 397, line 15: after that line insert:

17          “**SECTION 887q.** 20.505 (8) (hm) 8r. of the statutes is amended to read:

18          20.505 (8) (hm) 8r. The amount transferred to s. 20.370 (9) ~~(hk)~~ (1) (hg) shall  
19 be the amount in the schedule under s. 20.370 (9) ~~(hk)~~ (1) (hg).”.

20          **507.** Page 397, line 21: after that line insert:

21          “**SECTION 890g.** 20.505 (8) (hm) 15r. of the statutes is created to read:

22          20.505 (8) (hm) 15r. The amount transferred to sub. (6) (kr) shall be the amount  
23 in the schedule under sub. (6) (kr).

1           **SECTION 890h.** 20.505 (8) (hm) 15r. of the statutes, as created by 2001  
2 Wisconsin Act .... (this act), is repealed.”.

3           **508.** Page 398, line 3: after that line insert:

4           “**SECTION 890rb.** 20.505 (8) (hm) 17f. of the statutes, as created by 2001  
5 Wisconsin Act .... (this act), is amended to read:

6           20.505 **(8)** (hm) 17f. The amount transferred to s. ~~20.370~~ 20.375 (6) (bk) shall  
7 be the amount in the schedule under s. ~~20.370~~ 20.375 (6) (bk).”.

8           **509.** Page 398, line 6: after that line insert:

9           “**SECTION 891g.** 20.505 (8) (hm) 18k. of the statutes is created to read:  
10           20.505 **(8)** (hm) 18k. The amount transferred to s. 20.445 (3) (km) shall be the  
11 amount in the schedule under s. 20.445 (3) (km).”.

12           **510.** Page 398, line 19: delete lines 19 to 23.

13           **511.** Page 400, line 19: delete lines 19 to 20 and substitute:

14           “**SECTION 903g.** 20.505 (10) (r) of the statutes is renumbered 20.505 (3) (r) and  
15 amended to read:

16           20.505 **(3)** (r) *Low-income assistance grants.* From the utility public benefits  
17 fund, a sum sufficient, less the amounts appropriated under pars. (q) and (t) and s.  
18 20.435 (4) (y), for low-income assistance grants under s. 16.957 (2) (a).

19           **SECTION 903k.** 20.505 (10) (s) of the statutes is renumbered 20.505 (3) (s) and  
20 amended to read:

21           20.505 **(3)** (s) *Energy conservation and efficiency and renewable resource*  
22 *grants.* From the utility public benefits fund, a sum sufficient equal to 75% of the  
23 amount in the utility public benefits fund less the amounts appropriated under pars.  
24 (q) and (t) and s. 20.435 (4) (y) and the amount shown in the schedule under s. 20.005

1 (3) for the appropriation under par. (r), for energy conservation and efficiency and  
2 renewable resource grants under s. 16.957 (2) (b) 1. and to make the transfer to the  
3 air quality improvement fund under s. 16.958 (2) (a).”.

4 **512.** Page 400, line 22: after that line insert:

5 “**SECTION 906m.** 20.510 (1) (bm) of the statutes is created to read:

6 20.510 **(1)** (bm) *Training of chief inspectors.* Biennially, the amounts in the  
7 schedule for training of chief inspectors under s. 7.31.”.

8 **513.** Page 400, line 22: after that line insert:

9 “**SECTION 906m.** 20.510 (1) (c) of the statutes is created to read:

10 20.510 **(1)** (c) *Voting system transitional assistance.* Biennially, the amounts  
11 in the schedule to provide assistance to counties and municipalities in eliminating  
12 punch card voting systems under s. 7.08 (7) and 2001 Wisconsin Act .... (this act),  
13 section 9115 (20x).

14 **SECTION 906n.** 20.510 (1) (c) of the statutes, as created by 2001 Wisconsin Act  
15 .... (this act), is repealed.”.

16 **514.** Page 401, line 11: after that line insert:

17 “**SECTION 910t.** 20.515 (2) (g) of the statutes is amended to read:

18 20.515 **(2)** (g) *Private employer health care coverage plan.* All moneys received  
19 under subch. X of ch. 40 from employers who elect to participate in the private  
20 employer health care coverage program under subch. X of ch. 40, for the costs of  
21 designing, marketing and contracting for or providing administrative services for  
22 the program and for lapsing to the general fund the amounts required under s. 40.98  
23 (6m).”.

24 **515.** Page 402, line 20: after that line insert:

1           **SECTION 914h.** 20.536 (1) (ka) of the statutes is amended to read:

2           20.536 (1) (ka) *General program operations; environmental improvement fund.*

3 All moneys received for providing services to the department of administration or the  
4 department of ~~natural resources~~ environmental management in administering ss.  
5 25.43, 281.58, 281.59, 281.60, 281.61, and 281.62, for general program operations.”.

6           **516.** Page 404, line 8: after that line insert:

7           **SECTION 917t.** 20.566 (1) (qm) of the statutes is amended to read:

8           20.566 (1) (qm) *Administration of rental vehicle fee.* From the state and local  
9 highways account in the transportation fund, the amounts in the schedule for the  
10 administration of the rental vehicle fee under subch. XI of ch. 77.

11           **SECTION 917v.** 20.566 (1) (u) of the statutes is amended to read:

12           20.566 (1) (u) *Motor fuel tax administration.* From the state and local highways  
13 account in the transportation fund, the amounts in the schedule to cover the costs,  
14 including data processing costs, incurred in administering the motor fuel tax law,  
15 except s. 341.45.

16           **SECTION 917w.** 20.566 (2) (q) of the statutes is amended to read:

17           20.566 (2) (q) *Railroad and air carrier tax administration.* From the public  
18 transportation account in the transportation fund, the amounts in the schedule to  
19 cover the costs of administering the taxes imposed on railroads ~~and air carriers~~ under  
20 ch. 76.

21           **SECTION 917x.** 20.566 (2) (qm) of the statutes is created to read:

22           20.566 (2) (qm) *Air carrier tax administration.* From the aeronautics account  
23 in the transportation fund, the amounts in the schedule to cover the costs of  
24 administering the taxes imposed on air carriers under ch. 76.”.

1           **517.** Page 405, line 2: after that line insert:

2           “**SECTION 920br.** 20.566 (7) (v) of the statutes is amended to read:

3           20.566 (7) (v) *Investment and local impact fund.* From the investment and local  
4 impact fund, all moneys received under s. 70.395 (1e) and (2) (dc) and (dg), less the  
5 moneys appropriated under ss. 20.143 (1) (r) and ~~20.370~~ 20.375 (2) (gr), to be  
6 disbursed under ss. 70.395 (2) (d) to (g), 293.33 (4), and 293.65 (5) (a).”.

7           **518.** Page 405, line 5: after that line insert:

8           “**SECTION 920hs.** 20.585 (1) (km) of the statutes is amended to read:

9           20.585 (1) (km) *Credit card use charges.* All moneys received under ss. 59.25  
10 (3) (j) and (k) and 85.14 (1) (b), to pay charges under ss. 23.49 and, 85.14 (1) (b) and  
11 (2), and 278.49.”.

12           **519.** Page 406, line 5: after that line insert:

13           “**SECTION 926m.** 20.625 (1) (c) of the statutes is amended to read:

14           20.625 (1) (c) *Court interpreter fees.* The amounts in the schedule to pay  
15 interpreter fees reimbursed under s. ~~885.37 (4) (a) 2.~~ 758.19 (8).”.

16           **520.** Page 406, line 9: after that line insert:

17           “**SECTION 932.** 20.835 (2) (bm) of the statutes is created to read:

18           20.835 (2) (bm) *Payments of interest on overassessments on manufacturing*  
19 *property.* A sum sufficient to make the payments under s. 70.511 (2) (br).”.

20           **521.** Page 406, line 12: after that line insert:

21           “**SECTION 933j.** 20.835 (3) (s) of the statutes is created to read:

22           20.835 (3) (s) *Lottery and gaming credit; late applications.* From the lottery  
23 fund, a sum sufficient to make payments for the lottery and gaming credit under s.  
24 79.10 (10) (bm) and (bn).”.



1           **522.** Page 407, line 8: after that line insert:

2           “**SECTION 937n.** 20.855 (4) (fn) of the statutes is created to read:

3           20.855 (4) (fn) *Transfer to transportation fund; sales and use tax receipts related*  
4           *to motor vehicles.* Beginning on July 1, 2004, and on each July 1 thereafter, to be  
5           transferred to the transportation fund, a sum sufficient in an amount equal to the  
6           amount to be paid into the transportation fund, as determined under s. 77.65.”.

7           **523.** Page 407, line 8: after that line insert:

8           “**SECTION 937r.** 20.855 (4) (q) of the statutes is amended to read:

9           20.855 (4) (q) *Terminal tax distribution.* From the public transportation  
10          account in the transportation fund, a sum sufficient for the towns’, villages’ and  
11          cities’ share of railroad taxes under s. 76.24 (2).”.

12          **524.** Page 407, line 13: after that line insert:

13          “**SECTION 939m.** 20.855 (4) (rd) of the statutes is created to read:

14          20.855 (4) (rd) *Transfer from the transportation fund to the general fund.* From  
15          the transportation fund, the amounts in the schedule to be transferred to the general  
16          fund.”.

17          **525.** Page 408, line 11: after that line insert:

18          “**SECTION 944g.** 20.855 (4) (s) of the statutes is amended to read:

19          20.855 (4) (s) *Transfer to conservation fund; motorboat formula.* From the state  
20          and local highways account in the transportation fund, a sum sufficient in an amount  
21          equal to the amount to be paid into the conservation fund as determined under s.  
22          25.29 (1) (c). The amounts may be paid at such intervals during each fiscal year as  
23          the secretary of administration deems appropriate or necessary.

24          **SECTION 944j.** 20.855 (4) (t) of the statutes is amended to read:

1           20.855 (4) (t) *Transfer to conservation fund; snowmobile formula.* On July 1  
2 of each fiscal year, from the state and local highways account in the transportation  
3 fund, a sum sufficient in an amount as determined under s. 25.29 (1) (d) to be paid  
4 into the snowmobile account in the conservation fund.

5           **SECTION 944k.** 20.855 (4) (u) of the statutes is amended to read:

6           20.855 (4) (u) *Transfer to conservation fund; all-terrain vehicle formula.* From  
7 the state and local highways account in the transportation fund, a sum sufficient in  
8 an amount equal to the amount to be paid into the conservation fund as determined  
9 under s. 25.29 (1) (dm). The amounts may be paid at such intervals during each fiscal  
10 year as the secretary of administration deems appropriate or necessary.”.

11           **526.** Page 413, line 14: delete “and (b)”.

12           **527.** Page 413, line 21: delete “, for” and substitute “and for”.

13           **528.** Page 413, line 21: delete the material beginning with “, and” and ending  
14 with “(3n)” on line 22.

15           **529.** Page 414, line 7: after “(er),” insert “20.380 (1) (r).”.

16           **530.** Page 414, line 11: after that line insert:

17           “**SECTION 962b.** 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Act  
18 .... (this act), is amended to read:

19           20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
20 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)  
21 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
22 20.255 (1) (d), 20.275 (1) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih), (kd), and  
23 (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), ~~(ar)~~,  
24 (at), (au), ~~(ba)~~, ~~(bq)~~, ~~(ca)~~, ~~(cb)~~, ~~(ce)~~, ~~(ed)~~, (ce), (cf), ~~(da)~~, (ea), and (eq), ~~and (er)~~, 20.375

1 (7) (aa), (ar), (ba), (bg), (ca), (cb), (cc), (cd), (ce), (cf), (da), (ea), and (er), 20.395 (6) (af),  
2 (aq), and (ar), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465  
3 (1) (d), 20.485 (1) (f) and (go), (3) (t), and (4) (qm), 20.505 (5) (c), (g), and (kc) and (9)  
4 (b) and (h), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h),  
5 (i), and (q) for the payment of principal and interest on public debt contracted under  
6 subchs. I and IV of ch. 18.”.

7 **531.** Page 414, line 17: increase the underscored dollar amount by  
8 \$40,000,000 for the purpose of funding construction of a meat/muscle science  
9 laboratory and a veterinary diagnostic laboratory at the University of  
10 Wisconsin–Madison.

11 **532.** Page 414, line 17: decrease the underscored dollar amount by \$2,000,000  
12 to reduce funding for the construction projects involving classroom  
13 renovation/instructional technology for the University of Wisconsin System.

14 **533.** Page 414, line 17: increase the underscored dollar amount by  
15 \$16,500,000 to increase funding for the mechanical engineering building renovation  
16 and addition at the University of Wisconsin–Madison.

17 **534.** Page 414, line 17: decrease the underscored dollar amount by \$4,709,800  
18 to reduce funding for the Fine Arts Center addition and remodeling at the University  
19 of Wisconsin–Stevens Point.

20 **535.** Page 414, line 17: decrease the underscored dollar amount by  
21 \$13,350,000 to reduce funding for the Gates physical education building addition  
22 and remodeling at the University of Wisconsin–Superior.

1           **536.** Page 414, line 17: decrease the underscored dollar amount by \$500,000  
2 to reduce funding for the construction of Klotsche Center physical education addition  
3 at the University of Wisconsin–Milwaukee.

4           **537.** Page 414, line 17: decrease the underscored dollar amount by \$858,000  
5 to reduce funding for the Lapham Hall north wing remodeling at the University of  
6 Wisconsin–Milwaukee.

7           **538.** Page 414, line 24: increase the underscored dollar amount by \$3,600,000  
8 for the purpose of funding construction of a veterinary diagnostic laboratory at the  
9 University of Wisconsin–Madison.

10           **539.** Page 414, line 24: decrease the underscored dollar amount by \$2,350,000  
11 to reduce funding for the Gates physical education building addition and remodeling  
12 at the University of Wisconsin–Superior.

13           **540.** Page 414, line 24: decrease the underscored dollar amount by  
14 \$10,134,000 for the purpose of deleting funding for University Ridge Golf Course  
15 improvements — Phase III.

16           **541.** Page 415, line 2: after that line insert:

17           “**SECTION 962v.** 20.866 (2) (tb) of the statutes is amended to read:

18           20.866 (2) (tb) *Natural resources; municipal clean drinking water grants.* From  
19 the capital improvement fund, a sum sufficient to the department of natural  
20 resources environmental management to provide funds for municipal clean drinking  
21 water grants under s. 281.53. The state may contract public debt in an amount not  
22 to exceed \$9,800,000 for this purpose.”.

23           **542.** Page 415, line 15: after that line insert:

1           **“SECTION 964b.** 20.866 (2) (tc) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is amended to read:

3           20.866 **(2)** (tc) *Clean water fund program.* From the capital improvement fund,  
4 a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred  
5 to the environmental improvement fund for the purposes of the clean water fund  
6 program under ss. 281.58 and 281.59. The state may contract public debt in an  
7 amount not to exceed \$637,743,200 for this purpose. Of this amount, the amount  
8 needed to meet the requirements for state deposits under 33 USC 1382 is allocated  
9 for those deposits. Of this amount, \$8,250,000 is allocated to fund the minority  
10 business development and training program under s. 200.49 (2) (b). Moneys from  
11 this appropriation account may be expended for the purposes of s. 281.57 (10m) and  
12 (10r) only in the amount by which the department of ~~natural resources~~  
13 environmental management and the department of administration determine that  
14 moneys available under par. (tn) are insufficient for the purposes of s. 281.57 (10m)  
15 and (10r).”.

16           **543.** Page 415, line 21: after that line insert:

17           **“SECTION 965b.** 20.866 (2) (te) of the statutes, as affected by 2001 Wisconsin  
18 Act .... (this act), is amended to read:

19           20.866 **(2)** (te) *Natural resources; nonpoint source grants.* From the capital  
20 improvement fund, a sum sufficient for the department of ~~natural resources~~  
21 environmental management to provide funds for nonpoint source water pollution  
22 abatement projects under s. 281.65. The state may contract public debt in an amount  
23 not to exceed \$75,763,600 for this purpose.

24           **SECTION 965n.** 20.866 (2) (tf) of the statutes is amended to read:

1           20.866 (2) (tf) *Natural resources; nonpoint source.* From the capital  
2 improvement fund, a sum sufficient for the department of ~~natural resources~~  
3 environmental management to fund nonpoint source water pollution abatement  
4 projects under s. 281.65. The state may contract public debt in an amount not to  
5 exceed \$2,000,000 for this purpose.”.

6           **544.** Page 416, line 5: after that line insert:

7           “**SECTION 966b.** 20.866 (2) (tg) of the statutes is amended to read:

8           20.866 (2) (tg) *Natural resources; environmental repair.* From the capital  
9 improvement fund, a sum sufficient for the department of ~~natural resources~~  
10 environmental management to fund investigations and remedial action under s.  
11 292.11 (7) (a) or 292.31 and remedial action under s. 281.83 and for payment of this  
12 state’s share of environmental repair that is funded under 42 USC 6991 to 6991i or  
13 42 USC 9601 to 9675. The state may contract public debt in an amount not to exceed  
14 \$48,000,000 for this purpose. Of this amount, \$7,000,000 is allocated for remedial  
15 action under s. 281.83.”.

16           **545.** Page 416, line 13: after that line insert:

17           “**SECTION 967b.** 20.866 (2) (th) of the statutes, as affected by 2001 Wisconsin  
18 Act .... (this act), is amended to read:

19           20.866 (2) (th) *Natural resources; urban nonpoint source cost-sharing.* From  
20 the capital improvement fund, a sum sufficient for the department of ~~natural~~  
21 ~~resources~~ environmental management to provide cost-sharing grants for urban  
22 nonpoint source water pollution abatement and storm water management projects  
23 under s. 281.66. The state may contract public debt in an amount not to exceed  
24 \$17,700,000 for this purpose.”.

1           **546.** Page 416, line 16: after “*restoration*” insert “*and dam rehabilitation*”.

2           **547.** Page 416, line 18: after “281.665” insert “and to provide grants for dam  
3 rehabilitation projects under s. 31.387”.

4           **548.** Page 416, line 19: after that line insert:

5           “**SECTION 967eb.** 20.866 (2) (ti) of the statutes, as created by 2001 Wisconsin  
6 Act .... (this act), is amended to read:

7           20.866 (2) (ti) *Natural resources; municipal flood control and riparian*  
8 *restoration.* From the capital improvement fund, a sum sufficient for the department  
9 of natural resources environmental management to provide municipal flood control  
10 and riparian restoration cost-sharing grants under s. 281.665. The state may  
11 contract public debt in an amount not to exceed \$9,000,000 for this purpose.

12           **SECTION 967i.** 20.866 (2) (tj) of the statutes is created to read:

13           20.866 (2) (tj) *Environment; general fund supported administrative facilities.*  
14 From the capital improvement fund, a sum sufficient for the department of  
15 environmental management to acquire, construct, develop, enlarge, or improve  
16 administrative office, laboratory, equipment, storage, or maintenance facilities. The  
17 state may contract public debt in an amount not to exceed \$5,441,200 for this  
18 purpose.”.

19           **549.** Page 416, line 19: after “purpose.” insert “Of this amount, \$500,000 is  
20 allocated in fiscal biennium 2001–03 for dam rehabilitation grants under s. 31. 387.”.

21           **550.** Page 417, line 2: after that line insert:

22           “**SECTION 967mb.** 20.866 (2) (tk) of the statutes, as affected by 2001 Wisconsin  
23 Act .... (this act), is amended to read:

1           20.866 (2) (tk) *Natural resources; environmental segregated fund supported*  
2 *administrative facilities.* From the capital improvement fund, a sum sufficient for  
3 the department of ~~natural resources~~ environmental management to acquire,  
4 construct, develop, enlarge or improve natural resource administrative office,  
5 laboratory, equipment storage and maintenance facilities. The state may contract  
6 public debt in an amount not to exceed \$6,770,400 for this purpose.

7           **SECTION 968b.** 20.866 (2) (tL) of the statutes is amended to read:

8           20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety*  
9 *projects.* From the capital improvement fund, a sum sufficient for the department  
10 of ~~natural resources~~ environmental management to provide financial assistance to  
11 counties, cities, villages, towns and public inland lake protection and rehabilitation  
12 districts for dam safety projects under s. 31.385. The state may contract public debt  
13 in an amount not to exceed \$6,350,000 for this purpose.

14           **SECTION 968n.** 20.866 (2) (tm) of the statutes is amended to read:

15           20.866 (2) (tm) *Natural resources; pollution abatement and sewage collection*  
16 *facilities, ORAP funding.* From the capital improvement fund, a sum sufficient to  
17 the department of ~~natural resources~~ environmental management to acquire,  
18 construct, develop, enlarge, or improve point source water pollution abatement  
19 facilities and sewage collection facilities under ss. 281.55 and 281.56. The state may  
20 contract public debt in an amount not to exceed \$146,850,000 for this purpose. Of  
21 this amount, \$5,000,000 is allocated for point source water pollution abatement  
22 facilities and sewage collection facilities under s. 281.56.”.

23           **551.** Page 417, line 12: after “281.57” insert “(10e), (10f).”.

24           **552.** Page 417, line 17: after that line insert:



1           “**SECTION 969b.** 20.866 (2) (tn) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is amended to read:

3           20.866 **(2)** (tn) *Natural resources; pollution abatement and sewage collection*  
4 *facilities.* From the capital improvement fund, a sum sufficient to the department  
5 of ~~natural resources~~ environmental management to acquire, construct, develop,  
6 enlarge, or improve point source water pollution abatement facilities and sewage  
7 collection facilities under s. 281.57 and to upgrade or replace a drinking water  
8 treatment plant under s. 281.57 (10t) including eligible engineering design costs.  
9 Payments may be made from this appropriation for capital improvement  
10 expenditures and encumbrances authorized under s. 281.57 before July 1, 1990,  
11 except for reimbursements made under s. 281.57 (9m) (a) and except as provided in  
12 s. 281.57 (10m), (10r), and (10t). Payments may also be made from this appropriation  
13 for expenditures and encumbrances resulting from disputed costs under s. 281.57 if  
14 an appeal of an eligibility determination is filed before July 1, 1990, and the result  
15 of the dispute requires additional funds for an eligible project. The state may  
16 contract public debt in an amount not to exceed \$893,493,400 for this purpose.

17           **SECTION 969cd.** 20.866 (2) (to) of the statutes is amended to read:

18           20.866 **(2)** (to) *Natural resources; pollution abatement and sewage collection*  
19 *facilities; combined sewer overflow.* From the capital improvement fund, a sum  
20 sufficient to the department of ~~natural resources~~ environmental management to  
21 provide funds for the construction of combined sewer overflow projects and for  
22 eligible engineering design costs under s. 281.63. The state may contract public debt  
23 in an amount not to exceed \$200,600,000 for this purpose. Of this amount,  
24 \$7,360,000 is allocated to fund the minority business demonstration and training  
25 program under s. 200.49.

1           **SECTION 969ch.** 20.866 (2) (tp) of the statutes is amended to read:

2           20.866 (2) (tp) *Natural resources; recreation projects.* From the capital  
3 improvement fund, a sum sufficient for the department of ~~natural resources~~ fish,  
4 wildlife, parks, and forestry to acquire, construct, develop or enlarge state recreation  
5 facilities and to assist municipalities and other qualifying entities in the acquisition,  
6 construction, development, enlargement or improvement of recreational boating  
7 facilities under s. 30.92. The state may contract public debt in an amount not to  
8 exceed \$56,055,000 for this purpose. Of this amount, \$1,200,000 is allocated to assist  
9 municipalities and other qualifying entities in the acquisition, construction,  
10 development, enlargement or improvement of recreational boating facilities under  
11 s. 30.92.

12           **SECTION 969cp.** 20.866 (2) (tq) of the statutes is amended to read:

13           20.866 (2) (tq) *Natural resources; local parks land acquisition and*  
14 *development.* From the capital improvement fund, a sum sufficient for the  
15 department of ~~natural resources~~ fish, wildlife, parks, and forestry to pay the state's  
16 share of aids for land acquisition and development of local parks under s. 23.09 (20).  
17 The state may contract public debt in an amount not to exceed \$2,490,000 for this  
18 purpose.

19           **SECTION 969de.** 20.866 (2) (tr) of the statutes is amended to read:

20           20.866 (2) (tr) *Natural resources; recreation development.* From the capital  
21 improvement fund, a sum sufficient for the department of ~~natural resources~~ fish,  
22 wildlife, parks, and forestry to acquire, construct, develop, enlarge or improve state  
23 recreation facilities and state fish hatcheries. The state may contract public debt in  
24 an amount not to exceed \$23,061,500 for this purpose.

25           **SECTION 969dn.** 20.866 (2) (ts) of the statutes is amended to read:

1           20.866 (2) (ts) *Natural resources; land acquisition.* From the capital  
2 improvement fund, a sum sufficient for the department of ~~natural resources~~ fish,  
3 wildlife, parks, and forestry for outdoor recreation land acquisition activities and for  
4 acquiring state forest lands. The state may contract public debt in an amount not to  
5 exceed \$45,608,600 for these purposes. Of this amount of public debt not authorized  
6 for the department before August 9, 1989, \$2,000,000 is allocated on August 9, 1989,  
7 for natural areas land acquisition activities.

8           **SECTION 969ds.** 20.866 (2) (tt) of the statutes is amended to read:

9           20.866 (2) (tt) *Natural resources; Wisconsin natural areas heritage program.*  
10 From the capital improvement fund, as a part of the outdoor recreation land  
11 acquisition program, a sum sufficient for the department of ~~natural resources~~ fish,  
12 wildlife, parks, and forestry for natural areas land acquisition activities under the  
13 Wisconsin natural areas heritage program. The state may contract public debt in an  
14 amount not to exceed \$2,500,000 for this purpose. Moneys from this appropriation  
15 may be expended in each fiscal year only in an amount equal to the value of all gifts,  
16 contributions and land dedications accepted under the Wisconsin natural areas  
17 heritage program.”.

18           **553.** Page 417, line 25: after that line insert:

19           “**SECTION 969eb.** 20.866 (2) (tu) of the statutes, as affected by 2001 Wisconsin  
20 Act .... (this act), is amended to read:

21           20.866 (2) (tu) *Natural resources; segregated revenue supported facilities.* From  
22 the capital improvement fund, a sum sufficient for the department of ~~natural~~  
23 ~~resources~~ fish, wildlife, parks, and forestry to acquire, construct, develop, enlarge or  
24 improve natural resource administrative office, laboratory, equipment storage or

1 maintenance facilities and to acquire, construct, develop, enlarge or improve state  
2 recreation facilities and state fish hatcheries. The state may contract public debt in  
3 an amount not to exceed \$30,576,400 for this purpose.

4 **SECTION 969g.** 20.866 (2) (tv) of the statutes is amended to read:

5 20.866 (2) (tv) *Natural resources; general fund supported administrative*  
6 *facilities.* From the capital improvement fund, a sum sufficient for the department  
7 of ~~natural resources~~ fish, wildlife, parks, and forestry to acquire, construct, develop,  
8 enlarge or improve natural resource administrative office, laboratory, equipment,  
9 storage or maintenance facilities. The state may contract public debt in an amount  
10 not to exceed ~~\$10,882,400~~ \$5,441,200 for this purpose.

11 **SECTION 969i.** 20.866 (2) (tw) of the statutes is amended to read:

12 20.866 (2) (tw) *Natural resources; ice age trail.* From the capital improvement  
13 fund, as a part of the outdoor recreation land acquisition program, a sum sufficient  
14 for the department of ~~natural resources~~ fish, wildlife, parks, and forestry for the  
15 acquisition and development of the ice age trail under s. 23.17. The state may  
16 contract public debt in an amount not to exceed \$750,000 for this purpose. Moneys  
17 expended from this appropriation in each fiscal year may not exceed an amount equal  
18 to the sum of the amount received under s. 20.370 (7) (gg) from gifts, grants and  
19 bequests for that fiscal year plus an amount equal to the valuation of the land  
20 accepted for dedication under s. 23.293 (5) in that fiscal year.

21 **SECTION 969k.** 20.866 (2) (tx) of the statutes is amended to read:

22 20.866 (2) (tx) *Natural resources; dam safety projects.* From the capital  
23 improvement fund, a sum sufficient for the department of ~~natural resources~~  
24 environmental management to provide financial assistance to counties, cities,  
25 villages, towns and public inland lake protection and rehabilitation districts for dam

1 safety projects under s. 31.385. The state may contract public debt in an amount not  
2 to exceed \$5,500,000 for this purpose.

3 **SECTION 969n.** 20.866 (2) (ty) of the statutes is amended to read:

4 20.866 (2) (ty) *Natural resources; segregated revenue supported land*  
5 *acquisition.* From the capital improvement fund, a sum sufficient for the department  
6 of ~~natural resources~~ fish, wildlife, parks, and forestry for outdoor recreation and  
7 preservation land acquisition activities. The state may contract debt in an amount  
8 not to exceed \$2,500,000 for this purpose.”.

9 **554.** Page 418, line 23: decrease the underscored dollar amount by \$3,000,000  
10 to reduce funding for the construction of the Women’s Correctional Center —  
11 Milwaukee.

12 **555.** Page 419, line 5: decrease the underscored dollar amount by \$1,295,500  
13 to reduce funding for the construction of a transitional halfway house.

14 **556.** Page 421, line 11: increase the underscored dollar amount by  
15 \$25,000,000.

16 **557.** Page 421, line 11: decrease the underscored dollar amount by  
17 \$14,409,600 to reduce funding for capital equipment acquisition in various state  
18 building projects.

19 **558.** Page 422, line 25: after that line insert:

20 **“SECTION 977r.** 20.866 (2) (zL) of the statutes is created to read:

21 20.866 (2) (zL) *Tourism; tourism facilities.* From the capital improvement  
22 fund, a sum sufficient for the department of tourism to acquire, construct, develop,  
23 enlarge, or improve tourism facilities. The state may contract public debt in an  
24 amount not to exceed \$2,370,000 for this purpose.”.

1           **559.** Page 423, line 16: increase the underscored dollar amount by \$9,000,000  
2 to provide funding for various state fair park building projects.

3           **560.** Page 423, line 22: increase the underscored dollar amount by  
4 \$45,000,000 to adjust funding for various state fair park building projects.

5           **561.** Page 425, line 18: after that line insert:

6           “**SECTION 983b.** 20.903 (2) (b) of the statutes, as affected by 2001 Wisconsin Act  
7 .... (this act), is amended to read:

8           20.903 **(2)** (b) Notwithstanding sub. (1), liabilities may be created and moneys  
9 expended from the appropriations under ss. 20.370 ~~(8) (mt)~~ (1) (st), 20.375 (2) (uk),  
10 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), and (kc) in an additional  
11 amount not exceeding the depreciated value of equipment for operations financed  
12 under ss. 20.370 ~~(8) (mt)~~ (1) (st), 20.375 (2) (uk), 20.395 (4) (eq), (er) and (es) and  
13 20.505 (1) (im), (ka), (kb), and (kc). The secretary of administration may require such  
14 statements of assets and liabilities as he or she deems necessary before approving  
15 expenditure estimates in excess of the unexpended moneys in the appropriation  
16 account.

17           **SECTION 983e.** 20.9045 (title) of the statutes is amended to read:

18           **20.9045** (title) **Department of natural resources fish, wildlife, parks,**  
19 **and forestry; appropriations; program balances; revenues.**

20           **SECTION 983j.** 20.916 (3) of the statutes is amended to read:

21           20.916 **(3)** FURNISHING OF GROUP TRANSPORTATION TO PLACE OF WORK. The  
22 department of health and family services, the department of corrections and the  
23 department of natural resources fish, wildlife, parks, and forestry may, with the  
24 approval of the governor and the department of administration, provide group

1 transportation, in the absence of convenient and public scheduled transportation, for  
2 employees to and from the Mendota and Winnebago mental health institutes and the  
3 centers for the developmentally disabled in the case of employees of the department  
4 of health and family services, to the Ethan Allen School, the Taycheedah  
5 Correctional Institution and the Fox Lake Correctional Institution in the case of  
6 employees of the department of corrections, and to and from its temporary branch  
7 offices located at the Nevin fish hatchery grounds in the case of employees of the  
8 department of ~~natural resources~~ fish, wildlife, parks, and forestry. Any employee,  
9 if injured while being so transported, shall be deemed to have been in the course of  
10 his or her employment.”.

11 **562.** Page 425, line 18: after that line insert:

12 “**SECTION 983m.** 20.9145 of the statutes is created to read:

13 **20.9145 Sale of residual state property. (1)** In this section, “residual state  
14 property” means vacant state-owned land, together with any improvements  
15 thereon, that are not utilized under any statutory program, or any plan or proposal  
16 of a state agency.

17 **(2)** No later than the end of the 2-year period beginning on the effective date  
18 of this subsection .... [revisor inserts date], each state agency that has jurisdiction  
19 over residual property shall solicit bids for the sale of the property.

20 **(3)** During the 2-year period under sub. (2), the state agency selling residual  
21 property shall sell the property to the highest responsible bidder, if any, who offers  
22 to pay at least the fair market value of the property.

23 **(4)** If no responsible bids are received by a state agency under sub. (2) for the  
24 purchase of a parcel of residual property at or above the fair market value of the

1 property, the state agency having jurisdiction of the property shall, no later than one  
2 year after expiration of the period under sub. (2), resolicit bids for the sale of the  
3 property and shall sell the property to the highest responsible bidder, if any.

4 (5) No later than September 1 annually, each state agency that sold a parcel of  
5 residual state property in the preceding fiscal year shall file a report with the  
6 cochairpersons of the joint committee on finance specifying the location and size of  
7 the parcel, the date sold, the estimated fair market value, the sales price and the  
8 allocation of the proceeds of the sale.

9 (6) This section does not apply to residual property that is leased to a person  
10 other than a state agency on the effective date of this subsection .... [revisor inserts  
11 date], if the lease contains terms that preclude sale of the property during the term  
12 of the lease, until the lease expires or the lease is modified, renewed, or extended,  
13 whichever first occurs.”.

14 **563.** Page 426, line 19: after that line insert:

15 “SECTION 988v. 20.923 (4) (g) 1n. of the statutes is created to read:

16 20.923 (4) (g) 1n. Environmental management, department of: secretary.

17 SECTION 988w. 20.923 (4) (g) 2. of the statutes is amended to read:

18 20.923 (4) (g) 2. ~~Natural resources~~ Fish, wildlife, parks, and forestry,  
19 department of: secretary.”.

20 **564.** Page 428, line 20: after that line insert:

21 “SECTION 995pb. 20.9275 (1) of the statutes is renumbered 20.9275 (1r), and  
22 20.9275 (1r) (intro.), as renumbered, is amended to read:

23 20.9275 (1r) (intro.) In this section, except as otherwise specified:

24 SECTION 995pc. 20.9275 (1g) of the statutes is created to read:



1           20.9275 **(1g)** It is the intent of the legislature that this section shall further the  
2 profound and compelling state interest in all of the following:

3           (a) To protect the life of an unborn child throughout pregnancy by favoring  
4 childbirth over abortion and implementing that value judgment through the  
5 allocation of public resources.

6           (b) To ensure that the state, state agencies, and local governmental units do not  
7 lend their imprimatur to abortion–related activities.

8           (c) To ensure that organizations that engage in abortion–related activities do  
9 not receive a direct or indirect economic or marketing benefit from public funds.

10           **SECTION 995pd.** 20.9275 (1r) (am) of the statutes is created to read:

11           20.9275 **(1r)** (am) “Family planning” means the process of establishing  
12 objectives for the number and spacing of one’s children and selecting the means by  
13 which those objectives may be achieved, including a broad range of acceptable and  
14 effective methods and services to limit or enhance fertility, including contraceptive  
15 methods, including natural family planning and abstinence; the management of  
16 infertility, including adoption; and preconceptional counseling, education, and  
17 general reproductive health care, including diagnosis and treatment of infections  
18 that threaten reproductive capability. “Family planning” does not include pregnancy  
19 care, including obstetric or prenatal care.

20           **SECTION 995pe.** 20.9275 (1r) (em) of the statutes is created to read:

21           20.9275 **(1r)** (em) “Prenatal care” means medical services provided to a  
22 pregnant woman to promote maternal and fetal health.

23           **SECTION 995pf.** 20.9275 (2) (intro.) of the statutes is amended to read:

24           20.9275 **(2)** (intro.) ~~No~~ Except as provided in sub. (2m) and notwithstanding  
25 s. 20.927 (2), no state agency or local governmental unit may authorize payment of

1 funds of this state, of any local governmental unit or, ~~subject to sub. (3m),~~ of federal  
2 funds passing through the state treasury as a grant, subsidy, or other funding that  
3 wholly or partially or directly or indirectly involves pregnancy programs, projects,  
4 or services, ~~that is including~~ a grant, subsidy, or other funding under s. 46.93, 46.99,  
5 46.995, 253.02 (2), 253.05, 253.07, 253.08, or 253.085 or 42 USC 701 to 710, if any of  
6 the following applies:

7 **SECTION 995pg.** 20.9275 (2) (a) 2. of the statutes is renumbered 20.9275 (2) (a)  
8 2. (intro.) and amended to read:

9 20.9275 (2) (a) 2. (intro.) Promotes, encourages, or counsels in favor of abortion  
10 services, including by doing any of the following:

11 **SECTION 995ph.** 20.9275 (2) (a) 2. a. of the statutes is created to read:

12 20.9275 (2) (a) 2. a. Acting to assist women to obtain abortions.

13 **SECTION 995pi.** 20.9275 (2) (a) 2. b. of the statutes is created to read:

14 20.9275 (2) (a) 2. b. Acting to increase the availability or accessibility of  
15 abortion for family planning purposes.

16 **SECTION 995pj.** 20.9275 (2) (a) 2. c. of the statutes is created to read:

17 20.9275 (2) (a) 2. c. Lobbying for the passage of legislation to increase in any  
18 way the availability of abortion as a method of family planning.

19 **SECTION 995pk.** 20.9275 (2) (a) 2. d. of the statutes is created to read:

20 20.9275 (2) (a) 2. d. Providing speakers to promote the use of abortion as a  
21 method of family planning.

22 **SECTION 995pL.** 20.9275 (2) (a) 2. e. of the statutes is created to read:

23 20.9275 (2) (a) 2. e. Paying dues to a group that as a significant part of its  
24 activities advocates abortion as a method of family planning.

25 **SECTION 995pm.** 20.9275 (2) (a) 2. f. of the statutes is created to read:

1           20.9275 (2) (a) 2. f. Using legal action to make abortion available in any way  
2 as a method of family planning.

3           **SECTION 995pn.** 20.9275 (2) (a) 2. g. of the statutes is created to read:

4           20.9275 (2) (a) 2. g. Developing or disseminating in any way materials,  
5 including printed matter and audiovisual materials, advocating abortion as a  
6 method of family planning.

7           **SECTION 995pp.** 20.9275 (2m) (intro.) of the statutes is amended to read:

8           20.9275 (2m) (intro.) Nothing in sub. (2) prohibits the ~~providing of nondirective~~  
9 ~~information explaining promotion, encouragement, or counseling in favor of, or~~  
10 ~~referral either directly or through an intermediary for,~~ any of the following:

11           **SECTION 995pq.** 20.9275 (2m) (c) of the statutes is repealed.

12           **SECTION 995pr.** 20.9275 (2n) of the statutes is created to read:

13           20.9275 (2n) Except as provided in sub. (6), none of the funds specified under  
14 sub. (2) (intro.) may be paid to an organization or affiliate of an organization that does  
15 any of the following:

16           (a) Engages in an activity that is specified under sub. (2) (a) 1. to 3.

17           (b) Receives funds from any source that requires, as a condition for receipt of  
18 the funds, that the organization or affiliate perform any of the activities specified in  
19 sub. (2) (a) 1. to 3.

20           **SECTION 995ps.** 20.9275 (3) of the statutes is amended to read:

21           20.9275 (3) ~~Subject to sub. (3m) Notwithstanding s. 20.927 (2),~~ no organization  
22 that receives funds specified under sub. (2) (intro.) may use program funds for an  
23 activity that is specified under sub. (2) (a) 1. to 3. No organization that receives funds  
24 specified under sub. (2) (intro.) may transfer any program funds or any other public

1 funds to an organization or affiliate of an organization to which sub. (2n) (a) or (b)  
2 applies.

3 **SECTION 995pt.** 20.9275 (3m) of the statutes is repealed.

4 **SECTION 995pu.** 20.9275 (6) of the statutes is created to read:

5 20.9275 **(6)** Subsection (2n) does not apply to an organization that otherwise  
6 is qualified to receive funding under sub. (2) and that is affiliated with an  
7 organization to which sub. (2n) (a) or (b) applies if the organizations are physically  
8 and financially independent from each other under all of the following criteria:

9 (a) The organization that receives funds specified under sub. (2) (intro.) and its  
10 independent affiliate to which sub. (2n) (a) or (b) applies are not located in the same  
11 building and do not share any of the following:

12 1. The same or a similar name.

13 2. Medical or nonmedical facilities, including treatment, consultation,  
14 examination, or waiting rooms or business offices.

15 3. Equipment or supplies, including computers, telephone systems,  
16 telecommunications equipment, vehicles, office supplies, or medical supplies.

17 4. Services, including management, accounting, or payroll services or  
18 equipment or facility maintenance.

19 5. Income, grants, donations of cash or property, in-kind gifts, or other revenue.

20 6. Fund-raising activities.

21 7. Expenses.

22 8. Employees.

23 9. Employee wages or salaries.

24 10. Databases, including client lists.

1 (b) The organization that receives funds specified under sub. (2) (intro.) is  
2 separately incorporated from its independent affiliate to which sub. (2n) (a) or (b)  
3 applies.

4 (c) The organization that receives funds specified under sub. (2) (intro.)  
5 maintains financial records and database records that demonstrate that its  
6 independent affiliate to which sub. (2n) (a) or (b) applies receives no direct or indirect  
7 economic or marketing benefit from the program funds. Separation of program funds  
8 from other moneys by means of bookkeeping alone is not sufficient to meet the  
9 requirement of this paragraph.

10 **SECTION 995pv.** 20.9275 (7) of the statutes is created to read:

11 20.9275 (7) At least once every 3 years, the legislative audit bureau shall  
12 conduct an audit of each organization that receives the funds specified under sub. (2)  
13 (intro.) and the state agency or local governmental unit that authorizes payment of  
14 the funds to the organization, to determine if the organization, state agency, or local  
15 governmental unit has strictly complied with this section. If the organization is an  
16 affiliate of an organization to which sub. (2n) (a) or (b) applies, the legislative audit  
17 bureau shall conduct the audit at least annually.

18 **SECTION 995pw.** 20.9275 (8) of the statutes is created to read:

19 20.9275 (8) A person may file a petition for a writ of mandamus or prohibition  
20 with the circuit court for the county where a violation of this section is alleged to have  
21 occurred or is proposed to occur.”.

22 **565.** Page 428, line 20: after that line insert:

23 “**SECTION 995cb.** 20.9273 of the statutes is created to read:

1           **20.9273 Prohibition on the use of public employees and public**  
2           **property to perform abortions or engage in abortion-related activity. (1)**

3           It is the intent of the legislature that this section shall further the profound and  
4           compelling state interest in protecting the life of an unborn child throughout  
5           pregnancy by favoring childbirth over abortion and implementing that value  
6           judgment through the allocation of public resources.

7           **(2)** In this section:

8           (a) “Abortion” has the meaning given in s. 253.10 (2) (a).

9           (b) “Authority” means an authority created in chs. 231 and 233.

10          (c) “Local governmental unit” means a city, village, town, county, or school  
11          district or an agency or subdivision of a city, village, town, county, or school district.

12          (d) “Public property” means a public facility, public institution, or other  
13          building or part of a building that is owned, leased, or controlled by the state, a state  
14          agency, a local governmental unit, or an authority, or any equipment or other  
15          physical asset that is owned, leased, or controlled by the state, a state agency, a local  
16          governmental unit, or an authority.

17          (e) “State agency” means an office, department, agency, institution of higher  
18          education, association, society, or other body in state government created or  
19          authorized to be created by the constitution or any law, which is entitled to expend  
20          moneys appropriated by law, including the legislature and the courts.

21          **(3)** Beginning on the effective date of this subsection .... [revisor inserts date],  
22          no person employed by this state, by a state agency, by a local governmental unit, or  
23          by an authority may do any of the following while acting within the scope of his or  
24          her employment:

1           (a) Provide or assist in providing an abortion, unless the abortion is directly and  
2 medically necessary to save the life of the pregnant woman.

3           (b) Aid or encourage a pregnant woman to have an abortion, unless the abortion  
4 is directly and medically necessary to save the life of the pregnant woman.

5           (c) Make abortion referrals either directly or through an intermediary, unless  
6 the abortion is directly and medically necessary to save the life of the pregnant  
7 woman.

8           (d) Require, provide, refer for, or make arrangements for the provision of  
9 training in the performance of a medical treatment or surgical procedure for the  
10 purpose of performing or inducing an abortion.

11           **(4)** (a) Except as provided in pars. (b) and (c), beginning on the effective date  
12 of this paragraph .... [revisor inserts date], no public property may be used to do any  
13 of the following:

14           1. Provide or assist in providing an abortion, unless the abortion is directly and  
15 medically necessary to save the life of the pregnant woman.

16           2. Aid or encourage a pregnant woman to have an abortion, unless the abortion  
17 is directly and medically necessary to save the life of the pregnant woman.

18           3. Make abortion referrals either directly or through an intermediary, unless  
19 the abortion is directly and medically necessary to save the life of the pregnant  
20 woman.

21           4. Require, provide, refer for, or make arrangements for the provision of  
22 training in the performance of a medical treatment or surgical procedure for the  
23 purpose of performing or inducing an abortion.

24           (b) Paragraph (a) does not prohibit a private person from using police or fire  
25 protection services or any services provided by a public utility.

1 (c) Paragraph (a) does not apply to public property that is leased to a private  
2 person under a lease agreement entered into before the effective date of this  
3 paragraph .... [revisor inserts date], until the date on which the lease agreement  
4 expires or is extended, modified, or renewed.

5 (5) (a) Any person who violates sub. (3) shall be required to forfeit not less than  
6 \$500 nor more than \$1,000 for each offense.

7 (b) Any person who violates sub. (4) shall be required to forfeit not less than  
8 \$2,000 nor more than \$5,000 for each offense.

9 (c) The penalties under pars. (a) and (b) may not be construed to limit the power  
10 of the state, a state agency, a local governmental unit, or an authority to discipline  
11 an employee.”.

12 **566.** Page 428, line 20: after that line insert:

13 “**SECTION 995m.** 20.930 of the statutes is renumbered 20.930 (1).

14 **SECTION 995n.** 20.930 (2) to (5) of the statutes are created to read:

15 20.930 (2) No state agency in the executive branch may employ legal counsel  
16 except by contract. Notwithstanding s. 16.75 (1) (c), (2m) and (6) (c) to (e), all  
17 contracts for the employment of counsel entered into by any state agency in the  
18 executive branch shall be awarded only by solicitation of bids under s. 16.75.

19 (3) Every legal services contract entered into by a state agency in the executive  
20 branch which provides for counsel to be retained on a contingent fee basis shall  
21 contain a provision requiring the counsel to submit a statement of the number of  
22 hours worked under the contract, the expenses incurred in relation to the contract  
23 and the net charge per hour under the contract, computed on the basis of the total  
24 charges, less expenses, divided by the number of hours worked. The head of the



1 agency shall not authorize payment to be made under the contract until the  
2 statement is submitted.

3 (4) No state agency in the executive branch may enter into any contract that  
4 requires the state to pay for legal services at a rate that exceeds \$1,000 per hour. If  
5 a contract provides for a contingent or fixed fee, the hourly charge shall be computed  
6 in the manner provided in s. 14.11 (2) (bp). The head of the agency shall not authorize  
7 any payment to be made exceeding the amount specified in this subsection.

8 (5) If the legal services to be performed by any person for a state agency in the  
9 executive branch will or reasonably may be anticipated to exceed \$1,000,000, the  
10 employment shall be by contract, which shall be signed by the governor. Prior to  
11 approving any contract for the provision of legal services under this section, the  
12 governor shall file the proposed contract with the chief clerk of each house of the  
13 legislature. Any proposed contract so filed is subject to the procedures and  
14 limitations prescribed in ss. 13.107 and 14.11 (2).”.

15 **567.** Page 434, line 17: after that line insert:

16 “SECTION 1013m. 21.25 (1) of the statutes is amended to read:

17 21.25 (1) The department of military affairs shall may administer the Badger  
18 Challenge program for disadvantaged youth. ~~The department shall recruit 10% of~~  
19 ~~the 1999–2000 class of the program from families who are eligible to receive~~  
20 ~~temporary assistance for needy families under 42 USC 601 et seq. The department~~  
21 ~~shall recruit 25% of the 2000–01 class of the program from families who are eligible~~  
22 ~~to receive temporary assistance for needy families under 42 USC 601 et seq. The If~~  
23 the department of military affairs administers the Badger Challenge program under

1 this subsection, it shall promulgate rules for administering the Badger Challenge  
2 program.”.

3 **568.** Page 438, line 12: after “1002” insert “, that is located in this state or that  
4 is included in the Minnesota–Wisconsin student reciprocity agreement under s.  
5 39.47”.

6 **569.** Page 438, line 18: delete lines 18 to 22 and substitute “a comparable  
7 number of credits, whichever amount is less.”.

8 **570.** Page 439, line 11: after that line insert:

9 “**SECTION 1024k.** 21.49 (4) (c) of the statutes is created to read:

10 21.49 (4) (c) 1. Any person who joins the Wisconsin national guard on or after  
11 the effective date of this subdivision .... [revisor inserts date], is only eligible for a  
12 tuition grant under this section for a course in one of the following schools:

13 a. The extension division and any campus of the University of Wisconsin  
14 System.

15 b. Any public institution of higher education, that is included in the  
16 Minnesota–Wisconsin student reciprocity agreement under s. 39.47.

17 c. Any technical college established under ch. 38.

18 d. Any accredited institution of higher education as defined in 20 USC 1002,  
19 that is located in this state.

20 **SECTION 1024m.** 21.49 (4) (d) of the statutes is created to read:

21 21.49 (4) (d) A guard member may, until June 30, 2005, receive tuition grants  
22 under this section for attendance at an accredited institution of higher education, as  
23 defined in 20 USC 1002, that is located outside this state if the guard member was

1 enrolled in that institution on the effective date of this paragraph .... [revisor inserts  
2 date].”.

3 **571.** Page 442, line 5: after that line insert:

4 “**SECTION 1030m.** 22.07 (9) of the statutes is created to read:

5 22.07 (9) In consultation with the department of veterans affairs, administer  
6 a program to increase outreach to veterans regarding veterans services and benefits,  
7 and to provide training to employees of the department of veterans affairs and county  
8 veterans service officers. The department of electronic government shall make the  
9 program available through a satellite system that is linked to 5 remote locations in  
10 this state.”.

11 **572.** Page 445, line 22: after that line insert:

12 “**SECTION 1034b.** 23.09 (2) (d) 16. of the statutes is amended to read:

13 23.09 (2) (d) 16. For bluff protection under s. ~~30.24~~ 23.0942.

14 **SECTION 1034bd.** 23.09 (2r) (b) of the statutes is amended to read:

15 23.09 (2r) (b) Land acquisition for urban river grants under s. ~~30.277~~ 23.0944.

16 **SECTION 1034bg.** 23.09 (12) (c) of the statutes is amended to read:

17 23.09 (12) (c) State aid under this subsection to any county shall be distributed  
18 by the department according to the procedures adopted by the ~~natural resources~~ fish,  
19 wildlife, parks, and forestry board. State aid granted to any county under this  
20 subsection shall be matched by the county, and the state’s share may not exceed  
21 one-half of the actual cost of the project. Personnel, equipment and materials  
22 furnished by the county may be included in computing the county share contribution.

23 **SECTION 1034bj.** 23.091 (2) of the statutes is amended to read:

1           23.091 **(2)** MASTER PLAN. The department may designate a recreational area  
2 only after a master plan for use and management of the area is prepared, public  
3 hearings on the plan are held in the county where the largest portion of land in the  
4 project is located, the procedures prescribed in s. 1.11 are complied with, and the plan  
5 is approved by the ~~natural resources~~ fish, wildlife, parks, and forestry board.

6           **SECTION 1034gc.** 23.0915 (1g) of the statutes is amended to read:

7           23.0915 **(1g)** LAND ACQUISITION; URBAN RIVER GRANTS. Beginning in fiscal year  
8 1992–93 and ending in fiscal year 1999–2000, the department for each fiscal year  
9 shall designate for expenditure \$1,900,000 of the moneys appropriated under s.  
10 20.866 (2) (tz) for land acquisition for urban river grants under s. ~~30.277~~ 23.0944.

11           **SECTION 1034gh.** 23.0915 (1r) (c) of the statutes is amended to read:

12           23.0915 **(1r)** (c) For land acquisition, the department shall designate for  
13 expenditure \$900,000 for urban river grants under s. ~~30.277~~ 23.0944 and for grants  
14 under s. 23.096 for the purposes under s. ~~30.277~~ 23.0944 (2) (a).

15           **SECTION 1034gm.** 23.0915 (2) (d) (intro.) of the statutes is amended to read:

16           23.0915 **(2)** (d) (intro.) In a given fiscal year, in addition to expending the  
17 amount designated for a purpose under sub. (1) (a) or (c) to (k), or the amount equal  
18 to the expenditure limit for that purpose, as adjusted under pars. (a) and (b),  
19 whichever amount is applicable, the department may also expend for that purpose  
20 up to 50% of the designated amount for that purpose for the given fiscal year for a  
21 project or activity if the ~~natural resources~~ fish, wildlife, parks, and forestry board  
22 determines all of the following:

23           **SECTION 1034gp.** 23.0915 (2g) of the statutes is amended to read:

24           23.0915 **(2g)** FUNDS FOR MONONA TERRACE PROJECT. If all of the money set aside  
25 under s. 23.195 for the Frank Lloyd Wright Monona terrace project is not expended

1 before July 1, 1998, the department shall make the unexpended moneys available  
2 for expenditure for land acquisition and for urban river grants under s. ~~30.277~~  
3 23.0944. The moneys expended for the Frank Lloyd Wright Monona terrace project  
4 are expended as an amount for land acquisition.”.

5 **573.** Page 446, line 9: after that line insert:

6 “**SECTION 1034m.** 23.0917 (3) (c) 1. of the statutes is amended to read:

7 23.0917 (3) (c) 1. Acquisition of land that preserves or enhances the state’s  
8 water resources, including land in and for the Lower Wisconsin State Riverway; land  
9 abutting wild rivers designated under s. ~~30.26~~ 23.43, wild lakes and land along the  
10 shores of the Great Lakes.”.

11 **574.** Page 446, line 14: after that line insert:

12 “**SECTION 1034pg.** 23.0917 (4) (b) 4. of the statutes is amended to read:

13 23.0917 (4) (b) 4. Grants for urban rivers under ss. 23.096 and ~~30.277~~ 23.0944.”.

14 **575.** Page 447, line 2: after that line insert:

15 “**SECTION 1034rg.** 23.0917 (4m) (L) of the statutes is amended to read:

16 23.0917 (4m) (L) *Highway construction required.* No moneys may be obligated  
17 for the subprogram for the Baraboo Hills before the department of transportation  
18 certifies to the department of ~~natural resources~~ fish, wildlife, parks, and forestry that  
19 highway construction that will result in at least 4 traffic lanes has begun on the  
20 portion of USH 12 between the city of Middleton and the village of Sauk City.

21 **SECTION 1034rm.** 23.0917 (5) (d) (intro.) of the statutes is amended to read:

22 23.0917 (5) (d) (intro.) For a given fiscal year, in addition to obligating the  
23 amount of the annual bonding authority for a subprogram under sub. (3) or (4), or  
24 the amount equal to the annual bonding authority for that subprogram, as adjusted

1 under pars. (a) and (b), whichever amount is applicable, the department may also  
2 obligate for that subprogram up to 100% of the annual bonding authority for that  
3 subprogram for that given fiscal year for a project or activity if the ~~natural resources~~  
4 fish, wildlife, parks, and forestry board determines that all of the following  
5 conditions apply:

6 **SECTION 1034rp.** 23.0917 (7) (a) of the statutes is amended to read:

7 23.0917 (7) (a) Except as provided in pars. (b) and (c), for purposes of  
8 calculating the acquisition costs for acquisition of land under ss. 23.09 (19), (20) and  
9 (20m), 23.092 (4), 23.094 (3g), 23.096, ~~30.24~~ 23.0942 (4) and ~~30.277~~ 23.0944 from the  
10 appropriation under s. 20.866 (2) (ta), the acquisition costs shall equal the sum of the  
11 land's current fair market value and other acquisition costs, as determined by rule  
12 by the department.”.

13 **576.** Page 447, line 3: before that line insert:

14 “**SECTION 1035b.** 23.0917 (5) (e) of the statutes is created to read:

15 23.0917 (5) (e) Beginning with fiscal year 2001–02 and ending with fiscal year  
16 2009–10, the annual bonding authority is decreased for each fiscal year by an  
17 amount equal to 5% of the total amount of principal and interest costs paid during  
18 the previous fiscal year from the appropriation under s. 20.370 (7) (aa). The amount  
19 of the decrease is allocated between the subprogram for land acquisition and the  
20 subprogram for property development and local assistance as follows:

21 1. The amount of the decrease for the subprogram for land acquisition shall  
22 equal 75% of the total amount of the decrease.

23 2. The amount of the decrease for the subprogram for property development  
24 and local assistance shall equal 25% of the total amount of the decrease.”.

1           **577.** Page 447, line 2: after that line insert:

2           “6. Restoration of an area on the exposed bed of the former flowage on the  
3           Prairie River.”.

4           **578.** Page 447, line 3: delete lines 3 to 11 and substitute:

5           “**SECTION 1035h.** 23.0917 (7) (e) of the statutes is amended to read:

6           23.0917 (7) (e) For any land for which moneys are proposed to be obligated from  
7           the appropriation under s. 20.866 (2) (ta) in order to provide a grant or state aid to  
8           a governmental unit under s. 23.09 (19), (20) or (20m) or 30.277 or to a nonprofit  
9           conservation organization under s. 23.096, and if the department estimates that the  
10          fair market value of the land exceeds \$200,000, the governmental unit or nonprofit  
11          conservation organization shall submit to the department ~~two appraisals if the~~  
12          ~~department estimates that the fair market value of the land exceeds \$200,000 at~~  
13          least one appraisal, and the department shall obtain its own independent appraisal.

14          **SECTION 1035j.** 23.0917 (7) (e) of the statutes, as affected by 2001 Wisconsin  
15          Act .... (this act), is amended to read:

16          23.0917 (7) (e) For any land for which moneys are proposed to be obligated from  
17          the appropriation under s. 20.866 (2) (ta) in order to provide a grant or state aid to  
18          a governmental unit under s. 23.09 (19), (20) or (20m) or ~~30.277~~ 23.0944 or to a  
19          nonprofit conservation organization under s. 23.096, and if the department  
20          estimates that the fair market value of the land exceeds \$200,000, the governmental  
21          unit or nonprofit conservation organization shall submit to the department at least  
22          one appraisal, and the department shall obtain its own independent appraisal.”.

23          **579.** Page 448, line 2: after that line insert:

24          “**SECTION 1036b.** 23.0918 (2) of the statutes is amended to read:

1           23.0918 (2) Unless the ~~natural resources~~ fish, wildlife, parks, and forestry  
2 board determines otherwise in a specific case, only the income from the gifts, grants  
3 or bequests in the fund is available for expenditure. The ~~natural resources~~ fish,  
4 wildlife, parks, and forestry board may authorize expenditures only for preserving,  
5 developing, managing or maintaining land under the jurisdiction of the department  
6 that is used for any of the purposes specified in s. 23.09 (2) (d). In this subsection,  
7 unless otherwise provided in a gift, grant or bequest, principal and income are  
8 determined as provided under s. 701.20 (3).

9           **SECTION 1036e.** 23.093 of the statutes is amended to read:

10           **23.093 Carp control research.** The department of ~~natural resources~~ may  
11 enter into contracts with public or private agencies for the accelerated research and  
12 development of a specific toxic material for the control and eradication of carp in the  
13 waters of the state.

14           **SECTION 1036g.** 23.094 (2) (a) of the statutes is amended to read:

15           23.094 (2) (a) The department, in consultation with the department of  
16 environmental management, shall identify as priority streams those streams in this  
17 state that are in most need of protection from degradation of water quality caused  
18 by agricultural or urban runoff.

19           **SECTION 1036j.** 23.096 (2) (a) of the statutes is amended to read:

20           23.096 (2) (a) The department may award grants from the appropriation under  
21 s. 20.866 (2) (ta) or (tz) to nonprofit conservation organizations to acquire property  
22 for all of the purposes described in ss. 23.09 (2) (d) 1. to 7., 9., 11., 12. and 15., (19),  
23 (20) and (20m), 23.092, 23.094, 23.17, 23.175, 23.27, 23.29, 23.293, ~~30.24~~ 23.0942,  
24 and ~~30.277~~ 23.0944.

25           **SECTION 1036m.** 23.0962 (1) (intro.) of the statutes is amended to read:



1           23.0962 (1) (intro.) If the department of administration acquires as a gift the  
2 property, known as Black Point Estate, that is located on Lake Geneva in the county  
3 of Walworth, town of Linn, in fractional Sec. 8, T. 1 N., R. 17 E., and if the joint  
4 committee on finance approves the gift under s. 20.907 (1), the department of natural  
5 resources fish, wildlife, parks, and forestry shall make a grant of \$1,800,000, from  
6 the appropriation under s. 20.370 (5) (cq), to a nonprofit conservation organization  
7 that meets all of the following requirements:

8           **SECTION 1036p.** 23.0962 (1) (d) of the statutes is amended to read:

9           23.0962 (1) (d) The nonprofit conservation organization acquires a  
10 conservation easement in the property, the terms of which are subject to approval of  
11 the department of natural resources fish, wildlife, parks, and forestry, to be held by  
12 the organization for the purpose of preserving Black Point Estate.

13           **SECTION 1036r.** 23.0962 (1) (e) of the statutes is amended to read:

14           23.0962 (1) (e) The nonprofit conservation organization makes a commitment,  
15 with guarantees determined to be adequate by the department of natural resources  
16 fish, wildlife, parks, and forestry, to use the grant under this section and any  
17 additional funds donated to the organization to fund an endowment for the operation  
18 and maintenance of Black Point Estate.

19           **SECTION 1036t.** 23.0965 (1) of the statutes is amended to read:

20           23.0965 (1) The department of natural resources fish, wildlife, parks, and  
21 forestry shall enter into an agreement with Ducks Unlimited, Inc., to make  
22 payments from the appropriation under s. 20.370 (5) (au) to Ducks Unlimited, Inc.,  
23 to fund its conservation efforts in the United States, Canada and Mexico.”.

24           **580.** Page 448, line 2: after that line insert:

1           “**SECTION 1036b.** 23.0957 (title) of the statutes is amended to read:

2           **23.0957 (title) Annual grants to a nonstock, nonprofit corporation;**  
3 **urban land conservation projects.**

4           **SECTION 1036c.** 23.0957 (1) (title) of the statutes is created to read:

5           23.0957 (1) (title) DEFINITIONS.

6           **SECTION 1036d.** 23.0957 (1) (b) of the statutes is amended to read:

7           23.0957 (1) (b) “Interested group” means a community group, nonprofit  
8 organization, or local governmental unit that is interested in environmental quality  
9 issues and in acquiring urban, developing, maintaining, or restoring land for one or  
10 more urban forestry protection, water resource management, conservation,  
11 recreation or other urban open space conservation purposes.

12           **SECTION 1036e.** 23.0957 (1) (c) of the statutes is created to read:

13           23.0957 (1) (c) “Urban conservation purpose” means an urban, open space  
14 conservation or restoration area; urban forest protection or enhancement; water  
15 resource management in urban areas; resource management strategies for urban  
16 areas; conservation activities in an urban area; or recreation activities in an urban  
17 area.

18           **SECTION 1036f.** 23.0957 (2) (intro.) of the statutes is amended to read:

19           23.0957 (2) RECIPIENT REQUIREMENTS. (intro.) The department shall provide  
20 one grant of \$75,000 \$150,000 in each fiscal year, ~~beginning with fiscal year~~  
21 ~~1999–2000~~ to be used for one or more urban conservation purposes, to a nonstock,  
22 nonprofit corporation that meets all of the following requirements:

23           **SECTION 1036g.** 23.0957 (2) (c) 2. of the statutes is repealed.

24           **SECTION 1036h.** 23.0957 (2) (c) 3. of the statutes is repealed.

25           **SECTION 1036j.** 23.0957 (2) (c) 5. of the statutes is repealed.

1           **SECTION 1036k.** 23.0957 (2) (c) 7. of the statutes is repealed.

2           **SECTION 1036m.** 23.0957 (2) (d) of the statutes is amended to read:

3           23.0957 **(2)** (d) The corporation contributes ~~\$25,000~~ \$50,000 in funds annually  
4 to be used with the grant that it receives under this subsection.

5           **SECTION 1036n.** 23.0957 (2) (e) of the statutes is created to read:

6           23.0957 **(2)** (e) The corporation contributes substantial support to a network  
7 that encourages activities that further one or more urban conservation purposes in  
8 various urban communities in this state.

9           **SECTION 1036p.** 23.0957 (2r) of the statutes is created to read:

10           23.0957 **(2r)** AUTHORIZED ACTIVITIES. A corporation receiving a grant under sub.  
11 (2) may use proceeds from the grant for projects that are for one or more urban  
12 conservation purposes and that are undertaken by the corporation. For urban, open  
13 space projects, conservation projects in urban areas, or recreation projects in urban  
14 areas undertaken by the corporation, the corporation may use the proceeds for the  
15 acquisition of land for these projects.

16           **SECTION 1036q.** 23.0957 (3) (intro.) of the statutes is amended to read:

17           23.0957 **(3)** REQUIRED ACTIVITIES. (intro.) A corporation receiving a grant under  
18 sub. (2) may use the grant for urban forest protection, water resource enhancement  
19 ~~or other urban open space objectives and shall do~~ use proceeds from the grant to do  
20 all of the following ~~with the grant~~:

21           **SECTION 1036r.** 23.0957 (3) (a) of the statutes is renumbered 23.0957 (3) (a)  
22 (intro.) and amended to read:

23           23.0957 **(3)** (a) (intro.) Provide to interested groups technical assistance,  
24 especially ~~in the areas of urban open space real estate transactions, reclaiming and~~  
25 ~~restoring the natural values of urban parks, urban forests and open space areas,~~

1 ~~designing and constructing amenities in open space areas, on all of the following~~  
2 ~~topics:~~

3 1. Methods of cultivating citizen participation in acquiring, developing, and  
4 maintaining urban, open space areas ~~and securing.~~

5 2. Methods of securing public financing for urban, open space areas.

6 **SECTION 1036s.** 23.0957 (3) (a) 3. of the statutes is created to read:

7 23.0957 (3) (a) 3. Comprehensive management methods for urban forests.

8 **SECTION 1036t.** 23.0957 (3) (a) 4. of the statutes is created to read:

9 23.0957 (3) (a) 4. The use of resource management strategies to improve water  
10 and air quality and to revitalize urban communities.

11 **SECTION 1036u.** 23.0957 (3) (a) 5. of the statutes is created to read:

12 23.0957 (3) (a) 5. Methods for reducing the presence of toxic substances in  
13 residential neighborhoods in urban areas.

14 **SECTION 1036v.** 23.0957 (3) (a) 6. of the statutes is created to read:

15 23.0957 (3) (a) 6. Methods for promoting environmental education and  
16 environmental stewardship in urban communities.

17 **SECTION 1036w.** 23.0957 (3) (c) of the statutes is amended to read:

18 23.0957 (3) (c) Assist ~~community~~ interested groups, nonprofit organizations  
19 ~~and local governmental units~~ in acquiring ~~urban property for open space~~ developing,  
20 maintaining, or restoring land for one or more urban conservation purposes ~~and in~~  
21 ~~restoring urban property acquired for conservation, recreation and other open space~~  
22 ~~purposes.~~

23 **SECTION 1036x.** 23.0957 (3) (d) of the statutes is amended to read:

24 23.0957 (3) (d) For each fiscal year, prepare a report detailing the activities for  
25 which a grant under sub. (2) is expended. Copies of the report shall be submitted to

1 the department and to the appropriate standing committees of the legislature, as  
2 determined by the speaker of the assembly or and the president of the senate.

3 **SECTION 1036y.** 23.0957 (4) of the statutes is repealed.”.

4 **581.** Page 448, line 2: after that line insert:

5 “**SECTION 1036g.** 23.0917 (8) (e) of the statutes is created to read:

6 23.0917 (8) (e) The department shall obligate at least 10% of the total bonding  
7 authority for the acquisition of land located inside the limits of incorporated cities  
8 and villages. Acquisitions under this paragraph shall be consistent with any  
9 comprehensive land use plan of the city or village that applies to the land being  
10 acquired.

11 **SECTION 1036m.** 23.0917 (8) (f) of the statutes is created to read:

12 23.0917 (8) (f) The department may not obligate moneys from the  
13 appropriation under s. 20.866 (2) (ta) to acquire a conservation or other easement or  
14 development right if the term of the easement or right is for more than 30 years.”.

15 **582.** Page 448, line 2: after that line insert:

16 “**SECTION 1036m.** 23.0925 of the statutes is created to read:

17 **23.0925 Prairie restoration projects.** Notwithstanding s. 16.705 (1), if the  
18 department conducts a prairie restoration project, it shall enter into a contract with  
19 a private entity to conduct the project.”.

20 **583.** Page 448, line 14: after that line insert:

21 “**SECTION 1038c.** 23.10 (1) of the statutes is amended to read:

22 23.10 (1) The department of natural resources shall secure the enforcement of  
23 all laws which it is required to administer and bring, or cause to be brought, actions  
24 and proceedings in the name of the state for that purpose. The persons appointed

1 by said department to exercise and perform the powers and duties heretofore  
2 conferred and imposed upon deputy fish and game wardens, shall be known as  
3 conservation wardens and shall be subject to ch. 230.

4 **SECTION 1038cd.** 23.10 (1m) of the statutes is created to read:

5 23.10 (1m) The department shall designate a conservation warden as the chief  
6 warden, who shall serve outside of the classified service. The department may  
7 designate one or more deputy chief wardens. The chief warden shall have the duty  
8 to direct, supervise, and control conservation wardens in the performance of their  
9 duties under sub. (1) and s. 29.921. The chief warden shall designate an employee  
10 of the department as an internal affairs officer to investigate complaints against  
11 conservation wardens when the chief warden determines an investigation is  
12 necessary and shall designate an employee of the department as a complaint officer  
13 to resolve complaints against conservation wardens.

14 **SECTION 1038cg.** 23.10 (4) of the statutes is amended to read:

15 23.10 (4) All conservation wardens shall, before exercising any of their powers,  
16 be provided with a commission issued by the department of natural resources under  
17 its seal, substantially as follows:

18 STATE OF WISCONSIN

19 DEPARTMENT OF ~~NATURAL RESOURCES~~ FISH, WILDLIFE, PARKS, AND FORESTRY.

20 To all to whom these presents shall come, greeting:

21 Know ye, that reposing special trust and confidence in the integrity and ability  
22 of ....., of the county of ....., we do hereby appoint and constitute .... a conservation  
23 warden (or county, or special conservation warden) for the (county of ....), state of  
24 Wisconsin, and do authorize and empower .... to execute and fulfill the duties of that

1 office according to law, during good behavior and the faithful performance of the  
2 duties of that office.

3 In testimony whereof, the secretary has hereunto affixed the secretary's  
4 signature and the official seal of the department, at its office in the city of Madison,  
5 Wisconsin, this .... day of ....., .... (year)

6 (Seal)

STATE OF WISCONSIN

7 DEPARTMENT OF ~~NATURAL RESOURCES~~ FISH, WILDLIFE, PARKS, AND FORESTRY.

8 By .... ..

9 **SECTION 1038cj.** 23.10 (5) of the statutes is amended to read:

10 23.10 (5) The department of ~~natural resources~~ shall furnish to each  
11 conservation warden at the time of the warden's appointment, a pocket identification  
12 folder in form and substance as follows: A leather-covered folder, size when folded,  
13 3 by 4 inches; on one of the inner sides thereof shall be securely fastened a photograph  
14 of such appointee to be furnished by the appointee, and partly on the photograph and  
15 partly on the margin of such folder shall be an impression of the seal of the  
16 department of ~~natural resources~~; such appointee shall also affix the appointee's  
17 signature below the photograph on such folder; on the other inner side of such folder  
18 shall be securely fastened a miniature true copy of the commission issued to such  
19 appointee, which shall be signed by the secretary. The appointee shall carry the  
20 identification folder on his or her person at all times that the appointee is on official  
21 duty, and the appointee shall on demand exhibit the same to any person to whom the  
22 appointee may represent himself or herself as a conservation warden. The cost of  
23 such identification folder shall be charged to the appropriation for the department.

24 **SECTION 1038cm.** 23.117 (4) of the statutes is amended to read:

1           23.117 (4) Any council that is created by the ~~natural resources~~ fish, wildlife,  
2 parks, and forestry board under s. 15.04 (1) (c) to advise the department on the  
3 opening of trails in state parks and in the Kettle Moraine ~~state forest~~ State Forest  
4 for use by bicycles shall have its recommendations regarding such ~~that~~ use reviewed  
5 and approved by the ~~natural resources~~ fish, wildlife, parks, and forestry board before  
6 they are implemented.

7           **SECTION 1038cp.** 23.12 of the statutes is amended to read:

8           **23.12 Bylaws.** ~~Said natural resources~~ The fish, wildlife, parks, and forestry  
9 board may make and establish such rules and bylaws, not inconsistent with law, as  
10 it deems useful to itself and its subordinates in the conduct of the business entrusted  
11 to it.”.

12           **584.** Page 448, line 14: after that line insert:

13           **“SECTION 1038b.** 23.113 of the statutes is created to read:

14           **23.113 Chief state forester.** The secretary shall designate an employee of the  
15 department to serve as the department’s chief state forester. The chief state forester  
16 shall have received a bachelor’s or higher degree from a school of forestry with a  
17 curriculum accredited by the Society of American Foresters in the management of  
18 forest resources.”.

19           **585.** Page 448, line 14: after that line insert:

20           **“SECTION 1038bg.** 23.118 of the statutes is created to read:

21           **23.118 Signs required.** If the department acquires an easement that provides  
22 the public with access to a body of water for the purpose of fishing, the department  
23 shall place a sign on the property where the easement is located that informs the



1 public that the easement allows the public access to the body of water for the purpose  
2 of fishing.”.

3 **586.** Page 448, line 14: after that line insert:

4 “**SECTION 1038am.** 23.10 (1m) of the statutes is created to read:

5 23.10 (1m) The department shall designate a conservation warden as the chief  
6 warden. The chief warden shall have the duty to direct, supervise, and control  
7 conservation wardens in the performance of their duties under sub. (1) and s. 29.921.  
8 The department shall require that each conservation warden designated as a  
9 supervisor devote one-half of his or her time to supervisory activities and one-half  
10 of his or her time to enforcement activities. If the department divides the state into  
11 geographical units for the purpose of managing its functions, the department shall  
12 assign each conservation warden designated as a supervisor to a geographical unit.  
13 The department shall ensure that those assignments are made in such a manner as  
14 to address the specific enforcement needs of each geographical unit.”.

15 **587.** Page 449, line 3: after that line insert:

16 “**SECTION 1038db.** 23.125 of the statutes, as created by 2001 Wisconsin Act ...  
17 (this act), is renumbered 278.125 and, as renumbered, is amended to read:

18 **278.125 Natural resources Environmental management board**  
19 **member conflicts of interest. (1)** If a member of the ~~natural resources~~  
20 ~~environmental management board~~ is the holder of a permit or license issued by the  
21 department under chs. 280 to 299, that member may not engage in a discussion at  
22 a board meeting or participate in a board decision on any matter that substantially  
23 relates to the permit or license.

1           **(2)** If a member of the ~~natural resources~~ environmental management board  
2 receives, or has during the previous 2 years received, a significant portion of his or  
3 her income directly or indirectly from a holder of or applicant for a permit or license  
4 issued by the department under chs. 280 to 299, that member may not engage in a  
5 discussion at a board meeting or participate in a board decision on any matter that  
6 substantially relates to the permit or license, except that this restriction does not  
7 apply with respect to a permit or license held or applied for by an agency, department,  
8 or subdivision of this state.

9           **SECTION 1038f.** 23.13 of the statutes is amended to read:

10           **23.13 Governor to be informed.** The board of commissioners of public lands  
11 and the department of ~~natural resources~~ shall furnish to the governor upon the  
12 governor's request a copy of any paper, document or record in their respective offices  
13 and give the governor orally such information as the governor may call for.”.

14           **588.** Page 449, line 6: after that line insert:

15           “**SECTION 1038p.** 23.14 (1m) of the statutes is created to read:

16           **23.14 (1m)** Prior to the acquisition of any land, or interest in land, by the  
17 department, the department shall notify in writing each city, village, or town, and  
18 each county, in which the land or interest in land is located at least 60 days before  
19 the department completes the acquisition.”.

20           **589.** Page 449, line 17: after that line insert:

21           “**SECTION 1038t.** 23.15 (title) of the statutes is amended to read:

22           **23.15 (title) Sale of state-owned lands under the jurisdiction of the**  
23 **department of natural resources.**

24           **SECTION 1038td.** 23.15 (1) of the statutes is amended to read:

1           23.15 (1) ~~The natural resources~~ fish, wildlife, parks, forestry board may sell,  
2 at public or private sale, lands and structures owned by the state under the  
3 jurisdiction of the department of ~~natural resources~~ when the ~~natural resources~~ fish,  
4 wildlife, parks, and forestry board ~~determines that said those~~ lands are no longer  
5 necessary for the state's use for conservation purposes and, if real property, the real  
6 property is not the subject of a petition under s. 16.375 (2).

7           **SECTION 1038tf.** 23.15 (2) of the statutes is amended to read:

8           23.15 (2) ~~Said natural resources~~ The fish, wildlife, parks, and forestry board  
9 shall present to the governor a full and complete report of the lands to be sold, the  
10 reason for the sale, the price for which ~~said the~~ lands should be sold together with  
11 an application for the sale of the ~~same~~ lands. The governor shall ~~thereupon~~ make  
12 such any investigation as that the governor ~~deems~~ considers necessary respecting  
13 ~~said the~~ lands to be sold and approve or disapprove such the application. If the  
14 governor ~~shall approve~~ approves the ~~same~~ application, a permit shall be issued by  
15 the governor for such the sale on the terms set forth in the application.

16           **SECTION 1038tg.** 23.15 (2m) (a) (intro.) of the statutes is amended to read:

17           23.15 (2m) (a) (intro.) Notwithstanding sub. (1), the ~~natural resources~~ fish,  
18 wildlife, parks, and forestry board shall sell, at fair market value, land in the lower  
19 Wisconsin state riverway, as defined in s. 30.40 (15), that is not exempt under s. 30.48  
20 (2) and that is acquired by the department after August 9, 1989, if all of the following  
21 conditions are met:

22           **SECTION 1038tj.** 23.15 (2m) (b) of the statutes is amended to read:

23           23.15 (2m) (b) Notwithstanding sub. (1), the ~~natural resources~~ fish, wildlife,  
24 parks, and forestry board is not required to make a finding that land to be sold under  
25 par. (a) is no longer necessary for the state's use for conservation purposes.

1           **SECTION 1038tm.** 23.15 (3) of the statutes is amended to read:

2           23.15 (3) Upon completion of such sale, the chairperson and secretary of the  
3           ~~natural resources fish, wildlife, parks, and forestry~~ board, or the secretary of ~~natural~~  
4           ~~resources fish, wildlife, parks, and forestry~~, if the secretary is duly authorized by the  
5           ~~natural resources fish, wildlife, parks, and forestry~~ board, shall execute such any  
6           instruments as that are necessary to transfer title, and the ~~natural resources fish,~~  
7           ~~wildlife, parks, and forestry~~ board or its duly authorized agents shall deliver the  
8           same instruments to the purchaser upon payment of the amount set forth in the  
9           application.

10           **SECTION 1038tn.** 23.15 (4) of the statutes is amended to read:

11           23.15 (4) ~~Said natural resources~~ The fish, wildlife, parks, and forestry board  
12           effecting the sale of any such lands and structures shall, upon receiving payment  
13           therefor, deposit the funds in the conservation fund to be used exclusively for the  
14           purpose of purchasing other areas of land for the creating and establishing of public  
15           hunting and fishing grounds, wildlife and fish refuges and state parks and for land  
16           in the ~~lower Lower Wisconsin state riverway~~ State Riverway as defined in s. 30.40  
17           (15).

18           **SECTION 1038tp.** 23.16 (1) of the statutes is amended to read:

19           23.16 (1) PUBLICATION. The department may produce, issue or reprint  
20           magazines or other periodicals on a periodic basis as it determines, pertaining to fish  
21           and game, forests, parks, ~~environmental quality~~ and other similar subjects of  
22           general information. The department may distribute its magazines and periodicals  
23           by subscription. The department shall charge a fee for any of its magazines or  
24           periodicals, except that no fee may be charged to a person who is provided a  
25           subscription to the Wisconsin Natural Resources Magazine under s. 29.235.

1           **SECTION 1038tq.** 23.16 (5) of the statutes is amended to read:

2           **23.16 (5) USE OF MONEYS.** The department shall use the moneys collected under  
3 this section for the costs specified in sub. (4). If the moneys collected under this  
4 section exceed the amount necessary for the costs specified in sub. (4), the  
5 department shall use the excess for educational and informational activities  
6 concerning conservation ~~and the environment.~~

7           **SECTION 1038tr.** 23.165 (1) of the statutes is amended to read:

8           **23.165 (1) PUBLICATIONS.** The department may produce, issue, reprint and sell  
9 publications not published on a periodic basis that pertain to fish and game, forests,  
10 parks, ~~environmental quality~~ and other similar subjects of general information.

11           **SECTION 1038ts.** 23.165 (1m) of the statutes is amended to read:

12           **23.165 (1m) PHOTOGRAPHS, SLIDES, VIDEOTAPES, ARTWORK.** The department may  
13 produce, issue, reprint and sell photographs, slides, videotapes and artwork if they  
14 pertain to fish and game, forests, parks, ~~environmental quality~~ and other similar  
15 subjects of general information.

16           **SECTION 1038tu.** 23.165 (5m) of the statutes is amended to read:

17           **23.165 (5m) USE OF MONEYS.** The department shall use the moneys collected  
18 under this section for the costs specified in sub. (5). If the moneys collected under  
19 this section exceed the amount necessary for the costs specified in sub. (5), the  
20 department shall use the excess for educational and informational activities  
21 concerning conservation ~~and the environment.~~”.

22           **590.** Page 449, line 23: after that line insert:

23           **“SECTION 1039ag.** 23.179 of the statutes is created to read:

1           **23.179 Lake Koshkonong comprehensive project. (1) DEFINITION.** In this  
2 section, “district” means the Rock–Koshkonong public inland lake protection and  
3 rehabilitation district.

4           **(2) AUTHORIZATION.** The district may implement a project developed and  
5 approved by the U.S. army corps of engineers to place structures, or fill, or both on  
6 the bed of Lake Koshkonong for any of the following purposes:

7           (a) To improve navigation or to provide navigation aids.

8           (b) To restore or protect wetland habitat or water quality.

9           (c) To create, restore, or protect fish and wildlife habitat.

10           (d) To enhance the natural aesthetic value or improve the recreational use of  
11 the lake.

12           **(3) LOCATION OF STRUCTURES AND FILL.** Any structure or fill placed as part of the  
13 project authorized under sub. (2) shall be located in Lake Koshkonong within the  
14 area that consists of Secs. 10, 13, 18, 19, 20, 24, 33, and 35, T 5 N., R 13.

15           **(4) PRELIMINARY REQUIREMENTS.** (a) Before beginning any activity involving the  
16 placement of a structure or fill as part of the project authorized under sub. (2), the  
17 district shall submit plans and specifications for the project to the department and  
18 obtain the department’s approval for the project.

19           (b) Before the department gives its approval for a project authorized under sub.  
20 (2), the department shall do all of the following:

21           1. Comply with the requirements under s. 1.11.

22           2. Review the plans and specifications submitted to the department under par.

23 (a) and obtain any other information that it determines is necessary to effectively  
24 evaluate the structural and functional integrity of the structure or fill.

1           3. Hold a public informational meeting to discuss the plans and specifications  
2 submitted under par. (a).

3           4. Determine that the structure or fill is structurally and functionally sound  
4 and that the structure or fill will comply with the requirements under sub. (5).

5           **(5) REQUIREMENTS FOR STRUCTURES AND FILL.** A structure or fill placed as part  
6 of a project authorized under sub. (2) shall meet all of the following requirements:

7           (a) It may not materially affect the flood flow capacity of the Rock River.

8           (b) It may not materially obstruct navigation.

9           (c) It may not cause material injury to the rights of an owner of lands  
10 underlying the structure or fill or to the rights of a riparian owner who owns lands  
11 affected by the project.

12           (d) It may not cause environmental pollution, as defined in s. 299.01 (4).

13           (e) It may not be detrimental to the public interest.

14           (f) It must further a purpose specified in sub. (2).

15           **(6) MAINTENANCE BY THE DISTRICT.** (a) The district shall maintain the structures  
16 and the fill that are part of the project authorized under sub. (2) to ensure that the  
17 structures and fill do not impair the safety of the public.

18           (b) The district shall maintain the structures and the fill that are part of the  
19 project authorized under sub. (2) so that the structures and fill remain in compliance  
20 with the requirements listed under sub. (5).

21           (c) If the department determines that any structure or any fill that is part of  
22 the project authorized under sub. (2) does not comply with the requirements under  
23 sub. (5), the department may require the district to modify the structure or fill to  
24 bring it into compliance or to remove the structure or fill.

1           **(7) USE OF STRUCTURES OR FILL.** Any structure or fill placed as part of the project  
2 authorized under sub. (2) may be used only for any of the following:

3           (a) As a site for the placement of navigation aids approved by the department.

4           (b) Activities to protect or improve wildlife or fish habitat, including the  
5 placement of fish or wildlife habitat structures approved by the department.

6           (c) Open space for recreational activities.

7           **(8) OWNERSHIP.** (a) The structures or fill that are part of the project authorized  
8 under sub. (2) are owned by the district. Except as provided in par. (b), the district  
9 may not transfer ownership of any structure or any fill that is part of the project  
10 authorized under sub. (2).

11           (b) The district may transfer ownership of any structure or fill that is part of  
12 the project authorized under sub. (2) if all of the following apply:

13           1. The district transfers ownership of the structure or fill to a public entity, as  
14 defined by the department by rule.

15           2. Before transferring ownership of the structure or fill, the district obtains  
16 written approval of the transfer from the department.

17           **(9) ACCESS TO PROPERTY.** An employee or agent of the department shall have free  
18 access during reasonable hours to the structures or fill that are part of the project  
19 authorized under sub. (2) for the purpose of inspecting the structures or fill to ensure  
20 that the project is in compliance with the requirements of this section. If the  
21 department determines that any structure or any fill that is part of the project  
22 authorized under sub. (2) does not comply with the requirements of this section, the  
23 department may require the owner of the structure or fill to modify the structure or  
24 fill to bring it into compliance or to remove the structure or fill.



1           **(10) EXEMPTIONS.** Section 30.12 does not apply to activities that are necessary  
2 for the implementation or maintenance of the project authorized under sub. (2).

3           **SECTION 1039am.** 23.18 of the statutes is renumbered 278.18, and 278.18 (1)  
4 (a) and (b) (intro.), as renumbered, are amended to read:

5           278.18 **(1)** (a) Advise the department, the department of fish, wildlife, parks,  
6 and forestry, the governor and the legislature on matters relating to the  
7 environmental, recreational and economic revitalization of the Milwaukee River  
8 basin.

9           (b) (intro.) Assist the department and the department of fish, wildlife, parks,  
10 and forestry to.”.

11           **591.** Page 450, line 14: after that line insert:

12           “**SECTION 1039bn.** 23.197 (2) (a) of the statutes is amended to read:

13           23.197 **(2)** (a) From the appropriation under s. 20.866 (2) (ta) or (tz) or both, the  
14 department shall provide funding to the city of Fort Atkinson for the restoration of  
15 a river wall along the Rock River. The amount provided by the department may not  
16 exceed the amount that equals the matching contribution made for the river wall by  
17 the city of Fort Atkinson or \$96,500, whichever is less. The requirements for  
18 matching contributions under s. ~~30.277~~ 23.0944 (5) shall apply.”.

19           **592.** Page 451, line 18: delete lines 18 to 24.

20           **593.** Page 453, line 7: after that line insert:

21           “**SECTION 1039t.** 23.197 (9) of the statutes is created to read:

22           23.197 **(9)** PRAIRIE RIVER RESTORATION. From the appropriation under s. 20.866  
23 (2) (ta), the department shall provide funding to the city of Merrill in the amount of  
24 \$493,500 for a project to restore an area on the exposed bed of the former flowage on

1 the Prairie River. For the purposes of s. 23.0917, moneys provided under this  
2 subsection from the appropriation under s. 20.866 (2) (ta) shall be treated as moneys  
3 obligated under the subprogram for property development and local assistance.”.

4 **594.** Page 453, line 17: after that line insert:

5 “**SECTION 1040m.** 23.235 (3) of the statutes is amended to read:

6 23.235 (3) The department may conduct research on the control of nuisance  
7 weeds. The secretaries of ~~natural resources~~ fish, wildlife, parks, and forestry and of  
8 agriculture, trade and consumer protection may authorize any person to plant or  
9 cultivate nuisance weeds for the purpose of controlled experimentation.”.

10 **595.** Page 458, line 8: after that line insert:

11 “**SECTION 1045Lc.** 23.30 (3) (intro.) of the statutes is amended to read:

12 23.30 (3) ~~NATURAL RESOURCES~~ FISH, WILDLIFE, PARKS, AND FORESTRY BOARD. (intro.)  
13 The ~~natural resources~~ fish, wildlife, parks, and forestry board is the body through  
14 which all governmental agencies and nongovernmental agencies may coordinate  
15 their policies, plans and activities with regard to Wisconsin outdoor recreation  
16 resources. To this end it shall:

17 **SECTION 1045Lf.** 23.31 (1) (a) of the statutes is amended to read:

18 23.31 (1) (a) To provide and develop recreation resources facilities within this  
19 state, the ~~natural resources~~ fish, wildlife, parks, and forestry board, subject to the  
20 limits provided in s. 20.866 (2) (tp), (ts) and (tt), may direct that state debt be  
21 contracted for providing recreation resources facilities or making additions to  
22 existing recreation resources facilities.

23 **SECTION 1045Lh.** 23.31 (1) (b) of the statutes is amended to read:

1           23.31 (1) (b) With ~~their~~ its biennial budget request to the department of  
2           administration, the ~~natural resources~~ fish, wildlife, parks, and forestry board shall  
3           include its request and plan for recreational acquisition and development funding  
4           under s. 23.30. This plan shall be approved by the governor and shall contain the  
5           policies regarding the priority types of land to be acquired and the nature and  
6           categories of the developments to be undertaken. Changes in priority types of land  
7           to be acquired and in categories of developments may not be made without approval  
8           of the governor. Any deviation which the governor approves shall be reviewed by the  
9           joint committee on finance.

10           **SECTION 1045Lj.** 23.32 of the statutes, as affected by 1997 Wisconsin Act 27,  
11           is renumbered 278.32.

12           **SECTION 1045Ln.** 23.325 (2) (a) of the statutes is amended to read:

13           23.325 (2) (a) After consultation with the department of transportation and the  
14           state cartographer, the department of ~~natural resources~~ fish, wildlife, parks, and  
15           forestry shall select the photographic products to be sold.

16           **SECTION 1045Lp.** 23.325 (3) of the statutes is amended to read:

17           23.325 (3) The department of ~~natural resources~~ fish, wildlife, parks, and  
18           forestry may sell and may enter into contracts to sell the photographic products.

19           **SECTION 1045Lr.** 23.325 (4) of the statutes is amended to read:

20           23.325 (4) All income received by the department of ~~natural resources~~ fish,  
21           wildlife, parks, and forestry and the department of transportation from the sale of  
22           the photographic products, less the amount retained by the department of  
23           transportation under s. 85.10, shall be deposited in the conservation fund.”.

24           **596.** Page 458, line 8: after that line insert:

1           “**SECTION 1043m.** 23.257 of the statutes is created to read:

2           **23.257 Geographic information systems.** Notwithstanding s. 16.705 (1),  
3 if the department provides geographic information systems mapping services on or  
4 after July 1, 2002, it shall enter into a contract with a private entity to provide those  
5 services.”.

6           **597.** Page 458, line 8: after that line insert:

7           “**SECTION 1043m.** 23.257 of the statutes is created to read:

8           **23.257 Departmental regions.** If the department divides the state into  
9 regions for the purpose of managing its functions, it shall include all of Crawford and  
10 Vernon counties in the region that covers the west central part of the state.”.

11           **598.** Page 461, line 21: after that line insert:

12           “**SECTION 1065d.** 23.33 (2) (o) of the statutes, as affected by 2001 Wisconsin Act  
13 .... (this act), is amended to read:

14           23.33 (2) (o) *Receipt of fees.* All fees remitted to or collected by the department  
15 under par. (ir) shall be credited to the appropriation account under s. 20.370 (9) ~~(hu)~~  
16 (1) (hw).”.

17           **599.** Page 463, line 23: after that line insert:

18           “**SECTION 1066arb.** 23.33 (5m) (c) 4. and 5. of the statutes, as created by 2001  
19 Wisconsin Act .... (this act), are amended to read:

20           23.33 (5m) (c) 4. Assisting the department of ~~natural resources~~ fish, wildlife,  
21 parks, and forestry and the department of tourism in creating an outreach program  
22 to inform local communities of appropriate all-terrain vehicle use in their  
23 communities and of the economic benefits that may be gained from promoting  
24 tourism to attract all-terrain vehicle operators.

1           5. Attempting to improve and maintain its relationship with the department  
2 of natural resources fish, wildlife, parks, and forestry, the department of tourism,  
3 all-terrain vehicle dealers, all-terrain vehicle manufacturers, snowmobile clubs, as  
4 defined in s. 350.138 (1) (e), snowmobile alliances, as defined in s. 350.138 (d), and  
5 other organizations that promote the recreational operation of snowmobiles.

6           **SECTION 1066as.** 23.33 (9) (a) of the statutes is amended to read:

7           23.33 (9) (a) *Enforcement.* The department may utilize moneys received under  
8 sub. (2) for all-terrain vehicle registration aids administration and for the purposes  
9 specified under s. 20.370 ~~(3)~~ (1) (as) and (5) (er) including costs associated with  
10 enforcement, safety education, accident reports and analysis, law enforcement aids  
11 to counties, and other similar costs in administering and enforcing this section.

12           **SECTION 1066at.** 23.38 (1) of the statutes is amended to read:

13           23.38 (1) The department shall maintain a toll-free telephone number at  
14 department headquarters to receive reports of violations of any statute or  
15 administrative rule that the department enforces or administers. The department  
16 shall relay these reports to the appropriate conservation warden or officer for  
17 investigation and enforcement action. The department shall publicize the toll-free  
18 telephone number as widely as possible in the state.

19           **SECTION 1066au.** 23.39 of the statutes is created to read:

20           **23.39 Financial interest prohibited.** The secretary and any other person  
21 in a position of administrative responsibility in the department may not have a  
22 financial interest in any enterprise which might profit by weak or preferential  
23 administration or enforcement of the powers and duties of the department.

24           **SECTION 1066av.** 23.40 (3) (d) of the statutes is amended to read:

1           23.40 (3) (d) ~~Except as provided in par. (e), the~~ The department shall deposit  
2 any environmental impact statement fee in the general fund and shall designate  
3 clearly the amount of the fee related to the cost of authorized environmental  
4 consultant services and the amount of the fee related to the cost of printing and  
5 postage.

6           **SECTION 1066aw.** 23.40 (3) (e) of the statutes is repealed.

7           **SECTION 1066ax.** 23.41 (1) (intro.) and (b) of the statutes are consolidated,  
8 renumbered 23.41 (1) and amended to read:

9           23.41 (1) In this section: ~~(b)~~ “Environmental “environmental consultant  
10 services” includes services provided by environmental scientists, engineers and  
11 other experts.

12           **SECTION 1066ay.** 23.41 (1) (a) of the statutes is repealed.

13           **SECTION 1066az.** 23.41 (2) of the statutes is repealed.”.

14           **600.** Page 463, line 23: after that line insert:

15           “**SECTION 1066av.** 23.33 (7m) of the statutes is created to read:

16           23.33 (7m) REPORTING REQUIREMENT. The department shall submit an annual  
17 report to the joint legislative audit committee on how the increase in conservation  
18 warden positions under 2001 Wisconsin Act .... (this act), that provide additional  
19 state law enforcement functions related to all-terrain vehicles has benefited the  
20 department’s efforts to enforce the laws relating to the operation of all-terrain  
21 vehicles and to educate the public on these laws. The department shall submit this  
22 report no later than August 15 of each year and shall submit the first report no later  
23 than August 15, 2002. The report shall cover the fiscal year ending on the June 30  
24 that immediately precedes the date of the report.”.

1           **601.** Page 464, line 14: after that line insert:

2           “**SECTION 1066bb.** 23.41 (5) of the statutes, as affected by 2001 Wisconsin Act  
3 .... (this act), is repealed.

4           **SECTION 1066bd.** 23.41 (5m) of the statutes is repealed.

5           **SECTION 1066bg.** 23.42 of the statutes is renumbered 278.42.

6           **SECTION 1066bj.** 23.425 (title), (1) and (2) (a) of the statutes are renumbered  
7 278.425 (title), (1) and (2).

8           **SECTION 1066bm.** 23.425 (2) (b) of the statutes is renumbered 23.425 and  
9 amended to read:

10           **23.425 MacKenzie center.** The fees collected by the department under par.  
11 ~~(a)~~ may collect fees for the use of the MacKenzie environmental center. The fees shall  
12 be deposited in the general fund and credited to the appropriation under s. 20.370  
13 ~~(9) (1)~~ (gb).”.

14           **602.** Page 466, line 6: after that line insert:

15           “**SECTION 1066yb.** 23.47 of the statutes, as created by 2001 Wisconsin Act ....  
16 (this act), is amended to read:

17           **23.47 Payments for department of tourism programs and activities.**  
18 The department of natural resources fish, wildlife, parks, and forestry may not  
19 expend any moneys appropriated from the conservation fund to the department of  
20 ~~natural resources~~ fish, wildlife, parks, and forestry under s. 20.370 to pay, in whole  
21 or in part, for a program operated, or an activity conducted, by the department of  
22 tourism.”.

23           **SECTION 1067b.** 23.50 (1) of the statutes is amended to read:

1           23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit  
2 court to recover forfeitures, penalty assessments, jail assessments, applicable  
3 weapons assessments, ~~applicable environmental assessments,~~ applicable wild  
4 animal protection assessments, applicable natural resources assessments,  
5 applicable fishing shelter removal assessments, applicable snowmobile registration  
6 restitution payments and applicable natural resources restitution payments for  
7 violations of ss. 77.09, 134.60, 167.10 (3), and 167.31 (2), ~~281.48 (2) to (5), 283.33,~~  
8 ~~285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2) subchs.~~  
9 IV and V of ch. 30, subch. VI of ch. 77, this chapter and chs. 26 to 31 29 and of ch. 350,  
10 and any administrative rules promulgated thereunder, ~~violations specified under s.~~  
11 ~~285.86,~~ violations of rules of the Kickapoo reserve management board under s. 41.41  
12 (7) (k) or violations of local ordinances enacted by any local authority in accordance  
13 with s. 23.33 (11) (am) or 30.77.

14           **SECTION 1068b.** 23.50 (2) of the statutes is amended to read:

15           23.50 (2) All actions to recover these forfeitures, penalty assessments, jail  
16 assessments, applicable weapons assessments, ~~applicable environmental~~  
17 ~~assessments,~~ applicable wild animal protection assessments, applicable natural  
18 resources assessments, applicable fishing shelter removal assessments, applicable  
19 snowmobile registration restitution payments and applicable natural resources  
20 restitution payments are civil actions in the name of the state of Wisconsin, shall be  
21 heard in the circuit court for the county where the offense occurred, and shall be  
22 recovered under the procedure set forth in ss. 23.50 to 23.85.

23           **SECTION 1068r.** 23.51 (3c) of the statutes is repealed.

24           **SECTION 1072b.** 23.53 (1) of the statutes is amended to read:



1           23.53 (1) The citation created under this section shall, in all actions to recover  
2 forfeitures, penalty assessments, jail assessments, applicable weapons assessments,  
3 ~~applicable environmental assessments,~~ applicable wild animal protection  
4 assessments, applicable natural resources assessments, applicable fishing shelter  
5 removal assessments, applicable snowmobile registration restitution payments and  
6 applicable natural resources restitution payments for violations of those statutes  
7 enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and  
8 any rule of the Kickapoo reserve management board under s. 41.41 (7) (k) be used  
9 by any law enforcement officer with authority to enforce those laws, except that the  
10 uniform traffic citation created under s. 345.11 may be used by a traffic officer  
11 employed under s. 110.07 in enforcing s. 167.31 ~~or by an officer of a law enforcement~~  
12 ~~agency of a municipality or county or a traffic officer employed under s. 110.07 in~~  
13 ~~enforcing s. 287.81.~~ In accordance with s. 345.11 (1m), the citation shall not be used  
14 for violations of ch. 350 relating to highway use. The citation may be used for  
15 violations of local ordinances enacted by any local authority in accordance with s.  
16 23.33 (11) (am) or 30.77.

17           **SECTION 1073b.** 23.54 (3) (e) of the statutes is amended to read:

18           23.54 (3) (e) The maximum forfeiture, penalty assessment, jail assessment,  
19 crime laboratories and drug law enforcement assessment, applicable weapons  
20 assessment, ~~applicable environmental assessment,~~ applicable wild animal  
21 protection assessment, applicable natural resources assessment, applicable fishing  
22 shelter removal assessment, applicable snowmobile registration restitution  
23 payment and applicable natural resources restitution payment for which the  
24 defendant might be found liable.

25           **SECTION 1074b.** 23.54 (3) (i) of the statutes is amended to read:

1           23.54 **(3)** (i) Notice that if the defendant makes a deposit and fails to appear  
2 in court at the time fixed in the citation, the defendant will be deemed to have  
3 tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a  
4 jail assessment, a crime laboratories and drug law enforcement assessment, any  
5 applicable weapons assessment, ~~any applicable environmental assessment~~, any  
6 applicable wild animal protection assessment, any applicable natural resources  
7 assessment, any applicable fishing shelter removal assessment, any applicable  
8 snowmobile registration restitution payment and any applicable natural resources  
9 restitution payment plus costs, including any applicable fees prescribed in ch. 814,  
10 not to exceed the amount of the deposit. The notice shall also state that the court may  
11 decide to summon the defendant rather than accept the deposit and plea.

12           **SECTION 1075b.** 23.54 (3) (j) of the statutes is amended to read:

13           23.54 **(3)** (j) Notice that if the defendant makes a deposit and signs the  
14 stipulation, the defendant will be deemed to have tendered a plea of no contest and  
15 submitted to a forfeiture, a penalty assessment, a jail assessment, a crime  
16 laboratories and drug law enforcement assessment, any applicable weapons  
17 assessment, ~~any applicable environmental assessment~~, any applicable wild animal  
18 protection assessment, any applicable natural resources assessment, any applicable  
19 fishing shelter removal assessment, any applicable snowmobile registration  
20 restitution payment and any applicable natural resources restitution payment plus  
21 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount  
22 of the deposit. The notice shall also state that the court may decide to summon the  
23 defendant rather than accept the deposit and stipulation, and that the defendant  
24 may, at any time prior to or at the time of the court appearance date, move the court  
25 for relief from the effects of the stipulation.

1           **SECTION 1076b.** 23.55 (1) (b) of the statutes is amended to read:

2           23.55 (1) (b) A plain and concise statement of the violation identifying the event  
3 or occurrence from which the violation arose and showing that the plaintiff is entitled  
4 to relief, the statute upon which the cause of action is based and a demand for a  
5 forfeiture, the amount of which shall not exceed the maximum set by the statute  
6 involved, a penalty assessment, a jail assessment, a crime laboratories and drug law  
7 enforcement assessment, any applicable weapons assessment, ~~any applicable~~  
8 ~~environmental assessment~~, any applicable wild animal protection assessment, any  
9 applicable natural resources assessment, any applicable fishing shelter removal  
10 assessment, any applicable snowmobile registration restitution payment, any  
11 applicable natural resources restitution payment and any other relief that is sought  
12 by the plaintiff.

13           **SECTION 1076m.** 23.56 (2) of the statutes is amended to read:

14           23.56 (2) In actions to collect forfeitures, penalty assessments, jail  
15 assessments, applicable weapons assessments, ~~applicable—environmental~~  
16 ~~assessments~~, applicable wild animal protection assessments, applicable natural  
17 resources assessments, applicable fishing shelter removal assessments, applicable  
18 snowmobile registration restitution payments and applicable natural resources  
19 restitution payments, the judge who issues a warrant under sub. (1) may endorse  
20 upon the warrant the amount of the deposit. If no endorsement is made, the deposit  
21 schedule under s. 23.66 shall apply, unless the court directs that the person be  
22 brought before the court.

23           **SECTION 1076r.** 23.65 (1) of the statutes is amended to read:

24           23.65 (1) When it appears to the district attorney that a violation of s. 134.60,  
25 ~~281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81~~

1 ~~or 299.64 (2) subch. IV or V of ch. 30, this chapter or ch. 26, 27, 28, 29, 30, 31 or 350,~~  
2 ~~or any administrative rule promulgated pursuant thereto, or a violation specified~~  
3 ~~under s. 285.86~~ has been committed the district attorney may proceed by complaint  
4 and summons.

5 **SECTION 1076t.** 23.65 (3) of the statutes is amended to read:

6 23.65 (3) If a district attorney refuses or is unavailable to issue a complaint,  
7 a circuit judge, after conducting a hearing, may permit the filing of a complaint if he  
8 or she finds there is probable cause to believe that the person charged has committed  
9 a violation of ~~s. 287.07, 287.08 or 287.81~~ subch. IV or V of ch. 30, this chapter or ch.  
10 26, 27, 28, 29, 30, 31 or 350 ~~or a violation specified under s. 285.86.~~ The district  
11 attorney shall be informed of the hearing and may attend.

12 **SECTION 1077b.** 23.66 (2) of the statutes is amended to read:

13 23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate  
14 showing the purpose for which the deposit is made, stating that the defendant may  
15 inquire at the office of the clerk of court or municipal court regarding the disposition  
16 of the deposit, and notifying the defendant that if he or she fails to appear in court  
17 at the time fixed in the citation he or she will be deemed to have tendered a plea of  
18 no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a  
19 crime laboratories and drug law enforcement assessment, any applicable weapons  
20 assessment, ~~any applicable environmental assessment,~~ any applicable wild animal  
21 protection assessment, any applicable natural resources assessment, any applicable  
22 fishing shelter removal assessment, any applicable snowmobile registration  
23 restitution payment and any applicable natural resources restitution payment plus  
24 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount  
25 of the deposit which the court may accept. The original of the receipt shall be

1 delivered to the defendant in person or by mail. If the defendant pays by check, share  
2 draft or other draft, the check, share draft or other draft or a microfilm copy of the  
3 check, share draft or other draft shall be considered a receipt. If the defendant makes  
4 the deposit by use of a credit card, the credit charge receipt shall be considered a  
5 receipt.

6 **SECTION 1078b.** 23.66 (4) of the statutes is amended to read:

7 23.66 (4) The basic amount of the deposit shall be determined in accordance  
8 with a deposit schedule that the judicial conference shall establish. Annually, the  
9 judicial conference shall review and may revise the schedule. In addition to the basic  
10 amount determined according to the schedule, the deposit shall include court costs,  
11 including any applicable fees prescribed in ch. 814, any applicable penalty  
12 assessment, any applicable jail assessment, any applicable crime laboratories and  
13 drug law enforcement assessment, any applicable weapons assessment, ~~any~~  
14 ~~applicable environmental assessment,~~ any applicable wild animal protection  
15 assessment, any applicable natural resources assessment, any applicable fishing  
16 shelter removal assessment, any applicable snowmobile registration restitution  
17 payment and any applicable natural resources restitution payment.

18 **SECTION 1079b.** 23.67 (2) of the statutes is amended to read:

19 23.67 (2) The deposit and stipulation of no contest may be made at any time  
20 prior to the court appearance date. By signing the stipulation, the defendant is  
21 deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty  
22 assessment, a jail assessment, a crime laboratories and drug law enforcement  
23 assessment, any applicable weapons assessment, ~~any applicable environmental~~  
24 ~~assessment,~~ any applicable wild animal protection assessment, any applicable  
25 natural resources assessment, any applicable fishing shelter removal assessment,

1 any applicable snowmobile registration restitution payment and any applicable  
2 natural resources restitution payment plus costs, including any applicable fees  
3 prescribed in ch. 814, not to exceed the amount of the deposit.

4 **SECTION 1080b.** 23.67 (3) of the statutes is amended to read:

5 23.67 (3) The person receiving the deposit and stipulation of no contest shall  
6 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
7 stating that the defendant may inquire at the office of the clerk of court or municipal  
8 court regarding the disposition of the deposit, and notifying the defendant that if the  
9 stipulation of no contest is accepted by the court the defendant will be deemed to have  
10 submitted to a forfeiture, a penalty assessment, a jail assessment, a crime  
11 laboratories and drug law enforcement assessment, any applicable weapons  
12 assessment, ~~any applicable environmental assessment,~~ any applicable wild animal  
13 protection assessment, any applicable natural resources assessment, any applicable  
14 fishing shelter removal assessment, any applicable snowmobile registration  
15 restitution payment and any applicable natural resources restitution payment plus  
16 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount  
17 of the deposit. Delivery of the receipt shall be made in the same manner as in s. 23.66.

18 **SECTION 1081b.** 23.75 (3) (a) 2. of the statutes is amended to read:

19 23.75 (3) (a) 2. If the court considers the nonappearance to be a plea of no  
20 contest and enters judgment accordingly, the court shall promptly mail a copy or  
21 notice of the judgment to the defendant. The judgment shall allow the defendant not  
22 less than 20 working days from the date the judgment copy or notice is mailed to pay  
23 the forfeiture, penalty assessment, jail assessment and crime laboratories and drug  
24 law enforcement assessment, any applicable weapons assessment, ~~any applicable~~  
25 ~~environmental assessment,~~ any applicable wild animal protection assessment, any

1 applicable natural resources assessment, any applicable fishing shelter removal  
2 assessment, any applicable snowmobile registration restitution payment and any  
3 applicable natural resources restitution payment plus costs, including any  
4 applicable fees prescribed in ch. 814.

5 **SECTION 1082b.** 23.75 (3) (b) of the statutes is amended to read:

6 23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the  
7 initial pleading and the defendant shall be deemed to have tendered a plea of no  
8 contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a  
9 crime laboratories and drug law enforcement assessment, any applicable weapons  
10 assessment, ~~any applicable environmental assessment,~~ any applicable wild animal  
11 protection assessment, any applicable natural resources assessment, any applicable  
12 fishing shelter removal assessment, any applicable snowmobile registration  
13 restitution payment and any applicable natural resources restitution payment plus  
14 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.  
15 The court may either accept the plea of no contest and enter judgment accordingly,  
16 or reject the plea and issue a summons. If the defendant fails to appear in response  
17 to the summons, the court shall issue an arrest warrant. If the court accepts the plea  
18 of no contest, the defendant may move within 90 days after the date set for  
19 appearance to withdraw the plea of no contest, open the judgment and enter a plea  
20 of not guilty if the defendant shows to the satisfaction of the court that failure to  
21 appear was due to mistake, inadvertence, surprise or excusable neglect. If a party  
22 is relieved from the plea of no contest, the court or judge may order a written  
23 complaint to be filed and set the matter for trial. After trial the costs and fees shall  
24 be taxed as provided by law. If on reopening the defendant is found not guilty, the

1 court shall delete the record of conviction and shall order the defendant's deposit  
2 returned.

3 **SECTION 1083b.** 23.75 (3) (c) of the statutes is amended to read:

4 23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest,  
5 the citation may serve as the initial pleading and the defendant shall be deemed to  
6 have tendered a plea of no contest and submitted to a forfeiture, a penalty  
7 assessment, a jail assessment, a crime laboratories and drug law enforcement  
8 assessment, any applicable weapons assessment, ~~any applicable environmental~~  
9 ~~assessment~~, any applicable wild animal protection assessment, any applicable  
10 natural resources assessment, any applicable fishing shelter removal assessment,  
11 any applicable snowmobile registration restitution payment and any applicable  
12 natural resources restitution payment plus any applicable fees prescribed in ch. 814,  
13 not exceeding the amount of the deposit. The court may either accept the plea of no  
14 contest and enter judgment accordingly, or reject the plea and issue a summons. If  
15 the defendant fails to appear in response to the summons, the court shall issue an  
16 arrest warrant. After signing a stipulation of no contest, the defendant may, at any  
17 time prior to or at the time of the court appearance date, move the court for relief from  
18 the effect of the stipulation. The court may act on the motion, with or without notice,  
19 for cause shown by affidavit and upon just terms, and relieve the defendant from the  
20 stipulation and the effects thereof. If the defendant is relieved from the stipulation  
21 of no contest, the court may order a citation or complaint to be filed and set the matter  
22 for trial. After trial the costs and fees shall be taxed as provided by law.

23 **SECTION 1084b.** 23.79 (1) of the statutes is amended to read:

24 23.79 (1) If the defendant is found guilty, the court may enter judgment against  
25 the defendant for a monetary amount not to exceed the maximum forfeiture provided



1 by the statute for the violation, the penalty assessment, the jail assessment, the  
2 crime laboratories and drug law enforcement assessment, any applicable weapons  
3 assessment, ~~any applicable environmental assessment~~, any applicable wild animal  
4 protection assessment, any applicable natural resources assessment, any applicable  
5 fishing shelter removal assessment, any applicable snowmobile registration  
6 restitution payment, any applicable natural resources restitution payment and for  
7 costs.

8 **SECTION 1084g.** 23.79 (2) of the statutes is amended to read:

9 23.79 (2) The payment of any judgment may be suspended or deferred for not  
10 more than 90 days in the discretion of the court. In cases where a deposit has been  
11 made, any forfeitures, penalty assessments, jail assessments, weapons assessments,  
12 ~~environmental assessments~~, wild animal protection assessments, natural resources  
13 assessments, fishing shelter removal assessments, snowmobile registration  
14 restitution payments, natural resources restitution payments or costs shall be taken  
15 out of the deposit and the balance, if any, returned to the defendant.

16 **SECTION 1085b.** 23.80 (2) of the statutes is amended to read:

17 23.80 (2) Upon default of the defendant corporation or municipality, or upon  
18 conviction, judgment for the amount of the forfeiture, the penalty assessment, the  
19 jail assessment, the crime laboratories and drug law enforcement assessment, any  
20 applicable weapons assessment, ~~any applicable environmental assessment~~, any  
21 applicable wild animal protection assessment, any applicable natural resources  
22 assessment, any applicable fishing shelter removal assessment, any applicable  
23 snowmobile registration restitution payment and any applicable natural resources  
24 restitution payment shall be entered.

25 **SECTION 1085g.** 23.83 (2) of the statutes is amended to read:

1           23.83 (2) STAY OF EXECUTION. The amount of undertaking required to stay  
2 execution on appeal shall not exceed the amount of the maximum forfeiture,  
3 applicable weapons assessment, ~~applicable environmental assessment~~, applicable  
4 wild animal protection assessment, applicable natural resources assessment,  
5 applicable fishing shelter removal assessment, applicable snowmobile registration  
6 restitution payment and applicable natural resources restitution payment plus court  
7 costs.

8           **SECTION 1086b.** 23.84 of the statutes is amended to read:

9           **23.84 Forfeitures and assessments collected; to whom paid.** Except for  
10 actions in municipal court, all moneys collected in favor of the state or a municipality  
11 for forfeiture, penalty assessment, jail assessment, crime laboratories and drug law  
12 enforcement assessment, applicable weapons assessment, ~~applicable environmental~~  
13 ~~assessment~~, applicable wild animal protection assessment, applicable natural  
14 resources assessment, applicable fishing shelter removal assessment, applicable  
15 snowmobile registration restitution payment and applicable natural resources  
16 restitution payment shall be paid by the officer who collects the same to the  
17 appropriate municipal or county treasurer, within 20 days after its receipt by the  
18 officer, except that all jail assessments shall be paid to the county treasurer. In case  
19 of any failure in the payment, the municipal or county treasurer may collect the  
20 payment from the officer by an action in the treasurer's name of office and upon the  
21 official bond of the officer, with interest at the rate of 12% per year from the time  
22 when it should have been paid.

23           **SECTION 1087b.** 23.85 of the statutes is amended to read:

24           **23.85 Statement to county board; payment to state.** Every county  
25 treasurer shall, on the first day of the annual meeting of the county board of

1 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,  
2 jail assessments, weapons assessments, ~~environmental assessments~~, wild animal  
3 protection assessments, natural resources assessments, fishing shelter removal  
4 assessments, snowmobile registration restitution payments and natural resources  
5 restitution payments money received during the previous year. The county clerk  
6 shall deduct all expenses incurred by the county in recovering those forfeitures,  
7 penalty assessments, weapons assessments, ~~environmental assessments~~, wild  
8 animal protection assessments, natural resources assessments, fishing shelter  
9 removal assessments, snowmobile registration restitution payments and natural  
10 resources restitution payments from the aggregate amount so received, and shall  
11 immediately certify the amount of clear proceeds of those forfeitures, penalty  
12 assessments, weapons assessments, ~~environmental assessments~~, wild animal  
13 protection assessments, natural resources assessments, fishing shelter removal  
14 assessments, snowmobile registration restitution payments and natural resources  
15 restitution payments to the county treasurer, who shall pay the proceeds to the state  
16 treasurer as provided in s. 59.25 (3). Jail assessments shall be treated separately as  
17 provided in s. 302.46.

18 **SECTION 1087g.** 24.01 (3) of the statutes is amended to read:

19 24.01 (3) “Department” means department of ~~natural resources~~ fish, wildlife,  
20 parks, and forestry.

21 **SECTION 1087m.** 24.01 (8) of the statutes is amended to read:

22 24.01 (8) “Secretary” means secretary of ~~natural resources~~ fish, wildlife, parks,  
23 and forestry.

24 **SECTION 1087p.** 24.39 (1) of the statutes is amended to read:

1           24.39 (1) The board of commissioners of public lands may grant leases of parts  
2 or parcels of any public lands except state park lands and state forest lands; grant  
3 easements, leases to enter upon any of said lands to flow the same or to prospect for  
4 and to dig and remove therefrom ore, minerals and other deposits; and sell  
5 therefrom such timber as the board shall find necessary to prevent future loss or  
6 damage. All sales of standing live timber shall be on a selective cutting basis in line  
7 with federal forest practices. Such easements, leases, licenses and sales shall be  
8 made only for a full and fair consideration paid or to be paid to the state, the amount  
9 and terms whereof shall be fixed by said board, and such easements, leases, licenses  
10 and sales shall conform to the requirements, so far as applicable, prescribed by ch.  
11 26 for the exercise by the department of ~~natural resources~~ fish, wildlife, parks, and  
12 forestry of similar powers affecting state park lands and state forest lands.

13           **SECTION 1087r.** 24.39 (2) of the statutes is amended to read:

14           24.39 (2) In negotiating for such leases, licenses or sales, and in exercising the  
15 other powers conferred by this section the board of commissioners of public lands  
16 shall, so far as it finds it desirable and practicable, request and make proper use of  
17 such services and information as the department of ~~natural resources~~ fish, wildlife,  
18 parks, and forestry or the department of environmental management may be able  
19 to furnish.

20           **SECTION 1087t.** 24.39 (4) (c) of the statutes is amended to read:

21           24.39 (4) (c) No leases under par. (a) may be executed without a prior finding  
22 of the department of ~~natural resources~~ environmental management under s. 30.11  
23 (5) that any proposed physical change in the area contemplated as the result of the  
24 execution of any term lease is consistent with the public interest in the navigable  
25 waters involved.

1           **SECTION 1087v.** 24.39 (4) (f) of the statutes is amended to read:

2           24.39 **(4)** (f) A municipality may sublease rights leased to it under par. (a) 1.  
3           or 2. to corporations or private persons. A municipality may also make physical  
4           improvements on and above the bottoms to which rights were leased from the board  
5           of commissioners of public lands and may sublease these improvements to  
6           corporations or private persons. Any subleases under this paragraph shall be  
7           consistent with this subsection and with whatever standards or restrictions the  
8           department of ~~natural resources~~ environmental management, acting under s. 30.11  
9           (5), may have found at the time of execution of the original lease by the board of  
10          commissioners of public lands to the municipality.”.

11          **603.** Page 467, line 2: after that line insert:

12          “6. The board notifies the joint committee on finance in writing of its intention  
13          to purchase the land. If the cochairpersons of the committee do not notify the board  
14          that the committee has scheduled a meeting for the purpose of reviewing the  
15          proposed purchase of land within 14 working days after the date of the board’s  
16          notification, the land may be purchased by the board. If, within 14 working days  
17          after the date of the board’s notification, the cochairpersons of the committee notify  
18          the board that the committee has scheduled a meeting for the purpose of reviewing  
19          the proposed purchase, the land may be purchased only upon approval of the  
20          committee.”.

21          **604.** Page 467, line 10: delete “(b)”.

22          **605.** Page 467, line 11: delete lines 11 to 25 and substitute:

23          “**SECTION 1094ab.** 24.66 (4) of the statutes is amended to read:

1           24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered  
2 by law to incur indebtedness for a particular purpose without first submitting the  
3 question to its electors, the application for a state trust fund loan for that purpose  
4 must be approved and authorized by a majority vote of the electors at a ~~special~~  
5 ~~election referendum~~ called, in accordance with s. 8.065, and noticed and held in the  
6 manner provided for other ~~special elections referenda~~. The question to be voted on  
7 shall be filed as provided in s. 8.37. The notice of the ~~election referendum~~ shall state  
8 the amount of the proposed loan and the purpose for which it will be used.”.

9           **606.** Page 468, line 1: delete lines 1 to 7.

10          **607.** Page 468, line 17: after that line insert:

11          “**SECTION 1104.** 25.17 (1) (ag) of the statutes is created to read:

12          25.17 (1) (ag) Agricultural producer security fund (s. 25.463);”.

13          **608.** Page 468, line 20: after that line insert:

14          “**SECTION 1106.** 25.17 (1) (eq) of the statutes is created to read:”.

15          25.17 (1) (eq) Farm rewiring fund (s. 25.98);”.

16          **609.** Page 470, line 23: after that line insert:

17          “**SECTION 1117m.** 25.29 (3g) of the statutes is created to read:

18          25.29 (3g) For purposes of sub. (3) and s. 29.037, the joint committee on finance  
19 shall determine what constitutes the administration of the department when it is  
20 exercising its responsibilities that are specific to the management of the fish and  
21 wildlife resources of this state.”.

22          **610.** Page 471, line 10: after that line insert:

23          “**SECTION 1119g.** 25.293 (1) of the statutes is amended to read:

1           25.293 (1) All gifts, grants or bequests made to the natural resources land  
2           endowment fund. The department of natural resources fish, wildlife, parks, and  
3           forestry may convert any noncash gift, grant or bequest into cash for deposit into the  
4           fund.

5           **SECTION 1119r.** 25.295 (1) (b) of the statutes is amended to read:

6           25.295 (1) (b) Notwithstanding s. 23.15 (4), all moneys received by the  
7           department of natural resources fish, wildlife, parks, and forestry from utility  
8           easements on property located in the state park system, a southern state forest, as  
9           defined in s. 27.016 (1) (c), or a state recreation area under ss. 23.09 (10), 27.01 (2)  
10          (g) and 28.02 (5).”.

11          **611.** Page 472, line 14: delete lines 14 to 16.

12          **612.** Page 472, line 16: after that line insert:

13          “**SECTION 1122g.** 25.40 (1) (b) of the statutes is amended to read:

14          25.40 (1) (b) Motor vehicle fuel ~~and general aviation fuel~~ taxes and other  
15          revenues, except general aviation fuel taxes, collected under ch. 78, minus the costs  
16          of collecting delinquent taxes under s. 73.03 (28).

17          **SECTION 1122j.** 25.40 (1) (bg) of the statutes is created to read:

18          25.40 (1) (bg) General aviation fuel taxes collected under ch. 78, minus the costs  
19          of collecting delinquent taxes under s. 73.03 (28).

20          **SECTION 1122m.** 25.40 (1) (c) of the statutes is amended to read:

21          25.40 (1) (c) Taxes on air carrier companies ~~and railroad companies~~ under ch.  
22          76 and aircraft registration fees under s. 114.20.”.

23          **613.** Page 472, line 19: after that line insert:

24          “**SECTION 1123mb.** 25.40 (1) (cg) of the statutes is created to read:

1           25.40 (1) (cg) Taxes on railroad companies under ch. 76.

2           **SECTION 1123mc.** 25.40 (1) (e) of the statutes is amended to read:

3           25.40 (1) (e) All moneys paid into the state treasury by any local unit of  
4 government or other sources for ~~transportation~~ highway purposes.

5           **SECTION 1123md.** 25.40 (1) (ed) of the statutes is created to read:

6           25.40 (1) (ed) All moneys paid into the state treasury by any local unit of  
7 government or other sources for public transportation purposes.

8           **SECTION 1123me.** 25.40 (1) (eg) of the statutes is created to read:

9           25.40 (1) (eg) All moneys paid into the state treasury by any local unit of  
10 government or other sources for aeronautics purposes.

11          **SECTION 1123mf.** 25.40 (1) (em) of the statutes is created to read:

12          25.40 (1) (em) All moneys paid into the state treasury by any local unit of  
13 government or other sources for multimodal transportation purposes.

14          **SECTION 1123mg.** 25.40 (1) (ep) of the statutes is created to read:

15          25.40 (1) (ep) All moneys paid into the state treasury by any local unit of  
16 government or other sources for transportation purposes not specified in pars. (e) to  
17 (em).

18          **SECTION 1123mh.** 25.40 (1) (f) (intro.) of the statutes is amended to read:

19          25.40 (1) (f) (intro.) All federal aid for ~~aeronautics, highways and other public~~  
20 transportation purposes, including railroads but excluding aeronautics, made  
21 available by any act of congress, subject to applicable federal regulations, except all  
22 of the following:

23          **SECTION 1123mj.** 25.40 (1) (fd) of the statutes is created to read:

24          25.40 (1) (fd) All federal aid for highways made available by any act of congress,  
25 subject to applicable federal regulations.



1           **SECTION 1123mk.** 25.40 (1) (fg) of the statutes is created to read:

2           25.40 (1) (fg) All federal aid for aeronautics made available by any act of  
3 congress, subject to applicable federal regulations following.

4           **SECTION 1123mm.** 25.40 (1) (fp) of the statutes is created to read:

5           25.40 (1) (fp) All federal aid for multimodal transportation purposes made  
6 available by any act of congress, subject to applicable federal regulations.

7           **SECTION 1123mn.** 25.40 (1) (ft) of the statutes is created to read:

8           25.40 (1) (ft) All federal aid for transportation purposes not specified in pars.  
9 (f) to (fp) made available by any act of congress, subject to applicable federal  
10 regulations.

11           **SECTION 1123mp.** 25.40 (1) (ip) of the statutes is created to read:

12           25.40 (1) (ip) All gifts, grants, or bequests made to the transportation fund.

13           **SECTION 1123mr.** 25.40 (2) (b) 22m. of the statutes is created to read:

14           25.40 (2) (b) 22m. Section 20.566 (2) (qm).

15           **SECTION 1123ms.** 25.40 (3) of the statutes is created to read:

16           25.40 (3) (a) There is established in the transportation fund a separate account  
17 that is designated as the state and local highways account consisting of all of the  
18 following:

19           1. All moneys specified under sub. (1) (a), except moneys related to aeronautic  
20 purposes described under sub. (4) (b) or public transportation purposes described  
21 under sub. (5) (b).

22           2. Except as provided in sub. (5) (a) 2., all taxes and revenues described under  
23 sub. (1) (b).

24           3. Fees described under sub. (1) (bm).

25           4. All moneys specified under sub. (1) (e), (fd), (ig), and (im).

1           5. Federal aid described under sub. (1) (fd).

2           6. A percentage of the investment income described under sub. (1) (g) that is  
3 equal to the percentage that the state and local highways account represents of the  
4 sum under s. 20.002 (14) (a) 1.

5           7. All moneys specified under sub. (1) (j) that are moneys not moneys in the  
6 accounts established under subs. (4) to (6).

7           (b) 1. Except as provided in s. 20.002 (14), moneys in the state and local  
8 highways account may be expended only for purposes related to highways, bridges,  
9 motor vehicles, state planning and research for any transportation mode, and any  
10 sidewalk, pedestrian walkway, bikeway, railroad crossing, and bus lanes constructed  
11 as part of a highway project.

12           2. Except as provided in subd. 1. and s. 20.002 (14), no moneys may be expended  
13 from the state and local highways account for any purpose specified under sub. (4)  
14 (b), (5) (b), (6) (b), or (7) (b).

15           **SECTION 1123mt.** 25.40 (4) of the statutes is created to read:

16           25.40 (4) (a) There is established in the transportation fund a separate account  
17 that is designated as the aeronautics account consisting of all of the following:

18           1. All moneys specified under sub. (1) (a) that are related to aeronautic  
19 purposes described under par. (b).

20           2. All taxes described under sub. (1) (bg) and (c).

21           3. All moneys specified under sub. (1) (cd) and (eg).

22           4. Federal aid described under sub. (1) (fg).

23           5. A percentage of the investment income described under sub. (1) (g) that is  
24 equal to the percentage that the aeronautics account represents of the sum under s.  
25 20.002 (14) (a) 1.

1           6. All moneys specified under sub. (1) (j) that are transferred from other funds  
2 for purposes for which moneys may be expended from the aeronautics account under  
3 par. (b).

4           (b) Except as provided in s. 20.002 (14), moneys in the aeronautics account may  
5 be expended only for purposes related to aeronautics, as defined in s. 114.002 (1).  
6 Except as provided in s. 20.002 (14), no moneys may be expended from the  
7 aeronautics account for any purpose specified under sub. (3) (b), (5) (b), (6) (b), or (7)  
8 (b).

9           **SECTION 1123mv.** 25.40 (5) of the statutes is created to read:

10           25.40 (5) (a) There is established in the transportation fund a separate account  
11 that is designated as the public transportation account consisting of all of the  
12 following:

13           1. All moneys specified under sub. (1) (a) that are related to public  
14 transportation purposes described under par. (b).

15           2. Of the taxes described under (1) (b), 4 cents of the rate per gallon for the tax  
16 imposed under s. 78.01 (1).

17           3. Taxes described under sub. (1) (cg).

18           4. All moneys specified under sub. (1) (ed) and (ij).

19           5. Federal aid described under sub. (1) (f).

20           6. A percentage of the investment income described under sub. (1) (g) that is  
21 equal to the percentage that the public transportation account represents of the sum  
22 under s. 20.002 (14) (a) 1.

23           7. All moneys specified under sub. (1) (j) that are transferred from other funds  
24 for purposes for which moneys may be expended from the public transportation  
25 account under par. (b).

1 (b) Except as provided in s. 20.002 (14), moneys in the public transportation  
2 account may be expended only for activities related to mass transit systems, as  
3 defined in s. 85.20 (1) (e); common carriers of passengers other than by air; fixed  
4 guideways; railroads; harbors and other maritime activities; and specialized  
5 transportation services, as defined in s. 85.21 (2) (g). Except as provided in s. 20.002  
6 (14), no moneys may be expended from the public transportation account for any  
7 propose specified under sub. (3) (b), (4) (b), (6) (b), or (7) (b).

8 **SECTION 1123mw.** 25.40 (6) of the statutes is created to read:

9 25.40 (6) (a) There is established in the transportation fund a separate account  
10 that is designated as the multimodal account consisting of all of the following:

- 11 1. All moneys specified under sub. (1) (em) and (ip).
- 12 2. Federal aid described under sub. (1) (fp).
- 13 3. All moneys specified under sub. (1) (j) that are transferred from other funds  
14 for purposes for which moneys may be expended from the multimodal account under  
15 par. (b).
- 16 4. Any moneys that are not otherwise specified under sub. (3) (a), (4) (a), or (5)  
17 (a).
- 18 5. Moneys transferred from the accounts established under subs. (3) to (5), as  
19 determined under s. 20.002 (14) (a) 4.

20 (b) Except as provided in s. 20.002 (14), moneys in the multimodal account may  
21 be expended only for activities related to multimodal transportation and pedestrian  
22 walkway or bikeway activities that are not constructed as part of a highway project.  
23 No moneys may be expended from the multimodal account for any purpose specified  
24 under sub. (3) (b), (4) (b), (5) (b), or (7) (b) unless the purpose relates to multimodal  
25 transportation.

1           **SECTION 1123mx.** 25.40 (7) of the statutes is created to read:

2           25.40 (7) (a) There is established in the transportation fund a separate account  
3 that is designated as the operations account consisting of all of the following:

4           1. All moneys specified under sub. (1) (ep).

5           2. Federal aid described under sub. (1) (ft).

6           3. Moneys transferred from the accounts established under subs. (3) to (5), as  
7 determined under s. 20.002 (14) (a) 5. a. and b.

8           (b) Except as provided in s. 20.002 (14), moneys in the operations account may  
9 be expended only for operations of the department, including the state traffic patrol  
10 and the division of motor vehicles.

11           **SECTION 1123my.** 25.40 (8) of the statutes is created to read:

12           25.40 (8) The general provisions of s. 20.395 (9) may be used by an account  
13 established under subs. (3) to (7), if the applicable expenditure limitations under sub.  
14 (3) (b), (4) (b), (5) (b), (6) (b), or (7) (b) are complied with.”.

15           **614.** Page 472, line 19: after that line insert:

16           “**SECTION 1123p.** 25.43 (2) (c) of the statutes is amended to read:

17           25.43 (2) (c) The department of administration may establish and change  
18 accounts in the environmental improvement fund other than those under pars. (a),  
19 (ae), (am) and (b). The department of administration shall consult the department  
20 of natural resources environmental management before establishing or changing an  
21 account that is needed to administer the programs under ss. 281.58, 281.59 and  
22 281.61.

23           **SECTION 1123u.** 25.43 (3) of the statutes is amended to read:

1           25.43 **(3)** Except for the purpose of investment as provided in s. 25.17 (2) (d),  
2 the environmental improvement fund may be used only for the purposes authorized  
3 under ss. 20.320 (1) (r), (s), (sm), (t), (x)<sub>1</sub> and (y), (2) (s) and (x) and (3) (q), ~~20.370~~  
4 20.375 (4) (mt), (mx)<sub>1</sub> and (nz), ~~(8) (mr) and (9) (mt), (mx) and (ny) (sr), (tt), (tx), and~~  
5 (ty), 20.505 (1) (v), (x)<sub>1</sub> and (y), 281.58, 281.59, 281.60, 281.61<sub>1</sub> and 281.62.”.

6           **615.** Page 472, line 20: after that line insert:

7           “**SECTION 1124g.** 25.46 (1e) of the statutes is amended to read:

8           25.46 **(1e)** The moneys transferred under s. ~~20.370~~ 20.375 (2) (mu) for  
9 environmental management.

10          **SECTION 1124r.** 25.46 (1g) of the statutes is amended to read:

11          25.46 **(1g)** The moneys transferred under s. ~~20.370~~ 20.375 (4) (mw) for  
12 environmental management.”.

13          **616.** Page 473, line 8: after that line insert:

14          “**SECTION 1128.** 25.463 of the statutes is created to read:

15          **25.463 Agricultural producer security fund.** There is established a  
16 separate nonlapsible trust fund designated as the agricultural producer security  
17 fund, to consist of all fees, surcharges, assessments, reimbursements, and proceeds  
18 of surety bonds received by the department of agriculture, trade and consumer  
19 protection under ch. 126.”.

20          **617.** Page 477, line 8: delete that line.

21          **618.** Page 477, line 12: after that line insert:

22          “**SECTION 1146.** 25.98 of the statutes is created to read:

1           **25.98 Farm rewiring fund.** There is established a separate nonlapsible trust  
2 fund designated as the farm rewiring fund, consisting of all moneys received under  
3 s. 196.374 (3m).”.

4           **619.** Page 477, line 12: after that line insert:

5           “**SECTION 1146m.** 26.01 of the statutes is amended to read:

6           **26.01 Definition.** In this chapter, unless the context requires otherwise  
7 “department” means the department of ~~natural resources~~ fish, wildlife, parks, and  
8 forestry.”.

9           **620.** Page 477, line 12: after that line insert:

10           “**SECTION 1145m.** 25.96 of the statutes is amended to read:

11           **25.96 Utility public benefits fund.** There is established a separate  
12 nonlapsible trust fund designated as the utility public benefits fund, consisting of  
13 deposits by the public service commission under s. 196.374 (3), public benefits fees  
14 received under s. 16.957 (4) (a) and (5) (c) ~~and (d)~~ and contributions received under  
15 s. 16.957 (2) (c) 4. and (d) 2.”.

16           **621.** Page 477, line 15: after that line insert:

17           “**SECTION 1147m.** 26.11 (6) of the statutes is amended to read:

18           26.11 **(6)** The department, as the director of the effort, may suppress a forest  
19 fire on lands located outside the boundaries of intensive or extensive forest fire  
20 protection districts but not within the limits of any city or village if the town  
21 responsible for suppressing fires within its boundaries spends more than \$3,000, as  
22 determined by rates established by the department, on suppressing the forest fire  
23 and if the town chairperson makes a request to the department for assistance.  
24 Persons participating in the suppression efforts shall act at the direction of the

1 department after the department begins suppression efforts under this subsection.  
2 Funds expended by the state under this subsection shall be drawn from the  
3 appropriation under s. 20.370 ~~(1) (mu)~~ (3) (uu).”.

4 **622.** Page 477, line 21: after that line insert:

5 “**SECTION 1148g.** 26.11 (7) (a) of the statutes, as affected by 2001 Wisconsin Act  
6 .... (this act), is amended to read:

7 26.11 **(7)** (a) Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered  
8 balances in the appropriation accounts under s. 20.370 ~~(1) (3)~~ (cs) and ~~(mz)~~ (uz)  
9 exceeds \$1,000,000 on June 30 of any fiscal year, the amount in excess of \$1,000,000  
10 shall lapse from the appropriation account under s. 20.370 ~~(1) (3)~~ (cs) to the  
11 conservation fund, except as provided in par. (b).

12 **SECTION 1148r.** 26.11 (7) (b) of the statutes is amended to read:

13 26.11 **(7)** (b) Notwithstanding s. 20.001 (3) (c), if the amount in the  
14 appropriation account under s. 20.370 ~~(1) (3)~~ (cs) is insufficient for the amount that  
15 must lapse under par. (a), the remainder that is necessary for the lapse shall lapse  
16 from the appropriation account under s. 20.370 ~~(1) (mz)~~ (3) (uz).”.

17 **623.** Page 478, line 2: after that line insert:

18 “**SECTION 1149c.** 26.30 (2) of the statutes is amended to read:

19 26.30 **(2)** POWERS. The department is vested with authority and jurisdiction in  
20 all matters relating to the prevention, detection and control of forest pests on the  
21 forest lands of the state, and to do all things necessary in the exercise of such  
22 authority and jurisdiction, except that this shall not be construed to grant any  
23 powers or authority to the department for the silvicultural control of forest pests on  
24 any land. This section shall apply only to the detection and control of forest pests on



1 forest lands and does not affect the authority of the department of agriculture, trade  
2 and consumer protection under chs. 93 and 94. The action of the department under  
3 sub. (4) shall be coordinated with the department of agriculture, trade and consumer  
4 protection in accordance with s. 20.901. The secretaries of ~~natural resources~~ fish,  
5 wildlife, parks, and forestry and agriculture, trade and consumer protection shall  
6 execute annually a memorandum of agreement to enable the coordination of pest  
7 control work of their departments.

8 **SECTION 1149g.** 26.37 (1) (intro.) of the statutes is amended to read:

9 26.37 (1) (intro.) The department of ~~natural resources~~ fish, wildlife, parks, and  
10 forestry and the department of commerce shall jointly develop a plan to establish a  
11 lake states wood utilization consortium to provide research, development and  
12 demonstration grants to enhance the forest products industry in Wisconsin and  
13 other states. The plan shall do all of the following:

14 **SECTION 1149m.** 26.37 (1) (b) of the statutes is amended to read:

15 26.37 (1) (b) Establish an implementation committee for the consortium.  
16 Members of the committee may include one or more representatives from the  
17 department of ~~natural resources~~ fish, wildlife, parks, and forestry, the department  
18 of commerce and the forest products industry.

19 **SECTION 1149p.** 26.37 (2) of the statutes is amended to read:

20 26.37 (2) The department of ~~natural resources~~ fish, wildlife, parks, and forestry  
21 may not expend moneys from the appropriations under s. 20.370 (5) (ax) or (6) (bt),  
22 1997 stats., unless the department of ~~natural resources~~ fish, wildlife, parks, and  
23 forestry and the department of commerce first submit to the joint committee on  
24 finance the plan required under sub. (1). If the cochairpersons of the joint committee  
25 on finance do not notify the department of ~~natural resources~~ fish, wildlife, parks, and

1 forestry within 14 working days after the date of the departments' submittal of the  
2 plan that the committee has scheduled a meeting to review the plan, the plan may  
3 be implemented and moneys may be expended as proposed by the department of  
4 natural resources fish, wildlife, parks, and forestry. If, within 14 days after the date  
5 of the departments' submittal of the plan, the cochairpersons of the committee notify  
6 the department of natural resources fish, wildlife, parks, and forestry that the  
7 committee has scheduled a meeting to review the plan, moneys may be expended  
8 only after the plan has been approved by the committee.”.

9 **624.** Page 479, line 2: after that line insert:

10 “**SECTION 1149mb.** 26.39 (2) to (4) of the statutes, as created by 2001 Wisconsin  
11 Act .... (this act), are amended to read:

12 26.39 (2) FORESTRY EDUCATION CURRICULUM; SCHOOLS. Using the moneys  
13 appropriated under s. 20.370 (1) ~~(eu)~~ (3) (eu), the department, in cooperation with the  
14 Center for Environmental Education in the College of Natural Resources at the  
15 University of Wisconsin–Stevens Point, shall develop a forestry education  
16 curriculum for grades kindergarten to 12.

17 (3) FORESTRY EDUCATION FOR THE PUBLIC. Using the moneys appropriated under  
18 s. 20.370 (1) ~~(ev)~~ (3) (ev), the department shall develop a program to educate the  
19 public on the value of sustainable forestry. The program shall include support for  
20 educational efforts conducted by school districts at school forests or conducted by  
21 other entities that provide education on the topic of sustainable forestry.

22 (4) FUNDING. (a) The department shall credit to the appropriation account  
23 under s. 20.370 (1) (cu), 1999 stats., the moneys received as surcharges under s. 28.06  
24 (2m) during fiscal year 2001–02, up to a total amount of \$300,000. The department

1 shall credit any balance over \$300,000 that remains from the moneys received as  
2 such surcharges during fiscal year 2001–02 to the appropriation account under s.  
3 20.370 (1) (cv), 1999 stats.

4 (b) For fiscal year 2002–03 and each fiscal year thereafter, the department shall  
5 credit 50% of the moneys received as surcharges under s. 28.06 (2m) during the  
6 applicable fiscal year to the appropriation account under s. 20.370 (1) ~~(eu)~~ (3) (eu) and  
7 the remaining 50% to the appropriation account under s. 20.370 (1) ~~(ev)~~ (3) (ev).”.

8 **625.** Page 480, line 22: after that line insert:

9 “**SECTION 1153Lg.** 27.01 (11) (i) of the statutes is amended to read:

10 27.01 **(11)** (i) *Cooperation with tourism.* The department of ~~natural resources~~  
11 fish, wildlife, parks, and forestry and the department of tourism shall work jointly  
12 to establish an automated campground reservation system.

13 **SECTION 1153Lm.** 27.01 (12) of the statutes is amended to read:

14 27.01 **(12)** LEGAL COUNSEL. A representative of the department of justice  
15 designated by the attorney general shall act as legal counsel for ~~said the~~ department  
16 of ~~natural resources~~ fish, wildlife, parks, and forestry, both in proceedings and  
17 litigation, and in giving advice and counsel. The respective district attorneys of the  
18 county or counties where said park is or shall be located shall prosecute all violations  
19 of this section occurring within their respective counties as provided in s. 26.18.

20 **SECTION 1153Lr.** 27.011 of the statutes is amended to read:

21 **27.011 Copper Culture Mounds State Park.** The department of ~~natural~~  
22 resources fish, wildlife, parks, and forestry shall accept a grant of lands in the city  
23 of Oconto, Oconto County, and shall develop and maintain it as a state park to be  
24 known as Copper Culture Mounds State Park.”.

1           **626.** Page 481, line 5: after that line insert:

2           “**SECTION 1153mg.** 27.016 (6) of the statutes is amended to read:

3           27.016 **(6)** Annually, on or before January 1, the department shall review all  
4 applications received under this section in the previous year and shall make the  
5 grants that it approves from the appropriation under s. 20.370 ~~(1) (eq)~~ (2) (es). If  
6 insufficient funds are available to pay all approved grants, the board shall prorate  
7 the available funds among the applicants in proportion to the approved grant  
8 amounts.

9           **SECTION 1153n.** 27.016 (7) of the statutes is amended to read:

10           27.016 **(7)** Beginning in fiscal year 1996–97 and for each fiscal year thereafter,  
11 any moneys not encumbered or expended for grants under sub. (6) from the  
12 appropriation under s. 20.370 ~~(1) (eq)~~ (2) (es) may be used by the department for the  
13 operation and maintenance of the state parks, of the southern state forests and of  
14 state recreation areas.

15           **SECTION 1153nr.** 27.019 (12) of the statutes is amended to read:

16           27.019 **(12)** COOPERATION OF STATE DEPARTMENTS. The department of  
17 agriculture, trade and consumer protection, the department of administration, the  
18 department of ~~natural resources~~ fish, wildlife, parks, and forestry, and the  
19 agricultural extension division of the University of Wisconsin shall cooperate with  
20 the several county rural planning committees in carrying out this section.

21           **SECTION 1153nw.** 28.005 of the statutes is amended to read:

22           **28.005 Definition.** “Department” when used in this chapter without other  
23 words of description or qualification means the department of ~~natural resources~~ fish,  
24 wildlife, parks, and forestry.”

1           **627.** Page 481, line 8: delete the material beginning with “As” and ending  
2 with “health.” on line 16.

3           **628.** Page 481, line 16: after that line insert:

4           “**SECTION 1153pm.** 28.035 (3) of the statutes is amended to read:

5           28.035 **(3)** CAMP AMERICAN LEGION. (a) The written lease entered into between  
6 the Wisconsin state department of the American Legion and the department of  
7 natural resources dated June 15, 1944, which leases Camp American Legion for a  
8 period of 10 years commencing June 1, 1944, shall continue in full force for an  
9 additional 10 years, and may be renewed with the department of fish, wildlife, parks,  
10 and forestry for additional 10–year periods thereafter, notwithstanding the  
11 expiration of the term expressed therein, so long as the Wisconsin state department  
12 of the American Legion or any of the American Legion posts organized under s.  
13 188.08 maintains on such property structures which were constructed prior to May  
14 31, 1956, at the expense of the Wisconsin state department of the American Legion  
15 or any such post, for the purpose of the rehabilitation, restoration or recreation of  
16 veterans and their dependents of the Spanish–American war, the Philippine  
17 insurrection, the Mexican border service, World Wars I and II, the Korean conflict,  
18 the Vietnam war and Grenada, Lebanon, Panama, Somalia or a Middle East crisis  
19 under s. 45.34.

20           (b) The ownership of all of the buildings and equipment of the camp shall revert  
21 to the state upon the discontinuance of the use thereof for such purposes. On or  
22 before January 15 of each year the department of the American Legion shall file with  
23 the governor, the department of veterans affairs and the department of natural

1 resources fish, wildlife, parks, and forestry a written report of the operations and the  
2 financial status of the camp.”.

3 **629.** Page 481, line 16: after that line insert:

4 “**SECTION 1153pm.** 28.045 of the statutes is created to read:

5 **28.045 Willow flowage forester. (1)** The department shall assign at least  
6 one full-time equivalent forester position to perform all of the following functions:

7 1. Manage the Willow flowage forest.

8 2. Provide advice to members of the public on the techniques used to manage  
9 the Willow flowage forest.

10 3. Provide advice to members of the public on how the techniques used to  
11 manage the Willow flowage forest may be used to promote sound forest management  
12 on state forest land.

13 **(2)** The forester assigned under this subsection shall be an employee of the  
14 department who has received a bachelor’s or higher degree from a school of forestry  
15 with a curriculum accredited by the Society of American Foresters in the  
16 management of forest resources.”.

17 **630.** Page 482, line 17: after that line insert:

18 “**SECTION 1153t.** 28.11 (12) of the statutes is amended to read:

19 28.11 **(12)** ENFORCEMENT. If at any time it appears to the department that the  
20 lands are not being managed in accordance with this section it shall so advise the  
21 county forestry committee and the county clerk. If the condition persists the  
22 department may ~~proceed against the persons responsible for such noncompliance~~  
23 under s. 30.03 (4) order a hearing under ch. 227 concerning the noncompliance, and  
24 may request the hearing examiner to issue an order directing the responsible parties

1 to perform or refrain from performing acts in order to remedy the noncompliance.  
2 If any person fails or neglects to obey an order, the department may request the  
3 attorney general to institute proceedings for the enforcement of the department's  
4 order in the name of the state. The proceedings shall be brought in the manner and  
5 with the effect of proceedings under s. 111.07 (7). No penalty may be imposed for  
6 violation of a hearing examiner's order under this subsection, but violation of a  
7 judgment enforcing the order may be punished in civil contempt proceedings.

8 **SECTION 1156c.** 29.024 (2g) (am) of the statutes is amended to read:

9 29.024 **(2g)** (am) *Social security numbers exceptions.* If an applicant who is an  
10 individual does not have a social security number, the applicant, as a condition of  
11 applying for, or applying to renew, an approval specified in par. (a) 1. to 3., shall  
12 submit a statement made or subscribed under oath or affirmation to the department  
13 that the applicant does not have a social security number. The form of the statement  
14 shall be prescribed by the department of workforce development. An approval issued  
15 by the department of ~~natural resources~~ fish, wildlife, parks, and forestry in reliance  
16 on a false statement submitted by an applicant under this paragraph is invalid.

17 **SECTION 1156g.** 29.024 (2g) (c) of the statutes is amended to read:

18 29.024 **(2g)** (c) *Disclosure of social security numbers.* The department of  
19 ~~natural resources~~ fish, wildlife, parks, and forestry may not disclose any social  
20 security numbers received under par. (a) to any person except to the department of  
21 workforce development for the sole purpose of administering s. 49.22.

22 **SECTION 1156m.** 29.024 (2r) (am) of the statutes is amended to read:

23 29.024 **(2r)** (am) *Social security and identification numbers exceptions.* If an  
24 applicant who is an individual does not have a social security number, the applicant,  
25 as a condition of applying for, or applying to renew, any of the approvals specified in

1 par. (a) 1. to 21., shall submit a statement made or subscribed under oath or  
2 affirmation to the department that the applicant does not have a social security  
3 number. The form of the statement shall be prescribed by the department of  
4 workforce development. An approval issued by the department of ~~natural resources~~  
5 fish, wildlife, parks, and forestry in reliance on a false statement submitted by an  
6 applicant under this paragraph is invalid.

7 **SECTION 1156r.** 29.024 (2r) (c) of the statutes is amended to read:

8 29.024 (2r) (c) *Disclosure of numbers.* The department of ~~natural resources~~  
9 fish, wildlife, parks, and forestry may not disclose any information received under  
10 par. (a) to any person except to the department of revenue for the sole purpose of  
11 making certifications required under s. 73.0301.”.

12 **631.** Page 482, line 25: after that line insert:

13 “**SECTION 1158mb.** 29.032 of the statutes, as created by 2001 Wisconsin Act ....  
14 (this act), is amended to read:

15 **29.032 Internet bidding process.** The department of ~~natural resources~~ fish,  
16 wildlife, parks, and forestry shall post its specifications for the operation of a  
17 statewide automated system for issuing approvals on an Internet site maintained by  
18 the department of agriculture, trade and consumer protection. The department of  
19 ~~natural resources~~ fish, wildlife, parks, and forestry shall ensure that the Internet  
20 site provides a means by which contractors may electronically post bids to provide  
21 the statewide automated system and by which contractors may view the bids posted  
22 by other contractors.”.

23 **632.** Page 483, line 20: after that line insert:

24 “**SECTION 1160m.** 29.043 (4) of the statutes is amended to read:



1           29.043 (4) If any other state confers upon the officers of this state reciprocal  
2 powers, the department may appoint persons who are charged with enforcing the  
3 laws of the other state relating to wild animals to act as conservation wardens of this  
4 state, but without compensation from this state.”.

5           **633.** Page 483, line 21: delete the material beginning with that line and  
6 ending with page 484, line 2.

7           **634.** Page 484, line 2: after that line insert:

8           “**SECTION 1161r.** 29.083 (2) (b) of the statutes is amended to read:

9           29.083 (2) (b) No person may knowingly fail to obey the order of a conservation  
10 warden or other law enforcement officer to desist from conduct in violation of par. (a)  
11 if the order is based on any of the following:

12           1. The conservation warden or other law enforcement officer personally  
13 observed such conduct by the person.

14           2. The conservation warden or other law enforcement officer has reasonable  
15 grounds to believe that the person has engaged in such conduct that day or that the  
16 person intends to engage in such conduct that day.

17           **SECTION 1161t.** 29.083 (3) of the statutes is amended to read:

18           29.083 (3) EXEMPTIONS. This section does not apply to actions under sub. (2) (a)  
19 1. to 5. performed by conservation wardens and other law enforcement officers if the  
20 actions are authorized by law and are necessary for the performance of their official  
21 duties.”.

22           **635.** Page 484, line 2: after that line insert:

23           “**SECTION 1161t.** 29.053 (6) of the statutes is created to read:

1           29.053 (6) Any season established by the department for the hunting of deer  
2 with firearms that starts in the month of November shall begin on the Saturday  
3 immediately preceding the Thanksgiving holiday and shall be for a period of 16  
4 days.”.

5           **636.** Page 484, line 2: after that line insert:

6           “**SECTION 1161r.** 29.053 (5) of the statutes is created to read:

7           29.053 (5) The department shall establish an annual deer hunting season for  
8 the hunting of antlerless deer with firearms. The season shall begin each year on  
9 the Thursday that falls on October 22, or that is nearest to October 22, and shall be  
10 4 days long. The department may establish additional deer hunting seasons for the  
11 hunting of antlerless deer with firearms, but may not establish any such season to  
12 begin or end in the month of December.”.

13           **637.** Page 484, line 2: after that line insert:

14           “**SECTION 1162d.** 29.089 (title) of the statutes is amended to read:

15           **29.089** (title) **Hunting and fishing on land in state parks and state fish**  
16 **hatcheries.**

17           **SECTION 1162h.** 29.089 (1) of the statutes is amended to read:

18           29.089 (1) Except as provided in ~~sub.~~ subs. (3) and (4), no person may hunt or  
19 trap on land located in state parks or state fish hatcheries.

20           **SECTION 1162p.** 29.089 (2) of the statutes is amended to read:

21           29.089 (2) Except as provided in ~~sub.~~ subs. (3) and (4), no person may have in  
22 his or her possession or under his or her control a firearm on land located in state  
23 parks or state fish hatcheries unless the firearm is unloaded and enclosed within a  
24 carrying case.

1           **SECTION 1162t.** 29.089 (3) of the statutes is amended to read:

2           29.089 (3) A person may hunt deer, wild turkeys or small game in a state park,  
3 or in a portion of a state park, if the state park is open for the purpose of hunting  
4 under sub. (4) or if the department has authorized by rule the hunting of that type  
5 of game in the state park, or in the portion of the state park, and if the person holds  
6 the approvals required under this chapter for hunting that type of game.

7           **SECTION 1162w.** 29.089 (4) of the statutes is created to read:

8           29.089 (4) All land located in a state park shall be open for the purpose of  
9 hunting or fishing during the appropriate open season to the maximum extent  
10 possible if the state park in which the land is located has received any funding from  
11 the fish and wildlife account of the conservation fund at any time during the  
12 preceding 10 years.”.

13           **638.** Page 484, line 12: delete lines 12 to 22 and substitute:

14           “2. For purposes of subd. 1., the southern portion of the state consists of the area  
15 that lies southward of a line beginning at the Menominee River where CTH “JJ” in  
16 Marinette County intersects the Menominee River that then runs westward along  
17 CTH “JJ” until it intersects STH 180, that then runs westward along STH 180 until  
18 it intersects USH 141, that then runs southward on USH 141 until it intersects STH  
19 64, that then runs westward on STH 64 until it intersects STH 27, that then runs  
20 northward along STH 27 until it intersects USH 8, and that then runs westward on  
21 USH 8 until it reaches the Mississippi River.”.

22           **639.** Page 485, line 9: after that line insert:

23           “**SECTION 1169d.** 29.219 (3) (c) of the statutes is amended to read:

1           29.219 (3) (c) *Use of fees.* The department shall deposit receipts from the sale  
2 of resident 2–day sports fishing licenses under this subsection ~~in~~ into the  
3 conservation fund. The department shall credit 50% of these receipts to the  
4 appropriation under s. 20.370 (4) ~~(1)~~ (ku).

5           **SECTION 1169g.** 29.228 (7) (c) of the statutes is amended to read:

6           29.228 (7) (c) *Use of fees.* The department shall deposit receipts from the sale  
7 of nonresident 2–day sports fishing licenses under this subsection ~~in~~ into the  
8 conservation fund. The department shall credit 50% of these receipts to the  
9 appropriation under s. 20.370 (4) ~~(1)~~ (ku).

10          **SECTION 1169L.** 29.229 (5r) of the statutes is amended to read:

11          29.229 (5r) FEES TO THE DEPARTMENT. The department may require that the  
12 band remit all of the fees collected under sub. (3) (a) to the department. If the  
13 department so requires, all of these fees shall be deposited in the conservation fund  
14 and credited to the appropriation account under s. 20.370 (9) ~~(1)~~ (hs).

15          **SECTION 1169n.** 29.2295 (4) (c) of the statutes is amended to read:

16          29.2295 (4) (c) 1. The department shall make the payments under this  
17 subsection from the appropriation under s. 20.370 (9) ~~(hk)~~ (1) (hg).

18          2. If the amount appropriated under s. 20.370 (9) ~~(hk)~~ (1) (hg) is insufficient to  
19 make all of the payments under this subsection, the department shall make the  
20 remaining payments from the appropriation under s. 20.370 (9) ~~(ht)~~ (1) (hv).”.

21          **640.** Page 486, line 18: delete the material beginning with that line and  
22 ending with page 487, line 18.

23          **641.** Page 488, line 7: after that line insert:

24          “**SECTION 1172c.** 29.347 (1) (a) of the statutes is amended to read:

1           29.347 (1) (a) “Law enforcement officer” means a conservation warden or any  
2 other law enforcement officer authorized by the department to issue tags for car kill  
3 deer.”.

4           **642.** Page 488, line 17: after that line insert:

5           “**SECTION 1184c.** 29.424 (2) (b) of the statutes is amended to read:

6           29.424 (2) (b) The department of agriculture, trade and consumer protection  
7 has requested that the department of ~~natural resources~~ fish, wildlife, parks, and  
8 forestry remove the fish to address a problem affecting fish health.

9           **SECTION 1184e.** 29.503 (6) (b) (intro.) of the statutes is amended to read:

10           29.503 (6) (b) (intro.) *Inspection authority; entry; inspection.* For the purpose  
11 of enforcing this subsection, a conservation warden or a representative of the  
12 department, upon presentation of his or her credentials to a wholesale fish dealer,  
13 a person operating a vehicle or boat for a wholesale fish dealer or an employee or  
14 person acting on behalf of a wholesale fish dealer, is authorized during any time  
15 when business is being conducted on the premises:

16           **SECTION 1184g.** 29.506 (7) (a) (intro.) of the statutes is amended to read:

17           29.506 (7) (a) *Departmental authority; limitations.* (intro.) A conservation  
18 warden may enter a taxidermist’s place of business for inspection purposes as  
19 provided under par. (b) only:

20           **SECTION 1184j.** 29.506 (7) (b) of the statutes is amended to read:

21           29.506 (7) (b) *Items subject to inspection.* All records required under subs. (5)  
22 (b) and (6) or related to the taxidermist’s business are subject to departmental  
23 inspection as provided under par. (a). A taxidermist or an employee or agent of the

1 taxidermist shall cooperate with and exhibit items subject to inspection to a  
2 conservation warden or any other agent of the department.

3 **SECTION 1184m.** 29.519 (4) (b) of the statutes is amended to read:

4 29.519 (4) (b) Each member of a crew engaged in the setting, lifting or pulling  
5 of nets or other devices set under authority of a commercial fishing license shall carry  
6 the crew license on his or her person while so engaged and upon demand of any  
7 conservation warden shall exhibit the license. Persons using minnow seines and dip  
8 nets used for taking smelt and minnows are exempt from this subsection.

9 **SECTION 1184n.** 29.519 (4) (c) of the statutes is amended to read:

10 29.519 (4) (c) In case of illness or unavailability for good cause of a licensed crew  
11 member, an unlicensed person may work on a commercial fishing operation for a  
12 period not to exceed 48 hours under a temporary crew identification card, after which  
13 time he or she must obtain a crew license to engage in commercial fishing operations.  
14 Temporary crew identification cards shall be issued by the department to commercial  
15 fishing licensees for use as provided in this paragraph. Prior to use, the commercial  
16 licensee shall indicate on the temporary crew identification card the license number  
17 and name of the commercial fisher for whom the crew member will be working, the  
18 time and date the crew member commences work under the card and the crew  
19 member's name, address, description and his or her signature. The card shall be  
20 presented, upon request, to a conservation warden and must be in the possession of  
21 the crew member at all times while engaged in commercial fishing operations. The  
22 commercial fisher issuing the temporary crew identification card to an unlicensed  
23 person shall submit the card to the department with the commercial catch report  
24 submitted for the period in which work conducted under the card was performed.

25 **SECTION 1184p.** 29.519 (6) (intro.) of the statutes is amended to read:

1           29.519 **(6)** INSPECTION. (intro.) For purposes of enforcement of this section,  
2 conservation wardens or department employees duly authorized and designated by  
3 the secretary, upon presenting appropriate credentials to the licensee or agent in  
4 charge, are authorized:

5           **SECTION 1184r.** 29.537 (6) (a) (intro.) of the statutes is amended to read:

6           29.537 **(6)** (a) (intro.) Except as provided in par. (d), for purposes of enforcement  
7 of this section, conservation wardens or department employees authorized and  
8 designated by the secretary, upon presenting appropriate credentials to the licensee  
9 or agent in charge, are authorized to do all of the following:

10          **SECTION 1184t.** 29.556 (3) of the statutes is amended to read:

11          29.556 **(3)** Any fees collected under this section by the department shall be  
12 credited to the appropriation account under s. 20.370 ~~(9) (hu)~~ (1) (hw).”.

13          **643.** Page 488, line 17: after that line insert:

14          “**SECTION 1184m.** 29.519 (2) (e) of the statutes is created to read:

15          29.519 **(2)** (e) *Retention of licenses.* 1. A commercial fishing licensee who is  
16 authorized under the license to conduct commercial fishing operations in the waters  
17 of Green Bay may retain the license without conducting any commercial fishing  
18 operations as authorized under the license for one period of up to 7 consecutive years.  
19 During this period, the commercial fishing licensee may not be required to transfer  
20 the license, may not be required to invest in any fishing gear or equipment, and is  
21 exempt from paying the applicable fees for the license under s. 29.563.

22          2. A commercial fishing licensee who conducts commercial fishing operations  
23 as authorized under the license in the waters of Green Bay may choose for one period  
24 of up to 7 consecutive years to be exempt from any minimum requirement on the

1 amount of fish harvested that is established by the department and that applies to  
2 the licensee.”.

3 **644.** Page 488, line 20: after that line insert:

4 “**SECTION 1195m.** 29.564 (2) of the statutes is amended to read:

5 29.564 (2) All moneys collected under sub. (1) shall be deposited into the  
6 account under s. 20.370 (3) (1) (is).”.

7 **645.** Page 490, line 5: after that line insert:

8 “**SECTION 1199g.** 29.601 (3) (b) of the statutes is amended to read:

9 29.601 (3) (b) Paragraph (a) does not apply to authorized drainage and sewage  
10 from municipalities and industrial or other wastes discharged from mines or  
11 commercial or industrial or ore processing plants or operations, through treatment  
12 and disposal facilities installed and operated in accordance with plans submitted to  
13 and approved by the department of environmental management under chs. 281, 285  
14 or 289 to 299, except s. 281.48, or in compliance with orders of the department of  
15 environmental management. Any order is subject to modification by subsequent  
16 orders.

17 **SECTION 1199m.** 29.601 (4) of the statutes is amended to read:

18 29.601 (4) USE OF PESTICIDES. The department of ~~natural resources~~ fish,  
19 wildlife, parks, and forestry, after public hearing, may promulgate rules governing  
20 the use of any pesticide which it finds is a serious hazard to wild animals other than  
21 those it is intended to control, and the making of reports about the pesticide. In  
22 promulgating the rules, the department to the extent relevant shall consider the  
23 need for pesticides to protect the well-being of the general public. “Pesticide” has the  
24 meaning given in s. 94.67.



1           **SECTION 1199r.** 29.601 (5) (b) 2. of the statutes is amended to read:

2           29.601 (5) (b) 2. This section does not apply to toxicants placed in the waters  
3 of a preexisting fish rearing facility that is an artificial body of water if the toxicants  
4 are necessary to the operation of the fish farm and the department of environmental  
5 management has issued a permit under s. 283.31 for the preexisting fish rearing  
6 facility.”.

7           **646.** Page 490, line 5: after that line insert:

8           **“SECTION 1197hm.** 29.591 (3) of the statutes is amended to read:

9           29.591 (3) INSTRUCTION FEE. The department ~~shall establish by rule the may~~  
10 ~~not charge a fee~~ for the course of instruction under the hunter education program and  
11 the bow hunter education program. ~~The instructor shall collect this instruction fee~~  
12 ~~from each person who receives instruction under the hunter education program and~~  
13 ~~the bow hunter education program and remit the fee to the department. The~~  
14 ~~department may determine the portion of this fee, which may not exceed 50%, that~~  
15 ~~the instructor may retain to defray expenses incurred by the instructor in conducting~~  
16 ~~the course. The instructor shall remit the remainder of the fee or, if nothing is~~  
17 ~~retained, the entire fee to the department~~ may reimburse instructors for allowable  
18 costs, as determined by the department, up to \$5 for each person who receives  
19 instruction from that instructor.”.

20           **647.** Page 490, line 10: after that line insert:

21           **“SECTION 1200b.** 29.604 (2) (am) of the statutes, as affected by 2001 Wisconsin  
22 Act .... (this act), is amended to read:

23           29.604 (2) (am) “State agency” means a board, commission, committee,  
24 department or office in the state government or the Fox River Navigational System

1 Authority. “State agency” does not include the department of ~~natural resources~~ fish,  
2 wildlife, parks, and forestry or the office of the governor.

3 **SECTION 1200g.** 29.604 (6r) (c) of the statutes is amended to read:

4 29.604 **(6r)** (c) The department shall notify the state agency if the department  
5 determines that there is reasonable cause for the department to determine that an  
6 activity by the state agency is not being carried out in compliance with this  
7 subsection or with any environmental protection requirements developed through  
8 interagency consultation procedures. If the secretary of ~~natural resources~~ fish,  
9 wildlife, parks, and forestry and the head, as defined in s. 15.01 (8), of the state  
10 agency are unable to agree upon methods or time schedules to be used to correct the  
11 alleged noncompliance, the department may bring any action or initiate any other  
12 proceedings to enforce compliance with this subsection.

13 **SECTION 1201m.** 29.705 (4) (b) of the statutes is amended to read:

14 29.705 **(4)** (b) Paragraph (a) does not authorize the department of ~~natural~~  
15 ~~resources~~ fish, wildlife, parks, and forestry to remove fish or fish eggs from a  
16 self-contained fish rearing facility or from a preexisting fish rearing facility that is  
17 an artificial body of water unless the department of agriculture, trade and consumer  
18 protection has requested that the department of ~~natural resources~~ fish, wildlife,  
19 parks, and forestry remove the fish or fish eggs to address a problem affecting fish  
20 health.”.

21 **648.** Page 490, line 17: after that line insert:

22 “**SECTION 1225m.** 29.89 (1) (intro.) and (a) of the statutes are consolidated,  
23 renumbered 29.89 (1) and amended to read:

1           **29.89 (1) DEFINITIONS.** In this section: (a) ~~“Charitable~~ “charitable  
2 organization” means a nonprofit corporation, charitable trust or other nonprofit  
3 association that is described in section 501 (c) (3) of the Internal Revenue Code and  
4 that is exempt from taxation under section 501 (a) of the Internal Revenue Code.

5           **SECTION 1225r.** 29.89 (1) (b) of the statutes is repealed.”.

6           **649.** Page 490, line 24: after that line insert:

7           **“SECTION 1228b.** 29.89 (3) (c) of the statutes is repealed.”.

8           **650.** Page 491, line 19: after that line insert:

9           **“SECTION 1235b.** 29.921 (7) of the statutes is amended to read:

10           **29.921 (7) DOGS INJURING WILDLIFE.** A conservation warden may kill a dog found  
11 running, injuring, causing injury to, or killing, any deer, other than farm-raised  
12 deer, or destroying game birds, their eggs or nests, if immediate action is necessary  
13 to protect the deer or game birds, their nests or eggs, from injury or death.

14           **SECTION 1235m.** 29.924 (2) of the statutes is amended to read:

15           **29.924 (2) DRIVING WITHOUT HEADLIGHTS.** In the performance of their law  
16 enforcement duties, conservation wardens may operate motor vehicles owned or  
17 leased by the department upon a highway, other than an interstate, a state trunk  
18 highway or any highway within the limits of any incorporated area, during hours of  
19 darkness without lighted headlamps, tail lamps or clearance lamps, contrary to s.  
20 347.06, if the driving will aid in the accomplishment of a lawful arrest for violation  
21 of this chapter or in ascertaining whether a violation of this chapter has been or is  
22 about to be committed. Any civil action or proceeding brought against any  
23 conservation warden operating a motor vehicle under this subsection is subject to ss.  
24 893.82 and 895.46.

1           **SECTION 1236g.** 29.931 (2) (a) of the statutes is amended to read:

2           29.931 **(2)** (a) The department and its conservation wardens shall seize and  
3 hold, subject to the order of the court for the county in which the alleged offense was  
4 committed, any vehicle, boat or object declared by this chapter to be a public  
5 nuisance, or which they have probable cause to believe is being used in violation of  
6 this chapter or s. 167.31, ~~287.81~~, 940.24, 941.20, 948.60, 948.605 or 948.61 or is being  
7 used in the commission of a crime relating to a submerged cultural resource in  
8 violation of s. 44.47. If it is proven that the vehicle, boat or object is a public nuisance  
9 or that within 6 months previous to the seizure the vehicle, boat or object was used  
10 in violation of this chapter or s. 167.31, ~~287.81~~, 940.24, 941.20, 948.60, 948.605 or  
11 948.61 or was used in the commission of a crime relating to a submerged cultural  
12 resource in violation of s. 44.47, it shall be confiscated if the court directs in its order  
13 for judgment.

14           **SECTION 1237g.** 29.944 of the statutes is amended to read:

15           **29.944 Exemption from liability.** Members of the natural resources fish,  
16 wildlife, parks, and forestry board, and each conservation warden, in the  
17 performance of official duties, are exempt from liability to any person for acts done  
18 or permitted or property destroyed by authority of law. No taxable costs or attorney  
19 fees shall be allowed to either party in an action against a member of the ~~natural~~  
20 ~~resources~~ fish, wildlife, parks, and forestry board or a conservation warden.

21           **SECTION 1237m.** 29.951 of the statutes is amended to read:

22           **29.951 Resisting a conservation warden.** Any person who assaults or  
23 otherwise resists or obstructs any conservation warden in the performance of duty  
24 shall be subject to the penalty specified in s. 939.51 (3) (a).

25           **SECTION 1237r.** 29.954 of the statutes is amended to read:

1           **29.954 False impersonation of conservation warden.** Any person who  
2 falsely represents himself or herself to be a conservation warden or who assumes to  
3 act as a conservation warden without having been first duly appointed shall be  
4 subject to the penalty specified in s. 939.51 (3) (a).”.

5           **651.** Page 492, line 2: after that line insert:

6           “**SECTION 1240g.** 30.10 (4) (d) of the statutes is renumbered 30.10 (4) (d) 2. and  
7 amended to read:

8           30.10 (4) (d) 2. A drainage district drain located in the Duck Creek Drainage  
9 District and operated by the board for that district or any other drainage district  
10 drain that is used primarily for agricultural purposes is not navigable unless it is  
11 shown, by means of a U.S. geological survey map or other similarly reliable scientific  
12 evidence, that the drain was a navigable stream before it became a drainage district  
13 drain.

14           **SECTION 1240r.** 30.10 (4) (d) 1. of the statutes is created to read:

15           30.10 (4) (d) 1. In this paragraph, “agricultural purposes” has the meaning  
16 given in s. 29.181 (1b) (a).”.

17           **652.** Page 492, line 2: after that line insert:

18           “**SECTION 1245g.** 29.987 (2) of the statutes is amended to read:

19           29.987 (2) **USE OF NATURAL RESOURCES ASSESSMENT FUNDS.** All moneys collected  
20 from natural resources assessments shall be credited to the appropriation under s.  
21 20.370 (3) ~~(mu)~~ (1) (pu).

22           **SECTION 1245r.** 29.989 (2) of the statutes is amended to read:

1           29.989 (2) USE OF NATURAL RESOURCES RESTITUTION PAYMENT FUNDS. All moneys  
2 collected from natural resources restitution payments shall be appropriated for use  
3 under s. 20.370 (3) ~~(mu)~~ (1) (pu).

4           **SECTION 1246c.** 30.01 (title) of the statutes is amended to read:

5           **30.01 (title) Definitions for chapter.**

6           **SECTION 1246f.** 30.01 (1j) of the statutes is repealed.

7           **SECTION 1246h.** 30.01 (6) of the statutes is repealed.

8           **SECTION 1246j.** 30.015 of the statutes is created to read:

9           **30.015 Definitions for subchapters I to III. (1)** In subchs. I to III:

10          (a) “Department” means the department of environmental management.

11          (b) “Secretary” means the secretary of environmental management.

12          **SECTION 1246m.** 30.02 (1) of the statutes is amended to read:

13          30.02 (1) In any proceeding under ~~this chapter where~~ subchs. I to III in which  
14 public notice is required, the department shall follow the procedures in subs. (3) and  
15 (4).

16          **SECTION 1246p.** 30.02 (2) of the statutes is amended to read:

17          30.02 (2) In any proceeding under ~~this chapter where~~ subchs. I to III in which  
18 public notice is not required, the department shall follow the procedures in subs. (3)  
19 and (4) if it determines that substantial interests of any party may be adversely  
20 affected by the proceeding.

21          **SECTION 1246r.** 30.03 (2) of the statutes is amended to read:

22          30.03 (2) The district attorney of the appropriate county or, at the request of  
23 the department of environmental management, the attorney general shall institute  
24 proceedings to recover any forfeiture imposed or to abate any nuisance committed  
25 under ~~this chapter~~ subchs. I to III or ch. 31. The district attorney or, at the request

1 of the department of fish, wildlife, parks, and forestry, the attorney general shall  
2 institute proceedings to recover any forfeiture imposed or to abate any nuisance  
3 committed under subchs. IV or V.”.

4 **653.** Page 492, line 2: after that line insert:

5 “**SECTION 1245g.** 30.015 of the statutes is created to read:

6 **30.015 Time limits for issuing permit determinations.** In issuing permits  
7 under this chapter, the department shall initially determine whether a complete  
8 application for the permit has been submitted and, no later than 30 days after the  
9 application is submitted, notify the applicant in writing about the initial  
10 determination of completeness. If the department determines that the application  
11 is incomplete, the notice shall state the reason for the determination and the specific  
12 items of information necessary to make the application complete. An applicant may  
13 supplement and resubmit an application that the department has determined to be  
14 incomplete. There is no limit on the number of times that an applicant may resubmit  
15 an application that the department has determined to be incomplete under this  
16 section. The department may not demand items of information that are not specified  
17 in the notice as a condition for determining whether the application is complete  
18 unless both the department and the applicant agree or unless the applicant makes  
19 material additions or alterations to the project for which the application has been  
20 submitted.

21 **SECTION 1245p.** 30.02 (3) of the statutes is amended to read:

22 30.02 (3) Upon receipt of a complete permit application or a request for a  
23 determination under s. 236.16 (3) (d), the department shall either schedule a public  
24 hearing to be held within 30 days after receipt of the application or request or provide

1 notice stating that it will proceed on the application or request without a public  
2 hearing if, within 30 days after the publication of the notice, no substantive written  
3 objection to issuance of the permit is received or no request for a hearing concerning  
4 the determination under s. 236.16 (3) (d) is received. The notice shall be provided  
5 to the clerk of each municipality in which the project is located and to any other  
6 person required by law to receive notice. The department may provide notice to other  
7 persons as it deems appropriate. The department shall provide a copy of the notice  
8 to the applicant, who shall publish it as a class 1 notice under ch. 985 in a newspaper  
9 designated by the department that is likely to give notice in the area affected. The  
10 applicant shall file proof of publication with the department.

11 **SECTION 1245r.** 30.02 (4) (a) of the statutes is amended to read:

12 30.02 (4) (a) If a public hearing is ordered, the division of hearings and appeals  
13 shall mail a written notice at least 10 days before the hearing to each person given  
14 notice under sub. (3) and in the case of an application for a permit, to any person who  
15 submitted a substantive written objection to issuance of the permit. The public  
16 hearing shall be conducted within 30 days after the hearing is ordered.

17 **SECTION 1245s.** 30.02 (4) (b) of the statutes is amended to read:

18 30.02 (4) (b) The applicant shall publish a class 1 notice under ch. 985 of the  
19 public hearing in a newspaper designated by the department that is likely to give  
20 notice in the area affected. The applicant shall file proof of publication under this  
21 paragraph with the hearing examiner at or prior to the hearing.”.

22 **654.** Page 492, line 2: after that line insert:

23 “**SECTION 1245m.** 30.025 (4) of the statutes is amended to read:



1           30.025 (4) The permit may be issued upon stated conditions deemed necessary  
2 to assure compliance with the criteria designated under sub. (3). ~~The~~ For a large  
3 electric generating facility, as defined in s. 196.491 (1) (g), the department shall grant  
4 or deny the application within the time limit applicable under s. 196.491 (3) (a) 3. b.”.

5           **655.** Page 492, line 2: after that line insert:

6           “**SECTION 1247d.** 30.12 (2m) of the statutes is created to read:

7           30.12 (2m) PIERS AND BOAT SHELTERS EXEMPT FROM ENFORCEMENT ACTION. A pier  
8 or boat shelter that was in place on January 1, 2001, or that was seasonally placed  
9 in the same location in each of the years beginning with 1996 and ending with 2000,  
10 is exempt from any enforcement action by the department under this section that  
11 requires a riparian owner to repair, renovate, modify, or remove the pier or boat  
12 shelter, unless the riparian owner reconstructs or materially alters the pier or boat  
13 shelter after January 1, 2001.”.

14           **656.** Page 492, line 2: after that line insert:

15           “**SECTION 1240b.** 30.01 (6c) of the statutes is created to read:

16           30.01 (6c) “Supporting affidavit” means a sworn affidavit that specifies the  
17 underlying arguments in support of a substantive written objection and that attests  
18 that the person making the substantive written objection will appear, present  
19 testimony, and produce any relevant witnesses in support of the substantive written  
20 objection in a contested case hearing.

21           **SECTION 1240c.** 30.02 (5) of the statutes is created to read:

22           30.02 (5) If the department schedules or orders a hearing under this section  
23 on this issuance of a permit, the applicant for the permit may bring an action in

1 circuit court, in lieu of the hearing, asking that the court order the department to  
2 issue the permit.”.

3 **657.** Page 494, line 8: after that line insert:

4 “**SECTION 1248c.** 30.12 (4m) (title) of the statutes is amended to read:

5 30.12 **(4m)** (title) ~~DUCK CREEK DRAINAGE DISTRICT~~ CERTAIN DRAINAGE DISTRICT  
6 STRUCTURES AND DEPOSITS.

7 **SECTION 1248g.** 30.12 (4m) (intro.) of the statutes is renumbered 30.12 (4m)  
8 (a) (intro.) and amended to read:

9 30.12 **(4m)** (a) (intro.) Subsection (1) does not apply to a qualifying structure  
10 or deposit that the drainage board for the Duck Creek Drainage District places in a  
11 drain that the board operates in the Duck Creek Drainage District if either of the  
12 following applies:

13 **SECTION 1248n.** 30.12 (4m) (a) of the statutes is renumbered 30.12 (4m) (a) 1.  
14 and amended to read:

15 30.12 **(4m)** (a) 1. The department of agriculture, trade and consumer  
16 protection, after consulting with the department of natural resources, specifically  
17 approves the qualifying structure or deposit.

18 **SECTION 1248r.** 30.12 (4m) (b) of the statutes is renumbered 30.12 (4m) (a) 2.  
19 and amended to read:

20 30.12 **(4m)** (a) 2. The qualifying structure or deposit is required, under rules  
21 promulgated by the department of agriculture, trade and consumer protection, in  
22 order to conform the drain to specifications approved by the department of  
23 agriculture, trade and consumer protection after consulting with the department of  
24 natural resources.

1           **SECTION 1248w.** 30.12 (4m) (c) of the statutes is created to read:

2           30.12 **(4m)** (c) For purposes of this subsection, a “qualifying structure or  
3 deposit” is either of the following:

4           1. Any structure or deposit that is placed in a drain that is operated in the Duck  
5 Creek Drainage District by the board for the Duck Creek Drainage District.

6           2. Any structure or deposit that is placed in a drain that is not described in subd.  
7 1. if the structure or deposit is used primarily for agricultural purposes, as defined  
8 in s. 29.181 (1b) (a).”.

9           **658.** Page 494, line 8: after that line insert:

10           “**SECTION 1251b.** 30.12 (4m) (a) 1. and 2. of the statutes, as affected by 2001  
11 Wisconsin Act .... (this act), are amended to read:

12           30.12 **(4m)** (a) 1. The department of agriculture, trade and consumer  
13 protection, after consulting with the department of ~~natural resources~~ environmental  
14 management, specifically approves the qualifying structure or deposit.

15           2. The qualifying structure or deposit is required, under rules promulgated by  
16 the department of agriculture, trade and consumer protection, in order to conform  
17 the drain to specifications approved by the department of agriculture, trade and  
18 consumer protection after consulting with the department of ~~natural resources~~  
19 environmental management.

20           **SECTION 1252b.** 30.124 (title) of the statutes is renumbered 23.244 (title).”.

21           **659.** Page 494, line 8: after that line insert:

22           “**SECTION 1252m.** 30.121 (3g) of the statutes is created to read:

23           30.121 **(3g)** EXCEPTION; HISTORICAL OR CULTURAL VALUE. Subsection (3) does not  
24 apply to the repair or maintenance of a boathouse or a fixed houseboat if the

1 boathouse or fixed houseboat has a historic or cultural value, as determined by the  
2 state historical society or a local or county historical society established under s.  
3 44.03.”.

4 **660.** Page 494, line 8: after that line insert:

5 “SECTION 1247t. 30.12 (3m) of the statutes is created to read:

6 30.12 (3m) APPLICATION AND PROMULGATION OF RULES. Every rule promulgated  
7 by the department under this section that relates to the regulation of piers or boat  
8 shelters under sub. (2) and that is in effect on the day before the effective date of this  
9 subsection .... [revisor inserts date], shall be void. The department shall promulgate  
10 rules regulating piers and boat shelters under sub. (2) that shall supersede the rules  
11 promulgated by the department under sub. (2) that were in effect on the day before  
12 the effective date of this subsection .... [revisor inserts date].

13 **SECTION 1252m.** 30.121 (6m) of the statutes is created to read:

14 30.121 (6m) APPLICATION AND PROMULGATION OF RULES. Notwithstanding sub.  
15 (6), every rule promulgated by the department under this section that relates to the  
16 regulation of boathouses under this section and that is in effect on the day before the  
17 effective date of this subsection .... [revisor inserts date], shall be void. The  
18 department shall promulgate rules regulating boathouses under this section that  
19 shall supersede the rules promulgated by the department under this section that  
20 were in effect on the day before the effective date of this subsection .... [revisor inserts  
21 date].”.

22 **661.** Page 494, line 14: after that line insert:

23 “SECTION 1253b. 30.124 (1) (intro) of the statutes, as affected by 2001  
24 Wisconsin Act .... (this act), is renumbered 23.244 (1) (intro.) and amended to read:

1           23.244 (1) (intro.) Notwithstanding ss. 23.245, 30.12, 30.20, 30.44 and 30.45  
2           and if the department finds, after consulting with the department of environmental  
3           management, that the activity will not adversely affect public or private rights or  
4           interests in fish and wildlife populations, navigation or waterway flood flow capacity  
5           and will not result in environmental pollution, as defined in s. 299.01 (4), the  
6           department may do all of the following on public lands or waters:”.

7           **662.** Page 494, line 18: after that line insert:

8           “**SECTION 1254b.** 30.124 (1) (a) of the statutes, as affected by 2001 Wisconsin  
9           Act .... (this act), is renumbered 23.244 (1) (a).

10          **SECTION 1254g.** 30.124 (1) (b) of the statutes is renumbered 23.244 (1) (b).

11          **SECTION 1254r.** 30.124 (2) of the statutes is renumbered 23.244 (2).”.

12          **663.** Page 494, line 19: after that line insert:

13          “**SECTION 1255m.** 30.1255 of the statutes is renumbered 23.243.

14          **SECTION 1259d.** 30.195 (2) of the statutes is amended to read:

15          30.195 (2) APPLICATIONS. Applications for permits required by this section shall  
16          be made to the department of ~~natural resources~~ upon forms prescribed by it.  
17          Applications shall contain such information as the department reasonably requires  
18          to enable it to act on the application.

19          **SECTION 1260b.** 30.20 (1) (d) of the statutes is amended to read:

20          30.20 (1) (d) The drainage board for the Duck Creek Drainage District may,  
21          without a permit under sub. (2) (c), remove material from a drain that the board  
22          operates in the Duck Creek Drainage District if the removal is required, under rules  
23          promulgated by the department of agriculture, trade and consumer protection, in  
24          order to conform the drain to specifications imposed by the department of

1 agriculture, trade and consumer protection after consulting with the department of  
2 natural resources environmental management.”.

3 **664.** Page 494, line 19: after that line insert:

4 “**SECTION 1255g.** 30.20 (1) (d) of the statutes is amended to read:

5 30.20 (1) (d) The A drainage board for the ~~Duck Creek Drainage District~~ may,  
6 without a permit under sub. (2) (c), remove qualifying material from a drain ~~that the~~  
7 ~~board operates in the Duck Creek Drainage District~~ if the removal is required, under  
8 rules promulgated by the department of agriculture, trade and consumer protection,  
9 in order to conform the drain to specifications imposed by the department of  
10 agriculture, trade and consumer protection after consulting with the department of  
11 natural resources.

12 **SECTION 1255r.** 30.20 (1) (dm) of the statutes is created to read:

13 30.20 (1) (dm) For purposes of this paragraph, “qualifying material” is either  
14 of the following:

15 1. Any material that is removed from a drain that is operated in the Duck Creek  
16 Drainage District by the board for the Duck Creek Drainage District.

17 2. Any material that is removed from a drain that is not described in subd. 1.  
18 if the removal is necessary primarily for agricultural purposes, as defined in s. 29.181  
19 (1b) (a).”.

20 **665.** Page 494, line 19: after that line insert:

21 “**SECTION 1256g.** 30.19 (1) (c) of the statutes is amended to read:

22 30.19 (1) (c) To grade or otherwise remove top soil from the bank of any  
23 navigable stream, lake or other body of navigable water where the area exposed by  
24 such grading or removal will exceed ~~10,000~~ 20,000 square feet.

1           **SECTION 1256r.** 30.19 (3) (a) of the statutes is amended to read:

2           30.19 **(3)** (a) Section 30.02 (3) and (4) applies to permit applications under sub.  
3 (1) (b) ~~and (c)~~. Notice shall be provided to the clerks of the county and municipality  
4 in which the project or affected body of water is located and to the persons under sub.  
5 (2) (e). For any permit application which affects the Milwaukee River, the  
6 Menomonee River, the Kinnickinnic River, the Root River or any tributary of those  
7 rivers, special notice shall be given to the Milwaukee metropolitan sewerage district.  
8 The metropolitan sewerage district shall have 30 days to respond to the special  
9 notice.”.

10           **666.** Page 494, line 19: after that line insert:

11           “**SECTION 1255f.** 30.13 (1p) of the statutes is created to read:

12           30.13 **(1p)** PIERS EXEMPT FROM ENFORCEMENT ACTION. A pier that was in place  
13 on January 1, 2001, or that was seasonally placed in the same location in each of the  
14 years beginning with 1996 and ending with 2000, is exempt from any enforcement  
15 action under this section by the department, or by the governing body of a city,  
16 village, or town, or a designated officer, that requires a riparian proprietor to repair,  
17 renovate, modify, or remove the pier, unless the riparian proprietor reconstructs or  
18 materially alters the pier after January 1, 2001.

19           **SECTION 1255j.** 30.13 (4) (a) of the statutes is amended to read:

20           30.13 **(4)** (a) *Interferes with public rights.* A wharf ~~or pier~~ which that interferes  
21 with public rights in navigable waters constitutes an unlawful obstruction of  
22 navigable waters unless a permit is issued for the wharf ~~or pier~~ under s. 30.12 or  
23 unless authorization for the wharf ~~or pier~~ is expressly provided. A pier that  
24 interferes with public rights in navigable waters constitutes an unlawful obstruction

1 of navigable waters unless a permit is issued for the pier under s. 30.12,  
2 authorization for the pier is expressly provided, or the pier is exempt from any  
3 enforcement action under sub. (1p), s. 30.12 (2m), or s. 30.131 (4).

4 **SECTION 1255m.** 30.13 (4) (b) of the statutes is amended to read:

5 30.13 (4) (b) *Interferes with riparian rights.* A wharf ~~or pier~~ which that  
6 interferes with rights of other riparian proprietors constitutes an unlawful  
7 obstruction of navigable waters unless a permit is issued for the wharf ~~or pier~~ under  
8 s. 30.12 or unless authorization for the wharf or pier is expressly provided. A pier  
9 that interferes with the rights of other riparian proprietors constitutes an unlawful  
10 obstruction of navigable waters unless a permit is issued for the pier under s. 30.12,  
11 authorization for the pier is expressly provided, or the pier is exempt from any  
12 enforcement action under sub. (1p), s. 30.12 (2m), s. 30.131 (4).

13 **SECTION 1255p.** 30.13 (7) of the statutes is created to read:

14 30.13 (7) APPLICATION AND PROMULGATION OF RULES. Every rule promulgated by  
15 the department that relates to the regulation of piers under this section and that is  
16 in effect on the day before the effective date of this subsection ... [revisor inserts  
17 date], shall be void. The department shall promulgate rules regulating piers under  
18 this section that shall supersede the rules promulgated by the department under this  
19 section that were in effect on January 1, 2001.

20 **SECTION 1255t.** 30.131 (3) of the statutes is created to read:

21 30.131 (3) PIERS EXEMPT FROM ENFORCEMENT ACTION. A pier that was in place  
22 on January 1, 2001, or that was seasonally placed in the same location in each of the  
23 years beginning with 1996 and ending with 2000, is exempt from any enforcement  
24 action by the department that requires the person who placed the pier or the owner  
25 of riparian land that abuts the pier to repair, renovate, modify, or remove the pier,



1 unless the person who placed the pier or the riparian owner reconstructs or  
2 materially alters the pier after January 1, 2001.

3 **SECTION 1255v.** 30.131 (4) of the statutes is created to read:

4 30.131 (4) APPLICATION AND PROMULGATION OF RULES. Every rule promulgated  
5 by the department that relates to the regulation of piers under this section and that  
6 is in effect on the day before the effective date of this subsection .... [revisor inserts  
7 date], shall be void. The department shall promulgate rules regulating piers under  
8 this section that shall supersede the rules promulgated by the department under this  
9 section that were in effect on the day before the effective date of this subsection ....  
10 [revisor inserts date].”.

11 **667.** Page 494, line 19: after that line insert:

12 “**SECTION 1255d.** 30.134 (1) (e) of the statutes is repealed.

13 **SECTION 1255h.** 30.134 (2) of the statutes is amended to read:

14 30.134 (2) AUTHORIZATION. Members of the public may use any exposed shore  
15 area of a stream without the permission of the riparian to engage in a water-related  
16 recreational activity only if it is necessary to exit the body of water to bypass an  
17 obstruction.

18 **SECTION 1255j.** 30.134 (3) (a) (intro.) of the statutes is renumbered 30.134 (3)  
19 (a) and amended to read:

20 30.134 (3) (a) ~~In engaging in a water-related recreational activity in the using~~  
21 an exposed shore area of a stream, as authorized under sub. (2), a member of the  
22 public may not do any of the following: enter the exposed shore area except from the  
23 water, from a point of public access on the stream, or with the permission of the  
24 riparian.

1           **SECTION 1255k.** 30.134 (3) (a) 1. of the statutes is repealed.

2           **SECTION 1255n.** 30.134 (3) (a) 2. of the statutes is repealed.

3           **SECTION 1255p.** 30.134 (3) (a) 3. of the statutes is repealed.

4           **SECTION 1255q.** 30.134 (3) (a) 4. of the statutes is repealed.

5           **SECTION 1255r.** 30.134 (3) (a) 5. of the statutes is repealed.

6           **SECTION 1255s.** 30.134 (3) (a) 6. of the statutes is repealed.

7           **SECTION 1255t.** 30.134 (3) (a) 7. of the statutes is repealed.

8           **SECTION 1255u.** 30.134 (3) (b) of the statutes is repealed.

9           **SECTION 1255v.** 30.134 (5) (intro.) of the statutes is amended to read:

10           30.134 (5) EXCEPTIONS. (intro.) The right granted to the public to engage in  
11 recreational activities on under this section to use an exposed shore area of a stream  
12 does not apply to any of the following:".

13           **668.** Page 494, line 20: delete the material beginning with that line and  
14 ending with page 497, line 21, and substitute:

15           "SECTION 1261k. 30.203 of the statutes is renumbered 23.178."

16           **669.** Page 498, line 6: after that line insert:

17           "SECTION 1261p. 30.24 of the statutes is renumbered 23.0942.

18           **SECTION 1261r.** 30.26 of the statutes is renumbered 23.43.

19           **SECTION 1261u.** 30.27 of the statutes is renumbered 23.432.

20           **SECTION 1261w.** 30.275 of the statutes is renumbered 23.434.

21           **SECTION 1261y.** 30.277 of the statutes is renumbered 23.0944."

22           **670.** Page 498, line 6: after that line insert:

23           "SECTION 1261p. 30.265 of the statutes is created to read:

1           **30.265 Adopt a river program.** The department shall establish an adopt a  
2 river program to encourage program volunteers to clean up a specified portion of a  
3 lake, river, wetland, or ravine. The department shall supply to the volunteers  
4 educational support and necessary supplies. The department shall keep records of  
5 information related to the program, including the pounds of rubbish collected, the  
6 number of volunteer hours provided, and descriptions of the debris found. The  
7 department shall publicly recognize volunteers who participate in the program.”.

8           **671.** Page 498, line 6: after that line insert:

9           “**SECTION 1261q.** 30.208 of the statutes is created to read:

10           **30.208 Lakeshore basin procedures. (1)** The department shall submit each  
11 application for a permit that it receives under this chapter for a project or activity  
12 at a site located in Brown, Door, or Kewaunee county to the Lakeshore basin council  
13 for its recommendations regarding the issuance of the permit. The Lakeshore basin  
14 council shall submit its recommendations to the department. Subsections (2) to (8)  
15 only apply to permit applications and permits that are for projects or activities sites  
16 that are located in Brown, Door, or Kewaunee county.

17           **(2)** The department shall give the Lakeshore basin council notice of any  
18 hearing that is scheduled or ordered on the issuance of a permit.

19           **(3)** Any application for a permit for a pier or a dredging activity that is part of  
20 a noncommercial project shall be treated by the department as Type III action under  
21 ch. NR 150, Wis. Adm. Code, and the person applying for the permit is exempt from  
22 the requirement of preparing an environmental assessment under s. 1.11 unless the  
23 department provides written determination that an environmental assessment is

1 required under ch. NR 150, Wis. Adm. Code. The determination shall state the  
2 specific reasons supporting the department's determination.

3 (4) Any person who submits a substantive written objection in response to a  
4 permit application shall pay the department a fee of \$25 at the time the substantive  
5 written objection is submitted. The person shall also submit a supporting affidavit  
6 within 30 days after submitting the substantive written objection. The person who  
7 submits the substantive written objection shall have the burden at the hearing to  
8 prove that the department should not issue the permit.

9 (5) If a person objects to the issuance of a permit, the hearing examiner or court  
10 hearing the objection may order the objecting party to pay the costs, including  
11 reasonable attorney fees, incurred by the permit applicant if the examiner or court  
12 finds that the objection was frivolous, as described in s. 814.025 (3).

13 (6) The division of hearings and appeals shall randomly assign hearing  
14 examiners to conduct hearings regarding permit applications. If the department  
15 does not agree to schedule the hearing within 120 days after the department has  
16 denied a permit and the applicant has requested a hearing, the applicant may  
17 request that the division of hearings and appeals schedule the hearing at the earliest  
18 date available to the division.

19 (7) If a person other than the department seeks judicial review of any permit  
20 application hearing, venue shall be in the county where the plaintiff resides, the  
21 county where the property that is involved in the permit is located, or a county chosen  
22 by the plaintiff. If the department seeks judicial review of any permit application  
23 hearing, venue shall be in the county where the office is located that issued the  
24 original decision regarding the permit.

1           **(8)** The department may permit the use of alternate dispute resolution  
2 procedures to resolve a permit application dispute in place of a hearing. The  
3 department shall promulgate rules to establish requirements and procedures for the  
4 use of alternate dispute resolution procedures to resolve permit application  
5 disputes.”.

6           **672.** Page 498, line 12: after that line insert:

7           “**SECTION 1263c.** 30.40 (3e) of the statutes is created to read:

8           30.40 **(3e)** “Department” means the department of fish, wildlife, parks, and  
9 forestry.

10          **SECTION 1263e.** 30.40 (15m) of the statutes is created to read:

11          30.40 **(15m)** “Secretary” means the secretary of fish, wildlife, parks, and  
12 forestry.

13          **SECTION 1263g.** 30.41 (1) of the statutes is amended to read:

14          30.41 **(1)** There is created a Lower Wisconsin State Riverway consisting of land  
15 as designated by the ~~natural resources~~ fish, wildlife, parks, and forestry board.”.

16          **673.** Page 499, line 3: after that line insert:

17          “**SECTION 1265m.** 30.50 (3m) of the statutes is created to read:

18          30.50 **(3m)** “Department” means the department of fish, wildlife, parks, and  
19 forestry.”.

20          **674.** Page 499, line 7: after that line insert:

21          “**SECTION 1267m.** 30.50 (11g) of the statutes is created to read:

22          30.50 **(11g)** “Secretary” means the secretary of fish, wildlife, parks, and  
23 forestry.”.

24          **675.** Page 502, line 17: after that line insert:

1           “**SECTION 1283m.** 30.52 (1m) (e) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is amended to read:

3           30.52 **(1m)** (e) *Receipt of fees.* All fees remitted to or collected by the department  
4 under par. (ar) shall be credited to the appropriation account under s. 20.370 ~~(9) (hu)~~  
5 (1) (hw).”.

6           **676.** Page 503, line 7: after that line insert:

7           “**SECTION 1286m.** 30.52 (3m) (b) of the statutes is amended to read:

8           30.52 **(3m)** (b) All moneys collected under par. (a) shall be deposited into the  
9 account under s. 20.370 ~~(3) (1)~~ (is).”.

10          **677.** Page 507, line 23: after that line insert:

11          “**SECTION 1306m.** 30.71 (4) of the statutes is amended to read:

12          30.71 **(4)** Any rules necessary to carry out the purposes of this section shall be  
13 promulgated jointly by the department of commerce and the department of natural  
14 resources fish, wildlife, parks, and forestry.”.

15          **678.** Page 509, line 25: after that line insert:

16          “**SECTION 1319m.** 30.773 (2) of the statutes is amended to read:

17          30.773 **(2)** PROCEDURES. A municipality authorized to establish a bulkhead line  
18 under s. 30.11 may establish a designated mooring area in the same manner as it is  
19 authorized to establish the bulkhead line except that the municipality is required to  
20 obtain the approval of the department of fish, wildlife, parks, and forestry, rather  
21 than the department of environmental management, and if the municipality created  
22 a board of harbor commissioners, the municipality is also required to obtain the  
23 approval of that board ~~in addition to the approval of the department~~.”.

24          **679.** Page 511, line 2: after that line insert:

1           **“SECTION 1331m.** 30.92 (6) (b) of the statutes is amended to read:

2           30.92 **(6)** (b) The department shall assign staff to the commission for  
3 management of the program under this section. All staff activities, including but not  
4 limited to budgeting, program coordination and related administrative management  
5 functions, shall be consistent with the policies of the department and the ~~natural~~  
6 resources fish, wildlife, parks, and forestry board.”.

7           **680.** Page 511, line 25: after that line insert:

8           **“SECTION 1339m.** 31.01 (2m) of the statutes is created to read:

9           31.01 **(2m)** “Duck Creek Drainage District” has the meaning given in s. 30.01  
10 (1nm).”.

11           **681.** Page 511, line 25: after that line insert:

12           **“SECTION 1339m.** 30.95 of the statutes is created to read:

13           **30.95 General provision for notice and hearing. (1)** In any proceeding  
14 under this subchapter or subch. IV in which public notice is required, the department  
15 shall follow the procedures in subs. (3) and (4).

16           **(2)** In any proceeding under this subchapter or subch. IV in which public notice  
17 is not required, the department shall follow the procedures in subs. (3) and (4) if it  
18 determines that substantial interests of any party may be adversely affected by the  
19 proceeding.

20           **(3)** Upon receipt of a complete permit application, the department shall either  
21 schedule a hearing or provide notice stating that it will proceed on the application  
22 or request without a hearing if, within 30 days after the publication of the notice, no  
23 substantive written objection to issuance of the permit is received. The notice shall  
24 be provided to the clerk of each municipality in which the project is located and to

1 any other person required by law to receive notice. The department may provide  
2 notice to other persons as it deems appropriate. The department shall provide a copy  
3 of the notice to the applicant, who shall publish it as a class 1 notice under ch. 985  
4 in a newspaper designated by the department that is likely to give notice in the area  
5 affected. The applicant shall file proof of publication with the department.

6 (4) (a) If a public hearing is ordered, the division of hearings and appeals shall  
7 mail a written notice at least 10 days before the hearing to each person given notice  
8 under sub. (3) and, in the case of an application for a permit, to any person who  
9 submitted a substantive written objection to issuance of the permit.

10 (b) The applicant shall publish a class 1 notice under ch. 985 of the hearing in  
11 a newspaper designated by the department that is likely to give notice in the area  
12 affected. The applicant shall file proof of publication under this paragraph with the  
13 hearing examiner at or prior to the hearing.

14 **SECTION 1339u.** 31.01 (2) of the statutes is amended to read:

15 31.01 (2) “Department” means the department of ~~natural resources~~  
16 environmental management.

17 **SECTION 1340m.** 31.02 (4) (c) of the statutes is amended to read:

18 31.02 (4) (c) With good and sufficient fishways or fish ladders, or in lieu thereof,  
19 the department of environmental management may permit the owner may be  
20 permitted to enter into an agreement with the department of fish, wildlife, parks,  
21 and forestry to pay for or to supply to the state of Wisconsin annually such quantities  
22 of game fish for stocking purposes as may be agreed upon by the owner and the  
23 department of fish, wildlife, parks, and forestry.”

24 **682.** Page 511, line 25: after that line insert:



1           **“SECTION 1339m.** 31.01 (7) of the statutes is created to read:

2           31.01 (7) “Professional engineering firm” means a private professional  
3 engineering firm, partnership, or corporation that has been granted a certificate of  
4 authorization under s. 443.08 (3).

5           **SECTION 1340m.** 31.02 (2) of the statutes is amended to read:

6           31.02 (2) The department may investigate and determine all reasonable  
7 methods of construction, operation, maintenance, and equipment for any dam so as  
8 to conserve and protect all public rights in navigable waters and so as to protect life,  
9 health and property; and the construction, operation, maintenance and equipment,  
10 or any or all thereof, of dams in navigable waters shall be subject to the supervision  
11 of the department and to the orders and regulations of the department made or  
12 promulgated under this chapter. Except as provided in s. 31.19 (6) (b), any inspection  
13 conducted as part of an investigation under this subsection shall be conducted by a  
14 professional engineering firm.

15           **SECTION 1340n.** 31.02 (3) of the statutes is amended to read:

16           31.02 (3) The department ~~or~~, any member or any agent or employe thereof of  
17 the department and any professional engineering firm shall at all times be accorded  
18 free access to any ~~and all parts~~ part of any dam and ~~appurtenances to any~~  
19 appurtenance constructed or maintained in navigable waters ~~and in order to conduct~~  
20 an inspection or investigation as authorized or required under this chapter. The  
21 department may enter upon any property to investigate a waterway or use of water  
22 from any lake or stream.”.

23           **683.** Page 512, line 3: after that line insert:

24           **“SECTION 1341d.** 31.02 (7) of the statutes is amended to read:

1           31.02 (7) The department of natural resources shall confer with the  
2 department of agriculture, trade and consumer protection and the drainage  
3 commissioners in each drainage district on the formation of policies for the operation  
4 and maintenance of the dams; ~~in districts.~~ In a district having no commissioners, the  
5 department of natural resources shall confer in like manner with the department of  
6 agriculture, trade and consumer protection and with the any committee appointed  
7 by the county board, ~~if any,~~ to represent either ~~such~~ the drainage district, ~~or in.~~ In  
8 the event that ~~the~~ a drainage district is dissolved, ~~to represent~~ the department of  
9 natural resources shall confer with any committee appointed by the county board to  
10 represent the interests of the county in all matters whatsoever pertaining to water  
11 conservation and control within the area which theretofore constituted ~~such~~ the  
12 drainage district. ~~This subsection does not apply to the Duck Creek Drainage~~  
13 ~~District.~~

14           **SECTION 1341h.** 31.02 (7m) of the statutes is amended to read:

15           31.02 (7m) The drainage board for the Duck Creek Drainage District shall  
16 operate, repair and maintain dams, dikes and other structures in district drains that  
17 the board operates in the Duck Creek Drainage District in compliance with ch. 88  
18 and any rules promulgated by the department of agriculture, trade and consumer  
19 protection under ch. 88. ~~If a county~~ Subsection (7) does not apply to the Duck Creek  
20 Drainage District unless the drainage board for the district fails to perform its duties  
21 under this subsection, the. If the drainage board fails to perform these duties, the  
22 department of natural resources may exercise its authority under subs. (6), ~~(8)~~ and  
23 (9) and shall perform its duties under subs. (7) and (8).

24           **SECTION 1341p.** 31.02 (8) of the statutes is amended to read:

1           31.02 (8) The department of natural resources shall give careful consideration  
2 to the suggestions of made under sub. (7) by the department of agriculture, trade and  
3 consumer protection, the drainage commissioners, or any committee of the county  
4 board, but the final decision in all matters under consideration shall rest with the  
5 department of natural resources.

6           **SECTION 1341t.** 31.02 (9) of the statutes is amended to read:

7           31.02 (9) So far as seems practicable, the department may designate or employ  
8 the drainage commissioners of any drainage district, or the committee of the county  
9 board ~~above referred to~~ appointed under sub. (7), to operate the dams in such the  
10 district or in the area formerly comprising a drainage district or to perform services  
11 in the repair and maintenance of the dams, ~~dykes~~ dikes and other works.”.

12           **684.** Page 512, line 3: after that line insert:

13           **“SECTION 1340rp.** 31.02 (4r) of the statutes is amended to read:

14           31.02 (4r) The department of environmental management shall promulgate  
15 rules specifying the rights held by the public in navigable waters that are dammed.  
16 The rules shall include provisions on the rights held by the public that affect the  
17 placement of fishways or fish ladders in navigable waters that are dammed. The  
18 department of environmental management shall consult with the department of  
19 fish, wildlife, parks, and forestry concerning the rules under this subsection.

20           **SECTION 1342b.** 31.02 (7m) of the statutes is amended to read:

21           31.02 (7m) The drainage board for the Duck Creek Drainage District shall  
22 operate, repair and maintain dams, dikes and other structures in district drains that  
23 the board operates in the Duck Creek Drainage District in compliance with ch. 88  
24 and any rules promulgated by the department of agriculture, trade and consumer

1 protection under ch. 88. If a county drainage board fails to perform its duties under  
2 this subsection, the department of ~~natural resources~~ fish, wildlife, parks, and  
3 forestry may exercise its authority under subs. (6), (8) and (9).

4 **SECTION 1344b.** 31.06 (1) of the statutes is amended to read:

5 31.06 (1) Upon receipt of an application for a permit under s. 31.05 the  
6 department of environmental management may order a hearing or it may mail a  
7 notice that it will proceed on the application without public hearing unless a request  
8 for a public hearing is filed as provided in this section. The notice shall be mailed  
9 to the clerk of each municipality directly affected by the proposed dam and to the  
10 department of fish, wildlife, parks, and forestry. The department of environmental  
11 management may give further or other notice as it considers proper. The department  
12 of environmental management shall mail a copy of the notice to the applicant who  
13 shall cause the notice to be published in each county in which affected riparian lands  
14 are located as a class 1 notice, under ch. 985. If a hearing is not requested in writing  
15 within 30 days after mailing of the notice, the department of environmental  
16 management may waive the hearing.

17 **SECTION 1344c.** 31.06 (3) (b) of the statutes is amended to read:

18 31.06 (3) (b) If it appears, after consulting with the department of fish, wildlife,  
19 parks, and forestry, that the construction, operation or maintenance of the proposed  
20 dam is in the public interest, considering ecological, aesthetic, economic and  
21 recreational values, the department of environmental management shall so find and  
22 grant a permit to the applicant, provided the department of environmental  
23 management also finds that the applicant has complied with s. 31.14 (2) or (3) and,  
24 where applicable, with s. 31.05 (3), based on the department's own estimate of the  
25 department of environmental management of the area of the flowage.

1           **SECTION 1344d.** 31.187 (2) of the statutes is amended to read:

2           31.187 **(2)** Whenever the department of environmental management  
3 determines, after consultation with the department of fish, wildlife, parks, and  
4 forestry, that the conservation of any species or variety of wild animals will be  
5 promoted thereby, the department may maintain and repair any dam located wholly  
6 upon lands the title to which is in the state either as proprietor or in trust for the  
7 people after giving due consideration to fixing the level and regulating the flow of the  
8 public waters.

9           **SECTION 1344f.** 31.307 (4) of the statutes is repealed.

10          **SECTION 1344g.** 31.309 (1) (a) and (am) of the statutes are repealed.

11          **SECTION 1344h.** 31.309 (1) (b) of the statutes is renumbered 31.309 (1) and  
12 amended to read:

13          31.309 **(1)** When the department determines that the renovation and repair  
14 described under ~~par. (a)~~ s. 31.309 (1) (a), 1999 stats., are complete, the city of Portage  
15 shall assume the maintenance of the city of Portage levee in the Portage levee system  
16 in a manner that will best protect the surrounding area from the overflow of the  
17 Wisconsin River.

18          **SECTION 1344j.** 31.309 (2) (a) of the statutes is renumbered 31.309 (2).

19          **SECTION 1344m.** 31.309 (2) (b) of the statutes is repealed.

20          **SECTION 1344p.** 31.34 of the statutes is amended to read:

21          **31.34 Flow of water regulated.** Each person, firm or corporation  
22 maintaining a dam on any navigable stream shall pass at all times at least 25% of  
23 the natural low flow of water of such stream, except as otherwise provided by law.  
24 This section, however, shall not apply to a plant or dam where the water is discharged  
25 directly into a lake, mill pond, storage pond or cranberry marsh, nor shall it apply

1 to cases ~~where in the opinion of~~ in which the department of environmental  
2 management determines, after consultation with the department of fish, wildlife,  
3 parks, and forestry, that such minimum discharge is not necessary for the protection  
4 of fish life. Any person, firm or corporation violating this section shall be fined not  
5 less than \$50 nor more than \$1,000.”.

6 **685.** Page 512, line 3: after that line insert:

7 “**SECTION 1344g.** 31.309 (1) (ag) of the statutes is created to read:

8 31.309 (1) (ag) The department shall provide a grant of \$350,000 in fiscal year  
9 2001–2002 and a grant of \$350,000 in fiscal year 2002–2003 from the appropriation  
10 under s. 20.370 (5) (cq) to the city of Portage for the renovation and repair of the  
11 Portage canal.”.

12 **686.** Page 512, line 3: after that line insert:

13 “**SECTION 1344c.** 31.18 (1) of the statutes is amended to read:

14 31.18 (1) The grantee of any permit, the owner of any dam constructed before  
15 permits were required by law, and the owner of any bridge at the city of Portage or  
16 at any point above that city, over the Wisconsin River, shall maintain and operate all  
17 such dams, slides, chutes, piers, booms, guide booms, weirs, tunnels, races, flumes,  
18 sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment  
19 required by the department for the protection of public rights in such waters, and for  
20 the preservation of life, health and property, in good repair and condition, and shall  
21 not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof,  
22 unless the department shall have approved such removal or destruction in writing.  
23 In the event of emergency the department shall have power, pending investigation  
24 and hearing, to order the repair of any dam without notice and hearing. Except as

1 provided in s. 31.19 (6) (b), any inspection conducted as part of an investigation under  
2 this subsection shall be conducted by a professional engineering firm.

3 **SECTION 1344e.** 31.18 (3) of the statutes is amended to read:

4 31.18 (3) Except when emergency shall require the same for the protection of  
5 life, health or property, no substantial alteration or addition shall be made to any  
6 dam heretofore or hereafter constructed without obtaining an order therefor from  
7 the department, which order may be issued only after an investigation and upon a  
8 finding that the proposed alterations or additions will not impair the sufficiency of  
9 such dam or any existing public rights in such waters. Except as provided in s. 31.19  
10 (6) (b), any inspection conducted as part of an investigation under this subsection  
11 shall be conducted by a professional engineering firm.

12 **SECTION 1344g.** 31.185 (4) of the statutes is amended to read:

13 31.185 (4) Prior to the hearing the department shall ~~have its staff make its own~~  
14 conduct an investigation of the dam and, on the basis of such investigation, shall  
15 make recommendations as to the type of requirements, if any, which it would impose  
16 on the applicant under sub. (5) as a condition to granting the permit. Such  
17 recommendations shall be presented at the hearing. If no one registers opposition  
18 to the application at the hearing, the department shall grant the permit, subject to  
19 such conditions as it deems necessary under sub. (5). If someone registers opposition  
20 to the abandonment at the hearing and such opposition is not withdrawn, the  
21 department shall defer action on the application for a period of 120 days after the  
22 hearing. Within a reasonable time after the expiration of such period, the  
23 department shall deny the permit, or grant the permit, subject to such conditions as  
24 it imposes under sub. (5), unless, within such 120-day period, one or more  
25 municipalities or other persons or associations have agreed to acquire ownership of

1 the dam and have furnished satisfactory proof of intent to comply with s. 31.14 (2)  
2 or (3). Except as provided in s. 31.19 (6) (b), any inspection conducted as part of an  
3 investigation under this subsection shall be conducted by a professional engineering  
4 firm.

5 **SECTION 1344j.** 31.19 (2) (a) of the statutes is amended to read:

6 31.19 (2) (a) *Requirement.* Except as provided under par. (b), at least once every  
7 10 years ~~the department shall conduct a detailed inspection~~ the owner of each large  
8 dam which is maintained or operated in or across navigable waters shall employ or  
9 contract with a professional engineering firm to conduct a detailed inspection of the  
10 dam.

11 **SECTION 1344L.** 31.19 (3) of the statutes is amended to read:

12 31.19 (3) INSPECTION UPON COMPLAINT. If the department receives a complaint  
13 in writing from the mayor of a city, supervisor of a town or the president or trustee  
14 of a village which alleges that a dam maintained or operated in or across any  
15 navigable or nonnavigable waters or a reservoir is in an unsafe condition or if the  
16 department receives a complaint in writing from a person which alleges that the  
17 person's property or any property under the person's control is endangered by a dam  
18 or reservoir, the department shall investigate or cause an investigation to be made  
19 of the complaint. Except as provided in sub. (6) (b), any inspection conducted as part  
20 of an investigation under this subsection shall be conducted by a professional  
21 engineering firm.

22 **SECTION 1344n.** 31.19 (4) of the statutes is amended to read:

23 31.19 (4) DISCRETIONARY INSPECTION. The department may ~~inspect or cause an~~  
24 ~~inspection to be made of any dam or reservoir.~~ The dam inspection shall be made by



1 a professional engineering firm. The department may inspect or cause an inspection  
2 to be made of any reservoir.

3 **SECTION 1344p.** 31.19 (5) of the statutes is amended to read:

4 31.19 (5) ORDER; REDUCTION IN WATER LEVEL. If the department finds pursuant  
5 to an inspection or investigation that a dam or reservoir is not sufficiently strong or  
6 is unsafe and that the dam or reservoir is dangerous to life or property, it shall  
7 determine what alterations, additions or repairs are necessary and shall order the  
8 owner or person having control of the dam or reservoir to cause those alterations,  
9 additions or repairs to be made within a time specified in the order. If the department  
10 finds pursuant to an inspection or investigation that a dam or reservoir is not  
11 sufficiently strong or is unsafe and that the dam or reservoir is dangerous to life or  
12 property, it may cause to be drawn off, in whole or in part, the water in the reservoir  
13 or impounded by the dam if it determines that this action is necessary to prevent  
14 impending danger to persons or property.

15 **SECTION 1344r.** 31.19 (6) of the statutes is created to read:

16 31.19 (6) REVIEW BY DEPARTMENT. (a) Each professional engineering firm  
17 conducting an inspection under this chapter shall prepare a report of the inspection,  
18 and the owner of the dam shall submit the report to the department within 6 months  
19 after the inspection is completed. The department shall review the report and if the  
20 department finds that the inspection is adequate to determine the strength and  
21 safety of the dam and if the dam has potential to endanger life or property, the  
22 department shall certify that the inspection is complete. If the department  
23 determines that the inspection was not adequate to make these determinations, the  
24 department shall reject the inspection. The department shall give written

1 notification of the reasons for the rejection to the owner of the dam and the  
2 professional engineering firm.

3 (b) The department may conduct its own inspection of a dam for which an  
4 inadequate report was submitted under par. (a) if any of the following apply:

5 1. The owner or professional engineering firm fails to inform the department  
6 within 90 days of the date after receipt of the written notification from the  
7 department as to the steps that will be taken for the inspection to be completed.

8 2. The owner fails to submit a report containing an adequate inspection, as  
9 determined by the department, within 200 days of the date of the receipt of the  
10 written notification from the department.

11 **SECTION 1344t.** 31.19 (7) of the statutes is created to read:

12 31.19 (7) LIST OF ENGINEERING FIRMS. The department shall maintain a list of  
13 professional engineering firms suitable for the purpose of conducting inspections  
14 under this chapter. The department shall make the list available to dam owners  
15 upon request.

16 **SECTION 1344v.** 31.19 (8) of the statutes is created to read:

17 31.19 (8) INTERNET BIDDING PROCESS. The department of natural resources shall  
18 post requests by dam owners for inspections under this chapter on an Internet site  
19 maintained by the department of agriculture, trade and consumer protection. The  
20 department of natural resources shall ensure that the Internet site provides a means  
21 by which professional engineering firms may electronically post bids in response to  
22 the posted requests for inspections under this chapter and by which professional  
23 engineering firms may view the bids posted by other professional engineering firms.

24 **SECTION 1344x.** 31.385 (2) (c) 1. of the statutes is amended to read:

1           31.385 (2) (c) 1. The department conducts an investigation of a dam or conducts  
2 or causes an inspection of the a dam under this chapter and the owner of the dam  
3 requests financial assistance under this section within 6 months after having  
4 received department directives, based on the department's investigation or  
5 inspection of the dam, for the repair, modification or abandonment and removal of  
6 the dam or for another activity to increase the safety of the dam.”.

7           **687.** Page 512, line 6: after that line insert:

8           “**SECTION 1345g.** 32.02 (16) of the statutes is amended to read:

9           32.02 (16) The department of ~~natural resources~~ fish, wildlife, parks, and  
10 forestry with the approval of the appropriate standing committees of each house of  
11 the legislature as determined by the presiding officer thereof and as authorized by  
12 law, for acquisition of lands.

13           **SECTION 1345h.** 32.035 (3) of the statutes is amended to read:

14           32.035 (3) PROCEDURE. The condemnor shall notify the department of any  
15 project involving the actual or potential exercise of the powers of eminent domain  
16 affecting a farm operation. If the condemnor is the department of ~~natural resources~~  
17 fish, wildlife, parks, and forestry, the notice required by this subsection shall be given  
18 at the time that permission of the senate and assembly committees on natural  
19 resources is sought under s. 23.09 (2) (d) or 27.01 (2) (a). To prepare an agricultural  
20 impact statement under this section, the department may require the condemnor to  
21 compile and submit information about an affected farm operation. The department  
22 shall charge the condemnor a fee approximating the actual costs of preparing the  
23 statement. The department may not publish the statement if the fee is not paid.

24           **SECTION 1345n.** 33.01 (2) of the statutes is amended to read:

1           33.01 (2) “Department” means the department of ~~natural resources~~  
2 environmental management.

3           **SECTION 1345p.** 33.265 of the statutes is amended to read:

4           **33.265 Notice, filing and recording requirements.** If a district is created  
5 or its boundaries altered, the board of commissioners shall record the authorizing  
6 document, including a legal description of the boundary, with the register of deeds  
7 in each county where the district is situated, and file the document and legal  
8 description with the department of ~~natural resources~~ environmental management  
9 and the department of revenue.

10          **SECTION 1346e.** 33.457 (4) (intro.) of the statutes is amended to read:

11          33.457 (4) (intro.) Within 3 months after the implementation plan is developed  
12 and submitted under sub. (1), the department of environmental management, the  
13 department of fish, wildlife, parks, and forestry, and the designated planning agency  
14 under s. 281.51 that covers the county shall evaluate the implementation plan to  
15 determine whether it is consistent with the criteria for water quality planning under  
16 s. 281.51 and whether the plan is adequate to:

17          **SECTION 1346f.** 33.55 (1) (o) of the statutes is amended to read:

18          33.55 (1) (o) One nonvoting representative from the department of natural  
19 resources environmental management, who shall be appointed by the secretary of  
20 ~~natural resources~~ environmental management.

21          **SECTION 1346g.** 33.55 (1) (p) of the statutes is created to read:

22          33.55 (1) (p) One nonvoting representative from the department of fish,  
23 wildlife, parks, and forestry, who shall be appointed by the secretary of fish, wildlife,  
24 parks, and forestry.

25          **SECTION 1346h.** 33.59 (1) of the statutes is amended to read:

1           33.59 (1) The board of commissioners shall develop an implementation plan by  
2 April 1, 1998, and shall submit the plan to the department of ~~natural resources~~  
3 environmental management, fish, wildlife, parks, and forestry, the county planning  
4 agency, the chairperson of the county board and the county executive of the county  
5 by April 1, 1998.

6           **SECTION 1346i.** 33.59 (3) (intro.) of the statutes is amended to read:

7           33.59 (3) (intro.) Within 3 months after the implementation plan is developed  
8 and submitted under sub. (1), the department of environmental management, the  
9 department of fish, wildlife, parks, and forestry and the designated planning  
10 agencies under s. 281.51 that cover each county shall evaluate the implementation  
11 plan to determine whether it is consistent with the criteria for water quality  
12 planning under s. 281.51 and whether the plan is adequate to:”.

13           **688.** Page 512, line 6: after that line insert:

14           **“SECTION 1345m.** 32.72 (1) of the statutes is amended to read:

15           32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following  
16 question is submitted to the electors of the city at a ~~special election~~ referendum called  
17 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:  
18 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of  
19 ....., thus allowing the city to acquire and condemn property for street  
20 widening and similar purposes, financed through assessments of benefits and  
21 damages?”. The question shall be filed as provided in s. 8.37.”.

22           **689.** Page 512, line 6: after that line insert:

23           **“SECTION 1345cm.** 31.387 of the statutes is created to read:

1           **31.387 Dam rehabilitation projects.** The department shall establish and  
2 administer a grant program under which the department shall provide grants to  
3 counties to rehabilitate dams located in those counties. The department may only  
4 provide a grant for a project under this section to match federal funds provided for  
5 the project under the federal Watershed Protection and Flood Prevention Act of 1953  
6 (Public Law 83–566). The department shall promulgate rules necessary to  
7 implement this section.”.

8           **690.** Page 514, line 6: after that line insert:

9           “**SECTION 1349u.** 36.11 (27) of the statutes is created to read:

10           36.11 **(27)** CONDITION ON FINANCIAL ASSISTANCE. The board may not provide any  
11 state financial assistance under this chapter to any person during the period that the  
12 person is required to register with the selective service system under 50 USC,  
13 Appendix, sections 451 to 473 if the person has not so registered.”.

14           **691.** Page 514, line 6: after that line insert:

15           “**SECTION 1349t.** 36.11 (1) (cg) of the statutes is created to read:

16           36.11 **(1)** (cg) The board shall ensure that each institution and college campus  
17 establishes a written policy regarding the use of classrooms and facilities by local  
18 organizations and businesses for employment–related training. The policy may  
19 condition access on payment of a reasonable fee, the availability of space, and the  
20 appropriateness of the training. The policy may limit access to activities that are  
21 consistent with the mission of the institution or college campus.”.

22           **692.** Page 515, line 23: after that line insert:

23           “**SECTION 1351z.** 36.11 (46) of the statutes is created to read:

1           **36.11 (46)** UNDERGRADUATE DEGREE PROGRAMS. The board shall ensure that at  
2           least 70% of undergraduate degree programs may be completed with no more than  
3           124 credits.”.

4           **693.** Page 515, line 23: after that line insert:

5           “**SECTION 1351x.** 36.11 (47m) of the statutes is created to read:

6           **36.11 (47m)** TRANSFER OF CREDIT. (a) The board shall ensure that all  
7           institutions and college campuses accept credits transferred from the technical  
8           college system and from within the system for general education courses and for  
9           courses included in the plan required by 1999 Wisconsin Act 9, section 9154 (4g).

10           (b) Notwithstanding par. (a), the board may, on a case-by-case basis, request  
11           that the standing committees on higher education in the senate and assembly block  
12           the transfer of credits. A majority vote of each committee is required to block the  
13           transfer.”.

14           **694.** Page 515, line 23: after that line insert:

15           “**SECTION 1351za.** 36.11 (48m) of the statutes is created to read:

16           **36.11 (48m)** DOMESTIC ABUSE TRAINING. The board shall ensure that training  
17           for medical students and nursing students in dealing with the emotional and  
18           psychological impact of domestic abuse on victims is increased.”.

19           **695.** Page 515, line 23: after that line insert:

20           “**SECTION 1351u.** 36.11 (54) of the statutes is created to read:

21           **36.11 (54)** WILDLIFE BIOLOGIST. The board shall ensure that the job description  
22           for the wildlife biologist at the University of Wisconsin–Stevens Point requires the  
23           person in that position to devote a significant portion of time to bear hunting research  
24           and data collection.”.

1           **696.** Page 515, line 23: after that line insert:

2           “**SECTION 1351y.** 36.11 (50) of the statutes is created to read:

3           36.11 **(50)** NOTICE REGARDING SEX OFFENDERS. If the board of regents receives  
4 information under s. 301.46 (2s) regarding a sex offender whom it employs or who  
5 attends an institution within the University of Wisconsin System, the board of  
6 regents shall provide the information that it receives, upon request, to any of the  
7 following:

8           (a) A student attending an institution at which the sex offender works, if the  
9 sex offender is an employee.

10           (b) A student attending the institution that the sex offender attends, if the sex  
11 offender is a student.

12           (c) A parent, guardian, or legal custodian of a person entitled to receive the  
13 information under par. (a) or (b).”.

14           **697.** Page 515, line 23: after that line insert:

15           “**SECTION 1351zb.** 36.11 (49) of the statutes is created to read:

16           36.11 **(49)** SPECIAL EDUCATION STUDY. The board shall direct the University of  
17 Wisconsin–Madison School of Education and the Department of Neurology of the  
18 University of Wisconsin–Madison Medical School to study methods of identifying  
19 special education pupils with dyslexia and irlen syndrome and methods of  
20 remediation.”.

21           **698.** Page 517, line 8: after that line insert:

22           “**SECTION 1354f.** 36.25 (8) of the statutes is amended to read:

23           36.25 **(8)** WATER RESOURCES RESEARCH. Funds made available to the various  
24 state agencies for joint water resources research and data collection programs shall



1 be administered and coordinated by the director of the water resources center of the  
2 University of Wisconsin–Madison. Such funds shall be made available, on  
3 application from the state agencies concerned, when the director, after seeking the  
4 advice of the department of ~~natural resources~~ fish, wildlife, parks, and forestry and  
5 the department of environmental management, finds the proposed projects to be  
6 consistent with other state projects and the needs of the state. The director shall  
7 make biennial reports to the chief clerk of each house of the legislature, for  
8 distribution to the legislature under s. 13.172 (2), at the convening of the legislature.

9 **SECTION 1354j.** 36.25 (11) (c) of the statutes is amended to read:

10 36.25 (11) (c) The laboratory shall provide analytical support to the appropriate  
11 state agencies charged with water system evaluation. The support service shall  
12 include an evaluation from a public health standpoint and analytical support to  
13 ascertain the water's suitability for manufacturing, commercial and recreational  
14 purposes as determined by the rules promulgated by the department of health and  
15 family services, the department of ~~natural resources~~ environmental management  
16 and the department of agriculture, trade and consumer protection.

17 **SECTION 1354k.** 36.25 (11) (d) of the statutes is amended to read:

18 36.25 (11) (d) The laboratory shall be operated to furnish a complete laboratory  
19 service to the department of health and family services, the department of  
20 environmental management, and the department of ~~natural resources~~ fish, wildlife,  
21 parks, and forestry in the areas of water quality, air quality, public health and  
22 contagious diseases and to make available to the system, the department of health  
23 and family services, the department of environmental management, and the  
24 department of ~~natural resources~~ fish, wildlife, parks, and forestry such facilities for

1 teaching in the fields of public health and environmental protection as may be  
2 derived from such a laboratory.

3 **SECTION 1355d.** 36.25 (12m) (f) of the statutes is amended to read:

4 36.25 (12m) (f) Assist the department of ~~natural resources~~ fish, wildlife, parks,  
5 and forestry in its work as the state representative of the U.S. geographic board and  
6 its other functions under s. 23.25.”.

7 **699.** Page 517, line 8: after that line insert:

8 “**SECTION 1354w.** 36.25 (11) (f) of the statutes is amended to read:

9 36.25 (11) (f) The Subject to par. (fm), the laboratory of hygiene board may  
10 impose a fee for each test conducted by the laboratory. Any test conducted for a local  
11 unit of government is exempt from the fee unless the test is outside the state public  
12 health care mission or is required under 42 USC 300f to 300j, as determined by the  
13 laboratory of hygiene board. The laboratory may charge state agencies through  
14 contractual arrangements for the actual services rendered.

15 **SECTION 1354wd.** 36.25 (11) (fm) of the statutes is created to read:

16 36.25 (11) (fm) No fee imposed by the laboratory of hygiene board for a water  
17 quality test conducted by the laboratory may be less than the average fee charged  
18 for the water quality test by private laboratories that are certified under s. 93.12 or  
19 299.11. Annually, the laboratory of hygiene board shall consult with at least 3  
20 private laboratories to determine the average fee charged for each type of water  
21 quality test. Prior to conducting a water quality test, the laboratory shall notify the  
22 person seeking the water quality test whether state or federal law permits a private  
23 laboratory to conduct the test.”.

24 **700.** Page 518, line 12: after that line insert:

1           **“SECTION 1356L.** 36.25 (20) of the statutes is repealed.”.

2           **701.** Page 518, line 12: after that line insert:

3           **“SECTION 1356t.** 36.25 (30) of the statutes is amended to read:

4           **36.25 (30) POLLUTION PREVENTION.** The board shall maintain in the extension  
5 a solid and hazardous waste education center to promote pollution prevention, as  
6 defined in s. 299.13 (1) (dm). In cooperation with the department of ~~natural resources~~  
7 environmental management and the department of commerce, the center shall  
8 conduct an education and technical assistance program to promote pollution  
9 prevention in this state.”.

10          **702.** Page 518, line 16: delete lines 16 to 23.

11          **703.** Page 518, line 24: after that line insert:

12          **“SECTION 1358mm.** 36.27 (1) (a) of the statutes is amended to read:

13          **36.27 (1) (a)** Subject to pars. ~~(am)~~, (b) and (c), the board may establish for  
14 different classes of students differing tuition and fees incidental to enrollment in  
15 educational programs or use of facilities in the system. Except as otherwise provided  
16 in this section, the board may charge any student who is not exempted by this section  
17 a nonresident tuition. The board may establish special rates of tuition and fees for  
18 the extension and summer sessions and such other studies or courses of instruction  
19 as the board deems advisable.

20          **SECTION 1358mn.** 36.27 (1) (am) of the statutes is repealed.”.

21          **704.** Page 519, line 3: delete “3” and substitute “4”.

22          **705.** Page 519, line 5: after that line insert:

23          **“SECTION 1359p.** 36.27 (3m) (a) 2. of the statutes is amended to read:

1           36.27 **(3m)** (a) 2. “Law enforcement officer” has the meaning given in s. 165.85  
2           (2) (c) and includes a person appointed as a conservation warden under s. 23.10 and  
3           a person appointed as an environmental warden under s. 278.10.”.

4           **706.** Page 519, line 13: delete lines 13 to 20.

5           **707.** Page 520, line 9: after that line insert:

6           “**SECTION 1370m.** 38.12 (12) of the statutes is created to read:

7           38.12 **(12)** TRANSFER OF CREDIT. Each district board shall accept credits  
8           transferred from another district or from an institution or college campus within the  
9           University of Wisconsin System for general education courses and for courses  
10          included in the plan required by 1999 Wisconsin Act 9, section 9154 (4g).”.

11          **708.** Page 520, line 9: after that line insert:

12          “**SECTION 1370m.** 38.12 (14) of the statutes is created to read:

13          38.12 **(14)** DOMESTIC ABUSE. The district board shall ensure that training for  
14          nursing students in dealing with the emotional and psychological impact of domestic  
15          abuse on victims is increased.”.

16          **709.** Page 520, line 17: after that line insert:

17          “**SECTION 1371c.** 38.14 (2) (e) of the statutes is created to read:

18          38.14 **(2)** (e) Each district board shall establish a written policy regarding the  
19          use of classrooms and facilities by local organizations and businesses for  
20          employment-related training. The policy may condition access on payment of a  
21          reasonable fee, the availability of space, and the appropriateness of the training. The  
22          policy may limit access to activities that are consistent with the mission of the  
23          technical college.”.

1           **710.** Page 521, line 2: after “referendum” insert “may be held at any election  
2 authorized under s. 8.065 and”.

3           **711.** Page 521, line 11: after that line insert:

4           “**SECTION 1372g.** 38.16 (1) of the statutes is amended to read:

5           **38.16 (1)** Annually by October 31, or within 10 days after receipt of the  
6 equalized valuations from the department of revenue, whichever is later, the district  
7 board may levy a tax, not exceeding 1.5 mills on the full value of the taxable property  
8 of the district, for the purpose of making capital improvements, acquiring equipment  
9 and operating and maintaining the schools of the district, except that the mill  
10 limitation is not applicable to taxes levied for the purpose of paying principal and  
11 interest on valid bonds or notes now or hereafter outstanding as provided in s. 67.035  
12 and except as provided under sub. (3). The district board secretary shall file with the  
13 clerk of each city, village and town, any part of which is located in the district, a  
14 certified statement showing the amount of the levy and the proportionate amount of  
15 the tax to be spread upon the tax rolls for collection in each city, village and town.  
16 Such proportion shall be ascertained on the basis of the ratio of full value of the  
17 taxable property of that part of the city, village or town located in the district to the  
18 full value of all taxable property in the district, as certified to the district board  
19 secretary by the department of revenue. Upon receipt of the certified statement from  
20 the district board secretary, the clerk of each city, village and town shall spread the  
21 amounts thereof upon the tax rolls for collection. When the taxes are collected, such  
22 amounts shall be paid by the treasurer of each city, village and town to the district  
23 board treasurer.

24           **SECTION 1372j.** 38.16 (3) of the statutes is created to read:

1           38.16 (3) (a) If a district board wishes to exceed the mill limit under sub. (1) in  
2 any year, it shall promptly adopt a resolution specifying the excess number of mills.  
3 The resolution shall be filed as provided in s. 8.37. The district board shall submit  
4 the resolution to the electors of the district for approval or rejection at a referendum.  
5 The referendum shall be held at the next succeeding spring primary or election or  
6 September primary or general election that is to be held not sooner than 42 days after  
7 the filing of the resolution of the district board. Within 10 days after adopting the  
8 resolution, the district board shall notify the board of the scheduled date of the  
9 referendum and submit a copy of the resolution to the board. The district board  
10 secretary shall certify the results of the referendum to the board within 10 days after  
11 the referendum is held.

12           (b) The district board secretary shall publish type A, B, C, D, and E notices of  
13 the referendum under s. 10.01 (2). Notwithstanding s. 10.01 (2) (a), the type A notice  
14 shall include a copy of the resolution under par. (a). Section 5.01 (1) applies in the  
15 event of failure to comply with the notice requirements of this paragraph.

16           (c) The referendum shall be held in accordance with chs. 5 to 12. The district  
17 board secretary shall provide the election officials with all necessary election  
18 supplies. The form of the ballot shall correspond substantially with the standard  
19 form for referendum ballots prescribed by the elections board under ss. 5.64 (2) and  
20 7.08 (1) (a). The question submitted shall be whether the mill limit under sub. (1)  
21 may be exceeded by a specified number of mills. The mill limit otherwise applicable  
22 to the district under sub. (1) is increased by the number of mills approved by a  
23 majority of those voting on the question.”

24           **712.** Page 521, line 11: after that line insert:

1           **“SECTION 1374m.** 38.27 (2m) (f) of the statutes is created to read:

2           38.27 **(2m)** (f) Beginning in the 2001–02 school year, at least \$500,000 annually  
3 is awarded under this section to districts with limited fiscal capacity, as defined by  
4 the board by rule.”.

5           **713.** Page 521, line 21: after that line insert:

6           **“SECTION 1375dm.** 38.305 (1) (intro.) of the statutes is amended to read:

7           38.305 **(1)** (intro.) ~~Beginning in~~ In the 2000–01 and 2001–02 school year years,  
8 the board shall award a grant of \$500 to each first–year student who satisfies all of  
9 the following criteria:”.

10          **714.** Page 522, line 2: after that line insert:

11          **“SECTION 1375r.** 38.37 of the statutes is created to read:

12          **38.37 Crime prevention resource center.** The Fox Valley Technical College  
13 shall permit the Wisconsin Crime Prevention Practitioners Association or a person  
14 designated by the association to establish at the college a crime prevention resource  
15 center and shall operate the center in cooperation with the association or the person  
16 designated by the association.”.

17          **715.** Page 522, line 2: after that line insert:

18          **“SECTION 1375s.** 38.34 of the statutes is created to read:

19          **38.34 Job retention skills development programs.** **(1)** Each district  
20 board shall make available, and shall offer at a frequency based upon demand in the  
21 district, a job retention skills development program in order to assist employers to  
22 retain new employees, build job skill levels of those employees, and assist those  
23 employees in attaining higher wages and long–term careers. To the extent  
24 practicable, the district board shall offer the program at employment sites. The

1 program shall emphasize job retention skills development for employees with gross  
2 incomes at or below 200% of the poverty line, as defined in s. 49.001 (5), who are any  
3 of the following:

4 (a) Current or former recipients of public assistance, including participants in  
5 Wisconsin works employment positions under s. 49.147.

6 (b) Employees who are within the first 6 months of employment with their  
7 employer.

8 (c) Entry-level employees.

9 **(2)** The program shall provide training in all of the following:

10 (a) Skills needed to achieve punctuality and consistency in attendance at  
11 employment.

12 (b) Skills needed to effectively work in a team.

13 (c) Skills needed to effectively communicate with supervisors and coworkers.

14 (d) Skills needed to solve basic workplace-related personal and interpersonal  
15 problems.

16 **(3)** (a) The board shall supervise, and establish minimum requirements for, the  
17 program. Except as provided in sub. (2), the board shall determine the length and  
18 content of the program after consultation with employers, district boards, Wisconsin  
19 works agencies, as defined in s. 49.001 (9), local units of government, and labor  
20 organizations.

21 (b) In consultation with employers, district boards, and the department of  
22 workforce development, the board shall develop standards for assessing the job  
23 retention skills, including the skills specified in sub. (2), of employees before and  
24 after their participation in the program.



1           **(4)** To the extent practicable, the district board shall assist employers in  
2 providing ongoing job retention skills development and reinforcement activities in  
3 the workplace. The district board may charge employers a fee for the program and  
4 services offered under this section.

5           **(5)** This section does not apply after December 31, 2004.”.

6           **716.** Page 522, line 20: delete lines 20 to 24.

7           **717.** Page 522, line 24: after that line insert:

8           “**SECTION 1380g.** 39.28 (6) of the statutes is created to read:

9           **39.28 (6)** The board may not provide any state financial assistance under this  
10 subchapter to any person during the period that the person is required to register  
11 with the selective service system under 50 USC, Appendix, sections 451 to 473 if the  
12 person has not so registered.”.

13           **718.** Page 522, line 24: after that line insert:

14           “**SECTION 1379t.** 39.17 of the statutes is created to read:

15           **39.17 Medical College of Wisconsin; domestic abuse training.** The  
16 Medical College of Wisconsin, Inc., shall increase training of medical students in  
17 dealing with the emotional and psychological impact of domestic abuse on victims.”.

18           **719.** Page 523, line 9: after that line insert:

19           “**SECTION 1380t.** 39.393 of the statutes is created to read:

20           **39.393 Nursing student loan program. (1)** The board shall establish a loan  
21 program to defray the cost of tuition, fees, and expenses for persons enrolled in any  
22 of the following:

23           (a) A program in this state that confers an associate degree in nursing.

24           (b) A program in this state that confers a bachelor’s degree in nursing.

1 (c) A program in this state that confers a 2nd degree that will make the person  
2 eligible to sit for examination under s. 441.04 or 441.10.

3 (d) A program in this state that confers a diploma in nursing.

4 **(2)** Beginning in the 2002–03 fiscal year, the board shall make loans under this  
5 section from the appropriation under s. 20.235 (1) (cm). The maximum amount of  
6 loan for a person during any fiscal year is \$3,000. The maximum that a person may  
7 receive under this section is \$15,000. The board shall ensure that the terms of the  
8 loan do not require a loan recipient to repay the loan while the recipient is enrolled  
9 in a program under sub. (1).

10 **(3)** After the recipient of a loan under sub. (1) has completed the program  
11 described in sub. (1), the board shall forgive 25% of the loan’s principal and interest  
12 after the first full year and 25% of the loan’s principal and interest after the 2nd full  
13 year that the recipient has been employed full time in this state as a nurse. The board  
14 may forgive loans on a prorated basis for persons who are employed less than full  
15 time.

16 **(4)** The board shall promulgate rules to implement and administer this  
17 section.”.

18 **720.** Page 523, line 11: after that line insert:

19 “**SECTION 1381g.** 39.41 (1) (bm) of the statutes is amended to read:

20 39.41 **(1)** (bm) “Senior” means a pupil enrolled in the 12th grade in a public or  
21 private high school, the school operated by the Wisconsin School Educational  
22 Services Program for the Deaf and Hard of Hearing or the school operated by the  
23 Wisconsin Center for the Blind and Visually Impaired.”.

24 **721.** Page 523, line 17: after that line insert:

1           **“SECTION 1381p.** 39.41 (1m) (c) 2. of the statutes is amended to read:

2           39.41 **(1m)** (c) 2. For the school operated by the Wisconsin School Educational  
3 Services Program for the Deaf and Hard of Hearing, designate the senior with the  
4 highest grade point average in all subjects as a scholar.

5           **SECTION 1381r.** 39.41 (1m) (fm) of the statutes is amended to read:

6           39.41 **(1m)** (fm) If 2 or more seniors from the school operated by the Wisconsin  
7 School Educational Services Program for the Deaf and Hard of Hearing have the  
8 same grade point average and, except for the limitation of one designated senior, are  
9 otherwise eligible for designation under par. (c) 2., the executive secretary shall  
10 make the designation under par. (c) 2. of the senior who may be eligible for a higher  
11 education scholarship as a scholar and, if that senior does not qualify for a higher  
12 education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the  
13 remaining seniors with the same grade point average as eligible for a higher  
14 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship  
15 may be awarded by the board.”.

16           **722.** Page 524, line 3: after that line insert:

17           **“SECTION 1384m.** 39.75 (7) (d) of the statutes is amended to read:

18           39.75 **(7)** (d) The commission shall keep accurate accounts of all receipts and  
19 disbursements. The receipts and disbursements of the commission shall be subject  
20 to the audit and accounting procedures established by its bylaws. However, all  
21 receipts and disbursements of funds handled by the commission shall be audited  
22 yearly by a qualified certified public accountant licensed or certified under ch. 442,  
23 and the report of the audit shall be included in and become part of the annual reports  
24 of the commission.”.

1           **723.** Page 524, line 16: after that line insert:

2           “**SECTION 1385m.** 39.80 (5) (c) of the statutes is amended to read:

3           39.80 (5) (c) The commission shall keep accurate accounts of all receipts and  
4           disbursements. The receipts and disbursements of the commission shall be subject  
5           to the audit and accounting procedures established under its bylaws. However, all  
6           receipts and disbursements of funds handled by the commission shall be audited  
7           yearly by a certified ~~or licensed~~ public accountant licensed or certified under ch. 442  
8           and the report of the audit shall be included in and become part of the annual report  
9           of the commission.”.

10          **724.** Page 533, line 2: after that line insert:

11          “**SECTION 1389p.** 40.02 (48) (am) of the statutes is amended to read:

12          40.02 (48) (am) “Protective occupation participant” includes any participant  
13          whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who  
14          is a conservation warden, conservation patrol boat captain, conservation patrol boat  
15          engineer, conservation pilot, conservation patrol officer, forest fire control assistant,  
16          environmental warden, member of the state traffic patrol, state motor vehicle  
17          inspector, police officer, fire fighter, sheriff, undersheriff, deputy sheriff, state  
18          probation and parole officer, county traffic police officer, state forest ranger, fire  
19          watcher employed at Wisconsin veterans facilities, state correctional–psychiatric  
20          officer, excise tax investigator employed by the department of revenue, special  
21          criminal investigation agent in the department of justice, assistant or deputy fire  
22          marshal, or person employed under s. 61.66 (1).

23          **SECTION 1389s.** 40.02 (48) (c) of the statutes is amended to read:

1           40.02 **(48)** (c) In s. 40.65, “protective occupation participant” means a  
2 participating employee who is a police officer, fire fighter, an individual determined  
3 by a participating employer under par. (a) or (bm) to be a protective occupation  
4 participant, county undersheriff, deputy sheriff, state probation and parole officer,  
5 county traffic police officer, conservation warden, state forest ranger, field  
6 conservation employee of the department of ~~natural resources~~ fish, wildlife, parks,  
7 and forestry who is subject to call for forest fire control or warden duty,  
8 environmental warden, member of the state traffic patrol, state motor vehicle  
9 inspector, University of Wisconsin System full-time police officer, guard or any other  
10 employee whose principal duties are supervision and discipline of inmates at a state  
11 penal institution, excise tax investigator employed by the department of revenue,  
12 person employed under s. 61.66 (1), or special criminal investigation agent employed  
13 by the department of justice.”.

14           **725.** Page 533, line 2: after that line insert:

15           “**SECTION 1389t.** 40.02 (54) (a) of the statutes is repealed.”.

16           **726.** Page 533, line 4: after that line insert:

17           “**SECTION 1391h.** 40.03 (2) (it) of the statutes is created to read:

18           40.03 **(2)** (it) Shall promulgate, with the approval of the private employer  
19 health care coverage board, all rules required for the administration of the private  
20 employer health care coverage program established under subch. X.”.

21           **727.** Page 534, line 23: after that line insert:

22           “**SECTION 1398p.** 40.51 (8) of the statutes is amended to read:

23           40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)  
24 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)

1 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to  
2 (5), 632.872, 632.895 (5m) and (8) to (14), and 632.896.

3 **SECTION 1398q.** 40.51 (8m) of the statutes is amended to read:

4 40.51 **(8m)** Every health care coverage plan offered by the group insurance  
5 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,  
6 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.872, and 632.895 (11) to  
7 (14).”.

8 **728.** Page 534, line 23: after that line insert:

9 “**SECTION 1398p.** 40.05 (4) (ag) 2. of the statutes, as affected by 1999 Wisconsin  
10 Act 9, is amended to read:

11 40.05 **(4)** (ag) 2. For eligible employees not specified in subd. 1., 90% of the gross  
12 premium for the standard health insurance plan offered to state employees by the  
13 group insurance board or 105% of the gross premium, ~~excluding any premium cost~~  
14 ~~related to the point-of-service option plan required to be offered under s. 609.10,~~ of  
15 the alternative qualifying plan offered under s. 40.03 (6) that is the least costly  
16 qualifying plan within the county in which the alternate plan is located, whichever  
17 is lower, but not more than the total amount of the premium. Employer contributions  
18 for employees who select the standard plan shall be based on their county of  
19 residence. Qualifying health insurance plans shall be determined in accordance  
20 with standards established by the group insurance board.”.

21 **729.** Page 534, line 23: after that line insert:

22 “**SECTION 1398r.** 40.51 (12) of the statutes is amended to read:

1           40.51 **(12)** Every ~~managed care~~ defined network plan, as defined in s. 609.01  
2       ~~(3e)~~ (1b), and every limited service health organization, as defined in s. 609.01 (3),  
3       that is offered by the state under sub. (6) shall comply with ch. 609.

4           **SECTION 1398s.** 40.51 (13) of the statutes is amended to read:

5           40.51 **(13)** Every ~~managed care~~ defined network plan, as defined in s. 609.01  
6       ~~(3e)~~ (1b), and every limited service health organization, as defined in s. 609.01 (3),  
7       that is offered by the group insurance board under sub. (7) shall comply with ch.  
8       609.”.

9           **730.** Page 534, line 23: after that line insert:

10          “**SECTION 1398n.** 40.05 (1) (a) (intro.) of the statutes is amended to read:

11          40.05 **(1)** (a) (intro.) Except as provided in par. (b) ~~and sub. (2n)~~:

12          **SECTION 1398o.** 40.05 (1) (a) 2. of the statutes is amended to read:

13          40.05 **(1)** (a) 2. For each participating employee whose formula rate is  
14       determined under s. 40.23 (2m) (e) 2., ~~5.5%~~ 5% of each payment of earnings.

15          **SECTION 1398p.** 40.05 (1) (a) 3. of the statutes is amended to read:

16          40.05 **(1)** (a) 3. For each participating employee whose formula rate is  
17       determined under s. 40.23 (2m) (e) 3., ~~6%~~ 5% of each payment of earnings.

18          **SECTION 1398q.** 40.05 (1) (a) 4. of the statutes is amended to read:

19          40.05 **(1)** (a) 4. For each participating employee whose formula rate is  
20       determined under s. 40.23 (2m) (e) 4., ~~8%~~ 5% of each payment of earnings.

21          **SECTION 1398r.** 40.05 (2m) of the statutes is repealed.

22          **SECTION 1398s.** 40.05 (2n) of the statutes is repealed.

23          **SECTION 1398t.** 40.32 (1) of the statutes is amended to read:

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

8           **731.** Page 534, line 23: after that line insert:

9           “**SECTION 1398r.** 40.05 (4) (a) 1. of the statutes is amended to read:

10           40.05 (4) (a) 1. For health insurance, each insured employee shall contribute  
11 \$5 per month and shall contribute the balance of the required premium amounts  
12 after applying required employer contributions, if any. and each insured retired  
13 employee shall contribute the balance of the required premium amounts after  
14 applying required employer contributions, if any.”.

15           **732.** Page 534, line 23: after that line insert:

16           “**SECTION 1398s.** 40.05 (4) (b) of the statutes is amended to read:

17           40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused  
18 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.  
19 I or V of ch. 111 of any eligible employee shall, at the time of death, upon qualifying  
20 for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon  
21 termination of creditable service and qualifying as an eligible employee under s.  
22 40.02 (25) (b) 6. or 10., be converted, at the employee’s current basic pay rate, to  
23 credits for payment of health insurance premiums on behalf of the employee or the  
24 employee’s surviving insured dependents. Any supplemental compensation that is



1 paid to a state employee who is classified under the state classified civil service as  
2 a teacher, teacher supervisor, or education director for the employee's completion of  
3 educational courses that have been approved by the employee's employer is  
4 considered as part of the employee's basic pay for purposes of this paragraph. The  
5 full premium for any eligible employee who is insured at the time of retirement, or  
6 for the surviving insured dependents of an eligible employee who is deceased, shall  
7 be deducted from the credits until the credits are exhausted and paid from the  
8 account under s. 40.04 (10), and then deducted from annuity payments, if the  
9 annuity is sufficient. The department shall provide for the direct payment of  
10 premiums by the insured to the insurer if the premium to be withheld exceeds the  
11 annuity payment. ~~Except as provided in par. (bd), upon~~ Upon conversion of an  
12 employee's unused sick leave to credits under this paragraph or par. (bf), the  
13 employee or, if the employee is deceased, the employee's surviving insured  
14 dependents may initiate deductions from those credits or may elect to delay  
15 initiation of deductions from those credits ~~for any period of time, but only~~ if the  
16 employee or surviving insured dependents are covered by a comparable health  
17 insurance plan or policy during the period beginning on the date of the conversion  
18 and ending on the ~~last day of the 2nd month after the date on which the employee~~  
19 or surviving insured dependents later elect to initiate deductions from those credits.  
20 If an employee or an employee's surviving insured dependents elect to delay  
21 initiation of deductions from those credits, an employee or the employee's surviving  
22 insured dependents may only later elect to initiate deductions from those credits  
23 during the annual enrollment period under par. (be). A health insurance plan or  
24 policy is considered comparable if it provides hospital and medical benefits that are

1 substantially equivalent to the standard health insurance plan established under s.  
2 40.52 (1).

3 **SECTION 1398t.** 40.05 (4) (bd) of the statutes is repealed.

4 **SECTION 1398u.** 40.05 (4) (be) of the statutes is repealed and recreated to read:

5 40.05 (4) (be) The department shall establish an annual enrollment period  
6 during which an employee or, if the employee is deceased, an employee's surviving  
7 insured dependents may elect to initiate or delay continuation of deductions from the  
8 employee's sick leave credits under par. (b). An employee or surviving insured  
9 dependent may elect to continue or delay continuation of such deductions any  
10 number of times. If an employee or surviving insured dependent has initiated the  
11 deductions but later elects to delay continuation of the deductions, the employee or  
12 surviving insured dependent must be covered by a comparable health insurance plan  
13 or policy during the period beginning on the date on which the employee or surviving  
14 insured dependent delays continuation of the deductions and ending on the date on  
15 which the employee or surviving insured dependent later elects to continue the  
16 deductions. A health insurance plan or policy is considered comparable if it provides  
17 hospital and medical benefits that are substantially equivalent to the standard  
18 health insurance plan established under s. 40.52 (1).".

19 **733.** Page 535, line 6: after that line insert:

20 **"SECTION 1400b.** 40.98 (1) (bm) of the statutes is created to read:

21 40.98 (1) (bm) "Eligible employee" has the meaning given in s. 632.745 (5) (a).

22 **SECTION 1400c.** 40.98 (1) (d) of the statutes is amended to read:

23 40.98 (1) (d) "Employer" means any person doing business or operating an  
24 organization in this state and employing at least 2 eligible employees, except that for

1 a person operating a farm business the person must employ at least one eligible  
2 employee. “Employer” does not include an employer as defined in s. 40.02 (28).

3 **SECTION 1400d.** 40.98 (2) (a) 3. of the statutes is amended to read:

4 40.98 (2) (a) 3. The ~~administrator selected under subd. 2., or the department~~  
5 ~~if no administrator has been selected under subd. 2.,~~ shall enter into contracts with  
6 insurers who are to provide health care coverage under the health care coverage  
7 program.

8 **SECTION 1400e.** 40.98 (2) (a) 4. of the statutes is amended to read:

9 40.98 (2) (a) 4. The department or the administrator selected under subd. 2.  
10 shall solicit and accept bids and shall enter into a contract for marketing the health  
11 care coverage program.

12 **SECTION 1400em.** 40.98 (2) (a) 5. of the statutes is amended to read:

13 40.98 (2) (a) 5. The department or the administrator selected under subd. 2.  
14 shall maintain a toll-free telephone number to provide information on the health  
15 care coverage program.

16 **SECTION 1400f.** 40.98 (2) (d) of the statutes is amended to read:

17 40.98 (2) (d) All insurance rates for health care coverage under the program  
18 shall be ~~published annually in a single publication that is made available to~~  
19 ~~employers and employees~~ in a manner determined by the board. Rates that apply  
20 to coverage for small employers, as defined in s. 635.02 (7), shall be published at least  
21 annually, as required in s. 635.12. The rates may be listed by county or by any other  
22 regional factor that the board considers appropriate. Annually, the board shall  
23 submit a report to the appropriate standing committees under s. 13.172 (3)  
24 specifying the average insurance rate for health care coverage under the program by  
25 county or by any other regional factor the board considers appropriate.

1           **SECTION 1400g.** 40.98 (3) (a) of the statutes is amended to read:

2           40.98 (3) (a) Offer health care coverage under one or more plans to all of its  
3 permanent eligible employees who have a normal work week of 30 or more hours and,  
4 if permitted by any plan offered by an insurer under the health care coverage  
5 program, may offer health care coverage under ~~one or more plans~~ such a plan to any  
6 of its other employees.

7           **SECTION 1400h.** 40.98 (3) (b) of the statutes is amended to read:

8           40.98 (3) (b) Provide health care coverage under one or more plans to at least  
9 50% of its permanent eligible employees ~~who have a normal work week of 30 or more~~  
10 ~~hours and~~ who do not otherwise receive health care coverage as a dependent under  
11 any other plan that is not offered by the employer or a percentage of such employees  
12 specified by the board, whichever percentage is greater.

13           **SECTION 1400i.** 40.98 (3) (c) of the statutes is amended to read:

14           40.98 (3) (c) Pay for each eligible employee at least 50% ~~but not more than 100%~~  
15 ~~of the lowest premium rate that would be~~ of the lowest premium rate for single  
16 coverage that is available to the employer for that employee's coverage under the  
17 health care coverage program.

18           **SECTION 1400j.** 40.98 (5) of the statutes is renumbered 40.98 (5) (am).

19           **SECTION 1400k.** 40.98 (5) (bm) of the statutes is created to read:

20           40.98 (5) (bm) Notwithstanding par. (am), the department, in consultation  
21 with the board, may limit the requirement under par. (am) to compliance with s.  
22 635.19.

23           **SECTION 1400L.** 40.98 (6) (b) of the statutes is amended to read:

24           40.98 (6) (b) An insurance agent may not sell any health care coverage under  
25 the health care coverage program on behalf of an insurer unless he or she is ~~employed~~

1 ~~by the insurer or has a contract with the insurer to sell the health care coverage on~~  
2 ~~behalf of listed by the insurer under s. 628.11.~~

3 **SECTION 1400m.** 40.98 (6) (d) of the statutes is repealed and recreated to read:

4 40.98 (6) (d) The board may establish training requirements that an insurance  
5 agent must satisfy, in addition to any requirements under s. 628.04 (3), to sell health  
6 care coverage under the health care coverage program.

7 **SECTION 1400n.** 40.98 (6m) of the statutes is created to read:

8 40.98 (6m) The secretary of administration shall lapse from the appropriation  
9 under s. 20.515 (2) (g) to the general fund the amounts necessary to repay the loan  
10 from the state life insurance fund under s. 607.25 when the secretary of  
11 administration, after consulting with the board, determines that funds in the  
12 appropriation under s. 20.515 (2) (g) are sufficient to make the lapse. The amounts  
13 that are required to be lapsed under s. 20.515 (2) (g) shall equal the amount necessary  
14 to pay all principal and interest costs on the loan, less any amount that is lapsed to  
15 the general fund under s. 20.515 (2) (a) at the end of the 2001–03 fiscal biennium.  
16 The secretary of administration may lapse the amounts under s. 20.515 (2) (g) in  
17 installments.”.

18 **734.** Page 535, line 6: after that line insert:

19 “**SECTION 1400m.** 41.11 (4) of the statutes is amended to read:

20 41.11 (4) ADVERTISING. The department shall plan and conduct a program of  
21 advertising and promotion designed to attract interested persons to this state and  
22 to stimulate the enjoyment of its recreational opportunities by residents and  
23 nonresidents alike. Any contracts engaging a private agency to conduct an  
24 advertising or promotion program under this subsection shall reserve to the

1 department the right to terminate the contract if the service is unsatisfactory to the  
2 department. The department shall encourage and coordinate the efforts of public  
3 and private organizations to publicize the facilities and attractions of the state for  
4 the purpose of stimulating their enjoyment by residents and tourists. The  
5 department shall advertise historic sites and state parks with funding from the same  
6 appropriation account or accounts.”

7 **735.** Page 535, line 12: after that line insert:

8 “**SECTION 1404c.** 41.41 (4) (c) of the statutes is amended to read:

9 41.41 (4) (c) The department of agriculture, trade and consumer protection, the  
10 department of ~~natural resources~~ fish, wildlife, parks, and forestry, the department  
11 of transportation, the department of commerce, the department of administration,  
12 the state historical society and the University of Wisconsin–Extension shall  
13 cooperate with and assist the board in matters related to its functions.

14 **SECTION 1404d.** 41.41 (5) (e) of the statutes is amended to read:

15 41.41 (5) (e) Consult and cooperate with the department of agriculture, trade  
16 and consumer protection, the department of ~~natural resources~~ fish, wildlife, parks,  
17 and forestry, the department of transportation, the department of commerce, the  
18 department of administration, the state historical society, the University of  
19 Wisconsin–Extension, any federally recognized American Indian tribe or band in  
20 this state that appoints a liaison representative to the board regarding the  
21 management of the Kickapoo valley reserve.

22 **SECTION 1404e.** 41.41 (9) of the statutes is amended to read:

23 41.41 (9) STATE NATURAL AREAS. The board shall dedicate as a state natural area  
24 under s. 23.27 any land that is a part of the Kickapoo valley reserve and any land that

1 has been acquired by the board if the department of ~~natural resources~~ fish, wildlife,  
2 parks, and forestry identifies the land as appropriate for dedication.”.

3 **736.** Page 535, line 12: delete that line and substitute:

4 “**SECTION 1404.** 41.19 (1) (b) of the statutes is created to read:

5 41.19 (1) (b) “Nonprofit organization” has the meaning given in s. 108.02 (19).

6 **SECTION 1405.** 41.19 (2m) (c) (intro.) of the statutes is amended to read:

7 41.19 (2m) (c) (intro.) Subject to par. (d), from the ~~appropriation~~ appropriations  
8 under s. 20.380 (1) (bm) and (kg), the department shall, in the fiscal biennium in  
9 which an area is selected under par. (a), award a grant to the applicant on behalf of  
10 an the area of the state selected under par. (a) if all of the following apply:

11 **SECTION 1403.** 41.19 (2m) (d) of the statutes is amended to read:

12 41.19 (2m) (d) The department may not, under par. (c), award to an applicant  
13 on behalf of an area selected under par. (a) more than one grant per fiscal year ~~to an~~  
14 ~~applicant on behalf of an area under par. (c) and may not~~ or award grants to the  
15 applicant for more than 2 fiscal years. Grants awarded to an applicant under par.  
16 (c) may not exceed \$25,000 in the first fiscal year, or \$15,000 in the 2nd fiscal year,  
17 in which the applicant receives a grant under par. (c).

18 **SECTION 1404.** 41.19 (2r) of the statutes is created to read:

19 41.19 (2r) From the appropriations under s. 20.380 (1) (bm) and (kg), the  
20 department may award to a nonprofit organization that is located in an area of the  
21 state that was selected under sub. (2m) (a) grants of up to \$5,000 in any fiscal year  
22 after the fiscal biennium in which the area was selected under sub. (2m) (a). Grant  
23 proceeds must be used to promote historic and prehistoric attractions in the area,  
24 and may be used for such purposes as interpretive or directional signs, website

1 development, advertising, and public relations. The department may award grants  
2 under this subsection to a nonprofit organization that received grants under sub.  
3 (2m) (c) as an applicant on behalf of an area of the state selected under sub. (2m) (a).”.

4 **737.** Page 535, line 24: after that line insert:

5 “SECTION 1404b. 41.41 (13) (intro.) of the statutes, as created by 2001  
6 Wisconsin Act .... (this act), is amended to read:

7 41.41 (13) REPORT ON GENERATING REVENUE AND RESUBMITTING BUILDING PLANS.  
8 (intro.) After consulting with the department of ~~natural resources~~ fish, wildlife,  
9 parks, and forestry and any tribal government with whom the Kickapoo reserve  
10 management board or the Lower Wisconsin State Riverway board has entered into  
11 a memorandum of understanding, the Kickapoo reserve management board, in  
12 conjunction with the Lower Wisconsin State Riverway board, shall prepare and  
13 submit to the building commission and to the joint committee on finance a report that  
14 includes all of the following:”.

15 **738.** Page 536, line 14: after that line insert:

16 “SECTION 1405k. 42.09 (2) of the statutes is amended to read:

17 42.09 (2) (a) The state fair park board may not alter or renovate any building,  
18 appurtenance, fixture, exhibit or other structure or facility at state fair park that is  
19 owned by the board but that was owned by the former department of natural  
20 resources on July 29, 1995, without the permission of the department of fish, wildlife,  
21 parks, and forestry, but the board may provide routine maintenance without the  
22 department’s permission.

23 (b) The state fair park board shall allow the department of ~~natural resources~~  
24 fish, wildlife, parks, and forestry access to and use of the buildings, appurtenances,



1 fixtures, exhibits and other structures and facilities described in par. (a) so that the  
2 department may prepare, display and dismantle exhibits during events occurring at  
3 state fair park.”.

4 **739.** Page 537, line 19: after that line insert:

5 “SECTION 1409s. 44.02 (5) of the statutes is amended to read:

6 44.02 (5) Keep its main library and museum rooms open at all reasonable hours  
7 on business days for the reception of the residents of this state who may wish to visit  
8 the library or museum. Except as provided under subs. (5g) and (5m), the historical  
9 society may collect a fee from residents and shall collect a fee from nonresidents for  
10 admission to historic sites or buildings acquired, leased or operated by the historical  
11 society, including areas within state parks or on other state-owned lands which  
12 incorporate historic buildings, restorations, museums or remains and which are  
13 operated by the historical society by agreement with the department of ~~natural~~  
14 ~~resources~~ fish, wildlife, parks, and forestry or other departments, or for lectures,  
15 pageants or similar special events, or for admission to defray the costs of special  
16 exhibits in its several buildings of documents, objects or other materials not part of  
17 the historical society’s regular collections but brought in on loan from other sources  
18 for such special exhibitions or for use of the main library. The historical society shall  
19 take action on a continuing basis to raise funds from private sources for the operation  
20 of its main library. The historical society may procure and sell or otherwise dispose  
21 of postcards, souvenirs and other appropriate merchandise to help defray the costs  
22 of operating its several plants and projects.”.

23 **740.** Page 537, line 21: after that line insert:

24 “SECTION 1412. 44.12 (1) of the statutes is amended to read:

1           44.12 (1) The state farm and craft museum, located at Nelson Dewey state park  
2           State Park, may be developed by cooperation of the department of natural resources  
3           fish, wildlife, parks, and forestry, the society, and such other agencies as may be  
4           interested therein in accordance with such arrangements as the department of  
5           natural resources fish, wildlife, parks, and forestry and society agree upon.”.

6           **741.** Page 538, line 5: after that line insert:

7           “**SECTION 1414c.** 44.47 (5m) (a) of the statutes is amended to read:

8           44.47 (5m) (a) There is established, to be administered by the historical society  
9           and department of natural resources fish, wildlife, parks, and forestry, a program for  
10          submerged cultural resources of this state.

11          **SECTION 1414d.** 44.47 (5m) (b) of the statutes is amended to read:

12          44.47 (5m) (b) The historical society, in consultation with the department of  
13          natural resources fish, wildlife, parks, and forestry, shall coordinate the activities of  
14          the state relating to the preservation, management and public use of submerged  
15          cultural resources. The historical society may enter into agreements with federal  
16          and state agencies, political subdivisions and nonprofit organizations regarding the  
17          preservation, management and use of submerged cultural resources and the  
18          management of bottomland preserves. On or before February 1 of each  
19          odd-numbered year, the historical society shall submit a report to the governor and  
20          to the chief clerk of each house of the legislature, for distribution to the appropriate  
21          standing committees under s. 13.172 (3), on submerged cultural resources activities  
22          and implementation of this subsection.

23          **SECTION 1414e.** 44.47 (5m) (c) of the statutes is amended to read:

1           44.47 (5m) (c) The historical society and department of ~~natural resources~~ fish,  
2 wildlife, parks, and forestry may by rule designate areas of the bed of any stream or  
3 lake as bottomland preserves, for the purpose of enhancing preservation,  
4 management and public use of any submerged cultural resources within the  
5 bottomland preserve. A bottomland preserve may encompass more than one object  
6 or archaeological site.

7           **SECTION 1414f.** 44.47 (5m) (e) of the statutes is amended to read:

8           44.47 (5m) (e) The historical society and department of ~~natural resources~~ fish,  
9 wildlife, parks, and forestry may promulgate rules relating to the access, use,  
10 stewardship, management, protection and recreational development of bottomland  
11 preserves, and the preservation, conservation, curation and display of submerged  
12 cultural resources and objects removed from underwater archaeological sites.

13           **SECTION 1414g.** 44.57 (1) (c) of the statutes is amended to read:

14           44.57 (1) (c) Game farms, fish hatcheries, nurseries and other production  
15 facilities operated by the department of ~~natural resources~~ fish, wildlife, parks, and  
16 forestry.”.

17           **742.** Page 538, line 17: delete lines 17 to 18 and substitute:

18           “board, the Wisconsin Center for the Blind and Visually Impaired, or the  
19 Wisconsin ~~School~~ Educational Services Program for the Deaf and Hard of Hearing.”.

20           **743.** Page 538, line 18: after that line insert:

21           **SECTION 708d.** 20.435 (4) (ib) of the statutes is created to read:

22           20.435 (4) (ib) *Refund of medical relief and general relief.* 1. All moneys  
23 received from counties as provided under s. 49.45 (53), to be expended for the state  
24 share of medical assistance program benefits administered under s. 49.45 and for

1 relief block grants to counties under ss. 49.025 and 49.027. Notwithstanding s.  
2 20.002 (1), the department of health and family services may transfer funds from this  
3 appropriation to the appropriation under par. (b) or to the appropriation under par.  
4 (bt).

5 2. This paragraph does not apply after June 30, 2005.

6 **SECTION 708e.** 20.435 (4) (ic) of the statutes is created to read:

7 20.435 **(4)** (ic) *Medical relief and general relief refund administrative costs.* 1.

8 All moneys received from entities for additional departmental administrative costs  
9 to process claims under s. 49.45 (2) (a) 2m., to be used for administrative contract  
10 costs for the medical assistance program.

11 2. This paragraph does not apply after June 30, 2005.”.

12 **744.** Page 546, line 4: after that line insert:

13 “**SECTION 1440m.** 44.73 (6) (c) of the statutes is created to read:

14 44.73 **(6)** (c) A recipient of a grant awarded under this subsection may use grant  
15 moneys only for educational technology purposes, as defined by the board by rule.  
16 A recipient of a grant awarded under this subsection may not use grant moneys for  
17 sectarian worship, sectarian instruction, or proselytization.

18 **SECTION 1440ma.** 44.73 (6) (d) of the statutes is created to read:

19 44.73 **(6)** (d) A private school that receives a grant under this subsection shall  
20 do all of the following:

21 1. File an expenditure report with the board by January 15 of the calendar year  
22 following the year the grant is awarded.

23 2. Segregate grant moneys received under this subsection in a separate account  
24 that the board or the legislative audit bureau may audit.

1           **SECTION 1440mb.** 44.73 (6) (e) of the statutes is created to read:

2           44.73 **(6)** (e) If a private school uses grant moneys awarded under this  
3 subsection for any purpose prohibited under par. (c), the private school shall  
4 reimburse the board in an amount equal to the grant moneys expended for the  
5 prohibited purpose. A private school that uses grant moneys for a prohibited purpose  
6 is ineligible for additional grants under this subsection.”.

7           **745.** Page 549, line 4: delete “5” and substitute “8”.

8           **746.** Page 551, line 20: after that line insert:

9           “**SECTION 1457m.** 45.353 (3) of the statutes is amended to read:

10           45.353 **(3)** Application by any such state veterans organization shall be filed  
11 annually with the department for the 12–month period commencing on April 1 and  
12 ending on March 31 of the year in which it is filed. An application shall contain a  
13 statement of salaries and travel expenses paid to employees engaged in veterans  
14 claims service maintained at the regional office by such state veterans organization  
15 covering the period for which application for a grant is made, which statement has  
16 been certified as correct by ~~an~~ a certified public accountant licensed or certified under  
17 ch. 442 and sworn to as correct by the adjutant or principal officer of the state  
18 veterans organization. The application shall also contain the state organization’s  
19 financial statement for its last completed fiscal year and such evidence of claims  
20 service activity as the department requires. Sufficient evidence shall be submitted  
21 with an initial application to establish that the state veterans organization, or its  
22 national organization, or both, has maintained a full–time service office at the  
23 regional office without interruption throughout 5 years out of the 10–year period  
24 immediately preceding such application. Subsequent applications must be

1 accompanied by an affidavit by the adjutant or principal officer of such state veterans  
2 organization stating that a full-time service office was maintained at the regional  
3 office by such state veterans organization, or by such state organization and its  
4 national organization, for the entire 12-month period for which application for a  
5 grant is made.”.

6 **747.** Page 552, line 6: after that line insert:

7 “**SECTION 1461x.** 45.365 (1) (am) of the statutes is amended to read:

8 45.365 (1) (am) The department shall operate the home, and employ a  
9 commandant and the officers, nurses, attendants, and other personnel necessary for  
10 the proper conduct of the home. The department may employ a commandant for the  
11 southeastern facility. In compliance with the compensation plan established  
12 pursuant to s. 230.12 (3), ~~the~~ a commandant may recommend to the director of  
13 personnel charges for meals, living quarters, laundry, and other services furnished  
14 to employees and members of the employees’ family maintained at the home and the  
15 southeastern facility. Complete personal maintenance and medical care to include  
16 programs and facilities that promote comfort, recreation, well-being, or  
17 rehabilitation shall be furnished to all members of the home under the policy of the  
18 department.

19 **SECTION 1461xf.** 45.365 (3) of the statutes is amended to read:

20 45.365 (3) ~~The~~ A commandant and employees designated by the commandant  
21 may summarily arrest all persons within or upon the grounds of the home or  
22 southeastern facility who are guilty of any offense against the laws of this state or  
23 the rules and regulations governing the home or southeastern facility. For this  
24 purpose ~~the,~~ a commandant and deputies have the power of constables.”.

1           **748.** Page 552, line 22: after that line insert:

2           “**SECTION 1464g.** 45.37 (10) (a) of the statutes is amended to read:

3           45.37 **(10)** (a) Except as otherwise provided in this subsection, the application  
4 and admission of any applicant admitted under this section shall constitute a valid  
5 and binding contract between ~~such a~~ member and the department. If a member dies  
6 leaving a relative that is entitled to an interest in the property of the member under  
7 the rules of intestate succession or a will the existence of which is made known to the  
8 commandant of the home within 60 days of ~~such~~ the member’s death, the member’s  
9 property shall constitute a part of the member’s estate, except that personal effects  
10 of nominal monetary value of ~~such~~ a deceased member who is not survived by a  
11 member spouse may be distributed by the commandant of the home or the  
12 southeastern facility to surviving relatives of ~~such~~ the member who request ~~such~~ the  
13 personal effects within a reasonable time after ~~such~~ the member’s death.

14           **SECTION 1464i.** 45.37 (11) of the statutes is amended to read:

15           45.37 **(11)** DISPOSITION OF PROPERTY DESCENDING TO STATE. If a member dies  
16 without a relative that is entitled to an interest in the property of the member under  
17 the rules of intestate succession and without leaving a will the existence of which is  
18 made known to the commandant of the home or the southeastern facility, within 60  
19 days of the member’s death, the member’s property shall be converted to cash and  
20 turned over by the commandant of the home or the southeastern facility, to the state  
21 treasurer to be paid into the appropriation under s. 20.485 (1) (h), without  
22 administration. The amount is subject to refund within 6 years to the estate of a  
23 veteran if it is subsequently discovered that the veteran left a will or a relative that  
24 is entitled to an interest in the property of the member under the rules of intestate

1 succession or to any creditor of the veteran who establishes right to the fund or  
2 property or any portion thereof. The department, upon being satisfied that a claim  
3 out of such funds or property is legal and valid, shall pay the same out of such funds  
4 or property, except that payment of claims for a member's funeral and burial  
5 expenses may not exceed a total of \$1,500 including any amount allowed by the  
6 United States for the member's funeral and burial and the right for burial and  
7 interment provided in sub. (15) (a).

8 **SECTION 1464L.** 45.37 (14) of the statutes is amended to read:

9 45.37 (14) POWERS OF COMMANDANT OVER PERSONAL FUNDS OF MEMBERS. The A  
10 commandant of the home may receive, disburse, and account for funds of members  
11 of the home.”.

12 **749.** Page 559, line 14: after that line insert:

13 “**SECTION 1483j.** 46.03 (44) of the statutes is created to read:

14 46.03 (44) PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE  
15 INTERVENTION AND TREATMENT SERVICES. Promote efficient use of resources for alcohol  
16 and other drug abuse intervention and treatment services by doing all of the  
17 following:

18 (a) Developing one or more methods to evaluate the effectiveness of, and  
19 developing performance standards for, alcohol and other drug abuse intervention  
20 and treatment services that are administered by the department.

21 (b) Adopting policies to ensure that, to the extent possible under state and  
22 federal law, funding for alcohol and other drug abuse intervention and treatment  
23 services that are administered by the department is distributed giving primary



1 consideration to the effectiveness of the services in meeting department performance  
2 standards for alcohol and other drug abuse services.

3 (c) Requiring every application for funding from the department for alcohol and  
4 other drug abuse intervention or treatment services to include a plan for the  
5 evaluation of the effectiveness of the services in reducing alcohol and other drug  
6 abuse by recipients of services.

7 (d) Requiring every person receiving funding from the department for alcohol  
8 and other drug abuse intervention or treatment services to provide the department  
9 the results of the evaluation conducted under par. (c).”.

10 **750.** Page 562, line 15: after that line insert:

11 “**SECTION 1489m.** 46.041 (1) (a) of the statutes is amended to read:

12 46.041 (1) (a) Provide for the temporary residence and evaluation of children  
13 referred from courts assigned to exercise jurisdiction under chs. 48 and 938, the  
14 institutions and services under the jurisdiction of the department, University of  
15 Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215,  
16 46.22 or 46.23, private child welfare agencies, the Wisconsin School Educational  
17 Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the  
18 Blind and Visually Impaired, and mental health facilities within the state at the  
19 discretion of the director of the institution providing services under this section.”.

20 **751.** Page 563, line 18: delete lines 18 to 23 and substitute:

21 “**SECTION 1494qe.** 46.215 (1g) of the statutes is amended to read:

22 46.215 (1g) ADMINISTRATION OF FOOD STAMPS BY A WISCONSIN WORKS AGENCY. The  
23 Wisconsin works agency, as defined in s. 49.001 (9), shall may, to the extent permitted  
24 by under federal law, and subject to s. ~~49.143 (2) (e)~~ 49.124 (1d), certify eligibility for

1 and, if determined eligible, issue food coupons under s. ~~49.143 (2) (e)~~ 49.124 (1d) to  
2 eligible participants in the Wisconsin works program under subch. III of ch. 49.

3 **SECTION 1494qed.** 46.215 (1g) of the statutes, as affected by 2001 Wisconsin  
4 Act .... (this act), is amended to read:

5 46.215 **(1g)** ADMINISTRATION OF FOOD STAMPS BY A WISCONSIN WORKS AGENCY. The  
6 Wisconsin works agency, as defined in s. 49.001 (9), may, to the extent permitted by  
7 under federal law, and subject to s. ~~49.124 (1d)~~ 49.79 (1m), certify eligibility for and  
8 issue food coupons under s. ~~49.124 (1d)~~ 49.79 (1m) to eligible participants in the  
9 Wisconsin works program under subch. III of ch. 49.”.

10 **752.** Page 564, line 13: delete lines 13 to 15.

11 **753.** Page 565, line 4: after that line insert:

12 “**SECTION 1502m.** 46.27 (7g) (h) of the statutes is amended to read:

13 46.27 **(7g)** (h) The department may contract with or employ an attorney to  
14 probate estates to recover under this subsection the costs of care. Any such contract  
15 is subject to the requirements under s. 20.930 (2) to (5).”.

16 **754.** Page 565, line 4: after that line insert:

17 “**SECTION 6502L.** 46.27 (3) (f) of the statutes is amended to read:

18 46.27 **(3)** (f) Beginning on January 1, 1996, from the annual allocation to the  
19 county for the provision of long-term community support services under subs. (7) (b)  
20 and (11), annually establish a maximum total amount that may be encumbered in  
21 a calendar year for services for eligible individuals in community-based residential  
22 facilities, unless the department waives the requirement under sub (2) (i) or  
23 approves a request for an exception under sub. (6r) (c).

24 **SECTION 1507n.** 46.27 (7) (cm) 1. (intro.) of the statutes is amended to read:

1           46.27 (7) (cm) 1. (intro.) ~~Except as provided sub. (7b), beginning~~ Beginning on  
2           January 1, 1996, no county, private nonprofit agency or aging unit may use funds  
3           received under par. (b) to provide services in any community-based residential  
4           facility that has more than 8 20 beds, unless one of the following applies:

5           **SECTION 1502p.** 46.27 (7) (cm) 1. c. of the statutes is amended to read:

6           46.27 (7) (cm) 1. c. The department approves the provision of services in a  
7           community-based residential facility that is initially licensed after July 29, 1995,  
8           that is licensed for more than 20 ~~or fewer~~ beds and that meets standards established  
9           under subd. 2.

10          **SECTION 1502r.** 46.27 (7b) of the statutes is repealed.”.

11          **755.** Page 565, line 4: delete that line and substitute:

12          **SECTION 1495md.** 46.22 (1g) of the statutes is amended to read:

13          46.22 (1g) ADMINISTRATION OF FOOD STAMPS BY A WISCONSIN WORKS AGENCY. The  
14          Wisconsin works agency, as defined in s. 49.001 (9), ~~shall~~ may, to the extent permitted  
15          by under federal law, and subject to s. 49.143 (2) (e) 49.124 (1d), certify eligibility for  
16          and issue food coupons under s. 49.143 (2) (e) 49.124 (1d) to eligible participants in  
17          the Wisconsin works program under subch. III of ch. 49.

18          **SECTION 1495mf.** 46.22 (1g) of the statutes, as affected by 2001 Wisconsin Act  
19          .... (this act), is amended to read:

20          46.22 (1g) ADMINISTRATION OF FOOD STAMPS BY A WISCONSIN WORKS AGENCY. The  
21          Wisconsin works agency, as defined in s. 49.001 (9), may, to the extent permitted by  
22          under federal law, and subject to s. 49.124 (1d) 49.79 (1m), certify eligibility for and  
23          issue food coupons under s. 49.124 (1d) 49.79 (1m) to eligible participants in the  
24          Wisconsin works program under subch. III of ch. 49.”.

1           **756.** Page 565, line 20: after that line insert:

2           “**SECTION 1504r.** 46.27 (11) (c) 5p. of the statutes is repealed.”.

3           **757.** Page 565, line 21: delete lines 21 to 24 and substitute:

4           “**SECTION 1505b.** 46.27 (11) (c) 6. (intro.) and a. of the statutes are consolidated,  
5           renumbered 46.27 (11) (c) 6. a. and amended to read:

6           46.27 (11) (c) 6. a. No county, private nonprofit agency or aging unit may use  
7           funds received under this subsection to provide residential services in any  
8           community-based residential facility, as defined in s. 50.01 (1g), or a group home, as  
9           defined in s. 48.02 (7), that has more than ~~4~~ 5 beds, unless one of the following  
10          applies: a.—The the department approves the provision of services in a  
11          community-based residential facility or group home that has 5 6 to 8 beds.

12          **SECTION 1505d.** 46.27 (11) (c) 6. b. of the statutes is repealed and recreated to  
13          read:

14          46.27 (11) (c) 6. b. No county, private nonprofit agency, or aging unit may use  
15          funds received under this subsection to provide residential services in a  
16          community-based residential facility, as defined in s. 50.01 (1g), that has more than  
17          20 beds, unless the requirements of sub. (7) (cm) 1. a., b., or c. are met.”.

18          **758.** Page 566, line 14: after that line insert:

19          “**SECTION 1507s.** 46.277 (5) (d) 1m. (intro.) of the statutes is amended to read:

20          46.277 (5) (d) 1m. (intro.) No county may use funds received under this section  
21          to provide services to a person who does not live in his or her own home or apartment  
22          unless, subject to the limitations under subds. 2. ~~and~~ 3., and 4. and par. (e), one of  
23          the following applies:

24          **SECTION 1507t.** 46.277 (5) (d) 1n. (intro.) of the statutes is amended to read:

1           46.277 (5) (d) 1n. (intro.) A county may also use funds received under this  
2 section, subject to the limitations under subs. 2. ~~and 3., and 4.~~ and par. (e), to  
3 provide services to a person who does not live in his or her own home or apartment  
4 if the services are provided to the person in a community-based residential facility  
5 and the county department or aging unit has determined that all of the following  
6 conditions have been met:

7           **SECTION 1507u.** 46.277 (5) (d) 2. (intro.) of the statutes is amended to read:

8           46.277 (5) (d) 2. (intro.) No county may use funds received under this section  
9 to provide residential services in any community-based residential facility, as  
10 defined in s. 50.01 (1g), ~~or group home, as defined in s. 48.02 (7), that has more than~~  
11 ~~4 beds,~~ unless one of the following applies.”.

12           **759.** Page 566, line 15: delete lines 15 to 18 and substitute:

13           “**SECTION 1508b.** 46.277 (5) (d) 2. a. of the statutes is repealed and recreated  
14 to read:

15           46.277 (5) (d) 2. a. The requirements of s. 46.27 (7) (cm) 1. a. or c. are met.

16           **SECTION 1508d.** 46.277 (5) (d) 4. of the statutes is created to read:

17           46.277 (5) (d) 4. No county may use funds received under this section to provide  
18 residential services in a group home, as defined in s. 48.02 (7), that has more than  
19 5 beds, unless the department approves the provision of services in a group home that  
20 has 6 to 8 beds.”.

21           **760.** Page 566, line 18: after that line insert:

22           “**SECTION 1508rg.** 46.278 (title) and (1) of the statutes are amended to read:

23           **46.278 (title) Community integration program and brain injury waiver**  
24 **program for persons with mental retardation developmental disabilities.**

1           **(1) LEGISLATIVE INTENT.** The intent of the ~~program~~ programs under this section  
2 is to provide home or community-based care to serve in a noninstitutional  
3 community setting a person who meets eligibility requirements under 42 USC 1396n  
4 (c) and who is diagnosed as developmentally disabled under the definition specified  
5 in s. 51.01 (5) and relocated from an institution other than a state center for the  
6 developmentally disabled or who meets the intermediate care facility for the  
7 mentally retarded or a brain injury rehabilitation facility level of care requirements  
8 for medical assistance reimbursement in an intermediate care facility for the  
9 mentally retarded or brain injury rehabilitation facility and is ineligible for services  
10 under s. 46.275 or 46.277. The intent of the program is also that counties use all  
11 existing services for providing care under this section, including those services  
12 currently provided by counties.

13           **SECTION 1508rh.** 46.278 (1m) (a) of the statutes is created to read:

14           46.278 **(1m)** (a) “Brain injury rehabilitation facility” means a nursing facility  
15 or hospital designated as a facility for brain injury rehabilitation by the department  
16 under the approved state medicaid plan.

17           **SECTION 1508ri.** 46.278 (1m) (c) of the statutes is amended to read:

18           46.278 **(1m)** (c) “Program” means the community integration program or the  
19 brain injury waiver program, for facilities certified as medical assistance providers,  
20 for which a waiver has been received under sub. (3).

21           **SECTION 1508rj.** 46.278 (2) (a) of the statutes is amended to read:

22           46.278 **(2)** (a) The department may request ~~a waiver~~ one or more waivers from  
23 the secretary of the federal department of health and human services, under 42 USC  
24 1396n (c), authorizing the department to serve medical assistance recipients, who  
25 meet the level of care requirements for medical assistance reimbursement in an

1 intermediate care facility for the mentally retarded or in a brain injury rehabilitation  
2 facility, in their communities by providing home or community–based services as  
3 part of medical assistance. If the department requests a waiver, it shall include all  
4 assurances required under 42 USC 1396n (c) (2) in its request.

5 **SECTION 1508rk.** 46.278 (3) (a) of the statutes is amended to read:

6 46.278 (3) (a) Evaluate the effect of the each program on medical assistance  
7 costs and on the program’s ability to provide community care alternatives to  
8 institutional care in facilities certified as medical assistance providers.

9 **SECTION 1508rL.** 46.278 (4) (a) of the statutes is amended to read:

10 46.278 (4) (a) Sections 46.27 (3) (b) and 46.275 (3) (a) and (c) to (e) apply to  
11 county participation in this a program, except that services provided in the program  
12 shall substitute for care provided a person in an intermediate care facility for the  
13 mentally retarded or brain injury rehabilitation facility who meets the intermediate  
14 care facility for the mentally retarded or brain injury rehabilitation facility level of  
15 care requirements for medical assistance reimbursement to that facility rather than  
16 for care provided at a state center for the developmentally disabled.

17 **SECTION 1508rm.** 46.278 (4) (b) 2. of the statutes is amended to read:

18 46.278 (4) (b) 2. Each county department participating in the a program shall  
19 provide home or community–based care to persons eligible under this section, except  
20 that the number of persons who receive home or community–based care under this  
21 section may not exceed the number that are approved under the an applicable waiver  
22 received under sub. (3).

23 **SECTION 1508rn.** 46.278 (5) (a) and (b) of the statutes are amended to read:

24 46.278 (5) (a) Any medical assistance recipient who meets the level of care  
25 requirements for medical assistance reimbursement in an intermediate care facility

1 for the mentally retarded or in a brain injury rehabilitation facility and is ineligible  
2 for service under s. 46.275 or 46.277 is eligible to participate in the a program, except  
3 that persons eligible for the brain injury waiver program must meet the definition  
4 of brain injury under s. 51.01 (2g), and except that the number of participants may  
5 not exceed the number approved under the waiver received under sub. (3). Such a  
6 recipient may apply, or any person may apply on behalf of such a recipient, for  
7 participation in the a program. Section 46.275 (4) (b) applies to participation in the  
8 a program.

9 (b) To the extent authorized under 42 USC 1396n, if a person discontinues  
10 participation in the a program, a medical assistance recipient may participate in the  
11 a program in place of the participant who discontinues if that recipient meets the  
12 ~~intermediate care facility for the mentally retarded level of care requirements for~~  
13 ~~medical assistance reimbursement in an intermediate care facility for the mentally~~  
14 ~~retarded except that the number of participants concurrently served may not exceed~~  
15 ~~the number approved under the waiver received under sub. (3)~~ requirements under  
16 par. (a).

17 **SECTION 1508rp.** 46.278 (6) (a), (b) and (c) of the statutes are amended to read:

18 46.278 **(6)** (a) The provisions of s. 46.275 (5) (a), (b) and (d) apply to funding  
19 received by counties under the ~~program~~ programs.

20 (b) Total funding to counties for relocating each person under the a program  
21 may not exceed the amount approved in the waiver received under sub. (3).

22 (c) Funding may be provided under the a program for services of a family  
23 consortium.”.

24 **761.** Page 566, line 21: delete “the waiver” and substitute “the a waiver”.



1           **762.** Page 566, line 25: after that line insert:

2           “**SECTION 1509g.** 46.278 (6) (e) 1. of the statutes is amended to read:

3           46.278 **(6)** (e) 1. The department may provide enhanced reimbursement for  
4 services under the community integration program for an individual who was  
5 relocated to the community by a county department from one of the following:

6           **SECTION 1509h.** 46.278 (6) (f) of the statutes is amended to read:

7           46.278 **(6)** (f) If a county owns the institution or intermediate care facility for  
8 the mentally retarded from which an individual is relocated to the community under  
9 this section, in order to receive funding under the community integration program,  
10 the county shall submit a plan for delicensing a bed of the institution or intermediate  
11 care facility for the mentally retarded that is approved by the department.”.

12           **763.** Page 569, line 23: after that line insert:

13           “**SECTION 1553p.** 46.34 of the statutes is amended to read:

14           **46.34 Emission standards for hazardous air contaminants.** The  
15 department may assist the department of ~~natural resources~~ environmental  
16 management in the development of emission standards for hazardous air  
17 contaminants under s. 285.27 (2) (b).”.

18           **764.** Page 571, line 2: after that line insert:

19           “**SECTION 8557b.** 46.45 (2) (a) of the statutes, as affected by 1999 Wisconsin Act  
20 9, is amended to read:

21           46.45 (2) (a) If on December 31 of any year there remains unspent or  
22 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the  
23 amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that  
24 year, the department shall carry forward the excess moneys and distribute not less

1 than 50% of the excess moneys to counties having a population of less than 500,000  
2 that are making a good faith effort, as determined by the department, to comply with  
3 s. 46.22 (1) (c) 8. f. for services and projects to assist children and families,  
4 notwithstanding the percentage limit specified in sub. (3) (a). A county shall use not  
5 less than 50% of the moneys distributed to the county under this subsection for  
6 services for children who are at risk of abuse or neglect to prevent the need for child  
7 abuse and neglect intervention services, except that in the calendar year in which  
8 a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar years after  
9 that calendar year the county may use 100% of the moneys distributed under this  
10 paragraph to reimburse the department for the costs of achieving that compliance.  
11 If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the  
12 department may recover any amounts distributed to that county under this  
13 paragraph after June 30, 2001, by billing the county or deducting from that county's  
14 allocation under s. 46.40 (2). All moneys received by the department under this  
15 paragraph shall be credited to the appropriation account under s. 20.435 (3) (j).".

16 **765.** Page 571, line 2: after that line insert:

17 “**SECTION 1556e.** 49.45 (39) (a) 1. of the statutes is amended to read:

18 49.45 (39) (a) 1. “School” means a public school described under s. 115.01 (1),  
19 a charter school, as defined in s. 115.001 (1), the Wisconsin Center for the Blind and  
20 Visually Impaired, or the Wisconsin School Educational Services Program for the  
21 Deaf and Hard of Hearing. It includes school-operated early childhood programs for  
22 developmentally delayed and disabled 4-year-old and 5-year-old children.

23 **SECTION 1556g.** 49.45 (39) (am) of the statutes is amended to read:

1           49.45 (39) (am) *Plan amendment.* No later than September 30, 1995, the  
2 department shall submit to the federal department of health and human services an  
3 amendment to the state medical assistance plan to permit the application of pars. (b)  
4 and (c). If the amendment to the state plan is approved, school districts, cooperative  
5 educational service agencies, and the department of public instruction on behalf of  
6 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School  
7 Educational Services Program for the Deaf and Hard of Hearing claim  
8 reimbursement under pars. (b) and (c). Paragraphs (b) and (c) do not apply unless  
9 the amendment to the state plan is approved and in effect. The department shall  
10 submit to the federal department of health and human services an amendment to the  
11 state plan if necessary to permit the application of pars. (b) and (c) to the Wisconsin  
12 Center for the Blind and Visually Impaired and the Wisconsin School Educational  
13 Services Program for the Deaf and Hard of Hearing.

14           **SECTION 1556i.** 49.45 (39) (b) of the statutes is amended to read:

15           49.45 (39) (b) *School medical services.* 1. ‘Payment for school medical services.’  
16 If a school district or a cooperative educational service agency elects to provide school  
17 medical services and meets all requirements under par. (c), the department shall  
18 reimburse the school district or the cooperative educational service agency for 60%  
19 of the federal share of allowable charges for the school medical services that it  
20 provides and, as specified in subd. 2., for allowable administrative costs. If the  
21 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School  
22 Educational Services Program for the Deaf and Hard of Hearing elects to provide  
23 school medical services and meets all requirements under par. (c), the department  
24 shall reimburse the department of public instruction for 60% of the federal share of  
25 allowable charges for the school medical services that the Wisconsin Center for the

1     Blind and Visually Impaired or the Wisconsin School Educational Services Program  
2     for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable  
3     administrative costs. A school district, cooperative educational service agency, the  
4     Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School  
5     Educational Services Program for the Deaf and Hard of Hearing may submit, and  
6     the department shall allow, claims for common carrier transportation costs as a  
7     school medical service unless the department receives notice from the federal health  
8     care financing administration that, under a change in federal policy, the claims are  
9     not allowed. If the department receives the notice, a school district, cooperative  
10    educational service agency, the Wisconsin Center for the Blind and Visually  
11    Impaired, or the Wisconsin School Educational Services Program for the Deaf and  
12    Hard of Hearing may submit, and the department shall allow, unreimbursed claims  
13    for common carrier transportation costs incurred before the date of the change in  
14    federal policy. The department shall promulgate rules establishing a methodology  
15    for making reimbursements under this paragraph. All other expenses for the school  
16    medical services provided by a school district or a cooperative educational service  
17    agency shall be paid for by the school district or the cooperative educational service  
18    agency with funds received from state or local taxes. The school district, the  
19    Wisconsin Center for the Blind and Visually Impaired, the Wisconsin School  
20    Educational Services Program for the Deaf and Hard of Hearing, or the cooperative  
21    educational service agency shall comply with all requirements of the federal  
22    department of health and human services for receiving federal financial  
23    participation.

24           2. 'Payment for school medical services administrative costs.' The department  
25    shall reimburse a school district or a cooperative educational service agency specified

1 under subd. 1. and shall reimburse the department of public instruction on behalf  
2 of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School  
3 Educational Services Program for the Deaf and Hard of Hearing for 90% of the  
4 federal share of allowable administrative costs, using time studies, beginning in  
5 fiscal year 1999–2000. A school district or a cooperative education ~~education~~ educational  
6 service agency may submit, and the department of health and family services shall  
7 allow, claims for administrative costs incurred during the period that is up to 24  
8 months before the date of the claim, if allowable under federal law.”.

9 **766.** Page 571, line 15: delete “\$6,000,000” and substitute “\$5,000,000”.

10 **767.** Page 571, line 22: delete that line and substitute “the poverty line, as  
11 defined in s. 49.001 (5).”.

12 **768.** Page 571, line 23: delete the material beginning with that line and  
13 ending with page 572, line 3.

14 **769.** Page 574, line 4: after that line insert:

15 “SECTION 1563j. 46.72 of the statutes is created to read:

16 **46.72 Neighborhood organization incubator grants. (1) DEFINITIONS.** In  
17 this section:

18 (a) “Agency” means a private nonprofit or public organization that is  
19 community based.

20 (b) “Neighborhood organization” means a private nonprofit organization that  
21 is community based and that provides any of the following services or programs  
22 primarily to residents of the area in which the organization is located:

23 1. Crime prevention programs.

24 2. After-school and recreational programs for youth.

1           3. Child abuse and domestic abuse prevention services.

2           4. Alcohol and other drug abuse counseling and prevention services.

3           5. Programs for diversion of youth from gang activities.

4           6. Inmate and ex-offender rehabilitation or aftercare services.

5           **(2) GRANTS.** From the appropriation under s. 20.435 (3) (ft), the department  
6 shall award grants to agencies to enable them to provide services described under  
7 sub. (3) to neighborhood organizations. An agency application for a grant shall  
8 contain a plan detailing the proposed use of the grant.

9           **(3) REQUIREMENTS FOR GRANT RECIPIENTS.** An agency receiving a grant under  
10 this section shall do all of the following:

11           (a) Provide information to neighborhood organizations about funding and other  
12 assistance that may be available to neighborhood organizations from private and  
13 public entities.

14           (b) Assist neighborhood organizations in obtaining funding and other  
15 assistance from public and private entities.

16           (c) Act as a liaison between neighborhood organizations and public and private  
17 entities.

18           (d) Provide appropriate training and professional development services to  
19 members of neighborhood organizations.

20           (e) Engage in outreach to neighborhood organizations to inform them of the  
21 services available from the agency.

22           (f) Undertake other activities that will increase the effectiveness and facilitate  
23 the development of neighborhood organizations.

1           **(4) REPORT.** An agency receiving a grant under this section shall submit to the  
2 department within 90 days after spending the full amount of the grant a report  
3 detailing the actual use of the proceeds of the grant.

4           **(5) SUNSET.** This section does not apply after June 30, 2005.”.

5           **770.** Page 576, line 21: after that line insert:

6           **“SECTION 1578.** 48.21 (5) (b) of the statutes is renumbered 48.21 (5) (b) (intro.)  
7 and amended to read:

8           48.21 **(5) (b) (intro.)** An order relating to a child held in custody outside of his  
9 or her home shall also describe include all of the following:

10           1. A description of any efforts that were made to permit the child to remain  
11 safely at home and the services that are needed to ensure the child’s well-being, to  
12 enable the child to return safely to his or her home, and to involve the parents in  
13 planning for the child.

14           **SECTION 9579.** 48.21 (5) (b) 2. of the statutes is created to read:

15           48.21 **(5) (b) 2.** If the child is held in custody outside the home in a placement  
16 recommended by the intake worker, a statement that the court approves the  
17 placement recommended by the intake worker or, if the child is placed outside the  
18 home in a placement other than a placement recommended by the intake worker, a  
19 statement that the court has given bona fide consideration to the recommendations  
20 made by the intake worker and all parties relating to the placement of the child.”.

21           **771.** Page 576, line 21: after that line insert:

22           **“SECTION 1577g.** 48.02 (15) of the statutes is amended to read:

1           48.02 (15) “Relative” means a parent, grandparent, greatgrandparent,  
2 stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt. This  
3 relationship shall be by blood, marriage, or adoption.”.

4           **772.** Page 576, line 24: after that line insert:

5           “**SECTION 1583.** 48.355 (2) (b) 6m. of the statutes is created to read:

6           48.355 (2) (b) 6m. If the child is placed outside the home in a placement  
7 recommended by the agency designated under s. 48.33 (1), a statement that the court  
8 approves the placement recommended by the agency or, if the child is placed outside  
9 the home in a placement other than a placement recommended by that agency, a  
10 statement that the court has given bona fide consideration to the recommendations  
11 made by the agency and all parties relating to the child’s placement.

12           **SECTION 1584.** 48.357 (2v) of the statutes is created to read:

13           48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
14 placement would place the child outside the home in a placement recommended by  
15 the person or agency primarily responsible for implementing the dispositional order,  
16 the change in placement order shall include a statement that the court approves the  
17 placement recommended by that person or agency or, if the child is placed outside the  
18 home in a placement other than a placement recommended by that person or agency,  
19 a statement that the court has given bona fide consideration to the recommendations  
20 made by that person or agency and all parties relating to the child’s placement.”.

21           **773.** Page 578, line 6: after that line insert:

22           “**SECTION 1588.** 48.38 (2) (intro.) of the statutes is amended to read:

23           48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
24 for each child living in a foster home, treatment foster home, group home,



1 child-caring institution, secure detention facility, or shelter care facility or in the  
2 home of a relative, the agency that placed the child or arranged the placement or the  
3 agency assigned primary responsibility for providing services to the child under s.  
4 48.355 shall prepare a written permanency plan, if one of the following conditions  
5 exists:

6 **SECTION 10589.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

7 48.38 (4) (f) (intro.) The services that will be provided to the child, the child's  
8 family, and the child's foster parent, the child's treatment foster parent ~~or~~, the  
9 operator of the facility where the child is living, or the relative with whom the child  
10 is living to carry out the dispositional order, including services planned to accomplish  
11 all of the following:

12 **SECTION 1590.** 48.38 (5) (a) of the statutes is amended to read:

13 48.38 (5) (a) The court or a panel appointed under this paragraph shall review  
14 the permanency plan every 6 months from the date on which the child was first held  
15 in physical custody or placed outside of his or her home under a court order. If the  
16 court elects not to review the permanency plan, the court shall appoint a panel to  
17 review the permanency plan. The panel shall consist of 3 persons who are either  
18 designated by an independent agency that has been approved by the chief judge of  
19 the judicial administrative district or designated by the agency that prepared the  
20 permanency plan. A voting majority of persons on each panel shall be persons who  
21 are not employed by the agency that prepared the permanency plan and who are not  
22 responsible for providing services to the child or the parents of the child whose  
23 permanency plan is the subject of the review.

24 **SECTION 1591.** 48.38 (5) (b) of the statutes is amended to read:

1           48.38 (5) (b) The court or the agency shall notify the parents of the child, the  
2 child if he or she is 12 years of age or older, and the child’s foster parent, the child’s  
3 treatment foster parent ~~or~~, the operator of the facility in which the child is living, or  
4 the relative with whom the child is living of the date, time, and place of the review,  
5 of the issues to be determined as part of the review, and of the fact that they may have  
6 an opportunity to be heard at the review by submitting written comments not less  
7 than 10 working days before the review or by participating at the review. The court  
8 or agency shall notify the person representing the interests of the public, the child’s  
9 counsel, the child’s guardian ad litem, and the child’s court–appointed special  
10 advocate of the date of the review, of the issues to be determined as part of the review,  
11 and of the fact that they may submit written comments not less than 10 working days  
12 before the review. The notices under this paragraph shall be provided in writing not  
13 less than 30 days before the review and copies of the notices shall be filed in the child’s  
14 case record.”.

15           **774.** Page 578, line 7: delete lines 7 to 22.

16           **775.** Page 582, line 8: after that line insert:

17           “**SECTION 1633.** 48.62 (2) of the statutes is amended to read:

18           48.62 (2) A relative, as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a),  
19 or a guardian of a child, who provides care and maintenance for a child, is not  
20 required to obtain the license specified in this section. The department, a county  
21 department, or a licensed child welfare agency as provided in s. 48.75 ~~may~~ shall issue  
22 a license to operate a foster home or a treatment foster home to a relative who has  
23 no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster  
24 home or treatment foster home for a specific child who is either placed by court order

1 or who is the subject of a voluntary placement agreement under s. 48.63. The  
2 department, a county department, or a licensed child welfare agency may shall, at  
3 the request of a guardian appointed under s. 48.977 or 48.978 or ch. 880, license the  
4 guardian's home as a foster home or treatment foster home for the guardian's minor  
5 ward who is living in the home and who is placed in the home by court order.  
6 Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978  
7 or ch. 880 who are licensed to operate foster homes or treatment foster homes are  
8 subject to the department's licensing rules.".

9 **776.** Page 583, line 2: after that line insert:

10 "SECTION 1636d. 48.67 of the statutes is amended to read:

11 **48.67 Rules governing child welfare agencies, day care centers, foster**  
12 **homes, treatment foster homes, group homes, shelter care facilities and**  
13 **county departments.** The department shall promulgate rules establishing  
14 minimum requirements for the issuance of licenses to, and establishing standards  
15 for the operation of, child welfare agencies, day care centers, foster homes, treatment  
16 foster homes, group homes, shelter care facilities, and county departments. These  
17 rules shall be designed to protect and promote the health, safety, and welfare of the  
18 children in the care of all licensees. The department shall consult with the  
19 department of commerce and the department of public instruction before  
20 promulgating these rules. In establishing the minimum requirements for the  
21 issuance of licenses to day care centers that provide care and supervision for children  
22 under one year of age, the department shall include a requirement that all licensees  
23 who are individuals and all employees and volunteers of a licensee who provide care  
24 and supervision for children receive, before the date on which the license is issued

1 or the employment or volunteer work commences, whichever is applicable, training  
2 in the most current medically accepted methods of preventing sudden infant death  
3 syndrome.”.

4 **777.** Page 583, line 2: after that line insert:

5 “**SECTION 1651g.** 48.981 (2) of the statutes is amended to read:

6 **48.981 (2) PERSONS REQUIRED TO REPORT.** A physician, coroner, medical  
7 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or  
8 mental health professional, social worker, marriage and family therapist,  
9 professional counselor, public assistance worker, including a financial and  
10 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or  
11 counselor, mediator under s. 767.11, child care worker in a day care center or child  
12 caring institution, day care provider, alcohol ~~or other~~ and drug abuse counselor,  
13 member of the treatment staff employed by or working under contract with a county  
14 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational  
15 therapist, dietitian, speech–language pathologist, audiologist, emergency medical  
16 technician, first responder or police or law enforcement officer having reasonable  
17 cause to suspect that a child seen in the course of professional duties has been abused  
18 or neglected or having reason to believe that a child seen in the course of professional  
19 duties has been threatened with abuse or neglect and that abuse or neglect of the  
20 child will occur shall, except as provided under sub. (2m), report as provided in sub.  
21 (3). A court–appointed special advocate having reasonable cause to suspect that a  
22 child seen in the course of the court–appointed special advocate’s activities under s.  
23 48.236 (3) has been abused or neglected or having reason to believe that a child seen  
24 in the course of those activities has been threatened with abuse and neglect and that

1 abuse or neglect of the child will occur shall, except as provided in sub. (2m), report  
2 as provided in sub. (3). Any other person, including an attorney, having reason to  
3 suspect that a child has been abused or neglected or reason to believe that a child has  
4 been threatened with abuse or neglect and that abuse or neglect of the child will occur  
5 may make such a report. Any person, including an attorney having reason to suspect  
6 that an unborn child has been abused or reason to believe that an unborn child is at  
7 substantial risk of abuse may report as provided in sub. (3). No person making a  
8 report under this subsection may be discharged from employment for so doing.”.

9 **778.** Page 583, line 2: after that line insert:

10 “SECTION 1651g. 48.981 (1) (am) 1. of the statutes is amended to read:

11 48.981 (1) (am) 1. The child’s parent, grandparent, greatgrandparent,  
12 stepparent, brother, sister, stepbrother, stepsister, half brother, or half sister.

13 **SECTION 1651h.** 48.981 (1) (fm) of the statutes is amended to read:

14 48.981 (1) (fm) “Relative” means a parent, grandparent, greatgrandparent,  
15 stepparent, brother, sister, first cousin, 2nd cousin, nephew, niece, uncle, aunt,  
16 stepgrandparent, stepbrother, stepsister, half brother, half sister, brother-in-law,  
17 sister-in-law, stepuncle, or stepaunt.”.

18 **779.** Page 586, line 14: delete “SECTION 1656tym” and substitute “SECTION  
19 **1656sy**”.

20 **780.** Page 586, line 23: after that line insert:

21 “SECTION 1656tig. 49.124 (1d) of the statutes is created to read:

22 49.124 (1d) ELIGIBILITY DETERMINATIONS. (a) The department shall certify  
23 eligibility for and issue food coupons for the food stamp program and shall, under a  
24 contract under s. 49.33 (2), designate the functions to the county department under

1 s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized American  
2 Indian tribe or band. The department may designate these functions, to the extent  
3 permitted under federal law or a waiver under par. (b), to a Wisconsin works agency.

4 (b) The department shall request a waiver from the federal secretary of health  
5 and human services to permit Wisconsin works agencies to certify eligibility for and  
6 issue food coupons for the food stamp program. If the department receives the  
7 waiver, the department shall implement the waiver except that, prior to  
8 implementing the waiver, the department shall submit the terms of the waiver and  
9 an implementation plan to the joint committee on finance.

10 **SECTION 1656tik.** 49.124 (1d) of the statutes, as created by 2001 Wisconsin Act  
11 .... (this act), is renumbered 49.79 (1m).”.

12 **781.** Page 589, line 2: delete the material beginning with “, as” and ending  
13 with “act),” on line 3.

14 **782.** Page 589, line 4: delete lines 4 to 19.

15 **783.** Page 590, line 24: delete lines 24 and 25 and substitute:

16 “49.125 (1) The department, or a county, or an elected governing body of a  
17 federally recognized American Indian tribe or band or a Wisconsin works agency”.

18 **784.** Page 593, line 13: after that line insert:

19 “**SECTION 1656w.** 49.134 (2) (a) of the statutes is amended to read:

20 49.134 (2) (a) From the appropriation under s. 20.445 (3) (dz) and the allocation  
21 under s. 49.155 (1g) (b), the department shall make grants to local agencies to fund  
22 child care resource and referral services provided by those local agencies. The  
23 department shall provide an allocation formula to determine the amount of a grant  
24 awarded under this section.”.

1           **785.** Page 596, line 17: delete the material beginning with that line and  
2 ending with page 597, line 3.

3           **786.** Page 597, line 3: after that line insert:

4           “**SECTION 1660t.** 49.1475 of the statutes is amended to read:

5           **49.1475 Follow-up services.** Following any follow-up period required by the  
6 contract entered into under s. 49.143, a Wisconsin works agency may provide case  
7 management services for an individual who moves from a Wisconsin works  
8 employment position to unsubsidized employment to help the individual retain the  
9 unsubsidized employment. Case management services may include the provision of  
10 employment skills training; English as a 2nd language classes, if the Wisconsin  
11 works agency determines that the course will facilitate the individual’s efforts to  
12 retain employment; a course of study meeting the standards established under s.  
13 115.29 (4) for the granting of a declaration of equivalency of high school graduation;  
14 or other remedial education courses. A Wisconsin works agency shall coordinate case  
15 management services with a program offered by a technical college under s. 38.34.  
16 The Wisconsin works agency may provide case management services regardless of  
17 the individual’s income and asset levels.”.

18           **787.** Page 597, line 3: after that line insert:

19           “**SECTION 1660n.** 49.147 (6) (c) of the statutes is amended to read:

20           49.147 **(6)** (c) *Distribution and administration.* From the appropriations under  
21 s. 20.445 (3) ~~(e)~~, (jL) and (md), the department shall distribute funds for job access  
22 loans to a Wisconsin works agency, which shall administer the loans in accordance  
23 with rules promulgated by the department.”.

24           **788.** Page 597, line 6: after that line insert:

1           “**SECTION 1660y.** 49.155 (1d) (a) of the statutes is amended to read:

2           49.155 **(1d)** (a) The department shall promulgate rules establishing standards  
3 for the certification of child care providers under s. 48.651. In establishing the  
4 requirements for certification under this paragraph of a child care provider who  
5 provides care and supervision for children under one year of age, the department  
6 shall include a requirement that all providers and all employees and volunteers of  
7 a provider who provide care and supervision for children receive, before the date on  
8 which the provider is certified or the employment or volunteer work commences,  
9 whichever is applicable, training in the most current medically accepted methods of  
10 preventing sudden infant death syndrome. In establishing the requirements for  
11 certification as a Level II certified family day care provider, the department may not  
12 include ~~a~~ any other requirement for training for providers.”.

13           **789.** Page 601, line 2: after that line insert:

14           “**SECTION 1676e.** 49.155 (5) of the statutes is renumbered 49.155 (5) (a) and  
15 amended to read:

16           49.155 **(5)** (a) LIABILITY FOR PAYMENT. ~~An~~ Except as provided in par. (b), an  
17 individual is liable for the percentage of the cost of the child care specified by the  
18 department in a printed copayment schedule.

19           (b) An individual who is under the age of 20 and is attending high school or  
20 participating in a course of study meeting the standards established under s. 115.29  
21 (4) for the granting of a declaration of equivalency to high school graduation may not  
22 be determined liable for more than the minimum copayment amount for the type of  
23 child care received and the number of children receiving child care.”.

24           **790.** Page 601, line 2: after that line insert:



- 1           **SECTION 1677.** 49.1635 of the statutes is repealed.”.
- 2           **791.** Page 601, line 2: after that line insert:
- 3           **SECTION 1676n.** 49.173 (title) of the statutes is amended to read:
- 4           **49.173 (title) Workforce attachment and advancement program.”.**
- 5           **792.** Page 601, line 5: delete “(e),” and substitute “(e).”.
- 6           **793.** Page 601, line 6: after “(k),” insert “(km).”.
- 7           **794.** Page 602, line 12: delete “December 1” and substitute “December 31”.
- 8           **795.** Page 603, line 19: delete lines 19 to 21 and substitute:
- 9           **SECTION 1689c.** 49.175 (1) (n) of the statutes is repealed.”.
- 10          **796.** Page 604, line 2: delete “\$274,500,000” and substitute “\$274,000,000”.
- 11          **797.** Page 604, line 3: delete “\$305,550,000” and substitute “\$304,950,000”.
- 12          **798.** Page 604, line 7: after that line insert:
- 13          **SECTION 1691d.** 49.175 (1) (qd) of the statutes is created to read:
- 14          49.175 (1) (qd) *Child care resource and referral services.* For child care resource
- 15          and referral services grants under s. 49.134 (2), \$400,000 in fiscal year 2001–02 and
- 16          \$400,000 in fiscal year 2002–03.”.
- 17          **799.** Page 604, line 19: after “*attachment*” insert “*and advancement*
- 18          *program*”.
- 19          **800.** Page 604, line 20: delete “\$9,641,000” and substitute “\$9,841,000”.
- 20          **801.** Page 604, line 21: delete “\$5,000,000” and substitute “\$10,000,000”.
- 21          **802.** Page 604, line 24: delete the material beginning with that line and
- 22          ending with page 605, line 3, and substitute:
- 23          **SECTION 1696bb.** 49.175 (1) (v) of the statutes is repealed.”.

1           **803.** Page 607, line 4: delete lines 4 to 7 and substitute:

2           “**SECTION 1710bm.** 49.175 (1) (zf) of the statutes is repealed.”.

3           **804.** Page 607, line 13: after that line insert:

4           “**SECTION 1712.** 49.175 (1) (zk) of the statutes is repealed.”.

5           **805.** Page 607, line 13: after that line insert:

6           “**SECTION 1713.** 49.175 (1) (zL) of the statutes is repealed.”.

7           **806.** Page 607, line 14: after that line insert:

8           “**SECTION 1714p.** 49.175 (1) (zq) of the statutes is created to read:

9           49.175 (1) (zq) *Job retention skills development programs.* For the transfer of  
10           moneys to the technical college system board for implementation costs for job  
11           retention skills development programs under s. 38.34, \$200,000 in fiscal year  
12           2001–02.”.

13           **807.** Page 609, line 13: after “(k),” insert “(km),”.

14           **808.** Page 609, line 13: delete “(e),”.

15           **809.** Page 614, line 4: delete lines 4 to 10.

16           **810.** Page 615, line 19: after “46.23” insert “, and may contract with tribal  
17           governing bodies,”.

18           **811.** Page 615, line 20: after “department” insert “and tribal governing  
19           bodies”.

20           **812.** Page 620, line 25: after that line insert:

21           “**SECTION 1748r.** 49.45 (2) (a) 2m. of the statutes is created to read:

1           49.45 (2) (a) 2m. Consider for payment a correct and complete claim or  
2 adjustment received by the department’s fiscal agent within no more than 365 days  
3 after the date of service, except in any of the following circumstances:

4           a. Circumstances specified by the department by rule.

5           b. If services that are reimbursable under this subdivision were initially  
6 reimbursed as general relief under s. 49.02, 1991 stats., or as medical relief under  
7 a relief block grant under s. 49.025, 49.027, or 49.029 and if the entity that submits  
8 the claim reimburses the department under a contract with the county that  
9 originally paid the claim that is entered into before the department receives the  
10 claim, for any additional departmental administrative costs necessary to process the  
11 claim.

12           **SECTION 1748s.** 49.45 (2) (a) 2n. of the statutes is created to read:

13           49.45 (2) (a) 2n. Subdivision 2m. does not apply after June 30, 2005.”.

14           **813.** Page 621, line 7: after “body” insert “. The department may designate  
15 the function, to the extent permitted under federal law or a waiver from the federal  
16 secretary of health and human services, to a Wisconsin works agency”.

17           **814.** Page 621, line 12: after that line insert:

18           “**SECTION 1750d.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45 (2) (a) 10.

19 a. and amended to read:

20           49.45 (2) (a) 10. a. After reasonable notice and opportunity for hearing the  
21 provider to present information and argument to department staff, recover money  
22 improperly or erroneously paid, or overpayments to a provider ~~either~~ by offsetting  
23 or adjusting amounts owed the provider under the program, crediting against a  
24 provider’s future claims for reimbursement for other services or items furnished by

1 the provider under the program, or by requiring the provider to make direct payment  
2 to the department or its fiscal intermediary.

3 **SECTION 1750f.** 49.45 (2) (a) 10. b. of the statutes is created to read:

4 49.45 (2) (a) 10. b. Establish a deadline for payment of a recovery imposed  
5 under this subdivision and, if a provider fails to pay all of the amount to be recovered  
6 by the deadline, require payment, by the provider, of interest on any delinquent  
7 amount at the rate of 1% per month or fraction of a month from the date of the  
8 overpayment.

9 **SECTION 1750h.** 49.45 (2) (a) 11. of the statutes is amended to read:

10 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of  
11 services under Title XIX of the social security act medical assistance and, except as  
12 provided in par. (b) 6m. and s. 49.48, and subject to par. (b) 7. and 8., certify such  
13 eligible providers who meet the criteria.

14 **SECTION 1750j.** 49.45 (2) (a) 12. of the statutes is amended to read:

15 49.45 (2) (a) 12. Decertify ~~or suspend under this subdivision~~ a provider from  
16 or restrict a provider's participation in the medical assistance program, if after  
17 giving reasonable notice and opportunity for hearing, the department finds that the  
18 provider has violated a federal statute or regulation or a state law statute or  
19 administrative rule and ~~such violations are by law~~ the violation is by statute,  
20 regulation, or rule grounds for decertification or suspension restriction. The  
21 department shall suspend the provider pending the hearing under this subdivision  
22 if the department includes in its decertification notice findings that the provider's  
23 continued participation in the medical assistance program pending hearing is likely  
24 to lead to the irretrievable loss of public funds and is unnecessary to provide  
25 adequate access to services to medical assistance recipients. As soon as practicable

1 after the hearing, the department shall issue a written decision. No payment may  
2 be made under the medical assistance program with respect to any service or item  
3 furnished by the provider subsequent to decertification or during the period of  
4 suspension.

5 **SECTION 1750L.** 49.45 (2) (b) 6m. of the statutes is created to read:

6 49.45 (2) (b) 6m. Limit the number of providers of particular services that may  
7 be certified under par. (a) 11. or the amount of resources, including employees and  
8 equipment, that a certified provider may use to provide particular services to medical  
9 assistance recipients, if the department finds all of the following:

10 a. That existing certified providers and resources provide services that are  
11 adequate in quality and amount to meet the need of medical assistance recipients for  
12 the particular services.

13 b. That the potential for medical assistance fraud or abuse exists if additional  
14 providers are certified or additional resources are used by certified providers.

15 **SECTION 1750n.** 49.45 (2) (b) 7. of the statutes is created to read:

16 49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all  
17 providers of a specific service that is among those enumerated under s. 49.46 (2) or  
18 49.47 (6) (a), as specified in this subdivision, to file with the department a surety bond  
19 issued by a surety company licensed to do business in this state. Providers subject  
20 to this subdivision provide those services specified under s. 49.46 (2) or 49.47 (6) (a)  
21 for which providers have demonstrated significant potential to violate s. 49.49 (1) (a),  
22 (2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a)  
23 10., or to need additional sanctions under par. (a) 13. The surety bond shall be  
24 payable to the department in an amount that the department determines is  
25 reasonable in view of amounts of former recoveries against providers of the specific

1 service and the department's costs to pursue those recoveries. The department shall  
2 promulgate rules under this subdivision that specify all of the following:

3 a. Services under medical assistance for which providers have demonstrated  
4 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),  
5 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions  
6 under par. (a) 13.

7 b. The amount or amounts of the surety bonds.

8 c. Terms of the surety bond, including amounts, if any, without interest to be  
9 refunded to the provider upon withdrawal or decertification from the medical  
10 assistance program.

11 **SECTION 1750p.** 49.45 (2) (b) 8. of the statutes is created to read:

12 49.45 (2) (b) 8. Require a person who takes over the operation, as defined in sub.  
13 (21) (ag), of a provider, to first obtain certification under par. (a) 11. for the operation  
14 of the provider, regardless of whether the person is currently certified. The  
15 department may withhold the certification required under this subdivision until any  
16 outstanding repayment under sub. (21) is made.

17 **SECTION 1750r.** 49.45 (2) (b) 9. of the statutes is created to read:

18 49.45 (2) (b) 9. After providing reasonable notice and opportunity for a hearing,  
19 charge an assessment to a provider that repeatedly has been subject to recoveries  
20 under par. (a) 10. a. because of the provider's failure to follow identical or similar  
21 billing procedures or to follow other identical or similar program requirements. The  
22 assessment shall be used to defray in part the costs of audits and investigations by  
23 the department under sub. (3) (g) and may not exceed \$1,000 or 200% of the amount  
24 of any such repeated recovery made, whichever is greater. The provider shall pay the  
25 assessment to the department within 10 days after receipt of notice of the assessment

1 or the final decision after administrative hearing, whichever is later. The  
2 department may recover any part of an assessment not timely paid by offsetting the  
3 assessment against any medical assistance payment owed to the provider and may  
4 refer any such unpaid assessments not collected in this manner to the attorney  
5 general, who may proceed with collection under this subdivision. Failure to timely  
6 pay in any manner an assessment charged under this subdivision, other than an  
7 assessment that is offset against any medical assistance payment owed to the  
8 provider, is grounds for decertification under subd. 12. A provider's payment of an  
9 assessment does not relieve the provider of any other legal liability incurred in  
10 connection with the recovery for which the assessment is charged, but is not evidence  
11 of violation of a statute or rule. The department shall credit all assessments received  
12 under this subdivision to the appropriation account under s. 20.435 (4) (iL).

13 **SECTION 1750t.** 49.45 (3) (g) of the statutes is amended to read:

14 49.45 (3) (g) The secretary may ~~appoint~~ authorize personnel to audit or  
15 investigate and report to the department on any matter involving violations or  
16 complaints alleging violations of ~~laws~~ statutes, regulations, or rules applicable to  
17 ~~Title XIX of the federal social security act or the medical assistance program~~ and to  
18 perform such investigations or audits as are required to verify the actual provision  
19 of services or items available under the medical assistance program and the  
20 appropriateness and accuracy of claims for reimbursement submitted by providers  
21 participating in the program. Department employees ~~appointed~~ authorized by the  
22 secretary under this paragraph shall be issued, and shall possess at all times ~~during~~  
23 ~~which~~ while they are performing their investigatory or audit functions under this  
24 section, identification, signed by the secretary ~~which, that~~ specifically designates the  
25 bearer as possessing the authorization to conduct medical assistance investigations

1 or audits. Pursuant to Under the request of a designated person and upon  
2 presentation of that the person's authorization, providers and medical assistance  
3 recipients shall accord ~~such~~ the person access to any provider personnel, records,  
4 books, recipient medical records, or documents or other information needed. Under  
5 the written request of a designated person and upon presentation of the person's  
6 authorization, providers and recipients shall accord the person access to any needed  
7 patient health care records of a recipient. Authorized employees ~~shall have authority~~  
8 ~~to~~ may hold hearings, administer oaths, take testimony, and perform all other duties  
9 necessary to bring ~~such~~ the matter before the department for final adjudication and  
10 determination.

11 **SECTION 1750v.** 49.45 (3) (h) 1. of the statutes is repealed.

12 **SECTION 1750x.** 49.45 (3) (h) 2. of the statutes is repealed.

13 **SECTION 1750z.** 49.45 (3) (h) 3. of the statutes is renumbered 49.45 (3) (h) and  
14 amended to read:

15 49.45 (3) (h) The failure or refusal of a person to purge himself or herself of  
16 contempt found under s. 885.12 and perform the act as required by law shall  
17 constitute provider to accord department auditors or investigators access as required  
18 under par. (g) to any provider personnel, records, books, patient health care records  
19 of medical assistance recipients, or documents or other information requested  
20 constitutes grounds for decertification or suspension of that person the provider from  
21 participation in the medical assistance program and no. No payment may be made  
22 for services rendered by that person ~~subsequent to~~ the provider following  
23 decertification ~~or, during the period of suspension, or during any period of provider~~  
24 failure or refusal to accord access as required under par. (g).”.



1           **815.** Page 621, line 12: after that line insert:

2           “**SECTION 1750w.** 49.45 (2) (a) 24. of the statutes is created to read:

3           49.45 (2) (a) 24. Promulgate rules that require that the written plan of care for  
4 persons receiving personal care services under medical assistance be reviewed by a  
5 registered nurse at least every 60 days. The rules shall provide that the written plan  
6 of care shall designate intervals for visits to the recipient’s home by a registered  
7 nurse as part of the review of the plan of care. The designated intervals for visits  
8 shall be based on the individual recipient’s needs, and each recipient shall be visited  
9 in his or her home by a registered nurse at least once in every 12-month period. The  
10 rules shall also provide that a visit to the recipient is also required if, in the course  
11 of the nurse’s review of the plan of care, there is evidence that a change in the  
12 recipient’s condition has occurred that may warrant a change in the plan of care.”.

13           **816.** Page 622, line 8: delete “, or (w)” and substitute “, (w), or (wm)”.

14           **817.** Page 622, line 14: delete lines 14 to 21.

15           **818.** Page 624, line 21: delete “and (w)” and substitute “, (w), and (wm)”.

16           **819.** Page 628, line 21: after that line insert:

17           “**SECTION 1783g.** 49.45 (18) (d) of the statutes is amended to read:

18           49.45 (18) (d) A person is liable for a copayment of \$1 for each prescription drug  
19 that bears only a generic name, as defined in s. 450.12 (1) (b), and is liable for a  
20 copayment of \$2 for each prescription drug that does not bear only a generic name.

21 No person who designates a pharmacy or pharmacist as his or her sole provider of  
22 prescription drugs and who so uses that pharmacy or pharmacist is liable under this  
23 subsection for more than \$5 per month for prescription drugs received.”.

24           **820.** Page 628, line 21: after that line insert:

1           **“SECTION 1786g.** 49.45 (21) (title) of the statutes is amended to read:

2           49.45 **(21)** (title) ~~TRANSFER OF BUSINESS, LIABILITY FOR~~ TAKING OVER PROVIDER'S  
3 OPERATION; REPAYMENTS REQUIRED.

4           **SECTION 1786h.** 49.45 (21) (a) of the statutes is renumbered 49.45 (21) (ar) and  
5 amended to read:

6           49.45 **(21)** (ar) ~~If any provider~~ Before a person may take over the operation of  
7 a provider that is liable for repayment of improper or erroneous payments or  
8 overpayments under ss. 49.43 to 49.497 ~~sells or otherwise transfers ownership of his~~  
9 ~~or her business or all or substantially all of the assets of the business, the transferor~~  
10 ~~and transferee are each liable for the repayment. Prior to final transfer, the~~  
11 ~~transferee is responsible for contacting the department and ascertaining if the~~  
12 ~~transferor, full repayment shall be made. Upon request, the department shall notify~~  
13 the provider or the person that intends to take over the operation of the provider as  
14 to whether the provider is liable under this paragraph.

15           **SECTION 1786i.** 49.45 (21) (ag) of the statutes is created to read:

16           49.45 **(21)** (ag) In this subsection, “take over the operation” means obtain, with  
17 respect to an aspect of a provider’s business for which the provider has filed claims  
18 for medical assistance reimbursement, any of the following:

19           1. Ownership of the provider’s business or all or substantially all of the assets  
20 of the business.

21           2. Majority control over decisions.

22           3. The right to any profits or income.

23           4. The right to contact and offer services to patients, clients, or residents served  
24 by the provider.

1           5. An agreement that the provider will not compete with the person at all or  
2 with respect to a patient, client, resident, service, geographical area, or other part  
3 of the provider's business.

4           6. The right to perform services that are substantially similar to services  
5 performed by the provider at the same location as those performed by the provider.

6           7. The right to use any distinctive name or symbol by which the provider is  
7 known in connection with services to be provided by the person.

8           **SECTION 1786j.** 49.45 (21) (b) of the statutes is amended to read:

9           49.45 (21) (b) ~~If a transfer occurs~~ If, notwithstanding the prohibition under par.  
10 (ar), a person takes over the operation of a provider and the applicable amount under  
11 par. (a) (ar) has not been repaid, the department may, in addition to withholding  
12 certification as authorized under sub. (2) (b) 8., proceed against either the transferor  
13 or the transferee the provider or the person. Within 30 days after receiving the  
14 certified provider receives notice from the department, the ~~transferor or the~~  
15 ~~transferee shall pay the amount~~ shall be repaid in full. ~~Upon failure to comply~~ If the  
16 amount is not repaid in full, the department may bring an action to compel payment.  
17 ~~If a transferor fails to pay within 90 days after receiving notice from the department,~~  
18 ~~the department, may proceed under sub. (2) (a) 12., or may do both."~~

19           **821.** Page 630, line 20: after that line insert:

20           **"SECTION 1792g.** 49.45 (49) of the statutes is created to read:

21           49.45 (49) PRIOR AUTHORIZATION FOR LEGEND DRUGS. If, after June 30, 2002, and  
22 before July 1, 2004, a manufacturer has in force a rebate agreement under s. 49.688  
23 (7), the department may not during that period expand the prior authorization  
24 requirements for prescription drugs manufactured by the manufacturer for which

1 coverage is provided under s. 49.46 (2) (b) 6. h. beyond those prior authorization  
2 requirements that are in effect on July 1, 2002.”.

3 **822.** Page 630, line 20: after that line insert:

4 “**SECTION 1792r.** 49.45 (53) of the statutes is created to read:

5 49.45 (53) REFUND OF MEDICAL RELIEF AND GENERAL RELIEF. (a) If a service  
6 provider receives reimbursement under this section for a claim submitted by or on  
7 behalf of the service provider under the circumstance specified under s. 49.45 (2) (a)  
8 2m. b., the service provider shall, as a condition of certification under sub. (2) (a) 11.,  
9 refund to the county that initially reimbursed the services as general relief or as  
10 medical relief, any medical relief under a relief block grant or any general relief paid  
11 to the service provider for the medical assistance–reimbursable services rendered.  
12 The county shall separately identify this refund and remit to the department for  
13 deposit in the appropriation account under s. 20.435 (4) (ib) an amount that  
14 represents the state’s contribution toward the original medical relief or general relief  
15 paid.

16 (b) If the federal department of health and human services disallows payment  
17 to the state of federal financial participation for a claim submitted by or on behalf of  
18 a service provider under the circumstance specified under sub. (2) (a) 2m. b., the  
19 county shall remit to the department for deposit in the appropriation account under  
20 s. 20.435 (4) (ib) an amount that is equal to the amount of federal financial  
21 participation paid by the department to the service provider under par. (a).

22 (c) This subsection does not apply after June 30, 2005.”.

23 **823.** Page 631, line 5: delete lines 5 to 17.

1           **824.** Page 631, line 23: delete the material beginning with that line and  
2 ending with page 632, line 4.

3           **825.** Page 632, line 10: delete lines 10 to 16.

4           **826.** Page 633, line 13: delete lines 13 to 24.

5           **827.** Page 634, line 8: delete lines 8 to 15.

6           **828.** Page 637, line 6: after that line insert:

7           “**SECTION 1814L.** 49.47 (4) (aq) of the statutes is created to read:

8           49.47 **(4)** (aq) 1. Subject to subd. 2., an individual who does not meet the  
9 limitation on income under par. (c) is eligible for medical assistance if the individual’s  
10 income does not exceed 100% of the federal poverty level, and the individual is 65  
11 years of age or older or is blind or totally and permanently disabled, as defined under  
12 federal Title XVI.

13           2. If a federal waiver is necessary to provide medical assistance to individuals  
14 specified in subd. 1., the department shall request a waiver from the secretary of the  
15 federal department of health and human services before providing medical  
16 assistance under this paragraph.”.

17           **829.** Page 637, line 13: after that line insert:

18           “**SECTION 1815cb.** 49.47 (4) (b) 2m. b. of the statutes is amended to read:

19           49.47 **(4)** (b) 2m. b. For persons who are eligible under par. (a) 3. or 4. or (aq),  
20 motor vehicles are exempt from consideration as an asset to the same extent as  
21 provided under 42 USC 1381 to 1385.

22           **SECTION 1815cc.** 49.47 (4) (b) 2r. of the statutes is amended to read:

23           49.47 **(4)** (b) 2r. For a person who is eligible under par. (a) 3. or 4. or (aq), the  
24 value of any burial space or agreement representing the purchase of a burial space

1 held for the purpose of providing a place for the burial of the person or any member  
2 of his or her immediate family.

3 **SECTION 1815cd.** 49.47 (4) (b) 2w. of the statutes is amended to read:

4 49.47 (4) (b) 2w. For a person who is eligible under par. (a) 3. or 4. or (aq), life  
5 insurance with cash surrender values if the total face value of all life insurance  
6 policies is not more than \$1,500.

7 **SECTION 1815ce.** 49.47 (4) (b) 3. of the statutes is amended to read:

8 49.47 (4) (b) 3. For a person who is eligible under par. (a) 3. or 4. or (aq), funds  
9 set aside to meet the burial and related expenses of the person and his or her spouse  
10 in an amount not to exceed \$1,500 each, minus the sum of the cash value of any life  
11 insurance excluded under subd. 2w. and the amount in any irrevocable burial trust  
12 under s. 445.125 (1) (a).

13 **SECTION 1815cf.** 49.47 (4) (c) 1. of the statutes is amended to read:

14 49.47 (4) (c) 1. Except as provided in ~~par. pars.~~ (am) and (aq) and as limited by  
15 subd. 3., eligibility exists if income does not exceed ~~133-1/3%~~ 133.33% of the  
16 maximum aid to families with dependent children payment under s. 49.19 (11) for  
17 the applicant's family size or the combined benefit amount available under  
18 supplemental security income under 42 USC 1381 to 1383c and state supplemental  
19 aid under s. 49.77 whichever is higher. In this subdivision "income" includes earned  
20 or unearned income that would be included in determining eligibility for the  
21 individual or family under s. 49.19 or 49.77, or for the aged, blind or disabled under  
22 42 USC 1381 to 1385. "Income" does not include earned or unearned income which  
23 would be excluded in determining eligibility for the individual or family under s.  
24 49.19 or 49.77, or for the aged, blind or disabled individual under 42 USC 1381 to  
25 1385."

1           **830.** Page 637, line 14: delete the material beginning with that line and  
2 ending with page 638, line 16.

3           **831.** Page 638, line 16: after that line insert:

4           “**SECTION 1815L.** 49.47 (4) (c) 3. of the statutes is amended to read:

5           49.47 (4) (c) 3. Except as provided in ~~par.~~ pars. (am) and (aq), no person is  
6 eligible for medical assistance under this section if the person’s income exceeds the  
7 maximum income levels that the U.S. department of health and human services sets  
8 for federal financial participation under 42 USC 1396b (f).

9           **SECTION 1815p.** 49.47 (4) (i) 2. (intro.) of the statutes is amended to read:

10           49.47 (4) (i) 2. (intro.) Notwithstanding par. (b) 2r. and 3., a person who is  
11 described in par. (a) 3. or 4. or (aq) is not eligible for benefits under this section if any  
12 of the following criteria is met:”.

13           **832.** Page 642, line 20: after that line insert:

14           “**SECTION 1823r.** 49.4981 of the statutes is created to read:

15           **49.4981 Comprehensive quality assessment pilot project. (1)** If the  
16 department receives a waiver of federal medical assistance laws, as requested under  
17 2001 Wisconsin Act .... (this act), section 9123 (19g), the department shall conduct  
18 a pilot project in the counties of Brown, Grant, Polk, and Waukesha under which  
19 nursing facilities shall apply to the department, under requirements specified by the  
20 department, to participate in the pilot project.

21           **(2)** If participation for a nursing facility is approved by the department under  
22 subsection (1), and if the nursing facility contracts to receive a comprehensive quality  
23 assessment, under standards and principles of comprehensive assessments of the  
24 quality of care provided to residents of nursing facilities, the nursing facility shall

1 provide to the department a copy of a report by the assessment provider of each such  
2 assessment that is conducted. Each report shall include any findings of violations  
3 of state statutes or rules by the nursing facility that are discovered in the course of  
4 performance of the assessment. The nursing facility shall provide information that  
5 the department requests concerning any violations noted. The department may use  
6 the assessment report and information provided by the nursing facility as evidence  
7 to which s. 50.04 (4) applies or upon which an applicable forfeiture under s. 49.498  
8 (16) or 50.04 (5) may be assessed. Upon receipt of the assessment report, the  
9 department may, but is not required to, waive the requirement under s. 49.498 (13)  
10 for an annual survey of the nursing facility.”.

11 **833.** Page 642, line 20: after that line insert:

12 “**SECTION 1835h.** 49.496 (3) (f) of the statutes is amended to read:

13 49.496 (3) (f) The department may contract with or employ an attorney to  
14 probate estates to recover under this subsection the costs of care. Any such contract  
15 is subject to the requirements of s. 20.930 (2) to (5).”.

16 **834.** Page 644, line 14: after that line insert:

17 “**SECTION 1837e.** 49.665 (5) (a) of the statutes is amended to read:

18 49.665 (5) (a) Except as provided in pars. (b) and (bm), a family, or child who  
19 does not reside with his or her parent, who receives health care coverage under this  
20 section shall pay a percentage of the cost of that coverage in accordance with a  
21 schedule established by the department by rule. If Except as provided in par. (am),  
22 if the schedule established by the department requires a family, or child who does not  
23 reside with his or her parent, to contribute more than 3% of the family’s or child’s  
24 income towards the cost of the health care coverage provided under this section, the



1 department shall submit the schedule to the joint committee on finance for review  
2 and approval of the schedule. If the cochairpersons of the joint committee on finance  
3 do not notify the department within 14 working days after the date of the  
4 department's submittal of the schedule that the committee has scheduled a meeting  
5 to review the schedule, the department may implement the schedule. If, within 14  
6 days after the date of the department's submittal of the schedule, the cochairpersons  
7 of the committee notify the department that the committee has scheduled a meeting  
8 to review the schedule, the department may not require a family, or child who does  
9 not reside with his or her parent, to contribute more than 3% of the family's or child's  
10 income unless the joint committee on finance approves the schedule. The joint  
11 committee on finance may not approve and the department may not implement a  
12 schedule that requires a family or child to contribute more than 3.5% of the family's  
13 or child's income towards the cost of the health care coverage provided under this  
14 section.

15 **SECTION 1837eg.** 49.665 (5) (am) of the statutes is created to read:

16 49.665 (5) (am) No later than January 1, 2002, the department shall request  
17 a waiver from the federal secretary of health and human services to increase the  
18 maximum amount that a family, or child who does not reside with his or her parent,  
19 is required to pay under par. (a) to 5% of the family's or child's income. If the waiver  
20 is granted, the department shall increase the maximum amount that a family, or  
21 child who does not reside with his or her parent, is required to pay under par. (a) to  
22 5% of the family's or child's income and is not required to receive approval from the  
23 joint committee on finance before increasing the maximum amount.”.

24 **835.** Page 645, line 6: after that line insert:

1           “**SECTION 1837pm.** 49.682 (6) of the statutes is amended to read:

2           49.682 **(6)** The department may contract with or employ an attorney to probate  
3 estates to recover under this section the costs of care. Any such contract is subject  
4 to the requirements of s. 20.930 (2) to (5).”.

5           **836.** Page 646, line 22: after that line insert:

6           “**SECTION 1838f.** 49.688 of the statutes is created to read:

7           **49.688 Prescription drug assistance for low-income elderly persons.**

8           **(1)** In this section:

9           (a) “Generic name” has the meaning given in s. 450.12 (1) (b).

10           (b) “Poverty line” means the nonfarm federal poverty line for the continental  
11 United States, as defined by the federal department of labor under 42 USC 9902 (2).

12           (c) “Prescription drug” means a prescription drug, as defined in s. 450.01 (20),  
13 that is included in the drugs specified under s. 49.46 (2) (b) 6. h. and that is  
14 manufactured by a manufacturer that enters into a rebate agreement in force under  
15 sub. (7).

16           (d) “Prescription order” has the meaning given in s. 450.01 (21).

17           **(2)** A person who is a resident, as defined in s. 27.01 (10) (a), of this state, who  
18 is at least 65 years of age, who is not a recipient of medical assistance, whose annual  
19 household income, as determined by the department, does not exceed 185% of the  
20 poverty line for a family the size of the person’s eligible family, and who pays the  
21 program enrollment fee specified in sub. (3) (a) is eligible to purchase a prescription  
22 drug at the amounts specified in sub. (6) (b). The person may apply to the  
23 department, on a form provided by the department for a determination of eligibility

1 and issuance of a prescription drug card for purchase of prescription drugs under this  
2 section.

3 **(3)** (a) Program participants shall pay all of the following:

4 1. For each 12-month benefit period, a program enrollment fee of \$25.

5 2. For each 12-month benefit period, a deductible for each person of \$840.

6 3. After payment of the deductible under subd. 2., all of the following:

7 a. A copayment of \$10 for each prescription drug that bears only a generic  
8 name.

9 b. A copayment of \$20 for each prescription drug that does not bear only a  
10 generic name.

11 (b) Notwithstanding s. 49.002, if a person who is eligible under this section has  
12 other available coverage for payment of a prescription drug, this section applies only  
13 to costs for prescription drugs for the person that are not covered under the person's  
14 other available coverage.

15 **(4)** The department shall devise and distribute a form for application for the  
16 program under sub. (2), shall determine eligibility for each 12-month benefit period  
17 of applicants, and shall issue to eligible persons a prescription drug card for use in  
18 purchasing prescription drugs, as specified in sub. (5). The department shall  
19 promulgate rules that specify the criteria to be used to determine annual household  
20 income under sub. (2).

21 **(5)** Beginning July 1, 2002, as a condition of participation by a pharmacy or  
22 pharmacist in the program under s. 49.45, 49.46, or 49.47, the pharmacy or  
23 pharmacist may not charge a person who presents a valid prescription order and a  
24 card indicating that he or she meets eligibility requirements under sub. (2) an

1 amount for a prescription drug under the order that exceeds the amounts specified  
2 in sub. (6) (b).

3 (6) (a) The charge for a prescription drug shall be calculated at the average  
4 wholesale price minus 5% or the maximum allowable cost, as determined by the  
5 department, whichever is less.

6 (b) The amounts that a pharmacy or pharmacist may charge a person specified  
7 in sub. (2) in a 12-month period for a prescription drug are the following:

8 1. If applicable, a deductible, as specified in sub. (3) (a) 2., for a prescription  
9 drug that is charged at the rate specified in par. (a), plus a dispensing fee that is equal  
10 to the dispensing fee permitted to be charged for prescription drugs for which  
11 coverage is provided under s. 49.46 (2) (b) 6. h.

12 2. After the deductible under subd. 1. is charged, the copayment, as applicable,  
13 that is specified in sub. (3) (a) 3. a. or b.

14 (c) The department shall calculate and transmit to pharmacies and  
15 pharmacists that are certified providers of medical assistance amounts that may be  
16 used in calculating charges under par. (a). The department shall periodically update  
17 this information and transmit the updated amounts to pharmacies and pharmacists.

18 (7) The department or an entity with which the department contracts may  
19 enter into a rebate agreement that is modeled on the rebate agreement specified  
20 under 42 USC 1396r-8 with a drug manufacturer that sells drugs for prescribed use  
21 in this state. The rebate agreement, if negotiated, shall include all of the following  
22 as requirements:

23 (a) That the manufacturer shall make rebate payments for each prescription  
24 drug of the manufacturer that is prescribed for persons who are eligible under sub.

1 (2), to the state treasurer to be credited to the appropriation under s. 20.435 (4) (j),  
2 each calendar quarter or according to a schedule established by the department.

3 (b) That the amount of the rebate payment shall be determined by a method  
4 specified in 42 USC 1396r–8 (c).

5 **(8)** From the appropriation accounts under s. 20.435 (4) (bv) and (j), beginning  
6 July 1, 2002, the department shall, under a schedule that is identical to that used  
7 by the department for payment of pharmacy provider claims under medical  
8 assistance, provide to pharmacies and pharmacists payments for prescription drugs  
9 sold by the pharmacies or pharmacists to persons eligible under sub. (2) who have  
10 paid the deductible specified under sub. (3) (a) 2. The payment for each prescription  
11 drug under this subsection shall be at the rate specified in sub. (6) (a), minus the  
12 amount of a copayment charged under sub. (6) (b) 2., plus a dispensing fee, as  
13 specified in sub. (6) (b) 1. The department shall devise and distribute a form for  
14 reports by pharmacies and pharmacists under this subsection and may limit  
15 payment under this subsection to those prescription drugs for which payment claims  
16 are submitted by pharmacies or pharmacists directly to the department. The  
17 department may apply to the program under this section the same utilization and  
18 cost control procedures that apply under rules promulgated by the department to  
19 medical assistance under subch. IV.

20 **(9)** The department shall, under methods promulgated by the department by  
21 rule, monitor compliance by pharmacies and pharmacists that are certified providers  
22 of medical assistance with the requirements of sub. (5) and shall annually report to  
23 the legislature under s. 13.172 (2) concerning the compliance. The report shall  
24 include information on any pharmacies or pharmacists that discontinue

1 participation as certified providers of medical assistance and the reasons given for  
2 the discontinuance.

3 **(10)** (a) The department shall promulgate rules relating to prohibitions on  
4 fraud that are substantially similar to applicable provisions under s. 49.49 (1) (a).

5 (b) A person who is convicted of violating a rule promulgated by the department  
6 under par. (a) in connection with that person's furnishing of prescription drugs under  
7 this section may be fined not more than \$25,000, or imprisoned for not more than 7  
8 years and 6 months, or both.

9 (c) A person other than a person specified in par. (b) who is convicted of violating  
10 a rule promulgated by the department under par. (a) may be fined not more than  
11 \$10,000, or imprisoned for not more than one year, or both.

12 **(11)** If federal law is amended to provide coverage for prescription drugs for  
13 outpatient care as a benefit under medicare or to provide similar coverage under  
14 another program, the department shall submit to appropriate standing committees  
15 of the legislature under s. 13.172 (3) a report that contains an analysis of the  
16 differences between such a federal program and the program under this section and  
17 that provides recommendations concerning alignment, if any, of the differences.

18 **(12)** After June 30, 2002, and before July 1, 2004, the department may not  
19 subject a manufacturer that enters into a rebate agreement under sub. (7) to prior  
20 authorization requirements for a prescription drug under this section that are an  
21 expansion of prior authorization requirements in effect under the medical assistance  
22 program on July 1, 2002.

23 **(13)** Except as provided in subs. (9) to (12), and except for the department's  
24 rule-making requirements and authority, the department may enter into a contract

1 with an entity to perform the duties and exercise the powers of the department under  
2 this section.”.

3 **837.** Page 647, line 14: delete lines 14 to 24.

4 **838.** Page 648, line 1: delete lines 1 to 12 and substitute:

5 “SECTION 1838vb. 49.85 (1) of the statutes is amended to read:

6 49.85 (1) COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county  
7 department under s. 46.215, 46.22 or 46.23, a governing body of a federally  
8 recognized American Indian tribe or band or a Wisconsin works agency determines  
9 that the department of health and family services may recover an amount under s.  
10 49.497 or 49.793 or that the department of workforce development may recover an  
11 amount under s. ~~49.125~~, 49.161 or 49.195 (3), the county department ~~or, tribal~~  
12 governing body, or Wisconsin works agency shall notify the affected department of  
13 the determination.”.

14 **839.** Page 648, line 12: after that line insert:

15 “SECTION 1838w. 49.85 (2) (a) of the statutes is amended to read:

16 49.85 (2) (a) At least annually, the department of health and family services  
17 shall certify to the department of revenue the amounts that, based on the  
18 notifications received under sub. (1) and on other information received by the  
19 department of health and family services, the department of health and family  
20 services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except  
21 that the department of health and family services may not certify an amount under  
22 this subsection unless it has met the notice requirements under sub. (3) and unless  
23 its determination has either not been appealed or is no longer under appeal.”.

24 **840.** Page 648, line 21: after that line insert:

1           “**SECTION 1840e.** 49.85 (3) (a) 1. of the statutes is amended to read:

2           49.85 **(3)** (a) 1. Inform the person that the department of health and family  
3 services intends to certify to the department of revenue an amount that the  
4 department of health and family services has determined to be due under s. 49.45  
5 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person.”.

6           **841.** Page 653, line 10: after that line insert:

7           “**SECTION 1877p.** 50.03 (13) (a) of the statutes is amended to read:

8           50.03 **(13)** (a) *New license.* Whenever ownership of a facility is transferred from  
9 the person or persons named in the license to any other person or persons, the  
10 transferee must obtain a new license. The license may be a probationary license.  
11 Penalties under sub. (1) shall apply to violations of this subsection. The transferee  
12 shall notify the department of the transfer, file an application under sub. (3) (b), and  
13 apply for a new license at least 30 days prior to final transfer. Retention of any  
14 interest required to be disclosed under sub. (3) (b) after transfer by any person who  
15 held such an interest prior to transfer may constitute grounds for denial of a license  
16 where violations of this subchapter for which notice had been given to the transferor  
17 are outstanding and uncorrected, if the department determines that effective control  
18 over operation of the facility has not been transferred. If the transferor was a  
19 provider under s. 49.43 (10), the transferee and transferor shall comply with s. 49.45  
20 (21).”.

21           **842.** Page 653, line 10: after that line insert:

22           “**SECTION 1877g.** 50.01 (1) (b) of the statutes is amended to read:

23           50.01 **(1)** (b) A place where 3 or 4 adults who are not related to the operator  
24 reside and receive care, treatment or services that are above the level of room and



1 board and that may include up to 7 hours per week of nursing care per resident.  
2 “Adult family home” does not include a place that is specified in sub. (1g) (a) to (d),  
3 (f) or (g) or a respite facility, as defined in s. 50.85 (1) (b).

4 **SECTION 1877h.** 50.01 (1) (h) of the statutes is created to read:

5 50.01 (1) (h) A respite facility, as defined in s. 50.85 (1) (b).

6 **SECTION 1877i.** 50.01 (3) (f) of the statutes is created to read:

7 50.01 (3) (f) A respite facility, as defined in s. 50.85 (1) (b).”.

8 **843.** Page 654, line 6: after that line insert:

9 “**SECTION 1894r.** 50.04 (2d) of the statutes is created to read:

10 50.04 (2d) PHARMACEUTICAL SERVICES. (a) In this subsection:

11 1. “Drug product” means a specific drug or drugs in a specific dosage form and  
12 strength from a known source of manufacture.

13 2. “Unit dose drug delivery system” means a system for the distribution to  
14 nursing home residents of drug products under which a single dose of a drug product  
15 is individually packaged and sealed.

16 3. “Unit dose packaging” includes individually wrapped, single doses of a drug  
17 product that are contained on cards and that may be singly accessed by punching out  
18 a single wrapping on the card.

19 (b) Under a unit dose drug delivery system, as ordered by a physician, a  
20 pharmacy may dispense to a nursing home up to a one-month’s supply of the  
21 physician-directed dosage of drug products for an individual nursing home resident.  
22 The drug products may be supplied by use of unit dose packaging.”.

23 **844.** Page 654, line 6: after that line insert:

24 “**SECTION 1894r.** 50.065 (1) (c) (intro.) of the statutes is amended to read:



1           **(2) DEPARTMENTAL POWERS AND DUTIES.** The department shall provide uniform,  
2           statewide licensure, inspection, and regulation of respite facilities as specified in this  
3           section.

4           **(3) LICENSURE REQUIREMENTS.** (a) No person may conduct, maintain, operate,  
5           or otherwise participate in conducting, maintaining, or operating a respite facility  
6           unless the respite facility is licensed by the department.

7           (b) The department shall issue a license if the department finds that the  
8           applicant is fit and qualified and that the respite facility meets the requirements of  
9           this section and the rules promulgated under this section.

10          (c) The department or the department’s designated representative shall  
11          inspect or investigate a respite facility prior to issuance of a license for the respite  
12          facility and may inspect or investigate a respite facility as the department deems  
13          necessary, including a review of patient health care records of any individuals served  
14          by the respite facility, to determine if any person is in violation of this section.

15          (d) The past record of violations of applicable federal laws or regulations or of  
16          state statutes or rules of this or any other state, in the operation of any  
17          health-related organization, by an operator, managing employee, or direct or  
18          indirect owner of a respite facility or of an interest of a respite facility is relevant to  
19          the issue of the fitness of an applicant for a license. The department or the  
20          department’s designated representative shall inspect and investigate as necessary  
21          to determine the conditions existing in each case under this paragraph and shall  
22          prepare and maintain a written report concerning the investigation and inspection.

23          **(4) USE OF NAME OR ADVERTISING PROHIBITED.** No entity that is not a respite  
24          facility licensed under this section or an applicant for a license under this section may  
25          designate itself as a “respite facility” or use the word “respite facility” to represent

1 or tend to represent the entity as a respite facility or services provided by the entity  
2 as services provided by a respite facility.

3 **(5) LICENSING PROCEDURE.** (a) The application for a license shall:

- 4 1. Be in writing on a form provided by the department.
- 5 2. Contain such information as the department requires.
- 6 3. Include licensing fee payment, as specified in sub. (6).

7 (b) 1. A respite facility license is valid until suspended or revoked.

8 2. Each license shall be issued only for the applicant named in the application  
9 and may not be transferred or assigned.

10 3. Any license granted under special limitations prescribed by the department  
11 shall state the limitations.

12 **(6) LICENSURE FEE.** The annual fee for a licensed respite facility is \$18 per bed,  
13 based on the number of licensed beds of the respite facility.

14 **(7) SUSPENSION AND REVOCATION.** (a) The department, after notice to the  
15 applicant or licensee, may suspend or revoke a license in any case in which the  
16 department finds that there has been a substantial failure to comply with the  
17 requirements of this section or the rules promulgated under this section. No state  
18 or federal funds passing through the state treasury may be paid to a respite facility  
19 that does not have a valid license issued under this section.

20 (b) Notice under this subsection shall include a clear and concise statement of  
21 the violations on which the revocation is based, the statute or rule violated and notice  
22 of the opportunity for an evidentiary hearing under par. (c).

23 (c) If a respite facility desires to contest the revocation of a license, the respite  
24 facility shall, within 10 days after receipt of notice under par. (b), notify the  
25 department in writing of its request for a hearing under s. 227.44.

1 (d) 1. Subject to s. 227.51 (3), revocation shall become effective on the date set  
2 by the department in the notice of revocation, or upon final action after a hearing  
3 under ch. 227, or after court action if a stay is granted under ch. 227, whichever is  
4 later.

5 3. The department may extend the effective date of license revocation in any  
6 case in order to permit orderly removal and relocation of individuals served by the  
7 respite facility.

8 **(8) RULE-MAKING AUTHORITY.** The department shall promulgate all of the  
9 following rules:

10 (a) Standards for the care, treatment, health, safety, rights, and welfare of  
11 persons with like or similar disabilities who receive respite care care from a respite  
12 facility and the maintenance, general hygiene and operation of a respite facility,  
13 which will permit the use of advancing knowledge to promote safe and adequate care  
14 and treatment for these individuals. These standards shall permit persons with like  
15 or similar disabilities who receive day care from a respite facility to share dining  
16 facilities and day trips with persons with with like or similar disabilities who receive  
17 overnight care from a respite facility. The standards shall also allow provision of fire  
18 safety training by a local fire inspector or a fire department.

19 (b) Inspection or investigation procedures that the department or the  
20 department's designated representative may use to assure the provision of care and  
21 treatment that is commensurate with the standards established under par. (a).

22 (c) Criteria for determining that the applicant for licensure is fit and qualified.

23 (d) A procedure for waiver of and variance from standards under par. (a) or  
24 criteria under par. (c). The department may limit the duration of the waiver or  
25 variance.

1 (e) A definition of “disability” for the purposes of this section.

2 (f) A definition of “like or similar disabilities” for the purposes of this section.

3 **(9) RIGHT OF INJUNCTION.** The department may, upon the advice of the attorney  
4 general, who shall represent the department in all proceedings under this section,  
5 institute an action in the name of the state in the circuit court for Dane County for  
6 injunctive relief or other process against any licensee, owner, operator,  
7 administrator or representative of any owner of a respite facility for the violation of  
8 any of the provisions of this section or rules promulgated under this section if the  
9 violation affects the health, safety, or welfare of persons with like or similar  
10 disabilities.

11 **(10) FORFEITURES.** (a) Any person who violates this subchapter or rules  
12 promulgated under this subchapter may be required to forfeit not more than \$100  
13 for the first violation and may be required to forfeit not more than \$200 for the 2nd  
14 or any subsequent violation within a year. The period shall be measured using the  
15 dates of issuance of citations of the violations. Each day of violation constitutes a  
16 separate violation.

17 (b) In determining whether a forfeiture is to be imposed and in fixing the  
18 amount of the forfeiture to be imposed, if any, for a violation, the following factors  
19 shall be considered:

20 1. The gravity of the violation, including the probability that death or serious  
21 physical or psychological harm to a person receiving respite care from a respite  
22 facility will result or has resulted; the severity of the actual or potential harm; and  
23 the extent to which the provisions of the applicable statutes or rules were violated.

24 2. Good faith exercised by the licensee. Indications of good faith include, but  
25 are not limited to, awareness of the applicable statutes and regulation and

1 reasonable diligence in complying with such requirements, prior accomplishments  
2 manifesting the licensee's desire to comply with the requirements, efforts to correct  
3 and any other mitigating factors in favor of the licensee.

4 3. Any previous violations committed by the licensee.

5 4. The financial benefit to the respite facility of committing or continuing the  
6 violation.

7 (c) The department may directly assess forfeitures provided for under par. (a).  
8 If the department determines that a forfeiture should be assessed for a particular  
9 violation or for failure to correct the violation, the department shall send a notice of  
10 assessment to the respite facility. The notice shall specify the amount of the  
11 forfeiture assessed, the violation, and the statute or rule alleged to have been  
12 violated, and shall inform the licensee of the right to a hearing under par. (d).

13 (d) A respite facility may contest an assessment of forfeiture, by sending, within  
14 10 days after receipt of notice under par. (c), a written request for hearing under s.  
15 227.44 to the division of hearings and appeals created under s. 15.103 (1). The  
16 administrator of the division may designate a hearing examiner to preside over the  
17 case and recommend a decision to the administrator under s. 227.46. The decision  
18 of the administrator of the division shall be the final administrative decision. The  
19 division shall commence the hearing within 30 days after receipt of the request for  
20 hearing and shall issue a final decision within 15 days after the close of the hearing.  
21 Proceedings before the division are governed by ch. 227. In any petition for judicial  
22 review of a decision by the division, the party, other than the petitioner, who was in  
23 the proceeding before the division shall be the named respondent.

24 (e) All forfeitures shall be paid to the department within 10 days after receipt  
25 of notice of assessment or, if the forfeiture is contested under par. (d), within 10 days

1 after receipt of the final decision after exhaustion of administrative review, unless  
2 the final decision is appealed and the order is stayed by court order under the same  
3 terms and conditions as found in s. 50.03 (11). The department shall remit all  
4 forfeitures paid to the state treasurer for deposit in the school fund.

5 (f) The attorney general may bring an action in the name of the state to collect  
6 any forfeiture imposed under this section if the forfeiture has not been paid following  
7 the exhaustion of all administrative and judicial reviews. The only issue to be  
8 contested in any such action shall be whether the forfeiture has been paid.

9 **SECTION 1900d.** 50.90 (intro.) of the statutes is amended to read:

10 **50.90 Definitions.** (intro.) In this subchapter ~~section~~ section to s. 50.981:

11 **SECTION 1900e.** 50.91 of the statutes is amended to read:

12 **50.91 Departmental powers and duties.** The department shall provide  
13 uniform, statewide licensing, inspection and regulation of hospices as specified in  
14 ~~this subchapter ss. 50.90 to 50.981~~.

15 **SECTION 1900f.** 50.92 (2) of the statutes is amended to read:

16 50.92 (2) The department shall issue a license if the department finds that the  
17 applicant is fit and qualified and that the hospice meets the requirements of ~~this~~  
18 ~~subchapter ss. 50.90 to 50.981~~ and the rules promulgated under ~~this subchapter ss.~~  
19 50.90 to 50.981.

20 **SECTION 1900g.** 50.92 (3) of the statutes is amended to read:

21 50.92 (3) The department or the department's designated representative shall  
22 inspect or investigate a hospice prior to issuance of a license for the hospice except  
23 as provided in sub. (4) and may inspect or investigate a hospice as the department  
24 deems necessary, including conducting home visits or a review of health care records



1 of any individuals with terminal illness served by the hospice, to determine if any  
2 person is in violation of ~~this subchapter ss. 50.90 to 50.981~~.

3 **SECTION 1900h.** 50.925 of the statutes is amended to read:

4 **50.925 Use of name or advertising prohibited.** No entity that is not a  
5 hospice licensed under ~~this subchapter ss. 50.90 to 50.981~~ or an applicant for a  
6 license or a provisional license under ~~this subchapter ss. 50.90 to 50.981~~ may  
7 designate itself as a “hospice” or use the word “hospice” to represent or tend to  
8 represent the entity as a hospice or services provided by the entity as services  
9 provided by a hospice.

10 **SECTION 1900i.** 50.93 (3) of the statutes is amended to read:

11 50.93 (3) PROVISIONAL LICENSE. If the applicant has not been previously licensed  
12 under ~~this subchapter s. 50.92~~ or if the hospice is not in operation at the time that  
13 application is made, the department may issue a provisional license. Unless sooner  
14 suspended or revoked under sub. (4), a provisional license shall be valid for 24  
15 months from the date of issuance. Within 30 days prior to the termination of a  
16 provisional license, the department shall fully and completely inspect the hospice  
17 and, if the hospice meets the applicable requirements for licensure, shall issue a  
18 regular license under sub. (2). If the department finds that the hospice does not meet  
19 the requirements for licensure, the department may not issue a regular license under  
20 sub. (2).

21 **SECTION 1900j.** 50.93 (4) (a) of the statutes is amended to read:

22 50.93 (4) (a) The department, after notice to the applicant or licensee, may  
23 suspend or revoke a license in any case in which the department finds that there has  
24 been a substantial failure to comply with the requirements of ~~this subchapter ss.~~  
25 50.90 to 50.981 or the rules promulgated under ~~this subchapter ss. 50.90 to 50.981~~.

1 No state or federal funds passing through the state treasury may be paid to a hospice  
2 not having a valid license issued under this section.

3 **SECTION 1900k.** 50.97 of the statutes is amended to read:

4 **50.97 Right of injunction.** The department may, upon the advice of the  
5 attorney general, who shall represent the department in all proceedings under this  
6 section, institute an action in the name of the state in the circuit court for Dane  
7 County for injunctive relief or other process against any licensee, owner, operator,  
8 administrator or representative of any owner of a hospice for the violation of any of  
9 the provisions of ~~this subchapter~~ ss. 50.90 to 50.981 or rules promulgated under ~~this~~  
10 ~~subchapter~~ ss. 50.90 to 50.981 if the violation affects the health, safety or welfare of  
11 individuals with terminal illness.

12 **SECTION 1900L.** 50.98 (1) of the statutes is amended to read:

13 **50.98 (1)** Any person who violates ~~this subchapter~~ ss. 50.90 to 50.981 or rules  
14 promulgated under ~~this subchapter~~ ss. 50.90 to 50.981 may be required to forfeit not  
15 more than \$100 for the first violation and may be required to forfeit not more than  
16 \$200 for the 2nd or any later violation within a year. The period shall be measured  
17 using the dates of issuance of citations of the violations. Each day of violation  
18 constitutes a separate violation.

19 **SECTION 1900m.** 50.981 of the statutes is amended to read:

20 **50.981 Fees permitted for a workshop or seminar.** If the department  
21 develops and provides a workshop or seminar relating to the provision of services by  
22 hospices under ~~this subchapter~~ ss. 50.90 to 50.981, the department may establish a  
23 fee for each workshop or seminar and impose the fee on registrants for the workshop  
24 or seminar. A fee so established and imposed shall be in an amount sufficient to

1 reimburse the department for the costs directly associated with developing and  
2 providing the workshop or seminar.”.

3 **845.** Page 656, line 10: after that line insert:

4 “**SECTION 1966r.** 51.20 (19) (am) of the statutes is created to read:

5 51.20 **(19)** (am) If an individual was found guilty but mentally ill under s.  
6 971.163 or 971.165 and was subsequently involuntarily committed under this  
7 section, the department of health and family services or the county department  
8 under s. 51.42 or 51.437, whichever is applicable, shall, upon the individual’s  
9 discharge, prepare a report for the department of corrections that contains all of the  
10 following:

11 1. The individual’s diagnosis.

12 2. A description of the individual’s behavior before and while he or she was in  
13 the treatment facility.

14 3. The course of treatment of the individual while he or she was in the  
15 treatment facility.

16 4. The prognosis for the remission of symptoms and the potential for recidivism  
17 and for presenting a danger to himself or herself or others.

18 5. Recommendations for future treatment.

19 **SECTION 1967r.** 51.37 (8m) of the statutes is created to read:

20 51.37 **(8m)** If an individual was found guilty but mentally ill under s. 971.163  
21 or 971.165 and was subsequently transferred to or detained in a state treatment  
22 facility under sub. (5), the department of health and family services shall, upon the  
23 individual’s discharge, prepare a report for the department of corrections that  
24 contains all of the following:

1 (a) The individual's diagnosis.

2 (b) A description of the individual's behavior before and while he or she was in  
3 the treatment facility.

4 (c) The course of treatment of the individual while he or she was in the  
5 treatment facility.

6 (d) The prognosis for the remission of symptoms and the potential for  
7 recidivism and for presenting a danger to himself or herself or others.

8 (e) Recommendations for future treatment.”.

9 **846.** Page 656, line 10: after that line insert:

10 “**SECTION 1965b.** 51.15 (1) (a) (intro.) of the statutes is amended to read:

11 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to  
12 take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938  
13 may take an individual into custody if the officer or person has cause to believe that  
14 such the individual is mentally ill ~~or, except as provided in subd. 5.,~~ is drug  
15 dependent, or is developmentally disabled, and that the individual evidences any of  
16 the following:

17 **SECTION 1965c.** 51.15 (1) (a) 5. of the statutes is repealed.

18 **SECTION 1965d.** 51.15 (1) (c) of the statutes is repealed.

19 **SECTION 1965e.** 51.15 (4) (a) of the statutes is amended to read:

20 51.15 (4) (a) In counties having a population of 500,000 or more, the law  
21 enforcement officer or other person authorized to take a child into custody under ch.  
22 48 or to take a juvenile into custody under ch. 938 shall sign a statement of  
23 emergency detention which shall provide detailed specific information concerning  
24 the recent overt act, attempt, or threat to act or omission on which the belief under

1 sub. (1) is based and the names of the persons observing or reporting the recent overt  
2 act, attempt, or threat to act or omission. The law enforcement officer or other person  
3 is not required to designate in the statement whether the subject individual is  
4 mentally ill, developmentally disabled, or drug dependent, but shall allege that he  
5 or she has cause to believe that the individual evidences one or more of these  
6 conditions ~~if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5.~~  
7 ~~is believed.~~ The law enforcement officer or other person shall deliver, or cause to be  
8 delivered, the statement to the detention facility upon the delivery of the individual  
9 to it.

10 **SECTION 1965f.** 51.15 (5) of the statutes is amended to read:

11 51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a  
12 population of less than 500,000, the law enforcement officer or other person  
13 authorized to take a child into custody under ch. 48 or to take a juvenile into custody  
14 under ch. 938 shall sign a statement of emergency detention ~~which~~ that shall provide  
15 detailed specific information concerning the recent overt act, attempt, or threat to  
16 act or omission on which the belief under sub. (1) is based and the names of persons  
17 observing or reporting the recent overt act, attempt, or threat to act or omission. The  
18 law enforcement officer or other person is not required to designate in the statement  
19 whether the subject individual is mentally ill, developmentally disabled, or drug  
20 dependent, but shall allege that he or she has cause to believe that the individual  
21 evidences one or more of these conditions ~~if sub. (1) (a) 1., 2., 3. or 4. is believed or~~  
22 ~~mental illness, if sub. (1) (a) 5. is believed.~~ The statement of emergency detention  
23 shall be filed by the officer or other person with the detention facility at the time of  
24 admission, and with the court immediately thereafter. The filing of the statement  
25 has the same effect as a petition for commitment under s. 51.20. When, upon the

1 advice of the treatment staff, the director of a facility specified in sub. (2) determines  
2 that the grounds for detention no longer exist, he or she shall discharge the  
3 individual detained under this section. Unless a hearing is held under s. 51.20 (7)  
4 or 55.06 (11) (b), the subject individual may not be detained by the law enforcement  
5 officer or other person and the facility for more than a total of 72 hours, exclusive of  
6 Saturdays, Sundays, and legal holidays.

7 **SECTION 1965g.** 51.20 (1) (a) 2. e. of the statutes is amended to read:

8 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to  
9 be drug dependent or developmentally disabled, after the advantages and  
10 disadvantages of and alternatives to accepting a particular medication or treatment  
11 have been explained to him or her and because of mental illness, evidences either  
12 incapability of expressing an understanding of the advantages and disadvantages of  
13 accepting medication or treatment and the alternatives, or substantial incapability  
14 of applying an understanding of the advantages, disadvantages, and alternatives to  
15 his or her mental illness in order to make an informed choice as to whether to accept  
16 or refuse medication or treatment; and evidences a substantial probability, as  
17 demonstrated by both the individual's treatment history and his or her recent acts  
18 or omissions, that the individual needs care or treatment to prevent further  
19 disability or deterioration and a substantial probability that he or she will, if left  
20 untreated, lack services necessary for his or her health or safety and suffer severe  
21 mental, emotional, or physical harm that will result in the loss of the individual's  
22 ability to function independently in the community or the loss of cognitive or  
23 volitional control over his or her thoughts or actions. The probability of suffering  
24 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.  
25 if reasonable provision for the individual's care or treatment is available in the

1 community and there is a reasonable probability that the individual will avail  
2 himself or herself of these services or if the individual is appropriate for protective  
3 placement under s. 55.06. Food, shelter, or other care that is provided to an  
4 individual who is substantially incapable of obtaining food, shelter, or other care for  
5 himself or herself by any person other than a treatment facility does not constitute  
6 reasonable provision for the individual's care or treatment in the community under  
7 this subd. 2. e. The individual's status as a minor does not automatically establish  
8 a substantial probability of suffering severe mental, emotional, or physical harm  
9 under this subd. 2. e. ~~This subd. 2. e. does not apply after November 30, 2001.~~

10 **SECTION 1965h.** 51.20 (1) (ad) 1. of the statutes is amended to read:

11 51.20 (1) (ad) 1. If a petition under par. (a) is based on par. (a) 2. e., the petition  
12 shall be reviewed and approved by the attorney general or by his or her designee prior  
13 to ~~or within 12 hours after~~ the time that it is filed. If the attorney general or his or  
14 her designee disapproves or fails to act with respect to the petition, the petition may  
15 not be filed. ~~If the attorney general or his or her designee disapproves or fails to act~~  
16 ~~with respect to a petition under this subdivision within 12 hours after the time that~~  
17 ~~it is filed, the individual, if detained under the petition, shall be released and the~~  
18 ~~petition is void.~~

19 **SECTION 1965i.** 51.20 (1) (ad) 3. of the statutes is repealed.

20 **SECTION 1965j.** 51.20 (10) (cm) 1. of the statutes is renumbered 51.20 (10) (cm)  
21 and amended to read:

22 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a  
23 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437  
24 shall furnish to the court and the subject individual an initial recommended written  
25 treatment plan that contains the goals of treatment, the type of treatment to be

1 provided, and the expected providers. The treatment plan shall address the  
2 individual's needs for inpatient care, residential services, community support  
3 services, medication and its monitoring, case management, and other services to  
4 enable the person to live in the community upon release from an inpatient facility.  
5 The treatment plan shall contain information concerning the availability of the  
6 needed services and community treatment providers' acceptance of the individual  
7 into their programs. The treatment plan is only a recommendation and is not subject  
8 to approval or disapproval by the court. Failure to furnish a treatment plan under  
9 this ~~subdivision~~ paragraph does not constitute grounds for dismissal of the petition  
10 unless the failure is made in bad faith.

11 **SECTION 1965k.** 51.20 (10) (cm) 2. of the statutes is repealed.

12 **SECTION 1965L.** 51.20 (13) (g) 2d. c. of the statutes is repealed.

13 **SECTION 1965m.** 51.30 (3) (b) of the statutes is amended to read:

14 51.30 (3) (b) An individual's attorney or guardian ad litem and the corporation  
15 counsel shall have access to the files and records of the court proceedings under this  
16 chapter without the individual's consent and without modification of the records in  
17 order to prepare for involuntary commitment or recommitment proceedings,  
18 reexaminations, appeals, or other actions relating to detention, admission, or  
19 commitment under this chapter or ch. 971 or 975.

20 **SECTION 1965n.** 51.30 (4) (b) 11. of the statutes is amended to read:

21 51.30 (4) (b) 11. To the subject individual's counsel or guardian ad litem and  
22 the corporation counsel, without modification, at any time in order to prepare for  
23 involuntary commitment or recommitment proceedings, reexaminations, appeals, or  
24 other actions relating to detention, admission, commitment, or patients' rights under  
25 this chapter or ch. 48, 971, or 975.



1           **SECTION 1965p.** 51.30 (4) (b) 14. of the statutes is repealed.”.

2           **847.** Page 656, line 10: after that line insert:

3           “**SECTION 11966cb.** 51.13 (1) (a) of the statutes is amended to read:

4           51.13 **(1)** (a) Except as provided in par. (c) and s. 51.45 (2m), the application for  
5 voluntary admission of a minor who is ~~under~~ 14 years of age or older to an approved  
6 inpatient treatment facility for the primary purpose of treatment for alcoholism or  
7 drug abuse and the application for voluntary admission of a minor who is under 14  
8 years of age to an approved inpatient treatment facility for the primary purpose of  
9 treatment for mental illness, developmental disability, alcoholism, or drug abuse  
10 shall be executed by a parent who has legal custody of the minor or the minor’s  
11 guardian. Any statement or conduct by a minor ~~under the age of 14~~ who is the subject  
12 of an application for voluntary admission under this paragraph indicating that the  
13 minor does not agree to admission to the facility shall be noted on the face of the  
14 application and shall be noted in the petition required by sub. (4).

15           **SECTION 1966cc.** 51.13 (1) (b) of the statutes is amended to read:

16           51.13 **(1)** (b) The application for voluntary admission of a minor who is 14 years  
17 of age or ~~over~~ older to an approved inpatient treatment facility for the primary  
18 purpose of treatment for mental illness or developmental disability shall be executed  
19 by the minor and a parent who has legal custody of the minor or the minor’s guardian,  
20 except as provided in par. (c) (1).

21           **SECTION 1966cd.** 51.13 (1) (c) of the statutes is renumbered 51.13 (1) (c) 1. and  
22 amended to read:

23           51.13 **(1)** (c) 1. If a minor 14 years of age or older wishes to be admitted to an  
24 approved inpatient treatment facility but a parent with legal custody or the guardian

1 refuses to execute the application for admission or cannot be found, or if there is no  
2 parent with legal custody, the minor or a person acting on the minor's behalf may  
3 petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the  
4 county of residence of the parent or guardian for approval of the admission. A copy  
5 of the petition and a notice of hearing shall be served upon the parent or guardian  
6 at his or her last-known address. If, after a hearing, the court determines that the  
7 ~~parent or guardian's consent is~~ of the parent or guardian is being unreasonably  
8 withheld ~~or~~, that the parent or guardian cannot be found, or that there is no parent  
9 with legal custody, and that the admission is proper under the standards prescribed  
10 in sub. (4) (d), ~~it~~ the court shall approve the minor's admission without the parent  
11 ~~or guardian's consent~~ of the parent or guardian.

12 3. The court may, at the minor's request, temporarily approve the admission  
13 pending hearing on the petition. If a hearing is held under ~~this subsection~~ subd. 1.  
14 or 2., no review or hearing under sub. (4) is required.

15 **SECTION 1966ce.** 51.13 (1) (c) 2. of the statutes is created to read:

16 51.13 **(1)** (c) 2. If a minor under 14 years of age wishes to be admitted to an  
17 approved inpatient treatment facility but a parent with legal custody or the guardian  
18 cannot be found, or if there is no parent with legal custody, the minor or a person  
19 acting on the minor's behalf may petition the court assigned to exercise jurisdiction  
20 under chs. 48 and 938 in the county of residence of the parent or guardian for  
21 approval of the admission. A copy of the petition and a notice of hearing shall be  
22 served upon the parent or guardian at his or her last-known address. If, after a  
23 hearing, the court determines that the parent or guardian cannot be found or that  
24 there is no parent with legal custody, and that the admission is proper under the

1 standards prescribed in sub. (4) (d), the court shall approve the minor's admission  
2 without the consent of the parent or guardian.

3 **SECTION 1966cf.** 51.13 (1) (d) of the statutes is amended to read:

4 51.13 (1) (d) A minor against whom a petition or statement has been filed under  
5 s. 51.15, 51.20<sub>1</sub> or 51.45 (12) or (13) may be admitted under this section. The court  
6 may permit the minor to become a voluntary patient pursuant to under this section  
7 upon approval by the court of an application executed pursuant to under par. (a), (b),  
8 or (c), ~~and the judge.~~ The court shall then dismiss the proceedings under s. 51.15,  
9 51.20<sub>1</sub> or 51.45 (12) or (13). If a hearing is held under this subsection, no hearing  
10 under sub. (4) is required.

11 **SECTION 1966cg.** 51.13 (1) (e) of the statutes is amended to read:

12 51.13 (1) (e) A minor may be admitted immediately upon the approval of the  
13 application executed under par. (a) or (b) by the treatment director of the facility or  
14 his or her designee or, in the case of a center for the developmentally disabled, the  
15 director of the center or his or her designee, and the director of the appropriate county  
16 department under s. 51.42 or 51.437 if ~~such~~ the county department is to be  
17 responsible for the cost of the minor's therapy and treatment. Approval shall be  
18 based upon an informed professional opinion that the minor is in need of psychiatric  
19 services or services for developmental disability, alcoholism<sub>1</sub> or drug abuse, that the  
20 treatment facility offers inpatient therapy or treatment ~~which~~ that is appropriate for  
21 the minor's needs<sub>1</sub> and that inpatient care in the facility is the least restrictive  
22 therapy or treatment consistent with the minor's needs. In the case of a minor who  
23 is being admitted for the primary purpose of treatment for alcoholism or drug abuse,  
24 approval shall also be based on the results of an alcohol or other drug abuse  
25 assessment that conforms to the criteria specified in s. 938.547 (4).

1           **SECTION 1966ch.** 51.13 (2) (a) of the statutes is amended to read:

2           51.13 **(2)** (a) A minor may be admitted to an inpatient treatment facility  
3 without complying with the requirements of this section if the admission does not  
4 involve the department or a county department under s. 51.42 or 51.437, or a contract  
5 between a treatment facility and the department or ~~between a treatment facility and~~  
6 a county department. The application for voluntary admission of a minor who is 14  
7 years of age or older to an inpatient treatment facility for the primary purpose of  
8 treatment for alcoholism or drug abuse and the application for voluntary admission  
9 of a minor who is under 14 years of age to an inpatient treatment facility for the  
10 primary purpose of treatment for mental illness, developmental disability,  
11 alcoholism, or drug abuse shall be executed by a parent who has legal custody of the  
12 minor or by the minor's guardian. The application for voluntary admission of a minor  
13 who is 14 years of age or ~~over~~ older to an inpatient treatment facility for the primary  
14 purpose of treatment for mental illness or developmental disability shall be executed  
15 by the minor and a parent who has legal custody of the minor or the minor's guardian.

16           **SECTION 1966ci.** 51.13 (2) (b) of the statutes is amended to read:

17           51.13 **(2)** (b) Notwithstanding par. (a), any minor who is 14 years of age or older  
18 and who is admitted to an inpatient treatment facility for the primary purpose of  
19 treatment of mental illness, or developmental disability, ~~alcoholism or drug abuse~~  
20 has the right to be discharged within 48 hours of after his or her request, as provided  
21 in sub. (7) (b). At the time of admission, any minor who is 14 years of age or older and  
22 who is admitted to an inpatient treatment facility for the primary purpose of  
23 treatment for mental illness or developmental disability, and the minor's parent or  
24 guardian, shall be informed of this right orally and in writing by the director of the

1 hospital or such person's designee. This paragraph does not apply to individuals who  
2 receive services in hospital emergency rooms.

3 **SECTION 1966ck.** 51.13 (2) (d) of the statutes is amended to read:

4 51.13 (2) (d) Writing materials for use in requesting a discharge shall be made  
5 available at all times to all minors who are 14 years of age or older and who are  
6 admitted under this subsection for the primary purpose of treatment for mental  
7 illness or developmental disability. The staff of the facility shall assist such minors  
8 in preparing or submitting requests for discharge.

9 **SECTION 1966cm.** 51.13 (3) (b) of the statutes is amended to read:

10 51.13 (3) (b) A minor 14 years of age or older who has been admitted to an  
11 inpatient treatment facility for the primary purpose of treatment for mental illness  
12 or developmental disability, a minor who is voluntarily admitted under sub. (1) (c)  
13 1. or 2., and his or her the minor's parent or guardian shall also be informed by the  
14 director or his or her designee, both orally and in writing, in easily understandable  
15 language, of the minor's right to request discharge and to be discharged within 48  
16 hours of the request if no petition or statement is filed for emergency detention,  
17 emergency commitment, involuntary commitment, or protective placement, and the  
18 minor's right to consent to or refuse treatment as provided in s. 51.61 (6).

19 **SECTION 1966cn.** 51.13 (3) (c) of the statutes is amended to read:

20 51.13 (3) (c) A minor 14 years of age or older who has been admitted to an  
21 inpatient facility for the primary purpose of treatment for alcoholism or drug abuse,  
22 a minor under 14 years of age who has been admitted to an inpatient treatment  
23 facility for the primary purpose of treatment for mental illness, developmental  
24 disability, alcoholism, or drug abuse, and ~~his or her~~ the minor's parent or guardian  
25 shall also be informed by the director or his or her designee, both orally and in

1 writing, in easily understandable language, of the right of the parent or guardian to  
2 request the minor's discharge as provided in sub. (7) (b) and of the minor's right to  
3 a hearing to determine continued appropriateness of the admission as provided in  
4 sub. (7) (c).

5 **SECTION 1966cp.** 51.13 (4) (a) (intro.) of the statutes is amended to read:

6 51.13 (4) (a) (intro.) Within 3 days ~~of~~ after the admission of a minor under sub.  
7 (1), or within 3 days ~~of~~ after application for admission of the minor, whichever occurs  
8 first, the treatment director of the facility to which the minor is admitted or, in the  
9 case of a center for the developmentally disabled, the director of the center, shall file  
10 a verified petition for review of the admission in the court assigned to exercise  
11 jurisdiction under chs. 48 and 938 in the county in which the facility is located. A  
12 copy of the application for admission and of any relevant professional evaluations  
13 shall be attached to the petition. The petition shall contain all of the following:

14 **SECTION 1966cr.** 51.13 (4) (c) of the statutes is amended to read:

15 51.13 (4) (c) A copy of the petition shall be provided by the petitioner to the  
16 minor and his or her parents or guardian within 5 days ~~of~~ after admission.

17 **SECTION 1966ct.** 51.13 (4) (d) of the statutes is amended to read:

18 51.13 (4) (d) Within 5 days ~~of~~ after the filing of the petition, the court assigned  
19 to exercise jurisdiction under chs. 48 and 938 shall determine, based on the  
20 allegations of the petition and accompanying documents, ~~whether the admission is~~  
21 ~~voluntary on the part of the minor if the minor is 14 years of age or older and whether~~  
22 there is a prima facie showing that the minor is in need of psychiatric services, or  
23 services for developmental disability, alcoholism, or drug abuse, that the treatment  
24 facility offers inpatient therapy or treatment ~~which~~ that is appropriate to the minor's  
25 needs, and that inpatient care in the treatment facility is the least restrictive therapy

1 or treatment consistent with the needs of the minor, and, if the minor is 14 years of  
2 age or older and has been admitted to the treatment facility for the primary purpose  
3 of treatment for mental illness or developmental disability, whether the admission  
4 is voluntary on the part of the minor. If such a showing is made, the court shall  
5 permit voluntary admission. If the court is unable to make ~~such~~ those  
6 determinations based on the petition and accompanying documents, ~~it shall~~ the  
7 court may dismiss the petition as provided in par. (h); or order additional information  
8 to be produced as it deems necessary for the court to make such review, and make  
9 ~~such~~ those determinations within 14 days of after admission or application for  
10 admission, whichever is sooner; or ~~it may~~ hold a hearing within 14 days of after  
11 admission or application for admission, whichever is sooner. If a notation of the  
12 minor's unwillingness appears on the face of the petition, or if a hearing has been  
13 requested by the minor, or by the minor's counsel, parent, or guardian, the court shall  
14 hold a hearing to review the admission within 14 days of after admission or  
15 application for admission, whichever is sooner, and shall appoint counsel to  
16 represent the minor if the minor is unrepresented. If the court ~~deems~~ considers it  
17 necessary, ~~it~~ the court shall also appoint a guardian ad litem to represent the minor.

18 **SECTION 1966cv.** 51.13 (4) (g) (intro.) of the statutes is amended to read:

19 51.13 **(4)** (g) (intro.) If the court finds that the minor is in need of psychiatric  
20 services or services for developmental disability, alcoholism, or drug abuse in an  
21 inpatient facility, ~~and~~ that the inpatient facility to which the minor is admitted offers  
22 therapy or treatment that is appropriate for the minor's needs and that is the least  
23 restrictive therapy or treatment consistent with the minor's needs, ~~and~~, in the case  
24 of a minor aged 14 or older who is being admitted for the primary purpose of  
25 treatment for mental illness or developmental disability, that the application is

1 voluntary on the part of the minor, the court shall permit voluntary admission. If the  
2 court finds that the therapy or treatment in the inpatient facility to which the minor  
3 is admitted is not appropriate or is not the least restrictive therapy or treatment  
4 consistent with the minor's needs, the court may order placement in or transfer to  
5 another more appropriate or less restrictive inpatient facility, except that the court  
6 may not permit or order placement in or transfer to the northern or southern centers  
7 for the developmentally disabled of a minor unless the department gives approval  
8 for the placement or transfer, and if the order of the court is approved by all of the  
9 following if applicable:

10 **SECTION 1966cvv.** 51.13 (4) (g) 1. of the statutes is amended to read:

11 51.13 (4) (g) 1. The minor if he or she is aged 14 or older and is being admitted  
12 for the primary purpose of treatment for mental illness or developmental disability.

13 **SECTION 1966cw.** 51.13 (6) (a) of the statutes is amended to read:

14 51.13 (6) (a) A minor may be admitted to an inpatient treatment facility  
15 without review of the application under sub. (4) for diagnosis and evaluation or for  
16 dental, medical, or psychiatric services for a period not to exceed 12 days. The  
17 application for short-term admission of a minor shall be executed by the minor's  
18 parent or guardian, and ~~by the minor if he or she, if the minor~~ is 14 years of age or  
19 older and is being admitted for the primary purpose of diagnosis, evaluation, or  
20 services for mental illness or developmental disability, by the minor. A minor may  
21 not be readmitted to an inpatient treatment facility for psychiatric services under  
22 this paragraph within 120 days of a previous admission under this paragraph.

23 **SECTION 1966cx.** 51.13 (7) (a) of the statutes is amended to read:

24 51.13 (7) (a) If a minor is admitted to an inpatient treatment facility while  
25 under 14 years of age, and if upon reaching age 14 is in need of further inpatient care



1 and treatment primarily for mental illness or developmental disability, the director  
2 of the facility shall request the minor and the minor's parent or guardian to execute  
3 an application for voluntary admission. Such an application may be executed within  
4 30 days prior to a minor's 14th birthday. If the application is executed, a petition for  
5 review shall be filed in the manner prescribed in sub. (4), unless such a review has  
6 been held within the last 120 days. If the application is not executed by the time of  
7 the minor's 14th birthday, the minor shall be discharged unless a petition or  
8 statement is filed for emergency detention, emergency commitment, involuntary  
9 commitment, or protective placement by the end of the next day in which the court  
10 transacts business.

11 **SECTION 1966cy.** 51.13 (7) (b) of the statutes is amended to read:

12 51.13 (7) (b) Any minor 14 years of age or ~~over~~ older who is voluntarily admitted  
13 under this section for the primary purpose of treatment for mental illness or  
14 developmental disability, and any minor who is voluntarily admitted under sub. (1)  
15 (c) 1. or 2., may request discharge in writing. In the case of a minor 14 years of age  
16 or older who is voluntarily admitted under this section for the primary purpose of  
17 treatment for alcoholism or drug abuse or a minor under 14 years of age who is  
18 voluntarily admitted under this section for the primary purpose of treatment for  
19 mental illness, developmental disability, alcoholism, or drug abuse, the parent or  
20 guardian of the minor may make the request. Upon receipt of any form of written  
21 request for discharge from a minor, the director of the facility in which the minor is  
22 admitted shall immediately notify the minor's parent or guardian. The minor shall  
23 be discharged within 48 hours after submission of the request, exclusive of  
24 Saturdays, Sundays, and legal holidays, unless a petition or statement is filed for

1 emergency detention, emergency commitment, involuntary commitment, or  
2 protective placement.

3 **SECTION 1966cz.** 51.13 (7) (c) of the statutes is amended to read:

4 51.13 (7) (c) Any minor 14 years of age or older who is voluntarily admitted  
5 under this section for the primary purpose of treatment for alcoholism or drug abuse,  
6 and who is not discharged under par. (b), and any minor under 14 years of age who  
7 is voluntarily admitted under this section for the primary purpose of treatment for  
8 mental illness, developmental disability, alcoholism, or drug abuse, and who is not  
9 discharged under par. (b), may submit a written request to the court for a hearing  
10 to determine the continued appropriateness of the admission. If the director or staff  
11 of the inpatient treatment facility to which a minor under the age of 14 described in  
12 this paragraph is admitted observes conduct by the minor ~~which~~ that demonstrates  
13 an unwillingness to remain at the facility, including but not limited to a written  
14 expression of opinion or unauthorized absence, the director shall file a written  
15 request with the court to determine the continued appropriateness of the admission.  
16 A request ~~which~~ that is made personally by a minor under this paragraph shall be  
17 signed by the minor but need not be written or composed by ~~him or her~~ the minor.  
18 A request for a hearing under this paragraph ~~which~~ that is received by staff or the  
19 director of the facility in which the child is admitted shall be filed with the court by  
20 the director. The court shall order a hearing upon request if no hearing concerning  
21 the minor's admission has been held within 120 days of after receipt of the request.  
22 The court shall appoint counsel and, if the court ~~deems~~ considers it necessary, a  
23 guardian ad litem to represent the minor and if a hearing is held shall hold the  
24 hearing within 14 days of after the request, unless the parties agree to a longer

1 period. After the hearing, the court shall make disposition of the matter in the  
2 manner provided in sub. (4).

3 **SECTION 1966r.** 51.22 (2) of the statutes is amended to read:

4 51.22 (2) ~~Voluntary~~ Except as provided in s. 51.13 (2), voluntary admissions  
5 under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under  
6 s. 51.42 or 51.437 serving the person's county of residence, or through the  
7 department if the person to be admitted is a nonresident of this state. Admissions  
8 through a county department under s. 51.42 or 51.437 shall be made in accordance  
9 with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the department shall  
10 be made in accordance with sub. (3).

11 **SECTION 1967f.** 51.35 (3) (a) of the statutes is amended to read:

12 51.35 (3) (a) A licensed psychologist of a secured correctional facility ~~or~~, a  
13 secured child caring institution, or a secured group home, or a licensed physician of  
14 the department of corrections, who has reason to believe that any individual confined  
15 in the secured correctional facility, secured child caring institution, or secured group  
16 home is, in his or her opinion, in need of services for developmental disability,  
17 alcoholism, or drug dependency or in need of psychiatric services, and who has  
18 obtained voluntary consent to make a transfer for treatment, shall make a report,  
19 in writing, to the superintendent of the secured correctional facility, secured child  
20 caring institution, or secured group home, stating the nature and basis of the belief  
21 and verifying the consent. In the case of a minor age 14 ~~and over~~ or older who is in  
22 need of services for developmental disability or who is in need of psychiatric services,  
23 the minor and the minor's parent or guardian shall consent unless the minor is  
24 admitted under s. 51.13 (1) (c); ~~and in 1.~~ In the case of a minor age 14 or older who  
25 is in need of services for alcoholism or drug dependency or a minor under the age of

1     14 who is in need of services for developmental disability, alcoholism, or drug  
2 dependency or in need of psychiatric services, only the minor's parent or guardian  
3 need consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent  
4 shall inform, orally and in writing, the minor and the minor's parent or guardian,  
5 that transfer is being considered and shall inform them of the basis for the request  
6 and their rights as provided in s. 51.13 (3). If the department of corrections, upon  
7 review of a request for transfer, determines that transfer is appropriate, that  
8 department shall immediately notify the department of health and family services  
9 and, if the department of health and family services consents, the department of  
10 corrections may immediately transfer the individual. The department of health and  
11 family services shall file a petition under s. 51.13 (4) (a) in the court assigned to  
12 exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility  
13 is located.

14           **SECTION 1967g.** 51.35 (3) (b) of the statutes is amended to read:

15           51.35 **(3)** (b) The court assigned to exercise jurisdiction under chs. 48 and 938  
16 shall determine, based on the allegations of the petition and accompanying  
17 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~  
18 ~~aged 14 or over, and whether the transfer of the minor to an inpatient facility is~~  
19 ~~appropriate and consistent with the needs of the minor. In the event that~~ and, if the  
20 minor is 14 years of age or older and is being transferred for the purpose of receiving  
21 services for developmental disability or psychiatric services, whether the transfer is  
22 voluntary on the part of the minor. If the court is unable to make such ~~those~~  
23 determinations based on the petition and accompanying documents, ~~it shall the~~  
24 court may order additional information to be produced as it deems necessary to make  
25 ~~such review, and make such~~ those determinations within 14 days of after admission,

1 or ~~it~~ the court may hold a hearing within 14 days ~~of~~ after admission. If a notation  
2 of the minor's unwillingness appears on the face of the petition, or ~~that~~ if a hearing  
3 has been requested by the minor, or by the minor's counsel, guardian ad litem,  
4 parent, or guardian, the court shall hold a hearing and appoint counsel or a guardian  
5 ad litem for the minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing,  
6 the court shall approve or disapprove the request for transfer. If the minor is under  
7 the continuing jurisdiction of the court of another county, the court may order the  
8 case transferred together with all appropriate records to that court.

9 **SECTION 1967h.** 51.35 (3) (c) of the statutes is amended to read:

10 51.35 (3) (c) A licensed psychologist of a secured correctional facility ~~or~~, a  
11 secured child caring institution, or a secured group home, or a licensed physician of  
12 the department of corrections, who has reason to believe that any individual confined  
13 in the secured correctional facility, secured child caring institution, or secured group  
14 home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
15 disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b., c., or d., is mentally  
16 ill, is dangerous, and satisfies the standard under s. 51.20 (1) (a) 2. e., or is an  
17 alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written  
18 report with the superintendent of the secured correctional facility, secured child  
19 caring institution, or secured group home, stating the nature and basis of the belief.  
20 If the superintendent, upon review of the allegations in the report, determines that  
21 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
22 in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county  
23 where the secured correctional facility, secured child caring institution, or secured  
24 group home is located. The court shall hold a hearing according to procedures  
25 provided in s. 51.20 or 51.45 (13).

1           **SECTION 1967i.** 51.35 (3) (c) of the statutes, as affected by 1999 Wisconsin Act  
2 9, section 1558d, and 2001 Wisconsin Act .... (this act), is repealed and recreated to  
3 read:

4           51.35 (3) (c) A licensed psychologist of a secured correctional facility, a secured  
5 child caring institution, or a secured group home, or a licensed physician of the  
6 department of corrections, who has reason to believe that any individual confined in  
7 the secured correctional facility, secured child caring institution, or secured group  
8 home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
9 disabled and is dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is  
10 dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with  
11 the superintendent of the secured correctional facility, secured child caring  
12 institution, or secured group home, stating the nature and basis of the belief. If the  
13 superintendent, upon review of the allegations in the report, determines that  
14 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
15 in the court assigned to exercise jurisdiction under ch. 48 of the county where the  
16 secured correctional facility, secured child caring institution, or secured group home  
17 is located. The court shall hold a hearing according to procedures provided in s. 51.20  
18 or 51.45 (13).

19           **SECTION 1967j.** 51.35 (3) (g) of the statutes is amended to read:

20           51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
21 facility under par. (a) for the purpose of receiving services for developmental  
22 disability or psychiatric services may request in writing a return to the secured  
23 correctional facility, secured child caring institution, or secured group home. In the  
24 case of a minor 14 years of age or older who is transferred to a treatment facility  
25 under par. (a) for the purpose of receiving services for alcoholism or drug dependency

1 or a minor under 14 years of age, who is transferred to a treatment facility under par.  
2 (a) for the purpose of receiving services for developmental disability, alcoholism, or  
3 drug dependency, or psychiatric services, the parent or guardian may make the  
4 request. Upon receipt of a request for return from a minor 14 years of age or over  
5 older, the director shall immediately notify the minor's parent or guardian. The  
6 minor shall be returned to the secured correctional facility, secured child caring  
7 institution, or secured group home within 48 hours after submission of the request  
8 unless a petition or statement is filed for emergency detention, emergency  
9 commitment, involuntary commitment, or protective placement.”.

10 **848.** Page 656, line 10: after that line insert:

11 “**SECTION 1967n.** 51.375 (2) of the statutes is renumbered 51.375 (2) (a).

12 **SECTION 1967p.** 51.375 (2) (b) of the statutes is created to read:

13 51.375 (2) (b) The department may administer a lie detector test to a sex  
14 offender as part of the sex offender's programming, care, or treatment. A patient may  
15 refuse to submit to a lie detector test under this paragraph. This refusal does not  
16 constitute a general refusal to participate in treatment. A person administering a  
17 lie detector test under this paragraph may not ask the subject of the test any question  
18 that can reasonably be anticipated to elicit information as to whether the subject  
19 committed an offense for which the subject has not been convicted, found not guilty  
20 by reason of mental disease or defect, or adjudicated delinquent. The results of a lie  
21 detector test under this paragraph may be used only in the care, treatment, or  
22 assessment of the subject or in programming for the subject. The results of a test may  
23 be disclosed only to persons employed at the facility at which the subject is placed  
24 who need to know the results for purposes related to care, treatment, or assessment

1 of the patient, the committing court, the patient's attorney, or the attorney  
2 representing the state in a proceeding under ch. 980.”

3 **849.** Page 660, line 5: after that line insert:

4 “**SECTION 1982v.** 51.61 (1) (g) 3m. of the statutes is amended to read:

5 51.61 (1) (g) 3m. Following a final commitment order for a subject individual  
6 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the  
7 court shall issue an order permitting medication or treatment to be administered to  
8 the individual regardless of his or her consent. ~~This subdivision does not apply after~~  
9 ~~November 30, 2001.~~”

10 **850.** Page 660, line 5: after that line insert:

11 “**SECTION 1993f.** 51.47 (title) of the statutes is amended to read:

12 **51.47 (title) Alcohol and other drug abuse treatment for minors**  
13 **without parental consent.**

14 **SECTION 1993g.** 51.47 (1) of the statutes is amended to read:

15 51.47 (1) Except as provided in subs. (2) and (3), any physician or health care  
16 facility licensed, approved, or certified by the state for the provision of health services  
17 may render preventive, diagnostic, assessment, evaluation, or treatment services for  
18 the abuse of alcohol or other drugs to a minor 12 years of age or over without  
19 obtaining the consent of or notifying the minor's parent or guardian and may render  
20 those services to a minor under 12 years of age without obtaining the consent of or  
21 notifying the minor's parent or guardian, but only if a parent with legal custody or  
22 guardian of the minor under 12 years of age cannot be found or there is no parent with  
23 legal custody of the minor under 12 years of age. An assessment under this  
24 subsection shall conform to the criteria specified in s. 938.547 (4). Unless consent of



1 the minor's parent or guardian is required under sub. (2), the physician or health  
2 care facility shall obtain the minor's consent prior to billing a 3rd party for services  
3 under this section. If the minor does not consent, the minor shall be solely  
4 responsible for paying for the services, which the department shall bill to the minor  
5 under s. 46.03 (18) (b).

6 **SECTION 1993h.** 51.48 of the statutes is amended to read:

7 **51.48 Alcohol and other drug testing of ~~minors~~, assessment, and**  
8 **treatment of minor without minor's consent.** A minor's parent or guardian may  
9 consent to have the minor tested for the presence of alcohol or other drugs in the  
10 minor's body or to have the minor assessed by an approved treatment facility for the  
11 minor's abuse of alcohol or other drugs according to the criteria specified in s. 938.547  
12 (4). If, based on the assessment, the approved treatment facility determines that the  
13 minor is in need of treatment for the abuse of alcohol or other drugs, the approved  
14 treatment facility shall recommend a plan of treatment that is appropriate for the  
15 minor's needs and that provides for the least restrictive form of treatment consistent  
16 with the minor's needs. That treatment may consist of outpatient treatment, day  
17 treatment, or, if the minor is admitted in accordance with s. 51.13, inpatient  
18 treatment. The parent or guardian of the minor may consent to the treatment  
19 recommended under this section. Consent of the minor is not required for testing,  
20 assessment, or treatment under this section is not required.

21 **SECTION 1993j.** 51.61 (6) of the statutes is amended to read:

22 51.61 (6) Subject to the rights of patients provided under this chapter, the  
23 department, county departments under s. 51.42 or 51.437, and any agency providing  
24 services under an agreement with the department or those county departments have  
25 the right to use customary and usual treatment techniques and procedures in a

1 reasonable and appropriate manner in the treatment of patients who are receiving  
2 services under the mental health system, for the purpose of ameliorating the  
3 conditions for which the patients were admitted to the system. The written,  
4 informed consent of any patient shall first be obtained, unless the person has been  
5 found not competent to refuse medication and treatment under s. 51.61 (1) (g) or the  
6 person is a minor 14 years or older who is receiving services for alcoholism or drug  
7 abuse or a minor under 14 years of age who is receiving services for mental illness,  
8 developmental disability, alcoholism, or drug abuse. In the case of a minor, the  
9 written, informed consent of the parent or guardian is required. ~~Except, except~~ as  
10 provided under an order issued under s. 51.13 (1) (c) or 51.14 (3) (h) or (4) (g), if. If  
11 the minor is 14 years of age or older and is receiving services for mental illness or  
12 developmental disability, the written, informed consent of the minor and the minor's  
13 parent or guardian is required. A refusal of either a minor 14 years of age or older  
14 or the minor's parent or guardian to provide written, informed consent for admission  
15 to an approved inpatient treatment facility is reviewable under s. 51.13 (1) (c) 1. and  
16 a refusal of either a minor 14 years of age or older or the minor's parent or guardian  
17 to provide written, informed consent for outpatient mental health treatment is  
18 reviewable under s. 51.14.”.

19 **851.** Page 660, line 5: after that line insert:

20 “**SECTION 1993d.** 51.61 (1) (c) of the statutes is renumbered 51.61 (1) (cm) 1.  
21 and amended to read:

22 51.61 (1) (cm) 1. Have Patients have an unrestricted right to send sealed mail  
23 and receive sealed mail to or from legal counsel, the courts, governmental  
24 government officials, private physicians, and licensed psychologists, and have

1 reasonable access to letter writing materials including postage stamps. A patient  
2 shall also have a right to send sealed mail and receive sealed mail to or from other  
3 persons, subject to physical examination in the patient's presence if there is reason  
4 to believe that such communication contains contraband materials or objects ~~which~~  
5 that threaten the security of patients, prisoners, or staff. Such reasons shall be  
6 written in the individual's treatment record. The officers and staff of a facility may  
7 not read any mail covered by this ~~paragraph~~ subdivision.

8 **SECTION 1993e.** 51.61 (1) (cm) (intro.) of the statutes is created to read:

9 51.61 (1) (cm) Have the rights specified under subd. 1. to send and receive  
10 sealed mail, subject to the limitations specified under subd. 2.

11 **SECTION 1993f.** 51.61 (1) (cm) 2. of the statutes is created to read:

12 51.61 (1) (cm) 2. The rights of a patient detained or committed under ch. 980  
13 to send and receive sealed mail are subject to the following limitations:

14 a. If the mail appears to be from legal counsel, a court, a government official,  
15 or a private physician or licensed psychologist, an officer or staff member of the  
16 facility at which the patient is placed may delay delivery of the mail to the patient  
17 for a reasonable period of time to verify whether the person named as the sender  
18 actually sent the mail; may open the mail in the presence of the patient and inspect  
19 it for contraband; or may, if the officer or staff member cannot determine whether the  
20 mail contains contraband, return the mail to the sender along with notice of the  
21 facility mail policy.

22 b. If the mail is to or from a person other than a person specified in subd. 2. a.,  
23 an officer or staff member of the facility at which the patient is placed may open the  
24 mail outside the presence of the patient and inspect it for contraband or other objects  
25 that pose a threat to security at the facility.

1           c. If the mail appears to be from a person other than a person specified in subd.  
2           2. a., the director of the facility or his or her designee may, in accordance with the  
3           standards and the procedure under sub. (2) for denying a right for cause, authorize  
4           a member of the facility treatment staff to read the mail, if the director or his or her  
5           designee has reason to believe that the mail could pose a threat to security at the  
6           facility or seriously interfere with the treatment, rights, or safety of others.

7           **SECTION 1993g.** 51.61 (1) (i) 1. of the statutes is amended to read:

8           51.61 (1) (i) 1. Except as provided in subd. 2., have a right to be free from  
9           physical restraint and isolation except for emergency situations or when isolation or  
10          restraint is a part of a treatment program. Isolation or restraint may be used only  
11          when less restrictive measures are ineffective or not feasible and shall be used for  
12          the shortest time possible. When a patient is placed in isolation or restraint, his or  
13          her status shall be reviewed once every 30 minutes. Each facility shall have a written  
14          policy covering the use of restraint or isolation ~~which~~ that ensures that the dignity  
15          of the individual is protected, that the safety of the individual is ensured, and that  
16          there is regular, frequent monitoring by trained staff to care for bodily needs as may  
17          be required. Isolation or restraint may be used for emergency situations only when  
18          it is likely that the patient may physically harm himself or herself or others. The  
19          treatment director shall specifically designate physicians who are authorized to  
20          order isolation or restraint, and shall specifically designate licensed psychologists  
21          who are authorized to order isolation. ~~In the instance where~~ If the treatment director  
22          is not a physician, the medical director shall make the designation. In the case of a  
23          center for the developmentally disabled, use shall be authorized by the director of the  
24          center. The authorization for emergency use of isolation or restraint shall be in  
25          writing, except that isolation or restraint may be authorized in emergencies for not

1 more than one hour, after which time an appropriate order in writing shall be  
2 obtained from the physician or licensed psychologist designated by the director, in  
3 the case of isolation, or the physician so designated in the case of restraint.  
4 Emergency isolation or restraint may not be continued for more than 24 hours  
5 without a new written order. Isolation may be used as part of a treatment program  
6 if it is part of a written treatment plan, and the rights specified in this subsection are  
7 provided to the patient. The use of isolation as a part of a treatment plan shall be  
8 explained to the patient and to his or her guardian, if any, by the person who  
9 ~~undertakes such~~ provides the treatment. ~~Such A~~ A treatment plan that incorporates  
10 isolation shall be evaluated at least once every 2 weeks. Patients who have a recent  
11 history of physical aggression may be restrained during transport to or from the  
12 facility. Persons who are committed or transferred under s. 51.35 (3) or 51.37 or  
13 under ch. 971 or 975, or who are detained or committed under ch. 980, and who, while  
14 under this status, are transferred to a hospital, as defined in s. 50.33 (2), for medical  
15 care may be isolated for security reasons within locked facilities in the hospital.  
16 Patients who are committed or transferred under s. 51.35 (3) or 51.37 or under ch.  
17 971 or 975, or who are detained or committed under ch. 980, may be restrained for  
18 security reasons during transport to or from the facility.

19 **SECTION 1993h.** 51.61 (1) (i) 2. of the statutes is amended to read:

20 51.61 (1) (i) 2. Patients in the maximum security facility at the Mendota Mental  
21 Health Institute may be locked in their rooms during the night shift and for a period  
22 of no longer than one hour and 30 minutes during each change of shift by staff to  
23 permit staff review of patient needs. Patients detained or committed under ch. 980  
24 and placed in a facility specified under s. 980.065 may be locked in their rooms during  
25 the night shift, if they reside in a maximum or medium security unit in which each

1 room is equipped with a toilet and sink, or if they reside in a unit in which each room  
2 is not equipped with a toilet and sink and the number of patients outside their rooms  
3 equals or exceeds the number of toilets in the unit, except that patients who do not  
4 have toilets in their rooms must be given an opportunity to use a toilet at least once  
5 every hour, or more frequently if medically indicated. Patients in the maximum  
6 security facility at the Mendota Mental Health Institute, or patients detained or  
7 committed under ch. 980 and placed in a facility specified under s. 980.065, may also  
8 be locked in their rooms on a unit-wide or facility-wide basis as an emergency  
9 measure as needed for security purposes to deal with an escape or attempted escape,  
10 the discovery of a dangerous weapon in the unit or facility or the receipt of reliable  
11 information that a dangerous weapon is in the unit or facility, or to prevent or control  
12 a riot or the taking of a hostage. A unit-wide or facility-wide emergency isolation  
13 order may only be authorized by the director of the unit or ~~maximum security facility~~  
14 where the order is applicable or his or her designee ~~and shall.~~ A unit-wide or  
15 facility-wide emergency isolation order affecting the Mendota Mental Health  
16 Institute must be approved within one hour after it is authorized by the director of  
17 the Mendota ~~mental health facility~~ Mental Health Institute or the director's  
18 designee. An emergency order for unit-wide or facility-wide isolation may only be  
19 in effect for the period of time needed to preserve order while dealing with the  
20 situation and may not be used as a substitute for adequate staffing. During a period  
21 of unit-wide or facility-wide isolation, the status of each patient shall be reviewed  
22 every 30 minutes to ensure the safety and comfort of the patient, and each patient  
23 who is locked in a room without a toilet shall be given an opportunity to use a toilet  
24 at least once every hour, or more frequently if medically indicated. Each unit in the  
25 maximum security facility at the Mendota Mental Health Institute and each unit in

1 a facility specified under s. 980.065 shall have a written policy covering the use of  
2 isolation which that ensures that the dignity of the individual is protected, that the  
3 safety of the individual is secured, and that there is regular, frequent monitoring by  
4 trained staff to care for bodily needs as may be required. ~~Each policy~~ The isolation  
5 policies shall be reviewed and approved by the director of the Mendota Mental  
6 Health Institute or the director's designee, or by the director of the facility specified  
7 under s. 980.065 or his or her designee, whichever is applicable.

8 **SECTION 1993i.** 51.61 (1) (o) of the statutes is amended to read:

9 51.61 (1) (o) Except as otherwise provided, have a right not to be filmed or  
10 taped, unless the patient signs an informed and voluntary consent which that  
11 specifically authorizes a named individual or group to film or tape the patient for a  
12 particular purpose or project during a specified time period. The patient may specify  
13 in such consent periods during which, or situations in which, the patient may not be  
14 filmed or taped. If a patient is legally incompetent, such consent shall be granted on  
15 behalf of the patient by the patient's guardian. A patient in Goodland Hall at the  
16 Mendota Mental Health Institute, or a patient detained or committed under ch. 980  
17 and placed in a facility specified under s. 980.065, may be filmed or taped for security  
18 purposes without the patient's consent, except that such a patient may not be filmed  
19 in patient bedrooms or bathrooms for any purpose without the patient's consent.”.

20 **852.** Page 660, line 5: after that line insert:

21 **“SECTION 1994p.** 59.20 (3) (c) of the statutes is amended to read:

22 59.20 (3) (c) Any board may, by ordinance, provide that the cut-off reception  
23 time for the filing and recording of documents shall be advanced by ~~one-half~~ one hour  
24 in any official business day during which time the register of deeds office is open to

1 the public, in order to complete the processing, recording, and indexing to conform  
2 to the day of reception. Any register of deeds may provide in his or her notice under  
3 s. 19.34 (1) that requests for inspection or copying of the records of his or her office  
4 may be made only during a specified period of not less than 35 hours per week. For  
5 all other purposes, the register of deeds office shall remain open to the public during  
6 usual business hours.”.

7 **853.** Page 660, line 5: after that line insert:

8 “**SECTION 1994d.** 59.05 (2) of the statutes is amended to read:

9 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the  
10 registration or poll lists of the last previous general election held in the county, the  
11 names of which voters shall appear on some one of the registration or poll lists of such  
12 election, present to the board a petition conforming to the requirements of s. 8.40  
13 asking for a change of the county seat to some other place designated in the petition,  
14 the board shall submit the question of removal of the county seat to a vote of the  
15 qualified voters of the county. The board shall file the question as provided in s. 8.37.  
16 The election shall be held only on the day of the general election, notice of the election  
17 shall be given and the election shall be conducted as in the case of the election of  
18 officers on that day, and the votes shall be canvassed, certified and returned in the  
19 same manner as other votes at that election. The question to be submitted shall be  
20 “Shall the county seat of .... county be removed to ....?”.”.

21 **854.** Page 660, line 5: after that line insert:

22 “**SECTION 10994m.** 59.08 (7) (b) of the statutes is amended to read:

23 59.08 (7) (b) The question of the consolidation of the counties shall be submitted  
24 to the voters at the next election authorized under s. 8.065 (2) or an election



1 ~~authorized under s. 8.065 (3) to be held on the first Tuesday in April, or the next~~  
2 ~~regular election, or at a special election to be held on the day fixed in a date specified~~  
3 ~~in the order which shall be no sooner than 45 days after the date of the order issued~~  
4 under par. (a), which ~~day~~ date shall be the same in each of the counties proposing to  
5 consolidate. A copy of the order shall be filed with the county clerk of each of the  
6 counties as provided in s. 8.37. ~~If the question of consolidation is submitted at a~~  
7 ~~special election, it shall be held not less than 42 days nor more than 60 days from the~~  
8 ~~completion of the consolidation agreement, but not within 60 days of any spring or~~  
9 ~~general election.”.~~

10 **855.** Page 660, line 5: after that line insert:

11 “**SECTION 1994m.** 59.08 (9) of the statutes is amended to read:

12 59.08 (9) The ballot shall have on the back or reverse side the endorsements  
13 provided by law for ballots for general elections and shall be marked, ~~punched or~~  
14 ~~labeled~~ by the elector and counted and canvassed as other ballots cast on questions  
15 in the county are counted and canvassed. The election shall be conducted by the  
16 same officers and in the same manner as are other elections in the county. The  
17 results of the election shall be certified to the judges of the circuit courts for the  
18 counties.”.

19 **856.** Page 664, line 6: after that line insert:

20 “**SECTION 1997t.** 59.43 (1) (a) of the statutes is amended to read:

21 59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his  
22 or her office, correctly and legibly all deeds, mortgages, instruments and writings  
23 authorized by law to be recorded in his or her office and left with him or her for that  
24 purpose, provided such documents have plainly printed or typewritten thereon the

1 names of the grantors, grantees, witnesses and notary. The register of deeds shall  
2 record and file or cause to be recorded and filed all plats and certified survey maps  
3 that are authorized to be accepted for recording and filing in his or her office. The  
4 register of deeds shall maintain a separate index for recording conservation  
5 easements, as defined in s. 700.40 (1) (a). Any county, by a resolution duly adopted  
6 by the board, may combine the separate books or volumes for deeds, mortgages,  
7 miscellaneous instruments, attachments, lis pendens, sales and notices, certificates  
8 of organization of corporations, plats or other recorded or filed instruments or classes  
9 of documents as long as separate indexes may be produced. Notwithstanding any  
10 other provisions of the statutes, any county adopting a system of microfilming or like  
11 process or a system of recording documents by optical imaging or electronic  
12 formatting under ch. 228 may substitute the headings, reel, disk or electronic file  
13 name and microfilm image (frame) for volume and page where recorded and different  
14 classes of instruments may be recorded, reproduced or copied on or transferred to the  
15 same reel, disk or electronic file or part of a reel or disk. All recordings made prior  
16 to June 28, 1961, which would have been valid under this paragraph, had this  
17 paragraph then been in effect, are hereby validated. In this subsection, “book”, if  
18 automated recording or indexing equipment is used, includes the meaning given  
19 under sub. (12) (d).”.

20 **857.** Page 665, line 7: after that line insert:

21 “**SECTION 2001pr.** 59.52 (4) (a) 3. of the statutes is amended to read:

22 59.52 (4) (a) 3. Records of bounty claims that are forwarded to the department  
23 of ~~natural resources~~ fish, wildlife, parks, and forestry, after one year.

24 **SECTION 2001pt.** 59.52 (6) (e) of the statutes is amended to read:

1           59.52 (6) (e) *Leases to department of natural resources fish, wildlife, parks, and*  
2 *forestry.* Lease lands owned by the county to the department of natural resources  
3 *fish, wildlife, parks, and forestry* for game management purposes. Lands so leased  
4 shall not be eligible for entry under s. 28.11. Of the rental paid by the state to the  
5 county for lands so leased, 60% shall be retained by the county and 40% shall be paid  
6 by the county to the town in which the lands are located and of the amount received  
7 by the town, 40% shall be paid by the town to the school district in which the lands  
8 are located. The amount so paid by a town to a joint school district shall be credited  
9 against the amount of taxes certified for assessment in that town by the clerk of the  
10 joint school district under s. 120.17 (8), and the assessment shall be reduced by such  
11 amount. In case any leased land is located in more than one town or school district  
12 the amounts paid to them shall be apportioned on the basis of area. This paragraph  
13 shall not affect the distribution of rental moneys received on leases executed before  
14 June 22, 1955.”.

15           **858.** Page 665, line 20: after that line insert:

16           “**SECTION 2002j.** 59.54 (27) of the statutes is created to read:

17           59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition.* In this  
18 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

19           (b) *General purpose and authority.* The purpose of this subsection is to allow  
20 the board to contract with, or award grants to, religious organizations, under any  
21 program administered by the county dealing with delinquency and crime prevention  
22 or the rehabilitation of offenders, on the same basis as any other nongovernmental  
23 provider, without impairing the religious character of such organizations and

1 without diminishing the religious freedom of beneficiaries of assistance funded  
2 under such program.

3 (c) *Nondiscrimination against religious organizations.* If the board is  
4 authorized to contract with a nongovernmental entity, or is authorized to award  
5 grants to a nongovernmental entity, religious organizations are eligible, on the same  
6 basis as any other private organization, to be contractors and grantees under any  
7 program administered by the board so long as the programs are implemented  
8 consistently with the first amendment to the U.S. Constitution and article I, section  
9 18, of the Wisconsin constitution. Except as provided in par. (L), the board may not  
10 discriminate against an organization that is or applies to be a contractor or grantee  
11 on the basis that the organization does or does not have a religious character or  
12 because of the specific religious nature of the organization.

13 (d) *Religious character and freedom.* 1. The board shall allow a religious  
14 organization with which the board contracts or to which the board awards a grant  
15 to retain its independence from government, including the organization's control  
16 over the definition, development, practice, and expression of its religious beliefs.

17 2. The board may not require a religious organization to alter its form of  
18 internal governance or to remove religious art, icons, scripture, or other symbols to  
19 be eligible for a contract or grant.

20 (e) *Rights of beneficiaries of assistance.* 1. If the board contracts with, or  
21 awards grants to, a religious organization for the provision of crime prevention or  
22 offender rehabilitation assistance under a program administered by the board, an  
23 individual who is eligible for this assistance shall be informed in writing that  
24 assistance of equal value and accessibility is available from a nonreligious provider  
25 upon request.

1           2. The board shall provide an individual who is otherwise eligible for assistance  
2 from an organization described under subd. 1. with assistance of equal value from  
3 a nonreligious provider if the individual objects to the religious character of the  
4 organization described under subd. 1. and requests assistance from a nonreligious  
5 provider. The board shall provide such assistance within a reasonable period of time  
6 after the date of the objection and shall ensure that it is accessible to the individual.

7           (g) *Nondiscrimination against beneficiaries.* A religious organization may not  
8 discriminate against an individual in regard to rendering assistance that is funded  
9 under any program administered by the board on the basis of religion, a religious  
10 belief or nonbelief, or a refusal to actively participate in a religious practice.

11           (h) *Fiscal accountability.* 1. Except as provided in subd. 2., any religious  
12 organization that contracts with or receives a grant from the board is subject to the  
13 same laws and rules as other contractors and grantees regarding accounting, in  
14 accord with generally accepted auditing principles, for the use of the funds provided  
15 under such programs.

16           2. If the religious organization segregates funds provided under programs  
17 administered by the board into separate accounts, only the financial assistance  
18 provided with those funds shall be subject to audit.

19           (i) *Compliance.* Any party that seeks to enforce its rights under this subsection  
20 may bring a civil action for injunctive relief against the entity that allegedly commits  
21 the violation.

22           (j) *Limitations on use of funds for certain purposes.* No funds provided directly  
23 to religious organizations by the board may be expended for sectarian worship,  
24 instruction, or proselytization.

1           (k) *Certification of compliance.* Every religious organization that contracts  
2 with or receives a grant from the county board to provide delinquency and crime  
3 prevention or offender rehabilitation services to eligible recipients shall certify in  
4 writing that it has complied with the requirements of pars. (g) and (j) and submit to  
5 the board a copy of this certification and a written description of the policies the  
6 organization has adopted to ensure that it has complied with the requirements under  
7 pars. (g) and (j).

8           (L) *Preemption.* Nothing in this subsection may be construed to preempt any  
9 other statute that prohibits or restricts the expenditure of federal or state funds by  
10 or the granting of federal or state funds to religious organizations.”.

11           **859.** Page 667, line 19: after that line insert:

12           “**SECTION 2002tp.** 59.69 (3) (a) of the statutes is amended to read:

13           59.69 (3) (a) The Subject to s. 60.23 (32), the county zoning agency may direct  
14 the preparation of a county development plan or parts thereof for the physical  
15 development of the unincorporated territory within the county and areas within  
16 incorporated jurisdictions whose governing bodies by resolution agree to having  
17 their areas included in the county’s development plan. The plan may be adopted in  
18 whole or in part and may be amended by the board and endorsed by the governing  
19 bodies of incorporated jurisdictions included in the plan. The county development  
20 plan, in whole or in part, in its original form or as amended, is hereafter referred to  
21 as the development plan. Beginning on January 1, 2010, if the county engages in any  
22 program or action described in s. ~~66.0295~~ 66.1001 (3), the development plan shall  
23 contain at least all of the elements specified in s. ~~66.1001~~ 66.0295 (2).

24           **SECTION 2002tq.** 59.69 (3) (b) of the statutes is amended to read:

1           59.69 (3) (b) The development plan shall include the master plan, if any, of any  
2 city or village, that was adopted under s. 62.23 (2) or (3) and the official map, if any,  
3 of such city or village, that was adopted under s. 62.23 (6) in the county, without  
4 change. The development plan shall also include, and integrate, the master plan and  
5 the official map of a town that was adopted under s. 60.62 (5) (a), without change.”.

6           **860.** Page 667, line 19: after that line insert:

7           “**SECTION 2002tm.** 59.605 (3) (a) 1. of the statutes is amended to read:

8           59.605 (3) (a) 1. If the governing body of a county wishes to exceed the operating  
9 levy rate limit otherwise applicable to the county under this section, it shall adopt  
10 a resolution to that effect. The resolution shall specify either the operating levy rate  
11 or the operating levy that the governing body wishes to impose for either a specified  
12 number of years or an indefinite period. The governing body shall ~~call a special~~  
13 ~~referendum for the purpose of submitting the resolution to the electors of the county~~  
14 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~  
15 ~~specify that~~ provide for the referendum to be held at the next succeeding spring  
16 primary or election or September primary or general election to be held authorized  
17 under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier  
18 than 42 days after the adoption of the resolution of the governing body. The  
19 governing body shall file the resolution to be submitted to the electors as provided  
20 in s. 8.37.”.

21           **861.** Page 667, line 19: after that line insert:

22           “**SECTION 2002ts.** 59.69 (3) (c) of the statutes is amended to read:

23           59.69 (3) (c) The development plan may be in the form of descriptive material,  
24 reports, charts, diagrams, or maps, and shall indicate any effect it will have on

1 changing the allowable use of any property. Each element of the development plan  
2 shall describe its relationship to other elements of the plan and to statements of  
3 goals, objectives, principles, policies, or standards.”.

4 **862.** Page 668, line 13: after that line insert:

5 “SECTION 2002xc. 59.692 (1) (a) of the statutes is amended to read:

6 59.692 (1) (a) “Department” means the department of ~~natural resources~~  
7 environmental management.

8 SECTION 2002xg. 59.693 (1) of the statutes is amended to read:

9 59.693 (1) DEFINITION. In this section, “department” means the department of  
10 ~~natural resources~~ environmental management.

11 SECTION 2002xn. 59.70 (2) (q) 4. of the statutes is amended to read:

12 59.70 (2) (q) 4. The cleanup of the site is conducted under the supervision of the  
13 department of ~~natural resources~~ environmental management.

14 SECTION 2002xr. 59.70 (6) (a) 1. of the statutes is amended to read:

15 59.70 (6) (a) 1. “Department” means the department of ~~natural resources~~  
16 environmental management.

17 SECTION 2002xw. 59.70 (13) (b) of the statutes is amended to read:

18 59.70 (13) (b) Members or employees of the commission may request admission  
19 onto any property within the district at reasonable times to determine if mosquito  
20 breeding is present. If the owner or occupant refuses admission, the commission  
21 member or employee shall seek a warrant to inspect the property as a potential  
22 mosquito breeding ground. Commission members or employees may enter upon  
23 property to clean up stagnant pools of water or shores of lakes or streams, and may  
24 spray mosquito breeding areas with insecticides subject to the approval of the district



1 director and the department of ~~natural resources~~ environmental management. The  
2 commission shall notify the property owner of any pending action under this  
3 paragraph and shall provide the property owner with a hearing prior to acting under  
4 this paragraph if the owner objects to the commission's actions.”.

5 **863.** Page 668, line 13: after that line insert:

6 “**SECTION 2002wg.** 59.69 (5) (c) of the statutes is amended to read:

7 59.69 (5) (c) A county ordinance enacted under this section shall not be effective  
8 in any town until it has been approved by the town board. If the town board approves  
9 an ordinance enacted by the county board, under this section, a certified copy of the  
10 approving resolution attached to one of the copies of such ordinance submitted to the  
11 town board shall promptly be filed with the county clerk by the town clerk. The  
12 ordinance shall become effective in the town as of the date of the filing, which filing  
13 shall be recorded by the county clerk in the clerk's office, reported to the town board  
14 and the county board, and printed in the proceedings of the county board. The  
15 ordinance shall supersede any prior town ordinance in conflict therewith or which  
16 is concerned with zoning, except as provided by s. 60.62. A town board may withdraw  
17 from coverage of a county zoning ordinance as provided under s. 60.23 (32).

18 **SECTION 2002wk.** 59.69 (5m) of the statutes is created to read:

19 59.69 (5m) TERMINATION OF COUNTY ZONING AND DEVELOPMENT PLAN. (a) Subject  
20 to par. (b), at any time after December 31, 2004, a county board may enact an  
21 ordinance to repeal all of its zoning ordinances enacted under this section and its  
22 development plan enacted under this section if it so notifies, in writing, all of the  
23 towns that are subject to its zoning ordinances and development plan.

1 (b) An ordinance enacted under par. (a) shall have a delayed effective date of  
2 one year. No county board may repeal under this subsection a county shoreland  
3 zoning or floodplain zoning ordinance.”.

4 **864.** Page 668, line 13: after that line insert:

5 “**SECTION 2002x.** 59.692 (1) (ag) of the statutes is created to read:

6 59.692 (1) (ag) “Setback distance” means the linear distance landward from the  
7 ordinary high–water mark that is used in determining a shoreland setback area.

8 **SECTION 2002y.** 59.692 (1p) of the statutes is created to read:

9 59.692 (1p) If the department promulgates a shoreland zoning standard that  
10 establishes a setback distance or if a county as part of an ordinance enacted under  
11 this section establishes a setback distance, an ordinance enacted under this section  
12 may allow that a landowner, upon the landowner’s request, use an alternative  
13 setback distance in determining the shoreland setback area for the landowner’s  
14 parcel of land. To be able to use the alternative setback distance, the parcel of land  
15 must be located between 2 abutting parcels of land, at least one of which has a  
16 setback distance that is different, due to a nonconforming use or other exemption,  
17 from the setback distance established by rule or by ordinance. The alternative  
18 setback distance shall be the average of the 2 setback distances of the abutting  
19 parcels.

20 **SECTION 2002ym.** 59.692 (7) (a) 1. of the statutes is amended to read:

21 59.692 (7) (a) 1. The city or village enacts, administers and enforces a zoning  
22 ordinance, for the annexed area, that complies with the shoreland zoning standards  
23 and that is at least as restrictive as the county shoreland zoning ordinance.

24 **SECTION 2002yp.** 59.692 (7) (ad) 1. of the statutes is amended to read:

1           59.692 (7) (ad) 1. The city or village enacts, administers and enforces a zoning  
2 ordinance that complies with the shoreland zoning standards ~~and that is at least as~~  
3 ~~restrictive as the county shoreland zoning ordinance.~~

4           **SECTION 2002yr.** 59.692 (7) (b) of the statutes is amended to read:

5           59.692 (7) (b) If the department determines that a zoning ordinance enacted  
6 by a city or village under par. (a) 1. or (ad) 1. does not meet the shoreland zoning  
7 standards ~~or is not as restrictive as the county shoreland zoning ordinance~~, the  
8 department shall, after providing notice and conducting a hearing on the matter,  
9 either issue an order declaring the city or village ordinance void and reinstating the  
10 applicability of the county shoreland zoning ordinance to the annexed or  
11 incorporated area or issue an order declaring the city or village ordinance void and  
12 adopting an ordinance for the annexed or incorporated area for the city or village that  
13 does meet the shoreland zoning standards ~~and that is at least as restrictive as the~~  
14 ~~county shoreland zoning ordinance.”.~~

15           **865.** Page 668, line 13: after that line insert:

16           “**SECTION 2002y.** 59.692 (1rm) of the statutes is created to read:

17           59.692 (1rm) An ordinance under this section may not prohibit or limit repairs  
18 or improvements of a building or structure that is located in a shoreland setback area  
19 and that is in existence on the effective date of this subsection .... [revisor inserts  
20 date], if the repair or improvement does not alter the footprint of the building or is  
21 conducted in an area where construction is permitted under the ordinance.”.

22           **866.** Page 668, line 13: after that line insert:

23           “**SECTION 2002we.** 59.69 (5) (a) of the statutes is amended to read:

1           59.69 (5) (a) When the county zoning agency has completed a draft of a  
2 proposed zoning ordinance, it shall hold a public hearing thereon, following  
3 publication in the county of a class 2 notice, under ch. 985. If the proposed ordinance  
4 has the effect of changing the allowable use of any property, the notice shall include  
5 either a map showing the property affected by the ordinance or a description of the  
6 property affected by the ordinance and a statement that a map may be obtained from  
7 the zoning agency. After such hearing the agency may make such revisions in the  
8 draft as it considers necessary, or it may submit the draft without revision to the  
9 board with recommendations for adoption. Proof of publication of the notice of the  
10 public hearing held by such agency shall be attached to its report to the board.

11           **SECTION 2002wh.** 59.69 (5) (e) 2. of the statutes is amended to read:

12           59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public  
13 hearing on the petition. Notice of the time and place of the hearing shall be given  
14 by publication in the county of a class 2 notice, under ch. 985. If an amendment to  
15 an ordinance, as described in the petition, has the effect of changing the allowable  
16 use of any property, the notice shall include either a map showing the property  
17 affected by the amendment or a description of the property affected by the  
18 amendment and a statement that a map may be obtained from the zoning agency.

19 A copy of the notice shall be mailed by registered mail to the town clerk of each town  
20 affected by the proposed amendment at least 10 days prior to the date of such  
21 hearing. If the petition is for any change in an airport affected area, as defined in  
22 s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the notice to the owner or  
23 operator of the airport bordered by the airport affected area.

24           **SECTION 2002wi.** 59.69 (5) (f) of the statutes is created to read:

1           59.69 (5) (f) The county zoning agency shall maintain a list of persons who  
2 submit a written request to receive notice of any proposed ordinance or amendment,  
3 or any amendment of a development plan under sub. (3), that affects the allowable  
4 use of the person’s property. If the county zoning agency completes a draft of a  
5 proposed zoning ordinance under par. (a), if the agency receives a petition under par.  
6 (e) 2., or if the agency acts under sub. (3), the agency shall send a notice, which  
7 contains a copy of the proposed ordinance, petition, or plan to each person on the list.  
8 The notice shall be by mail, electronic mail or in any reasonable form that is agreed  
9 to by the person and the agency. The agency may charge each person on the list a  
10 fee for the notice of \$12 each year or an annual fee that does not exceed the  
11 approximate cost of providing the notice to the person.”.

12           **867.** Page 668, line 13: after that line insert:

13           “**SECTION 2003ws.** 59.694 (7) (c) of the statutes is amended to read:

14           59.694 (7) (c) To authorize upon appeal in specific cases variances from the  
15 terms of the ordinance that will not be contrary to the public interest, where, owing  
16 to special conditions, a literal enforcement of the provisions of the ordinance will  
17 result in unnecessary hardship, and so that the spirit of the ordinance shall be  
18 observed and substantial justice done. A property owner may establish  
19 “unnecessary hardship”, as that term is used in this paragraph, by demonstrating  
20 that strict compliance with an area zoning ordinance would unreasonably prevent  
21 the property owner from using the property owner’s property for a permitted purpose  
22 or would render conformity with the zoning ordinance unnecessarily burdensome.”.

23           **868.** Page 669, line 11: after that line insert:

24           “**SECTION 2003p.** 59.74 (2) (g) of the statutes is amended to read:

1           59.74 (2) (g) Every land surveyor and every officer of the department of ~~natural~~  
2 resources fish, wildlife, parks, and forestry and the district attorney shall enforce  
3 this subsection.”.

4           **869.** Page 669, line 11: after that line insert:

5           “SECTION 2003pc. 60.10 (1) (g) of the statutes is created to read:

6           60.10 (1) (g) *Hourly wage of certain employees.* Establish the hourly wage to  
7 be paid under s. 60.37 (4) to a town employee who is also an elected town officer,  
8 unless the authority has been delegated to the town board under sub. (2) (L).

9           SECTION 2003pd. 60.10 (2) (g) of the statutes is amended to read:

10          60.10 (2) (g) *Disposal of property.* Authorize the town board to dispose of town  
11 real property, ~~real or personal~~, other than property donated to and required to be held  
12 by the town for a special purpose.

13          SECTION 2003pe. 60.10 (2) (L) of the statutes is created to read:

14          60.10 (2) (L) *Hourly wage of certain employees.* Authorize the town board to  
15 establish the hourly wage to be paid under s. 60.37 (4) to a town employee who is also  
16 an elected town officer, other than a town board supervisor.”.

17          **870.** Page 669, line 17: after that line insert:

18          “SECTION 2003tc. 60.627 (1) of the statutes is amended to read:

19          60.627 (1) DEFINITION. In this section, “department” means the department of  
20 ~~natural resources~~ environmental management.

21          SECTION 2003te. 60.71 (4) (b) of the statutes is amended to read:

22          60.71 (4) (b) The town board shall publish a class 2 notice, under ch. 985, of the  
23 hearing. The notice shall contain an announcement of the hearing and a description  
24 of the boundaries of the proposed town sanitary district. The town board shall mail

1 the notice to the department of commerce and the department of ~~natural resources~~  
2 environmental management at least 10 days prior to the hearing.

3 **SECTION 2003th.** 60.71 (4) (c) of the statutes is amended to read:

4 60.71 (4) (c) Any person may file written comments on the formation of the  
5 district with the town clerk. Any owner of property within the boundary of the  
6 proposed district may appear at the hearing and offer objections, criticisms or  
7 suggestions as to the necessity of the proposed district and the question of whether  
8 his or her property will be benefited by the establishment of the district. A  
9 representative of the department of commerce and of the department of ~~natural~~  
10 ~~resources~~ environmental management may attend the hearing and advise the town  
11 board.

12 **SECTION 2003tL.** 60.71 (7) of the statutes is amended to read:

13 60.71 (7) FILING AND RECORDING THE ORDER. The town board shall file copies of  
14 the order establishing the town sanitary district with the department of ~~natural~~  
15 ~~resources~~ environmental management and record the order with the register of  
16 deeds in each county in which the district is located.

17 **SECTION 2003tp.** 60.72 (title) and (1) of the statutes are amended to read:

18 **60.72 (title) Creation of town sanitary district by order of the**  
19 **department of ~~natural resources~~ environmental management. (1)**  
20 DEFINITION. In this section, “department” means the department of ~~natural~~  
21 ~~resources~~ environmental management.

22 **SECTION 2003tr.** 60.73 of the statutes is amended to read:

23 **60.73 Review of orders creating town sanitary districts.** Any person  
24 aggrieved by any act of the town board or the department of ~~natural resources~~  
25 environmental management in establishing a town sanitary district may bring an

1 action in the circuit court of the county in which his or her lands are located, to set  
2 aside the final determination of the town board or the department of natural  
3 resources environmental management, within 90 days after the final determination,  
4 as provided under s. 893.73 (2). If no action is taken within the 90–day period, the  
5 determination by the town board or the department of ~~natural resources~~  
6 environmental management is final.

7 **SECTION 2003tu.** 60.782 (2) (d) of the statutes is amended to read:

8 60.782 (2) (d) Lease or acquire, including by condemnation, any real property  
9 situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g)  
10 or ~~30.275~~ 23.434 (4).

11 **SECTION 2003ty.** 60.785 (2) (a) of the statutes is amended to read:

12 60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous  
13 town sanitary district by resolution passed by a two–thirds vote of all of the  
14 commissioners of each district, fixing the terms of the consolidation and ratified by  
15 the qualified electors of each district at a referendum held in each district. The  
16 resolution shall be filed as provided in s. 8.37. The ballots shall contain the words  
17 “for ~~consolidation~~”, consolidation.” and “against ~~consolidation~~”. consolidation.” If a  
18 majority of the votes cast on the referendum in each town sanitary district are for  
19 consolidation, the resolutions are effective and have the force of a contract. Certified  
20 copies of the resolutions and the results of the referendum shall be filed with the  
21 secretary of ~~natural resources~~ environmental management, and the original  
22 documents shall be recorded with the register of deeds in each county in which the  
23 consolidated district is situated.

24 **SECTION 2003vc.** 61.351 (1) (b) of the statutes is amended to read:

25 61.351 (1) (b) “Wetlands” has the meaning specified under s. ~~23.32~~ 278.32 (1).



1           **SECTION 2003vg.** 61.351 (2) of the statutes is amended to read:

2           61.351 **(2)** FILLED WETLANDS. Any wetlands ~~which~~ that are filled prior to the  
3 date on which a village receives a final wetlands map ~~from the department of natural~~  
4 ~~resources~~ under s. 278.32 in a manner ~~which~~ that affects their characteristics as  
5 wetlands are filled wetlands and not subject to an ordinance adopted under this  
6 section.

7           **SECTION 2003vn.** 61.351 (3) of the statutes is amended to read:

8           61.351 **(3)** ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to  
9 promote the public health, safety and general welfare, each village shall zone by  
10 ordinance all unfilled wetlands of 5 acres or more which are shown on the final  
11 wetland inventory maps prepared ~~by the department of natural resources~~ for the  
12 village under s. ~~23.32~~ 278.32, which are located in any shorelands and which are  
13 within its incorporated area. A village may zone by ordinance any unfilled wetlands  
14 ~~which~~ that are within its incorporated area at any time.

15           **SECTION 2003vr.** 61.351 (6) of the statutes is amended to read:

16           61.351 **(6)** FAILURE TO ADOPT ORDINANCE. If any village does not adopt an  
17 ordinance required under sub. (3) within 6 months after receipt of final wetland  
18 inventory maps prepared ~~by the department of natural resources~~ for the village  
19 under s. ~~23.32~~ 278.32, or if the department of ~~natural resources~~ environmental  
20 management, after notice and hearing, determines that a village adopted an  
21 ordinance which fails to meet reasonable minimum standards in accomplishing the  
22 shoreland protection objectives of s. 281.31 (1), the department of ~~natural resources~~  
23 environmental management shall adopt an ordinance for the village. As far as  
24 applicable, the procedures set forth in s. 87.30 apply to this subsection.

25           **SECTION 2003vw.** 61.354 (1) of the statutes is amended to read:

1           61.354 (1) DEFINITION. As used in this section, “department” means the  
2 department of ~~natural resources~~ environmental management.

3           **SECTION 2003yc.** 62.231 (1) (b) of the statutes is amended to read:

4           62.231 (1) (b) “Wetlands” has the meaning specified under s. ~~23.32~~ 278.32 (1).

5           **SECTION 2003yg.** 62.231 (2) of the statutes is amended to read:

6           62.231 (2) FILLED WETLANDS. Any wetlands ~~which~~ that are filled prior to the  
7 date on which a city receives a final wetlands map ~~from the department of natural~~  
8 ~~resources~~ under s. 278.32 in a manner ~~which~~ that affects their characteristics as  
9 wetlands are filled wetlands and not subject to an ordinance adopted under this  
10 section.

11           **SECTION 2003yL.** 62.231 (3) of the statutes is amended to read:

12           62.231 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to  
13 promote the public health, safety and general welfare, each city shall zone by  
14 ordinance all unfilled wetlands of 5 acres or more which are shown on the final  
15 wetland inventory maps prepared ~~by the department of natural resources~~ for the city  
16 under s. ~~23.32~~ 278.32, which are located in any shorelands and which are within its  
17 incorporated area. A city may zone by ordinance any unfilled wetlands ~~which~~ that  
18 are within its incorporated area at any time.

19           **SECTION 2003yp.** 62.231 (6) of the statutes is amended to read:

20           62.231 (6) FAILURE TO ADOPT ORDINANCE. If any city does not adopt an ordinance  
21 required under sub. (3) within 6 months after receipt of final wetland inventory maps  
22 prepared ~~by the department of natural resources~~ for the city under s. ~~23.32~~ 278.32,  
23 or if the department of ~~natural resources~~ environmental management, after notice  
24 and hearing, determines that a city adopted an ordinance ~~which~~ that fails to meet  
25 reasonable minimum standards in accomplishing the shoreland protection

1 objectives of s. 281.31 (1), the department of ~~natural resources~~ environmental  
2 management shall adopt an ordinance for the city. As far as applicable, the  
3 procedures set forth in s. 87.30 apply to this subsection.

4 **SECTION 2003yt.** 62.231 (6m) of the statutes is amended to read:

5 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an  
6 ordinance enacted under this section that affects an activity that meets all of the  
7 requirements under s. 281.165 (2) or (3) (a), the department of ~~natural resources~~  
8 environmental management may not proceed under sub. (6), or otherwise review the  
9 amendment, to determine whether the ordinance, as amended, fails to meet  
10 reasonable minimum standards.

11 **SECTION 2003yx.** 62.234 (1) of the statutes is amended to read:

12 62.234 (1) DEFINITION. As used in this section, “department” means the  
13 department of ~~natural resources~~ environmental management.”.

14 **871.** Page 669, line 17: after that line insert:

15 “**SECTION 2003rm.** 60.34 (1) (a) of the statutes is amended to read:

16 60.34 (1) (a) ~~Receive~~ Except as provided in s. 66.0608, receive and take charge  
17 of all money belonging to the town, or which is required by law to be paid into the  
18 town treasury, and disburse the money under s. 66.0607.

19 **SECTION 2003rn.** 61.26 (2) of the statutes is amended to read:

20 61.26 (2) ~~Receive~~ Except as provided in s. 66.0608, receive all moneys belonging  
21 or accruing to the village or directed by law to be paid to the treasurer.

22 **SECTION 2003ve.** 61.26 (3) of the statutes is amended to read:

23 61.26 (3) ~~Deposit~~ Except as provided in s. 66.0608, deposit upon receipt the  
24 funds of the village in the name of the village in the public depository designated by

1 the board. Failure to comply with this subsection shall be prima facie grounds for  
2 removal from office. When the money is deposited, the treasurer and bonders are not  
3 liable for the losses defined by s. 34.01 (2), and the interest shall be paid into the  
4 village treasury.

5 **SECTION 2003we.** 62.09 (9) (a) of the statutes is amended to read:

6 62.09 (9) (a) The Except as provided in s. 66.0608, the treasurer shall collect  
7 all city, school, county, and state taxes, receive all moneys belonging to the city or  
8 which by law are directed to be paid to the treasurer, and pay over the money in the  
9 treasurer's hands according to law.

10 **SECTION 2003wg.** 62.09 (9) (e) of the statutes is amended to read:

11 62.09 (9) (e) The Except as provided in s. 66.0608, the treasurer shall deposit  
12 immediately upon receipt thereof the funds of the city in the name of the city in the  
13 public depository designated by the council. Such deposit may be in either a demand  
14 deposit or in a time deposit, maturing in not more than one year. Failure to comply  
15 with the provisions hereof shall be prima facie grounds for removal from office. When  
16 the money is so deposited, the treasurer and the treasurer's bonders shall not be  
17 liable for such losses as are defined by s. 34.01 (2). The interest arising therefrom  
18 shall be paid into the city treasury.”.

19 **872.** Page 669, line 17: after that line insert:

20 **SECTION 2003tm.** 60.77 (6) (a) of the statutes is amended to read:

21 60.77 (6) (a) Let contracts for any work or purchase that involves an  
22 expenditure of ~~\$5,000~~ \$15,000 or more to the lowest responsible bidder in the manner  
23 prescribed by the commission. Section 66.0901 applies to contracts let under this  
24 paragraph.”.

1           **873.** Page 669, line 17: after that line insert:

2           “**SECTION 2003sc.** 60.323 of the statutes is amended to read:

3           **60.323 Compensation when acting in more than one official capacity.**

4           Except for offices combined under s. 60.305, no town may compensate a town officer  
5           for acting in more than one ~~official capacity or office~~ of the town at the same time.

6           **SECTION 2003se.** 60.37 (1) of the statutes is amended to read:

7           **60.37 (1) GENERAL.** The town board may employ on a temporary or permanent  
8           basis persons necessary to carry out the functions of town government including  
9           subject to sub. (4), any elected officer of the town. The board may establish the  
10          qualifications and terms of employment, which may include the residency of the  
11          employee. The board may delegate the authority to hire town employees to any town  
12          official or employee.

13          **SECTION 2003sg.** 60.37 (4) of the statutes is created to read:

14          **60.37 (4) ELECTED OFFICERS SERVING AS EMPLOYEES.** (a) An elected town officer  
15          who also serves as a town employee may be paid an hourly wage for serving as a town  
16          employee, not exceeding a total of \$5,000 each year. Amounts that are paid under  
17          this paragraph may be paid in addition to any amount that an individual receives  
18          under s. 60.32 or as a volunteer fire fighter, emergency medical technician, or first  
19          responder under s. 66.0501 (4). The \$5,000 maximum in this paragraph includes  
20          amounts paid to a town board supervisor who is acting as superintendent of  
21          highways under s. 81.01 (1).

22          (b) 1. Except as provided in subd. 2., the town meeting shall establish the hourly  
23          wage to be paid an elected town officer for serving as a town employee.

1           2. If authorized by the town meeting under s. 60.10 (2) (L), the town board may  
2 establish the hourly wage to be paid an elected town officer, other than a town board  
3 supervisor, for serving as a town employee.”.

4           **874.** Page 669, line 17: after that line insert:

5           “**SECTION 2003rc.** 60.23 (32) of the statutes is created to read:

6           **60.23 (32) TOWN WITHDRAWAL FROM COUNTY ZONING.** (a) Subject to pars. (b) and  
7 (c), after December 31, 2003, and before January 1, 2005; after December 31, 2010,  
8 and before January 1, 2012; and for one year every 5 years after January 1, 2011, a  
9 town board may enact an ordinance withdrawing the town from coverage of a county  
10 zoning ordinance that had previously been approved under s. 59.69 (5) (c) and from  
11 coverage by a county development plan that has been enacted under s. 59.69 (3) (a).

12           (b) Subject to par. (c), an ordinance enacted under par. (a) may not take effect  
13 until all of the following occur:

14           1. Not later than 60 days before enacting an ordinance under par. (a), the town  
15 clerk notifies the county clerk, in writing, of the town’s intent to enact an ordinance  
16 under par. (a).

17           2. The town enacts a zoning ordinance under s. 60.62, a comprehensive plan  
18 under s. 66.1001, and an official map under s. 62.23 (6), and the town clerk sends  
19 certified copies of such documents to the county clerk.

20           (c) A zoning ordinance enacted under s. 60.62, a comprehensive plan enacted  
21 under s. 66.1001, and an official map established under s. 62.23 (6), that are enacted  
22 in conjunction with an ordinance enacted under par. (a), shall all take effect on the  
23 first day of the 3rd month beginning after certified copies of the documents are sent  
24 to the county clerk under par. (b) 2.

1           **SECTION 2003te.** 60.62 (1) of the statutes is amended to read:

2           60.62 (1) Subject to subs. (2), (3) and (4), if a town board has been granted  
3 authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning  
4 ordinances under s. 61.35, except that after December 31, 2003, a town board may  
5 adopt zoning ordinances under s. 61.35 without being granted the authority to  
6 exercise village powers.

7           **SECTION 2003tf.** 60.62 (2) of the statutes is amended to read:

8           60.62 (2) If the county in which the town is located has enacted a zoning  
9 ordinance under s. 59.69, the exercise of the authority under sub. (1) before January  
10 1, 2004, is subject to approval by the town meeting or by a referendum vote of the  
11 electors of the town held at the time of any regular or special election. The question  
12 for the referendum vote shall be filed as provided in s. 8.37.

13           **SECTION 2003tg.** 60.62 (3) of the statutes is amended to read:

14           60.62 (3) In counties having a county zoning ordinance, no zoning ordinance  
15 or amendment of a zoning ordinance may be adopted under this section unless  
16 approved by the county board, except that this subsection does not apply to a town  
17 that has withdrawn from county zoning under s. 60.23 (32).

18           **SECTION 2003th.** 60.62 (5) of the statutes is created to read:

19           60.62 (5) (a) Subject to par. (b), not later than 60 days before a town board that  
20 wishes to withdraw from county zoning and the county development plan may enact  
21 an ordinance under s. 60.23 (32), the town board shall enact a zoning ordinance  
22 under this section, an official map under s. 62.23 (6), and a comprehensive plan under  
23 s. 66.1001.

24           (b) The zoning ordinance and comprehensive plan enacted under par. (a) shall  
25 be consistent with each other and the zoning ordinance shall be at least as restrictive

1 as the county zoning ordinance that applies to the town on January 1 of the year  
2 before the year in which the town board enacts the ordinance under s. 60.23 (32).

3 (c) If a town receives notification under s. 59.69 (5m) that the county board has  
4 repealed its zoning ordinances and development plan, the town board shall enact a  
5 zoning ordinance under this section, an official map under s. 62.23 (6), and a  
6 comprehensive plan under s. 66.1001, all of which take effect on the effective date  
7 of the county's repeal of its zoning ordinance and development plan. An ordinance  
8 and comprehensive plan enacted under this paragraph shall be consistent with each  
9 other and the zoning ordinance shall be at least as restrictive as the county zoning  
10 ordinance that is in effect on the day before the repeal takes effect.”.

11 **875.** Page 669, line 17: after that line insert:

12 “**SECTION 2003wb.** 60.62 (2) of the statutes is amended to read:

13 60.62 (2) If the county in which the town is located has enacted a zoning  
14 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to  
15 approval by the town meeting or by a referendum vote of the electors of the town to  
16 be held at the time of any regular or special election in accordance with s. 8.065. The  
17 question for the referendum vote shall be filed as provided in s. 8.37.

18 **SECTION 2003wg.** 60.74 (5) (b) of the statutes is amended to read:

19 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by  
20 qualified electors of the district equal to at least 20% of the vote cast for governor in  
21 the district at the last gubernatorial election, requesting a change to appointment  
22 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The  
23 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town  
24 board shall submit the question to a referendum at the next regular spring election



1 ~~or general election, or shall call a special election for that purpose~~ authorized under  
2 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45  
3 days after receipt of the petition by the town board. The inspectors shall count the  
4 votes and submit a statement of the results to the commission. The commission shall  
5 canvass the results of the election and certify the results to the town board which has  
6 authority to appoint commissioners.

7 **SECTION 2003wi.** 61.187 (1) of the statutes is amended to read:

8 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements  
9 of s. 8.40, signed by at least one-third as many electors of any village as voted for  
10 village officers at the next preceding election therefor, shall be presented to the  
11 village board, and filed as provided in s. 8.37, praying for dissolution of the village  
12 corporation, such board shall submit to the electors of such village, for determination  
13 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at ~~a general~~  
14 ~~election or at a special election called by them for that purpose~~ the next election  
15 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held  
16 not sooner than 45 days after presentation of the petition, the question whether or  
17 not such village corporation shall be dissolved.

18 **SECTION 2003wk.** 61.46 (1) of the statutes is amended to read:

19 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December  
20 15 in each year, by resolution to be entered of record, determine the amount of  
21 corporation taxes to be levied and assessed on the taxable property in such village  
22 for the current year. Before levying any tax for any specified purpose, exceeding one  
23 percent of the assessed valuation aforesaid, the village board shall, and in all other  
24 cases may in its discretion, submit the question of levying the same to the village  
25 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or

1 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after  
2 adoption of the resolution by giving 10 days' notice thereof prior to such election by  
3 publication in a newspaper published in the village, if any, and if there is none, then  
4 by posting notices in 3 public places in said village, setting forth in such notices the  
5 object and purposes for which such taxes are to be raised and the amount of the  
6 proposed tax. The village board shall file the question as provided in s. 8.37.

7 **SECTION 2003wn.** 62.09 (1) (a) of the statutes is amended to read:

8 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,  
9 attorney, engineer, one or more assessors unless the city is assessed by a county  
10 assessor under s. 70.99, one or more constables as determined by the common  
11 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as  
12 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners  
13 except in cities where not applicable, chief of police, chief of the fire department,  
14 board of public works, 2 alderpersons from each aldermanic district, and such other  
15 officers or boards as are created by law or by the council. If one alderperson from each  
16 aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance  
17 adopted by a two-thirds vote of all its members and approved by the electors at a  
18 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be  
19 2 alderpersons from each aldermanic district.”.

20 **876.** Page 669, line 17: after that line insert:

21 “**SECTION 2003tc.** 60.61 (4) (b) of the statutes is amended to read:

22 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the  
23 town zoning committee shall recommend zoning district boundaries and appropriate  
24 regulations and restrictions for the districts. In carrying out its duties, the town

1 zoning committee shall develop a preliminary report and hold a public hearing on the  
2 report before submitting a final report to the town board. The town zoning committee  
3 shall give notice of the public hearing on the preliminary report and of the time and  
4 place of the public hearing on the report by a class 2 notice under ch. 985. If the town  
5 zoning committee makes a substantial change in its report following the public  
6 hearing, it shall hold another public hearing on the report. After the final report of  
7 the town zoning committee is submitted to the town board, the board may adopt an  
8 ordinance under sub. (2) following a public hearing held by the board on the proposed  
9 ordinance. The town board shall give notice of the public hearing on the proposed  
10 ordinance and of the time and place of the public hearing on the ordinance by a class  
11 2 notice under ch. 985. If the proposed ordinance has the effect of changing the  
12 allowable use of any property, the notice shall include either a map showing the  
13 property affected by the ordinance or a description of the property affected by the  
14 ordinance and a statement that a map may be obtained from the town board.

15 **SECTION 2003td.** 60.61 (4) (c) 1. of the statutes is amended to read:

16 60.61 (4) (c) 1. After the town board has adopted a town zoning ordinance, the  
17 board may alter, supplement, or change the boundaries or regulations established  
18 in the ordinance if a public hearing is held on the revisions. The board shall give  
19 notice of any proposed revisions in the zoning ordinance and of the time and place  
20 of the public hearing on them by a class 2 notice under ch. 985. If the proposed  
21 amendment would have the effect of changing the allowable use of any property, the  
22 notice shall include either a map showing the property affected by the amendment  
23 or a description of the property affected by the amendment and a statement that a  
24 map may be obtained from the town board. The board shall allow any interested  
25 person to testify at the hearing. If any proposed revision under this subdivision

1 would make any change in an airport affected area, as defined in s. 62.23 (6) (am) 1.  
2 b., the board shall mail a copy of such notice to the owner or operator of the airport  
3 bordered by the airport affected area.

4 **SECTION 2003te.** 60.61 (4) (e) of the statutes is created to read:

5 60.61 (4) (e) The town board shall maintain a list of persons who submit a  
6 written request to receive notice of any proposed ordinance or amendment that  
7 affects the allowable use of the person's property. If the town zoning committee  
8 completes a final report on a proposed zoning ordinance and the town board is  
9 prepared to vote on the proposed ordinance under par. (b) or if the town board is  
10 prepared to vote on a proposed amendment under par. (c) 1., the town board shall  
11 send a notice, which contains a copy of the proposed ordinance or amendment, to each  
12 person on the list. The notice shall be by mail, electronic mail, or in any reasonable  
13 form that is agreed to by the person and the town board. The town board may charge  
14 each person on the list a fee for the notice of \$12 each year or an annual fee that does  
15 not exceed the approximate cost of providing the notice to the person.

16 **SECTION 2003x.** 62.23 (3) (b) of the statutes is amended to read:

17 62.23 (3) (b) The commission may adopt the master plan as a whole by a single  
18 resolution, or, as the work of making the whole master plan progresses, may from  
19 time to time by resolution adopt a part or parts of a master plan. Any treatment of  
20 the master plan shall indicate, in the form of descriptive material, reports, charts,  
21 diagrams, or maps, any effect the treatment will have on changing the allowable use  
22 of any property. Beginning on January 1, 2010, if the city engages in any program  
23 or action described in s. ~~66.0295~~ 66.1001 (3), the master plan shall contain at least  
24 all of the elements specified in s. ~~66.0295~~ 66.1001 (2). The adoption of the plan or any  
25 part, amendment or addition, shall be by resolution carried by the affirmative votes

1 of not less than a majority of all the members of the city plan commission. The  
2 resolution shall refer expressly to the elements under s. ~~66.0295~~ 66.1001 and other  
3 matters intended by the commission to form the whole or any part of the plan, and  
4 the action taken shall be recorded on the adopted plan or part thereof by the  
5 identifying signature of the secretary of the commission, and a copy of the plan or  
6 part thereof shall be certified to the common council. The purpose and effect of the  
7 adoption and certifying of the master plan or part thereof shall be solely to aid the  
8 city plan commission and the council in the performance of their duties.

9 **SECTION 2003xe.** 62.23 (7) (d) 1. a. of the statutes is amended to read:

10 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,  
11 the board of public land commissioners, or if the city has neither, the city plan  
12 committee of the city council shall prepare and recommend a district plan and  
13 regulations for the city. Following the formulation of tentative recommendations a  
14 public hearing shall be held by, at the council's option, the council, the plan  
15 commission, the board of public land commissioners, or the plan committee. At least  
16 10 days' prior written notice of any such hearings shall be given to the clerk of any  
17 municipality whose boundaries are within 1,000 feet of any lands included in the  
18 proposed plan and regulations but failure to give such notice shall not invalidate  
19 such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the  
20 tentative recommendations and hearings thereon must be made once during each of  
21 the 2 weeks prior to such hearing. If the proposed district plan and regulations have  
22 the effect of changing the allowable use of any property within the city, the notice  
23 shall include either a map showing the property affected by the plan and regulations  
24 or a description of the property affected by the plan and regulations and a statement  
25 that a map may be obtained from the city council.

1           **SECTION 2003xf.** 62.23 (7) (d) 1. b. of the statutes is amended to read:

2           62.23 (7) (d) 1. b. The council may make changes in the tentative  
3 recommendations after first submitting the proposed changes to the plan  
4 commission, board of public land commissioners or plan committee for  
5 recommendation and report and after publishing a class 2 notice, under ch. 985, of  
6 the proposed changes and hearings thereon as well as the notice to the clerk of any  
7 contiguous municipality as required in subd. 1. a. Hearings on the proposed changes  
8 may be held by, at the council's option, the council, the plan commission, the board  
9 of public land commissioners, or the plan committee. If the proposed changes to the  
10 proposed district plan and regulations have the effect of changing the allowable use  
11 of any property within the city, the notice shall include either a map showing the  
12 property affected by the changes or a description of the property affected by the  
13 changes and a statement that a map may be obtained from the city council.

14           **SECTION 2003xg.** 62.23 (7) (d) 2. of the statutes is amended to read:

15           62.23 (7) (d) 2. The council may adopt amendments to an existing zoning  
16 ordinance after first submitting the proposed amendments to the city plan  
17 commission, board of public land commissioners or plan committee for  
18 recommendation and report and after providing the notices as required in subd. 1.  
19 b. of the proposed amendments and hearings thereon. In any city which is not located  
20 in whole or in part in a county with a population of 500,000 or more, if the proposed  
21 amendment would make any change in an airport affected area, as defined in sub.  
22 (6) (am) 1. b., the council shall mail a copy of such notice to the owner or operator of  
23 the airport bordered by the airport affected area. A hearing shall be held on the  
24 proposed amendments by, at the council's option, the council, the plan commission,  
25 the board of public land commissioners, or the plan committee. If the proposed

1 amendment has the effect of changing the allowable use of any property within the  
2 city, the notice shall include either a map showing the property affected by the  
3 amendments or a description of the property affected by the amendments and a  
4 statement that a map may be obtained from the city council. If the council does not  
5 receive recommendations and a report from the plan commission, board of public  
6 land commissioners, or plan committee within 60 days of submitting the proposed  
7 amendments, the council may hold hearings without first receiving the  
8 recommendations and report.

9 **SECTION 2003xh.** 62.23 (7) (d) 4. of the statutes is created to read:

10 62.23 (7) (d) 4. The city council shall maintain a list of persons who submit a  
11 written request to receive notice of any proposed zoning action that may be taken  
12 under subd. 1. a. or b. or 2. or to any treatment of a master plan under sub. (3) that  
13 affects the allowable use of the person's property. If the plan commission, the board  
14 of public land commissioners, or city plan committee of the city council completes  
15 action on any tentative recommendations that are noticed under subd. 1. a., proposed  
16 changes to a proposed district plan and regulations that are submitted under subd.  
17 1. b., proposed amendments that are submitted under subd. 2., or to any treatment  
18 of a master plan under sub. (3) and the city council is prepared to vote on the tentative  
19 recommendations, proposed changes to a proposed district plan and regulations,  
20 proposed amendments, or proposed changes to a master plan, the city council shall  
21 send a notice, which contains a copy of the tentative recommendations, proposed  
22 changes to a proposed district plan and regulations, proposed amendments, or  
23 proposed changes to a master plan, to each person on the list. The notice shall be by  
24 mail, electronic mail or in any reasonable form that is agreed to by the person and  
25 the city council. The city council may charge each person on the list a fee for the notice



1 of \$12 each year or an annual fee that does not exceed the approximate cost of  
2 providing the notice to the person.”.

3 **877.** Page 669, line 17: after that line insert:

4 “**SECTION 2003xm.** 62.23 (7) (e) 7. of the statutes is amended to read:

5 62.23 (7) (e) 7. The board of appeals shall have the following powers: To hear  
6 and decide appeals where it is alleged there is error in any order, requirement,  
7 decision or determination made by an administrative official in the enforcement of  
8 this section or of any ordinance adopted pursuant thereto; to hear and decide special  
9 exception to the terms of the ordinance upon which such board is required to pass  
10 under such ordinance; to authorize upon appeal in specific cases such variance from  
11 the terms of the ordinance as will not be contrary to the public interest, where, owing  
12 to special conditions, a literal enforcement of the provisions of the ordinance will  
13 result in practical difficulty or unnecessary hardship, so that the spirit of the  
14 ordinance shall be observed, public safety and welfare secured, and substantial  
15 justice done. The board may permit in appropriate cases, and subject to appropriate  
16 conditions and safeguards in harmony with the general purpose and intent of the  
17 ordinance, a building or premises to be erected or used for such public utility  
18 purposes in any location which is reasonably necessary for the public convenience  
19 and welfare. A property owner may establish “unnecessary hardship”, as that term  
20 is used in this subdivision, by demonstrating that strict compliance with an area  
21 zoning ordinance would unreasonably prevent the property owner from using the  
22 property owner’s property for a permitted purpose or would render conformity with  
23 the zoning ordinance unnecessarily burdensome.”.

24 **878.** Page 669, line 18: after that line insert:



1           **“SECTION 2004n.** 64.03 (1) of the statutes is amended to read:

2           64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,  
3 and every petition for a ~~special election~~ referendum on the same, shall state the  
4 number of members of which the council herein provided for shall be composed, the  
5 term of office of its members, which term shall not exceed 2 years, whether they shall  
6 be nominated and elected from aldermanic districts or from the city at large, and the  
7 compensation, if any, which they shall receive.

8           **SECTION 2004p.** 64.39 (3) of the statutes is amended to read:

9           64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit  
10 the questions prescribed in sub. (1) at ~~a special~~ the next election authorized under  
11 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held ~~at a time specified~~  
12 ~~therein and within 2 months~~ not sooner than 45 days after such petition is filed. The  
13 election upon such question shall be conducted, the vote canvassed, and the result  
14 declared in the same manner as provided by law for other city elections.

15           **SECTION 2004r.** 66.0101 (8) of the statutes is amended to read:

16           66.0101 (8) A charter ordinance enacted or approved by a vote of the electors  
17 controls over any prior or subsequent act of the legislative body of the city or village.  
18 If the electors of any city or village by a majority vote have adopted or determined  
19 to continue to operate under either ch. 62 or 64, or have determined the method of  
20 selection of members of the governing board, the question shall not again be  
21 submitted to the electors, nor action taken on the question, within a period of 2 years.  
22 Any election to change or amend the charter of any city or village, other than ~~a~~  
23 ~~special~~ an election ~~as provided in~~ called under s. 9.20 (4), shall be held at the time  
24 provided by statute for holding the spring election.”.

1           **879.** Page 678, line 22: after that line insert:

2           “**SECTION 2019e.** 66.0217 (7) (a) 3. of the statutes is amended to read:

3           66.0217 (7) (a) 3. If the notice indicates that the petition is for a referendum  
4 on the question of annexation, the clerk of the city or village shall file the notice as  
5 provided in s. 8.37. If the notice indicates that the petition is for a referendum on the  
6 question of annexation, the town clerk shall give notice as provided in par. (c) of a  
7 referendum of the electors residing in the area proposed for annexation to be held at  
8 the next election permitted under s. 8.065 (2) or an election authorized under s. 8.065  
9 (3), but not less than 42 days ~~nor more than 72 days~~ after the date of personal service  
10 or mailing of the notice required under this paragraph. If the notice indicates that  
11 the petition is for direct annexation, no referendum shall be held unless within 30  
12 days after the date of personal service or mailing of the notice required under this  
13 paragraph, a petition conforming to the requirements of s. 8.40 requesting a  
14 referendum is filed with the town clerk as provided in s. 8.37, signed by at least 20%  
15 of the electors residing in the area proposed to be annexed. If a petition requesting  
16 a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum  
17 of the electors residing in the area proposed for annexation to be held at the next  
18 election permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but  
19 not less than 42 days ~~nor more than 72 days~~ after the receipt of the petition and shall  
20 mail a copy of the notice to the clerk of the city or village to which the annexation is  
21 proposed. The referendum shall be held at a convenient place within the town to be  
22 specified in the notice.

23           **SECTION 2019g.** 66.0219 (4) (b) of the statutes is amended to read:

1           66.0219 (4) (b) The referendum election shall be held at the next election  
2 permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but not less  
3 than 42 days nor more than 72 days after the filing of the order as provided in s. 8.37,  
4 in the territory proposed for annexation, by the electors of that territory as provided  
5 in s. 66.0217 (7), so far as applicable. The ballots shall contain the words “For  
6 Annexation” and “Against Annexation”. The certification of the election inspectors  
7 shall be filed with the clerk of the court, and the clerk of any municipality involved,  
8 but need not be filed or recorded with the register of deeds.”.

9           **880.** Page 678, line 22: after that line insert:

10           “SECTION 2019g. 66.0217 (9) (b) of the statutes is amended to read:

11           66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,  
12 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to  
13 the department of transportation, one copy to the department of administration, one  
14 copy to the department of revenue, one copy to the department of public instruction,  
15 one copy to the department, one copy to the department of ~~natural resources~~  
16 environmental management, one copy to the department of fish, wildlife, parks, and  
17 forestry, one copy to the department of agriculture, trade and consumer protection  
18 and 2 copies to the clerk of the municipality from which the territory was annexed.”.

19           **881.** Page 679, line 21: after that line insert:

20           “SECTION 2019mb. 66.0221 (1) of the statutes, as affected by 2001 Wisconsin  
21 Act .... (this act), is amended to read:

22           66.0221 (1) Upon its own motion, a city or village, by a two-thirds vote of the  
23 entire membership of its governing body, may enact an ordinance annexing territory  
24 which comprises a portion of a town or towns and which was completely surrounded

1 by territory of the city or village on December 2, 1973. The ordinance shall include  
2 all surrounded town areas except those that are exempt by mutual agreement of all  
3 of the governing bodies involved. The annexation ordinance shall contain a legal  
4 description of the territory and the name of the town or towns from which the  
5 territory is detached. Upon enactment of the ordinance, the city or village clerk  
6 immediately shall file 6 certified copies of the ordinance in the office of the secretary  
7 of state, together with 6 copies of a scale map. The secretary of state shall forward  
8 2 copies of the ordinance and scale map to the department of transportation, one copy  
9 to the department of ~~natural resources~~ environmental management, one copy to the  
10 department of fish, wildlife, parks, and forestry, one copy to the department of  
11 revenue and one copy to the department of administration. This subsection does not  
12 apply if the town island was created only by the annexation of a railroad  
13 right-of-way or drainage ditch. This subsection does not apply to land owned by a  
14 town government which has existing town government buildings located on the land.  
15 No town island may be annexed under this subsection if the island consists of over  
16 65 acres or contains over 100 residents. Section 66.0217 (11) applies to annexations  
17 under this subsection. Except as provided in sub. (2), after December 2, 1973, no city  
18 or village may, by annexation, create a town area which is completely surrounded by  
19 the city or village.”.

20 **882.** Page 680, line 5: after that line insert:

21 “**SECTION 2019p.** 66.0223 of the statutes is amended to read:

22 **66.0223 Annexation of territory owned by a city or village.** In addition  
23 to other methods provided by law and subject to ss. 59.692 (7) and 66.0307 (7),  
24 territory owned by and lying near but not necessarily contiguous to a village or city

1 may be annexed to a village or city by ordinance enacted by the board of trustees of  
2 the village or the common council of the city, provided that in the case of  
3 noncontiguous territory the use of the territory by the city or village is not contrary  
4 to any town or county zoning regulation. The ordinance shall contain the exact  
5 description of the territory annexed and the names of the towns from which  
6 detached, and attaches the territory to the village or city upon the filing of 7 certified  
7 copies of the ordinance in the office of the secretary of state, together with 7 copies  
8 of a plat showing the boundaries of the territory attached. Two copies of the  
9 ordinance and plat shall be forwarded by the secretary of state to the department of  
10 transportation, one copy to the department of administration, one copy to the  
11 department of ~~natural resources~~ environmental management, one copy to the  
12 department of fish, wildlife, parks, and forestry, one copy to the department of  
13 revenue and one copy to the department of public instruction. Within 10 days of filing  
14 the certified copies, a copy of the ordinance and plat shall be mailed or delivered to  
15 the clerk of the county in which the annexed territory is located. Section 66.0217 (11)  
16 applies to annexations under this section.

17 **SECTION 2019r.** 66.0235 (5) of the statutes is amended to read:

18 66.0235 (5) APPORTIONMENT BOARD. The boards or councils of the local  
19 governmental units, or committees selected for that purpose, acting together,  
20 constitute an apportionment board. When a local governmental unit is dissolved  
21 because all of its territory is transferred the board or council of the local  
22 governmental unit existing at the time of dissolution shall, for the purpose of this  
23 section, continue to exist as the governing body of the local governmental unit until  
24 there has been an apportionment of assets by agreement of the interested local  
25 governmental units or by an order of the circuit court. After an agreement for

1 appportionment of assets has been entered into between the interested local  
2 governmental units, or an order of the circuit court becomes final, a copy of the  
3 appportionment agreement, or of the order, certified to by the clerks of the interested  
4 local governmental units, shall be filed with the department of revenue, the  
5 department of ~~natural resources~~ environmental management, the department of  
6 fish, wildlife, parks, and forestry, the department of transportation, the state  
7 superintendent of public instruction, the department of administration, and with  
8 any other department or agency of the state from which the town may be entitled by  
9 law to receive funds or certifications or orders relating to the distribution or  
10 disbursement of funds, with the county treasurer, with the treasurer of any local  
11 governmental unit, or with any other entity from which payment would have become  
12 due if the dissolved local governmental unit had continued in existence. Subject to  
13 ss. 79.006 and 86.303 (4), payments from the shared revenue account made pursuant  
14 to ch. 79, payments of forest crop taxes under s. 77.05, of transportation aids under  
15 s. 20.395, of state aids for school purposes under ch. 121, payments for managed  
16 forest land under subch. VI of ch. 77 and all payments due from a department or  
17 agency of the state, from a county, from a local governmental unit, or from any other  
18 entity from which payments would have become due if the dissolved local  
19 governmental unit had continued in existence, shall be paid to the interested local  
20 governmental unit as provided by the agreement for appportionment of assets or by  
21 any order of appportionment by the circuit court and the payments have the same  
22 force and effect as if made to the dissolved local governmental unit.

23 **SECTION 2019t.** 66.0307 (4) (a) 1. of the statutes is amended to read:

24 66.0307 (4) (a) 1. The department, the department of ~~natural resources~~  
25 environmental management, the department of fish, wildlife, parks, and forestry,

1 the department of agriculture, trade and consumer protection and the department  
2 of transportation.

3 **SECTION 2020k.** 66.0407 (5) of the statutes is amended to read:

4 66.0407 (5) This section does not apply to Canada thistle or annual noxious  
5 weeds that are located on land that the department of ~~natural resources~~ fish, wildlife,  
6 parks, and forestry owns, occupies or controls and that is maintained in whole or in  
7 part as habitat for wild birds by the department of ~~natural resources~~ fish, wildlife,  
8 parks, and forestry.”.

9 **883.** Page 680, line 5: after that line insert:

10 “**SECTION 2020m.** 66.0609 (3) of the statutes is amended to read:

11 66.0609 (3) The ordinance under sub. (1) shall require that the governing body  
12 of the city or village obtain an annual detailed audit of its financial transactions and  
13 accounts by a certified public accountant licensed or certified under ch. 442 and  
14 designated by the governing body.”.

15 **884.** Page 680, line 5: after that line insert:

16 “**SECTION 2023j.** 66.0617 (1) (a) of the statutes is amended to read:

17 66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand, or  
18 improve public facilities, including the cost of land, and including legal, engineering,  
19 and design costs to construct, expand, or improve public facilities, except that not  
20 more than 10% of capital costs may consist of legal, engineering, and design costs  
21 unless the ~~political subdivision~~ municipality can demonstrate that its legal,  
22 engineering, and design costs ~~which~~ that relate directly to the public improvement  
23 for which the impact fees were imposed exceed 10% of capital costs. “Capital costs”

1 does not include other noncapital costs to construct, expand, or improve public  
2 facilities or the costs of equipment to construct, expand, or improve public facilities.

3 **SECTION 2023jb.** 66.0617 (1) (c) of the statutes is amended to read:

4 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land  
5 or interests in land, or any other items of value that are imposed on a developer by  
6 a ~~political subdivision~~ municipality under this section.

7 **SECTION 2023jc.** 66.0617 (1) (d) of the statutes is amended to read:

8 66.0617 (1) (d) “Land development” means the construction or modification of  
9 improvements to real property that creates additional residential dwelling units  
10 within a ~~political subdivision~~ municipality or that results in nonresidential uses that  
11 create a need for new, expanded, or improved public facilities within a ~~political~~  
12 ~~subdivision~~ municipality.

13 **SECTION 2023jd.** 66.0617 (1) (e) of the statutes is amended to read:

14 66.0617 (1) (e) “~~Political subdivision~~ Municipality” means a city, village, or  
15 town ~~or county~~.

16 **SECTION 2023je.** 66.0617 (1) (f) of the statutes is amended to read:

17 66.0617 (1) (f) “Public facilities” means highways, as defined in s. 340.01 (22),  
18 ~~and other transportation facilities,~~ traffic control devices, facilities for collecting and  
19 treating sewage, facilities for collecting and treating storm and surface waters,  
20 facilities for pumping, storing, and distributing water, ~~parks, playgrounds and other~~  
21 ~~recreational facilities, solid waste and recycling facilities, lands for parks, fire~~  
22 protection facilities, law enforcement facilities, and emergency medical facilities ~~and~~  
23 ~~libraries except that, with regard to counties, “public facilities” does not include~~  
24 ~~highways, as defined in s. 340.01 (22), other transportation facilities or traffic control~~  
25 ~~devices.~~ “Public facilities” does not include facilities owned by a school district.



1           **SECTION 2023jg.** 66.0617 (1) (g) of the statutes is amended to read:

2           66.0617 (1) (g) “Service area” means a geographic area delineated by a ~~political~~  
3 ~~subdivision~~ municipality within which there are public facilities.

4           **SECTION 2023jh.** 66.0617 (1) (h) of the statutes is amended to read:

5           66.0617 (1) (h) “Service standard” means a certain quantity or quality of public  
6 facilities relative to a certain number of persons, parcels of land, or other appropriate  
7 measure, as specified by the ~~political subdivision~~ municipality.

8           **SECTION 2023ji.** 66.0617 (2) (a) of the statutes is amended to read:

9           66.0617 (2) (a) ~~Subject to par. (am), a political subdivision~~ A municipality may  
10 enact an ordinance under this section that imposes impact fees on developers to pay  
11 for the capital costs that are necessary to accommodate land development.

12           **SECTION 2023jj.** 66.0617 (2) (am) of the statutes is repealed.

13           **SECTION 2023jk.** 66.0617 (2) (b) of the statutes is amended to read:

14           66.0617 (2) (b) Subject to par. (c), this section does not prohibit or limit the  
15 authority of a ~~political subdivision~~ municipality to finance public facilities by any  
16 other means authorized by law, except that the amount of an impact fee imposed by  
17 a ~~political subdivision~~ municipality shall be reduced, under sub. (6) (d), to  
18 compensate for any other costs of public facilities imposed by the ~~political subdivision~~  
19 municipality on developers to provide or pay for capital costs.

20           **SECTION 2023jL.** 66.0617 (2) (c) of the statutes is amended to read:

21           66.0617 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality  
22 may impose and collect impact fees only under this section.

23           **SECTION 2023jm.** 66.0617 (3) of the statutes is amended to read:

24           66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes  
25 impact fees, or amending an existing ordinance that imposes impact fees, a ~~political~~

1 ~~subdivision~~ municipality shall hold a public hearing on the proposed ordinance or  
2 amendment. Notice of the public hearing shall be published as a class 1 notice under  
3 ch. 985, and shall specify where a copy of the proposed ordinance or amendment and  
4 the public facilities needs assessment may be obtained.

5 **SECTION 2023jn.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

6 66.0617 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees  
7 or amending an ordinance that imposes impact fees by revising the amount of the fee  
8 or altering the public facilities for which impact fees may be imposed, a ~~political~~  
9 ~~subdivision~~ municipality shall prepare a needs assessment for the public facilities  
10 for which it is anticipated that impact fees may be imposed. The public facilities  
11 needs assessment shall include, but not be limited to, the following:

12 **SECTION 2023jo.** 66.0617 (4) (a) 3. of the statutes is amended to read:

13 66.0617 (4) (a) 3. A detailed estimate of the capital costs of providing the new  
14 public facilities or the improvements or expansions in existing public facilities  
15 identified in subd. 2., including an estimate of the effect of recovering these capital  
16 costs through impact fees on the availability of affordable housing within the  
17 ~~political subdivision~~ municipality.

18 **SECTION 2023jp.** 66.0617 (4) (b) of the statutes is amended to read:

19 66.0617 (4) (b) A public facilities needs assessment or revised public facilities  
20 needs assessment that is prepared under this subsection shall be available for public  
21 inspection and copying in the office of the clerk of the ~~political subdivision~~  
22 municipality at least 20 days before the hearing under sub. (3).

23 **SECTION 2023jq.** 66.0617 (5) (b) of the statutes is amended to read:

24 66.0617 (5) (b) An ordinance enacted under this section may delineate  
25 geographically defined zones within the ~~political subdivision~~ municipality and may

1 impose impact fees on land development in a zone that differ from impact fees  
2 imposed on land development in other zones within the ~~political-subdivision~~  
3 municipality. The public facilities needs assessment that is required under sub. (4)  
4 shall explicitly identify the differences, such as land development or the need for  
5 those public facilities, which justify the differences between zones in the amount of  
6 impact fees imposed.

7 **SECTION 2023jr.** 66.0617 (6) (b) of the statutes is amended to read:

8 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that  
9 are required to serve land development, as compared to existing uses of land within  
10 the ~~political-subdivision~~ municipality.

11 **SECTION 2023js.** 66.0617 (6) (d) of the statutes is amended to read:

12 66.0617 (6) (d) Shall be reduced to compensate for other capital costs imposed  
13 by the ~~political-subdivision~~ municipality with respect to land development to provide  
14 or pay for public facilities, including special assessments, special charges, land  
15 dedications, or fees in lieu of land dedications under ch. 236 or any other items of  
16 value.

17 **SECTION 2023jt.** 66.0617 (6) (g) of the statutes is amended to read:

18 66.0617 (6) (g) Shall be payable by the developer to the ~~political-subdivision~~  
19 municipality, either in full or in ~~instalment~~ installment payments that are approved  
20 by the ~~political-subdivision,~~ municipality, and may not be due on a date that  
21 is earlier than the date on which a building permit may be for the construction of a  
22 dwelling or other structure within the land development is issued or other required  
23 approval may be given by the political-subdivision.

24 **SECTION 2023ju.** 66.0617 (7) of the statutes is amended to read:

1           66.0617 (7) LOW-COST HOUSING. An ordinance enacted under this section may  
2 provide for an exemption from, or a reduction in the amount of, impact fees on land  
3 development that provides low-cost housing, except that no amount of an impact fee  
4 for which an exemption or reduction is provided under this subsection may be shifted  
5 to any other development in the land development in which the low-cost housing is  
6 located or to any other land development in the ~~political subdivision~~ municipality.

7           **SECTION 2023jv.** 66.0617 (8) of the statutes is amended to read:

8           66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact  
9 fees shall be placed in a segregated, interest-bearing account and shall be accounted  
10 for separately from the other funds of the ~~political subdivision~~ municipality. Impact  
11 fee revenues and interest earned on impact fee revenues may be expended only for  
12 capital costs for which the impact fees were imposed.

13           **SECTION 2023jw.** 66.0617 (9) of the statutes is amended to read:

14           66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted under this section  
15 shall specify that impact fees that are imposed and collected by a ~~political subdivision~~  
16 municipality but are not used within a reasonable period of time after they are  
17 collected to pay the capital costs for which they were imposed shall be refunded to  
18 the current owner of the property with respect to which the impact fees were  
19 imposed. The ordinance shall specify, by type of public facility, reasonable time  
20 periods within which impact fees must be spent or refunded under this subsection.  
21 In determining the length of the time periods under the ordinance, a ~~political~~  
22 ~~subdivision~~ municipality shall consider what are appropriate planning and  
23 financing periods for the particular types of public facilities for which the impact fees  
24 are imposed.

25           **SECTION 2023jx.** 66.0617 (10) of the statutes is amended to read:

1           66.0617 **(10)** APPEAL. A ~~political subdivision~~ municipality that enacts an  
2 impact fee ordinance under this section shall, by ordinance, specify a procedure  
3 under which a developer upon whom an impact fee is imposed has the right to contest  
4 the amount, collection, or use of the impact fee to the governing body of the ~~political~~  
5 ~~subdivision~~ municipality.

6           **SECTION 2023ke.** 66.0627 (3) (a) of the statutes is amended to read:

7           66.0627 **(3)** (a) Except as provided in par. (b), before a special charge may be  
8 imposed a public hearing shall be held on the imposition of the proposed special  
9 charge by the governing body of the city, village, or town may determine the manner  
10 of providing notice of a special charge. Notice of the hearing shall be by class 1 notice  
11 under ch. 985, and the notice shall specify where a copy of the proposed ordinance  
12 relating to the special charge may be obtained.

13           **SECTION 2023ks.** 66.0821 (4) (b) of the statutes is amended to read:

14           66.0821 **(4)** (b) For the purpose of making equitable charges for all services  
15 rendered by the sanitary sewerage system to the municipality or to citizens,  
16 corporations, and other users, the property benefited thereby may be classified,  
17 taking into consideration the volume of water, including surface or drain waters, the  
18 character of the sewage or waste and the nature of the use made of the sewerage  
19 system, including the sewage disposal plant. ~~The~~ Subject to sub. (8), the charges may  
20 also include standby charges to property not connected but for which such facilities  
21 have been made available.

22           **SECTION 2023ksb.** 66.0821 (4) (c) of the statutes is amended to read:

23           66.0821 **(4)** (c) For the purpose of making equitable charges for all services  
24 rendered by a storm water and surface water sewerage system to users, the property  
25 served may be classified, taking into consideration the volume or peaking of storm

1 water or surface water discharge that is caused by the area of impervious surfaces,  
2 topography, impervious surfaces and other surface characteristics, extent and  
3 reliability of mitigation or treatment measures available to service the property,  
4 apart from measures provided by the storm water and surface water sewerage  
5 system, and any other considerations that are reasonably relevant to a use made of  
6 the storm water and surface water sewerage system. The Subject to sub. (8), the  
7 charges may also include standby charges to property not yet developed with  
8 significant impervious surfaces for which capacity has been made available in the  
9 storm water and surface water sewerage system.

10 **SECTION 2023kse.** 66.0821 (8) of the statutes is created to read:

11 66.0821 (8) No municipality may impose any charges under this section that  
12 are not uniformly assessed against all users of the system, unless the charges that  
13 are imposed meet the standards under s. 66.0617 (6).”.

14 **885.** Page 680, line 5: after that line insert:

15 “**SECTION 2022m.** 66.0436 of the statutes is created to read:

16 **66.0436 Discrimination; federally chartered corporations. (1)**

17 DEFINITIONS. In this section:

18 (a) “Federally chartered corporation” means an organization that is listed in  
19 36 USC subtitle II, part B.

20 (b) “Local governmental unit” means a political subdivision of this state, a  
21 special purpose district in this state, an instrumentality or corporation of such a  
22 political subdivision or special purpose district, a combination or subunit of any of  
23 the foregoing, or an instrumentality of the state and any of the foregoing.

1           **(2)** LOCAL GOVERNMENTAL UNITS. No local governmental unit may treat a  
2           federally chartered corporation differently from how it treats any other organization  
3           in the use or rental of the grounds, buildings, facilities, or equipment of a local  
4           governmental unit, except that if a local governmental unit establishes membership  
5           or leadership policies with respect to users or renters of its grounds, buildings,  
6           facilities, or equipment, it may not use the membership or leadership policies of a  
7           federally chartered organization as the basis for denying such use or rental.”.

8           **886.** Page 680, line 5: after that line insert:

9           **“SECTION 2020i.** 66.0607 (1) of the statutes is amended to read:

10           66.0607 **(1)** Except as otherwise provided in subs. (2) to (5) and in s. 66.0608,  
11           in a county, city, village, town, or school district, all disbursements from the treasury  
12           shall be made by the treasurer upon the written order of the county, city, village,  
13           town, or school clerk after proper vouchers have been filed in the office of the clerk.  
14           If the statutes provide for payment by the treasurer without an order of the clerk, the  
15           clerk shall draw and deliver to the treasurer an order for the payment before or at  
16           the time that the payment is required to be made by the treasurer. This section  
17           applies to all special and general provisions of the statutes relative to the  
18           disbursement of money from the county, city, village, town, or school district treasury  
19           except s. 67.10 (2).

20           **SECTION 2020ic.** 66.0608 of the statutes is created to read:

21           **66.0608 Separate accounts for municipal fire, emergency medical**  
22           **technician, and first responder volunteer funds. (1) DEFINITIONS.** In this  
23           section:

24           (a) “Emergency medical technician” has the meaning given in s. 146.50 (1) (e).

1           (b) “Emergency medical technician volunteer funds” means funds of a  
2 municipality that are raised by employees of the municipality’s emergency medical  
3 technician department, by volunteers, or by donation to the emergency medical  
4 technician department, for the benefit of the municipality’s emergency medical  
5 technician department.

6           (c) “Fire volunteer funds” means funds of a municipality that are raised by  
7 employees of the municipality’s fire department, by volunteers, or by donation to the  
8 fire department, for the benefit of the municipality’s fire department.

9           (d) “First responder” has the meaning given in s. 146.53 (1) (d).

10          (e) “First responder volunteer funds” means funds of a municipality that are  
11 raised by employees of the municipality’s first responder department, by volunteers,  
12 or by donation to the first responder department, for the benefit of the municipality’s  
13 first responder department.

14          (f) “Municipality” means any city, village, or town.

15          (g) “Public depository” has the meaning given in s. 34.01 (5).

16          (h) “Volunteer funds” means emergency medical technician volunteer funds,  
17 fire volunteer funds, or first responder volunteer funds.

18          **(2) GENERAL AUTHORITY.** Subject to subs. (3) and (4), the governing body of a  
19 municipality may enact an ordinance that does all of the following:

20          (a) Authorizes a particular official or employee of the municipality’s fire  
21 department, emergency medical technician department, or first responder  
22 department to deposit volunteer funds of the department for which the individual  
23 serves as an official or employee, in an account in the name of the fire department,  
24 emergency medical technician department, or first responder department, in a  
25 public depository.



1 (b) Gives the municipality's fire department, emergency medical technician  
2 department, or first responder department, through the official or employee  
3 described under par. (a), exclusive control over the expenditure of volunteer funds  
4 of the department for which the individual serves as an official or employee in an  
5 account described under par. (a).

6 **(3) LIMITATIONS, REQUIREMENTS.** An ordinance enacted under sub. (2) may  
7 include any of the following limitations or requirements:

8 (a) A limit on the type and amount of funds that may be deposited into the  
9 account described under sub. (2) (a).

10 (b) A limit on the amount of withdrawals from the account described under sub.  
11 (2) (a) that may be made, and a limit on the purposes for which such withdrawals may  
12 be made.

13 (c) Reporting and audit requirements that relate to the account described  
14 under sub. (2) (a).

15 **(4) OWNERSHIP OF FUNDS.** Notwithstanding an ordinance enacted under sub. (2),  
16 volunteer funds shall remain the property of the municipality until the funds are  
17 disbursed.”.

18 **887.** Page 680, line 5: after that line insert:

19 “**SECTION 2022s.** 66.0316 of the statutes is created to read:

20 **66.0316 Renew Wisconsin performance review. (1) DEFINITIONS.** In this  
21 section:

22 (a) “Analysis” means a performance analysis of the cost and benefit of a political  
23 subdivision providing a governmental service compared to a private person  
24 providing the same service.

1 (b) “Chief executive officer” has the meaning given in s. 66.1106 (1) (a).

2 (c) “Department” means the department of revenue.

3 (d) “Extension” has the meaning given in s. 36.05 (7).

4 (e) “Governmental service” means a service related to any of the following:

5 1. Law enforcement.

6 2. Fire protection.

7 3. Emergency services.

8 4. Public health.

9 5. Solid waste collection and disposal.

10 6. Recycling.

11 7. Public transportation.

12 8. Public housing.

13 9. Animal control.

14 10. Libraries.

15 11. Recreation and culture.

16 12. Human services.

17 13. Youth services.

18 (f) “Political subdivision” means any city, village, town, or county with a  
19 population greater than 2,500.

20 **(2) PILOT PROGRAM.** The department shall establish a pilot program to study  
21 governmental services delivered by and to political subdivisions. The department  
22 shall solicit political subdivisions to participate in the program. Based on the  
23 department’s solicitation, the department shall select 5 political subdivisions to form  
24 councils as provided under sub. (3) and shall include in that selection at least one  
25 county and at least one city, village, or town.

1           **(3) CREATION OF COUNCIL.** (a) No later than January 1, 2002, each political  
2 subdivision selected under sub. (2) shall create a council consisting of 5 members, as  
3 follows:

4           1. The chief executive officer of the political subdivision, or his or her designee.

5           2. A member who is an employee of the political subdivision.

6           3. A member with cost accounting experience who is a resident of the political  
7 subdivision and who is not a political subdivision officer or employee.

8           4. Two members, not including the member under subd. 3., who are residents  
9 of the political subdivision and who are not political subdivision officers or  
10 employees.

11           (b) The political subdivision's chief executive officer shall appoint the council  
12 members under par. (a) 2. to 4. The chief executive officer shall appoint 2 members  
13 to initial terms of 2 years and the remaining 2 members to initial terms of 4 years.  
14 The chief executive officer shall appoint the respective successors of the members  
15 under par. (a) 2. to 4. to terms of 4 years. All members under par. (a) 2. to 4. shall  
16 serve until their successors are appointed and qualified.

17           (c) The council shall organize annually at its first meeting to elect a  
18 chairperson. Four members of the council shall constitute a quorum.

19           **(4) DUTIES OF COUNCIL.** The council shall conduct an analysis of governmental  
20 services provided by the political subdivision with which the council is affiliated. In  
21 conducting such an analysis, the council shall do all of the following:

22           (a) Establish specific benchmarks for performance, including goals related to  
23 intergovernmental cooperation to provide governmental services.

24           (b) Conduct research and establish new methods to promote efficiency in the  
25 delivery of governmental services.

1 (c) Identify and recommend collaborative agreements to be developed with  
2 other political subdivisions to deliver governmental services.

3 (5) DATA COLLECTION AND ANALYSIS. (a) A council may conduct an analysis of a  
4 governmental service provided by the political subdivision with which the council is  
5 affiliated on its own or after receiving any of the following:

6 1. A written suggestion regarding delegating a governmental service to a  
7 private person.

8 2. A written complaint that a governmental service provided by the political  
9 subdivision is competing with the same or a similar service provided by a private  
10 person.

11 3. A written suggestion by a political subdivision employee or political  
12 subdivision employee labor organization to review a governmental service delegated  
13 to a private person.

14 (b) After receiving a suggestion or complaint under par. (a), the council shall  
15 meet to decide whether an analysis of the governmental service indicated in the  
16 suggestion or complaint is necessary. The council may hold hearings, conduct  
17 inquiries, and gather data to make its decision. If the council decides to analyze a  
18 governmental service under this paragraph, the council shall do all of the following:

19 1. Determine the costs of providing the governmental service, including the  
20 cost of personnel and capital assets used in providing the service.

21 2. Determine how often and to what extent the governmental service is  
22 provided and the quality of the governmental service provided.

23 3. Make a cost–benefit determination based on the findings under subds. 1. and  
24 2.

1           4. Determine whether a private person can provide the governmental service  
2 at a cost savings to the political subdivision providing the service and at a quality at  
3 least equal to the quality of the service provided by the political subdivision.

4           5. If the council decides that a governmental service is not suitable for  
5 delegating to a private person, determine whether the governmental service should  
6 be retained in its present form, modified, or eliminated.

7           (c) After completing an analysis under par. (b), the council shall make a  
8 recommendation to the political subdivision providing the governmental service  
9 analyzed under par. (b) and publish the council's recommendation. The  
10 recommendation shall specify the recommendation's impact on the political  
11 subdivision and the political subdivision's employees.

12           **(6) TRAINING AND ASSISTANCE.** The board of regents of the University of  
13 Wisconsin System shall direct the extension to assist councils created under this  
14 section in performing their duties under subs. (4) and (5). The board of regents shall  
15 ensure that council members are trained in how to do all of the following:

16           (a) Conduct an analysis of a governmental service.

17           (b) Determine ways to improve the efficiency of delivering a governmental  
18 service.

19           (c) Establish, quantify, and monitor performance standards.

20           (d) Prepare the reports required under sub. (7) (a) and (b).

21           **(7) REPORTS.** (a) On or before June 30, 2002, each council shall submit a report  
22 to the department describing the council's activities.

23           (b) On or before June 30, 2003, each council shall submit a final report to the  
24 department describing the council's activities and recommendations and the extent  
25 to which its recommendations have been adopted by the political subdivision with

1 which the council is affiliated. A report submitted under this paragraph shall  
2 provide a detailed explanation of all analyses conducted under subs. (4) and (5).

3 (c) On or before July 31, 2003, the department shall submit a report concerning  
4 the activities and recommendations described in the reports submitted under pars.  
5 (a) and (b) to the legislature under s. 13.172 (2) and to the governor. The  
6 department's report shall describe ways to implement such recommendations  
7 statewide.

8 **SECTION 2022t.** 66.0317 of the statutes is created to read:

9 **66.0317 Cooperation region. (1) DEFINITIONS.** In this section:

10 (a) "Cooperation region" means a federal standard metropolitan statistical  
11 area. For purposes of this section, if only a part of a county is located in a federal  
12 standard metropolitan statistical area the entire county is considered to be located  
13 in the federal standard metropolitan statistical area.

14 (b) "Governmental service" has the meaning given in s. 66.0316 (1) (e).

15 (c) "Metropolitan service delivery" means any governmental service provided  
16 to a city that is provided by the city or by another city or by a town, village, or county  
17 and provided on a multijurisdictional basis.

18 (d) "Municipality" means any city, village, or town.

19 **(2) AREA COOPERATION COMPACTS.** (a) 1. Except as provided in subd. 3., beginning  
20 in 2003 and ending in 2005, a municipality shall enter into an area cooperation  
21 compact with at least 2 municipalities or counties located in the same cooperation  
22 region as the municipality, or with any combination of at least 2 such entities, to  
23 perform at least 2 governmental services.

24 2. Except as provided in subd. 3., beginning in 2006 and in each subsequent  
25 year, a municipality shall enter into an area cooperation compact with at least 4

1 municipalities or counties located in the same cooperation region as the municipality,  
2 or with any combination of at least 4 such entities, to perform at least 5 governmental  
3 services.

4 3. A municipality that is not adjacent to at least 2 other municipalities located  
5 in the same cooperation region as the municipality may enter into a cooperation  
6 compact with any adjacent municipality or with the county in which the municipality  
7 is located to perform the number of governmental services as specified under subd.  
8 1. or 2.

9 (b) An area cooperation compact shall provide a plan for any municipalities or  
10 counties that enter into the compact to collaborate to provide governmental services.  
11 The compact shall provide benchmarks to measure the plan's progress and provide  
12 outcome-based performance measures to evaluate the plan's success.  
13 Municipalities and counties that enter into the compact shall structure the compact  
14 in a way that results in significant tax savings to taxpayers within those  
15 municipalities and counties.

16 (c) 1. Annually, beginning in 2002, a municipality shall certify to the  
17 department of revenue by May 1, in a manner prescribed by the department that the  
18 municipality complied with pars. (a) and (b).

19 2. Annually, beginning in 2002, a municipality shall submit to the department  
20 of revenue on or before June 30, in a manner prescribed by the department, a report  
21 that indicates whether the municipality has entered into any agreements with any  
22 other municipality or any county located in the same cooperation region as the  
23 municipality related to the following:

1 a. Establishment of performance standards for delivery of governmental  
2 services by municipalities or counties within a federal standard metropolitan  
3 statistical area or county.

4 b. Collaborative service delivery.

5 c. Reduction or elimination of overlapping service delivery.

6 d. Municipal revenue sharing under s. 66.0305.

7 e. Smart growth planning under s. 16.965.

8 f. Metropolitan service delivery.

9 g. Financial incentives for shared regional planning services.

10 h. Boundary issues.

11 i. Other intergovernmental issues.

12 (d) The department of revenue may grant a municipality additional time to  
13 submit any report under par. (c), if the municipality shows good cause for granting  
14 the additional time.

15 (e) Annually, beginning in 2004, the legislative audit bureau shall prepare a  
16 report on the performance of area cooperation compacts and shall submit copies of  
17 the report to the chief clerk of each house of the legislature for distribution to the  
18 appropriate standing committees under s. 13.172 (3) by June 30.”.

19 **888.** Page 680, line 5: after that line insert:

20 “SECTION 2020e. 66.0501 (4) of the statutes is amended to read:

21 66.0501 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter,  
22 emergency medical technician, or first responder in a city, village, or town whose  
23 annual compensation from one or more of those positions, including fringe benefits,  
24 does not exceed \$2,500 may also hold an elected elective office in that city, village,



1 or town. It is compatible with his or her office for an elected town officer to receive  
2 wages under s. 60.37 (4) for work that he or she performs for the town.”.

3 **889.** Page 680, line 5: after that line insert:

4 “**SECTION 2023h.** 66.0602 of the statutes is created to read:

5 **66.0602 Accumulation of reserves for specified purposes. (1)** Any city,  
6 village, or town may accumulate cash or other liquid assets in nonlapsing reserve  
7 funds for any of the purposes specified in sub. (2) if the reserve funds are kept in  
8 segregated accounts in the municipal treasury. Each reserve fund must have a  
9 designated, specific purpose for which the cash or other assets are being  
10 accumulated, and may be spent only for the specified purpose.

11 **(2)** Cash or other liquid assets in reserve funds may be accumulated for any of  
12 the following purposes:

13 (a) The purchase of a capital asset that is expected to last at least several years.

14 (b) The construction or repair of public infrastructure.

15 (c) The payment or financing of recovery or rebuilding costs that are  
16 necessitated by a natural disaster.”.

17 **890.** Page 680, line 5: after that line insert:

18 “**SECTION 2019ng.** 66.0227 (3) of the statutes is amended to read:

19 66.0227 **(3)** The governing body of a city, village or town involved may, or if a  
20 petition conforming to the requirements of s. 8.40 signed by a number of qualified  
21 electors equal to at least 5% of the votes cast for governor in the city, village or town  
22 at the last gubernatorial election, demanding a referendum, is presented to it within  
23 30 days after the passage of either of the ordinances under sub. (2) shall, submit the  
24 question to the electors of the city, village or town whose electors petitioned for

1 detachment, at a referendum election ~~called for that purpose~~ held at the next election  
2 permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3) but not less  
3 than 42 days nor more than 72 days after the filing of the petition, or after the  
4 enactment of either ordinance. The petition shall be filed as provided in s. 8.37. If  
5 a number of electors cannot be determined on the basis of reported election statistics,  
6 the number shall be determined in accordance with s. 60.74 (6). The governing body  
7 of the municipality shall appoint 3 election inspectors who are resident electors to  
8 supervise the referendum. The ballots shall contain the words “For Detachment”  
9 and “Against Detachment”. The inspectors shall certify the results of the election by  
10 their attached affidavits and file a copy with the clerk of each town, village or city  
11 involved, and none of the ordinances may take effect nor be in force unless a majority  
12 of the electors approve the question. The referendum election shall be conducted in  
13 accordance with chs. 6 and 7 to the extent applicable.

14 **SECTION 2020nq.** 66.0619 (2m) (b) of the statutes is amended to read:

15 66.0619 **(2m)** (b) If a referendum is to be held on a resolution, the municipal  
16 governing body shall file the resolution as provided in s. 8.37 and shall direct the  
17 municipal clerk to ~~call a special election for the purpose of submitting~~ submit the  
18 resolution to the electors for approval of the electors at a referendum ~~on approval or~~  
19 ~~rejection.~~ ~~In lieu of a special election, the municipal governing body may specify that~~  
20 ~~the election be held at the next succeeding spring primary or election or September~~  
21 ~~primary or general election~~ called in accordance with s. 8.065.

22 **SECTION 2024nv.** 66.0815 (1) (c) of the statutes is amended to read:

23 66.0815 **(1)** (c) An ordinance under sub. (1) may not take effect until 60 days  
24 after passage and publication unless sooner approved by a referendum. Within the  
25 60-day period electors equal in number to 20% of those voting at the last regular

1 municipal election may file a petition requesting for a referendum. The petition shall  
2 be in writing and filed with the clerk and as provided in s. 8.37. The petition shall  
3 conform to the requirements of s. 8.40, ~~except that each signer shall also state his or~~  
4 ~~her.~~ Each signer shall state his or her residence and signatures shall be verified by  
5 the affidavit of an elector. The referendum shall be held at the next regular  
6 municipal election, ~~or at a special election within 90 days of the~~ authorized under s.  
7 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45  
8 days after filing of the petition. The ordinance may not take effect unless approved  
9 by a majority of the votes cast. This paragraph does not apply to extensions by a  
10 utility previously franchised by the village, city or town.”.

11 **891.** Page 680, line 5: after that line insert:

12 “SECTION 2020. 66.0309 (8m) of the statutes is created to read:

13 66.0309 (8m) AUTHORITY TO ACQUIRE REAL PROPERTY. A regional planning  
14 commission may acquire and hold real property for public use and may convey and  
15 dispose of the property.”.

16 **892.** Page 681, line 7: after that line insert:

17 “SECTION 2026nz. 66.0903 (3) (am) of the statutes is amended to read:

18 66.0903 (3) (am) A local governmental unit, before making a contract by direct  
19 negotiation or soliciting bids on a contract, for the erection, construction, remodeling,  
20 repairing or demolition of any project of public works, including a highway, street or  
21 bridge construction project, shall apply to the department to determine the  
22 prevailing wage rate for each trade or occupation required in the work contemplated.  
23 The department shall conduct investigations and hold public hearings as necessary  
24 to define the trades or occupations that are commonly employed on projects that are

1 subject to this section and to inform itself as to the prevailing wage rates in all areas  
2 of the state for those trades or occupations, in order to determine the prevailing wage  
3 rate for each trade or occupation. In defining those trades or occupations, the  
4 department shall define metal building assembler as a separate trade or occupation  
5 for purposes of determining the prevailing wage rates for that trade or occupation  
6 and shall include among the typical duties of that trade or occupation reroofing and  
7 assembling components for use in construction canopies, reroofs, and mezzanines.  
8 The department shall issue its determination within 30 days after receiving the  
9 request and shall file the determination with the requesting local governmental  
10 unit.”.

11 **893.** Page 681, line 8: delete lines 8 to 25.

12 **894.** Page 682, line 1: delete lines 1 to 9.

13 **895.** Page 682, line 10: delete lines 10 to 22 and substitute:

14 “**SECTION 2027b.** 66.0921 (2) of the statutes is amended to read:

15 66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint  
16 contract with a nonprofit corporation organized for civic purposes and located in the  
17 municipality to construct or otherwise acquire, equip, furnish, operate and maintain  
18 a facility to be used for municipal and civic activities if a majority of the voters voting  
19 in a referendum ~~at a special election or at a spring primary or election or September~~  
20 ~~primary or general~~ authorized municipality to enter into a joint contract. The  
21 referendum shall be held at an election ~~approve the question of entering into the joint~~  
22 contract authorized under s. 8.065.”.

23 **896.** Page 682, line 22: after that line insert:

24 “**SECTION 2029p.** 66.1105 (2) (k) of the statutes is amended to read:

1           66.1105 (2) (k) “Tax incremental district” means a contiguous geographic area  
2 within a city defined and created by resolution of the local legislative body, consisting  
3 solely of whole units of property as are assessed for general property tax purposes,  
4 other than railroad rights-of-way, rivers or highways. Railroad rights-of-way,  
5 rivers or highways may be included in a tax incremental district only if they are  
6 continuously bounded on either side, or on both sides, by whole units of property as  
7 are assessed for general property tax purposes which are in the tax incremental  
8 district. “Tax incremental district” does not include any area identified as a wetland  
9 on a map under s. ~~23.32~~ 278.32.

10           **SECTION 2029w.** 66.1106 (1) (c) of the statutes is amended to read:

11           66.1106 (1) (c) “Eligible costs” means capital costs, financing costs and  
12 administrative and professional service costs, incurred or estimated to be incurred  
13 by a political subdivision, for the investigation, removal, containment or monitoring  
14 of, or the restoration of soil, air, surface water, sediments or groundwater affected by,  
15 environmental pollution, including monitoring costs incurred within 2 years after  
16 the date on which the department of ~~natural resources~~ environmental management  
17 certifies that environmental pollution on the property has been remediated, property  
18 acquisition costs, demolition costs including asbestos removal, and removing and  
19 disposing of underground storage tanks or abandoned containers, as defined in s.  
20 292.41 (1), except that for any parcel of land “eligible costs” shall be reduced by any  
21 amounts received from persons responsible for the discharge, as defined in s. 292.01  
22 (3), of a hazardous substance on the property to pay for the costs of remediating  
23 environmental pollution on the property, by any amounts received, or reasonably  
24 expected by the political subdivision to be received, from a local, state or federal  
25 program for the remediation of contamination in the district that do not require

1 reimbursement or repayment and by the amount of net gain from the sale of the  
2 property by the political subdivision. “Eligible costs” associated with groundwater  
3 affected by environmental pollution include investigation and remediation costs for  
4 groundwater that is located in, and extends beyond, the property that is being  
5 remediated.

6 **SECTION 2030e.** 66.1106 (1) (f) of the statutes is amended to read:

7 66.1106 (1) (f) “Environmental remediation tax incremental base” means the  
8 aggregate value, as equalized by the department, of a parcel of real property that is  
9 certified under this section as of the January 1 preceding the date on which the  
10 department of ~~natural resources~~ environmental management issues a certificate  
11 certifying that environmental pollution on the property has been remediated in  
12 accordance with rules promulgated by the department of ~~natural resources~~  
13 environmental management.

14 **SECTION 2039b.** 66.1106 (4) (intro.) of the statutes is amended to read:

15 66.1106 (4) CERTIFICATION. (intro.) Upon written application to the department  
16 of revenue by the clerk of a political subdivision on or before April 1 of the year  
17 following the year in which the certification described in par. (a) is received from the  
18 department of ~~natural resources~~ environmental management, the department of  
19 revenue shall certify to the clerk of the political subdivision the environmental  
20 remediation tax incremental base of a parcel of real property if all of the following  
21 apply:

22 **SECTION 2039d.** 66.1106 (4) (a) of the statutes is amended to read:

23 66.1106 (4) (a) The political subdivision submits a statement that it has  
24 incurred some eligible costs, and includes with the statement a detailed proposed  
25 remedial action plan approved by the department of ~~natural resources~~

1 environmental management that contains cost estimates for anticipated eligible  
2 costs and a schedule for the design, implementation and construction that is needed  
3 to complete the remediation, with respect to the parcel or contiguous parcels of  
4 property and the statement details the purpose and amount of the expenditures  
5 already made and includes a dated certificate issued by the department of ~~natural~~  
6 ~~resources~~ environmental management that certifies that the department of ~~natural~~  
7 ~~resources~~ environmental management has approved the site investigation report  
8 that relates to the parcel or contiguous parcels in accordance with rules promulgated  
9 by the department of ~~natural resources~~ environmental management.

10 **SECTION 2041z.** 66.1106 (7) (d) of the statutes is amended to read:

11 66.1106 (7) (d) 1. The department may not authorize a positive environmental  
12 remediation tax increment under par. (a) to pay otherwise eligible costs that are  
13 incurred by the political subdivision after the department of ~~natural resources~~  
14 environmental management certifies to the department of revenue that  
15 environmental pollution on the parcel of property has been remediated unless the  
16 costs are associated with activities, as determined by the department of ~~natural~~  
17 ~~resources~~ environmental management, that are necessary to close the site described  
18 in the site investigation report.

19 2. The department of ~~natural resources~~ environmental management shall  
20 certify to the department of revenue the completion of the remediation of  
21 environmental pollution at the site described in the site investigation report.”.

22 **897.** Page 682, line 23: before that line insert:

23 “**SECTION 2028x.** 66.1103 (10) (d) of the statutes is amended to read:

1           66.1103 (10) (d) The governing body may issue bonds under this section  
2 without submitting the proposition to the electors of the municipality for approval  
3 unless within 30 days from the date of publication of notice of adoption of the initial  
4 resolution for the bonds, a petition conforming to the requirements of s. 8.40, and  
5 signed by a number of electors of the municipality equal to not less than 5% of the  
6 registered electors of the municipality, or, if there is no registration of electors in the  
7 municipality, by 10% of the number of electors of the municipality voting for the office  
8 of governor at the last general election as determined under s. 115.01 (13), is filed  
9 with the clerk of the municipality and as provided in s. 8.37 requesting a referendum  
10 upon the question of the issuance of the bonds. If such a petition is filed, the bonds  
11 may not be issued until approved by a majority of the electors of the municipality  
12 voting on the referendum at a ~~general or special election~~ referendum called in  
13 accordance with s. 8.065.”.

14           **898.** Page 684, line 8: after that line insert:

15           “**SECTION 2055m.** 67.05 (3) (f) of the statutes is amended to read:

16           67.05 (3) (f) If a special purpose district calls a referendum to be held in  
17 conjunction with a state, county, municipal or judicial election, the polling places for  
18 the state, county, municipal or judicial election shall be the polling places for the  
19 special purpose district referendum and the municipal election hours shall apply. If  
20 no state, county, municipal or judicial election is held on the day of the special  
21 purpose district referendum, the governing body of the special purpose district may  
22 ~~set the election hours and~~ select the polling places to be used, except as otherwise  
23 provided in s. 120.06 (9) (b) in the case of a school district. If a polling place located  
24 in the special purpose district that was utilized at the most recent spring or general



1 election is not utilized by the special purpose district, the governing body of the  
2 special purpose district shall post a notice on the door of the polling place indicating  
3 all polling places open for voting. ~~Election hours set by the governing body of the~~  
4 ~~special purpose district for each polling place shall be the same as those provided by~~  
5 ~~the governing body of the municipality in which the polling place is located, except~~  
6 ~~that if the opening hour is later than 7 a.m., the governing body of the special purpose~~  
7 ~~district may extend the opening hour to not earlier than 7 a.m.~~ The municipal clerk  
8 of each municipality in which a polling place is located shall provide the necessary  
9 equipment to operate the polling place.”.

10 **899.** Page 684, line 8: after that line insert:

11 “**SECTION 2055m.** 67.05 (4) and (5) of the statutes are amended to read:

12 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an  
13 initial resolution for an issue of county bonds to provide for the original construction  
14 or for the improvement and maintenance of highways, to provide railroad aid, or to  
15 construct, acquire or maintain, or to aid in constructing, acquiring or maintaining  
16 a bridge over or across any stream or other body of water bordering upon or  
17 intersecting any part of the county, the county clerk is not required to submit the  
18 resolution for approval to the electors of the county at a ~~special election~~ referendum  
19 unless within 30 days after the adoption thereof there is filed with the clerk a petition  
20 conforming to the requirements of s. 8.40 and requesting such submission, signed by  
21 electors numbering at least 10% of the votes cast in the county for governor at the  
22 last general election. If a petition is filed, the question submitted shall be whether  
23 the resolution shall be or shall not be approved. No such resolution of a county board

1 other than those specified in this subsection need be submitted to county electors,  
2 except as provided otherwise in sub. (7).

3 **(5) REFERENDUM IN TOWNS, VILLAGES AND CITIES.** (a) Whenever an initial  
4 resolution has been so adopted by the governing body of a town, the clerk of the  
5 municipality shall immediately record the resolution and call a ~~special election~~  
6 referendum in accordance with s. 8.065 for the purpose of submitting the resolution  
7 to the electors of the municipality for approval. This paragraph does not apply to  
8 bonds issued to finance low-interest mortgage loans under s. 62.237, unless a  
9 number of electors equal to at least 15% of the votes cast for governor at the last  
10 general election in their town sign and file a petition conforming to the requirements  
11 of s. 8.40 with the town clerk requesting submission of the resolution. Whenever a  
12 number of electors cannot be determined on the basis of reported statistics, the  
13 number shall be determined in accordance with s. 60.74 (6). If a petition is filed, the  
14 question submitted shall be whether the resolution shall or shall not be approved.  
15 This paragraph is limited in its scope by sub. (7).

16 (b) No city or village may issue bonds for any purposes other than for water  
17 systems, lighting works, gas works, bridges, street lighting, street improvements,  
18 street improvement funding, hospitals, airports, harbor improvements, river  
19 improvements, breakwaters and protection piers, sewerage, garbage disposal,  
20 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish  
21 disposal, parks and public grounds, swimming pools and band shells, veterans  
22 housing projects, paying the municipality's portion of the cost of abolishing grade  
23 crossings, for the construction of police facilities and combined fire and police safety  
24 buildings, for the purchase of sites for engine houses, for fire engines and other  
25 equipment of the fire department, for construction of engine houses, and for pumps,

1 water mains, reservoirs and all other reasonable facilities for fire protection  
2 apparatus or equipment for fire protection, for parking lots or other parking  
3 facilities, for school purposes, for libraries, for buildings for the housing of machinery  
4 and equipment, for acquiring and developing sites for industry and commerce as will  
5 expand the municipal tax base, for financing the cost of low-interest mortgage loans  
6 under s. 62.237, for providing financial assistance to blight elimination, slum  
7 clearance, community development, redevelopment and urban renewal programs  
8 and projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337 or for  
9 University of Wisconsin System college campuses, as defined in s. 36.05 (6m), until  
10 the proposition for their issue for the special purpose has been submitted to the  
11 electors of the city or village and adopted by a majority vote. Except as provided  
12 under sub. (15), if the common council of any city or the village board of a village  
13 declares its purpose to raise money by issuing bonds for any purpose other than those  
14 specified in this subsection, it shall direct by resolution, which shall be recorded at  
15 length in the record of its proceedings, the clerk to call a ~~special election~~ referendum  
16 in accordance with s. 8.065 for the purpose of submitting the question of bonding to  
17 the city or village electors. If a number of electors of a city or village equal to at least  
18 15% of the votes cast for governor at the last general election in their city or village  
19 sign and file a petition conforming to the requirements of s. 8.40 with the city or  
20 village clerk requesting submission of the resolution, the city or village may not issue  
21 bonds for financing the cost of low-interest mortgage loans under s. 62.237 ~~without~~  
22 ~~calling a special election to submit the question of bonding to~~ unless the issuance is  
23 approved by the city or village electors for their approval at a referendum called in  
24 accordance with s. 8.065."

1           **900.** Page 684, line 10: delete lines 10 to 18 and substitute:

2           “67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a ~~special election~~  
3           referendum in accordance with s. 8.065 (2) or an election authorized under s. 8.065  
4           (3) for the purpose of submitting the resolution to the electors for approval or  
5           rejection, ~~or direct that the resolution be submitted at the next regularly scheduled~~  
6           primary or election permitted under s. 8.065 (2) or an election authorized under s.  
7           8.065 (3) to be held not earlier than 45 days after the adoption of the resolution. The  
8           resolution shall not be effective unless adopted by a majority of the school district  
9           electors voting at the referendum.”.

10           **901.** Page 685, line 14: delete the material beginning with that line and  
11           ending with page 686, line 21, and substitute:

12           “**SECTION 2056m.** 67.05 (6m) (b) of the statutes is amended to read:

13           67.05 **(6m)** (b) If a referendum is to be held on an initial resolution, the district  
14           board shall direct the technical college district secretary to call a ~~special election~~  
15           referendum in accordance with s. 8.065 for the purpose of submitting the initial  
16           resolution to the electors for ~~a referendum on approval or rejection. In lieu of a~~  
17           ~~special election, the district board may specify that the election be held at the next~~  
18           ~~succeeding spring primary or election or September primary or general election.~~

19           **SECTION 2056p.** 67.10 (5) (b) of the statutes is amended to read:

20           67.10 **(5)** (b) Any city having ~~voted~~ approved the issuance of bonds at a special  
21           referendum ~~election~~ held in accordance with s. 8.065 and having sold a portion  
22           thereof may negotiate, sell or otherwise dispose of the same in the manner provided  
23           by statute within 9 years of the date of the election voting the same.

24           **SECTION 2056s.** 67.12 (12) (e) 5. of the statutes is amended to read:

1           67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district  
2 board of a resolution under subd. 1. to issue a promissory note for a purpose under  
3 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption  
4 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of  
5 the resolution, but shall state the amount proposed to be borrowed, the method of  
6 borrowing, the purpose thereof, that the resolution was adopted under this  
7 subsection and the place where and the hours during which the resolution is  
8 available for public inspection. If the amount proposed to be borrowed is for building  
9 remodeling or improvement and does not exceed \$500,000 \$1,000,000 or is for  
10 movable equipment, the district board need not submit the resolution to the electors  
11 for approval unless, within 30 days after the publication or posting, a petition  
12 conforming to the requirements of s. 8.40 is filed with the secretary of the district  
13 board requesting a referendum ~~at a special election~~ to be called for that purpose.  
14 Such petition shall be signed by electors from each county lying wholly or partially  
15 within the district. The number of electors from each county shall equal at least 1.5%  
16 of the population of the county as determined under s. 16.96 (2) (c). If a county lies  
17 in more than one district, the technical college system board shall apportion the  
18 county's population as determined under s. 16.96 (2) (c) to the districts involved and  
19 the petition shall be signed by electors equal to the appropriate percentage of the  
20 apportioned population. ~~In lieu of a special election, the district board may specify~~  
21 ~~that the referendum shall be held at the next succeeding spring primary or election~~  
22 ~~or September primary or general election.~~ Any resolution to borrow amounts of  
23 money in excess of \$500,000 \$1,000,000 for building remodeling or improvement  
24 shall be submitted to the electors of the district for approval. Any referendum under  
25 this subdivision shall be called at the next election authorized under s. 8.065 (2) or

1 an election authorized under s. 8.065 (3) occurring not sooner than 45 days after  
2 filing of a petition or adoption of a resolution requiring the referendum. If a  
3 referendum is held or required under this subdivision, no promissory note may be  
4 issued until the issuance is approved by a majority of the district electors voting at  
5 such referendum. The referendum shall be noticed, called and conducted under s.  
6 67.05 (6a) insofar as applicable, except that the notice of ~~special election~~ referendum  
7 and ballot need not embody a copy of the resolution and the question which shall  
8 appear on the ballot shall be “Shall .... (name of district) be authorized to borrow the  
9 sum of \$.... for (state purpose) by issuing its general obligation promissory note (or  
10 notes) under section 67.12 (12) of the Wisconsin Statutes?”.”.

11 **902.** Page 699, line 18: after that line insert:

12 “**SECTION 2004g.** 64.12 (4) of the statutes is amended to read:

13 64.12 **(4)** At the end of each fiscal year the council shall cause a full and  
14 complete examination of all the books and accounts of the city to be made by  
15 competent certified public accountants licensed or certified under ch. 442 who shall  
16 report in full to the council. The summaries of such audits shall be presented and  
17 furnished to all newspapers and libraries of the city and to such other persons as  
18 shall apply therefor.

19 **SECTION 2004j.** 64.34 (2) of the statutes is amended to read:

20 64.34 **(2)** At the end of each year the council shall cause a full and complete  
21 examination of all of the books and accounts of the city to be made by competent  
22 certified public accountants licensed or certified under ch. 442, who shall report in  
23 full thereon to the council. Copies of such reports shall be furnished by the council  
24 to all newspapers of the city and to all persons who shall apply therefor.”.

1           **903.** Page 700, line 10: after that line insert:

2           “**SECTION 2102.** 70.11 (2) of the statutes is amended to read:

3           70.11 **(2)** MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.  
4           Property owned by any county, city, village, town, school district, technical college  
5           district, public inland lake protection and rehabilitation district, metropolitan  
6           sewerage district, municipal water district created under s. 198.22, joint local water  
7           authority created under s. 66.0823, regional planning commission created under s.  
8           66.0309, family care district under s. 46.2895, or town sanitary district; lands  
9           belonging to cities of any other state used for public parks; land tax–deeded to any  
10          county or city before January 2; but any residence located upon property owned by  
11          the county for park purposes that is rented out by the county for a nonpark purpose  
12          shall not be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d),  
13          this exemption shall not apply to land conveyed after August 17, 1961, to any such  
14          governmental unit or for its benefit while the grantor or others for his or her benefit  
15          are permitted to occupy the land or part thereof in consideration for the conveyance.  
16          Leasing the property exempt under this subsection, regardless of the lessee and the  
17          use of the leasehold income, does not render that property taxable.”.

18          **904.** Page 701, line 12: after that line insert:

19          “**SECTION 2103r.** 70.11 (20) (a) of the statutes is amended to read:

20          70.11 **(20)** (a) The property is used to preserve native wild plant or native wild  
21          animal life, Indian mounds or other works of ancient persons or geological or  
22          geographical formations of scientific interest; or the property is used for community  
23          parks and is open to the public, at no charge to the public.”.

24          **905.** Page 702, line 2: after that line insert:

1           “**SECTION 2104b.** 70.11 (21) (a) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is amended to read:

3           70.11 **(21)** (a) All property purchased or constructed as a waste treatment  
4 facility used for the treatment of industrial wastes, as defined in s. 281.01 (5), or air  
5 contaminants, as defined in s. 285.01 (1), but not for other wastes, as defined in s  
6 281.01 (7) for the purpose of abating or eliminating pollution of surface waters, the  
7 air, or waters of the state if that property is not used to grow agricultural products  
8 for sale and, if the property’s owner is taxed under ch. 76, if the property is approved  
9 by the department of revenue. For the purposes of this subsection, “industrial waste”  
10 also includes wood chips, sawdust, and other wood residue from the paper and wood  
11 products manufacturing process that can be used as fuel and would otherwise be  
12 considered superfluous, discarded, or fugitive material. The department of natural  
13 resources environmental management and department of health and family services  
14 shall make recommendations upon request to the department of revenue regarding  
15 such property. All property purchased or upon which construction began prior to  
16 July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

17           **SECTION 2104n.** 70.11 (21) (b) of the statutes is amended to read:

18           70.11 **(21)** (b) The books and records of owners of property covered by this  
19 subsection shall be open to examination by representatives of the department of  
20 ~~natural resources~~ environmental management, department of health and family  
21 services and department of revenue.”.

22           **906.** Page 702, line 22: after that line insert:

23           “**SECTION 2108d.** 70.11 (27m) of the statutes is created to read:



1           70.11 **(27m)** RESTAURANT KITCHEN EQUIPMENT. (a) In this subsection,  
2 “machinery” has the meaning given in sub. (27) (a) 2.

3           (b) Machinery and equipment used primarily in the operation of a restaurant’s  
4 kitchen to prepare or serve food or beverages, regardless of whether the machinery  
5 or equipment is attached to real property.”.

6           **907.** Page 704, line 22: after that line insert:

7           “**SECTION 2112m.** 70.111 (25) of the statutes is amended to read:

8           70.111 **(25)** DIGITAL BROADCASTING EQUIPMENT. Digital broadcasting equipment  
9 owned and used by a radio station ~~or~~ a television station, ~~except that this subsection~~  
10 ~~does not apply to digital broadcasting equipment that is owned and used by or~~ a cable  
11 television system, as defined in s. ~~66.082~~ 66.0419 (2) (d).”.

12           **908.** Page 705, line 24: after that line insert:

13           “**SECTION 2114c.** 70.113 (1) (intro.) of the statutes is amended to read:

14           70.113 **(1)** (intro.) As soon after April 20 of each year as is feasible the  
15 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall pay to the  
16 city, village, or town treasurer all of the following amounts from the following  
17 appropriations for each acre situated in the municipality of state forest lands, as  
18 defined in s. 28.02 (1), state parks under s. 27.01 and state public shooting, trapping  
19 or fishing grounds and reserves or refuges operated thereon, acquired at any time  
20 under s. 29.10, 1943 stats., s. 23.09 (2) (d) or 29.749 (1) or from the appropriations  
21 made by s. 20.866 (2) (tp) by the department of ~~natural resources~~ fish, wildlife, parks,  
22 and forestry or leased from the federal government by the department of ~~natural~~  
23 ~~resources~~ fish, wildlife, parks, and forestry:

24           **SECTION 2114e.** 70.113 (2) (a) of the statutes is amended to read:

1           70.113 **(2)** (a) Towns, cities or villages shall be paid for forest lands as defined  
2 in s. 28.02 (1), state parks under s. 27.01 and other lands acquired under s. 23.09 (2)  
3 (d), 23.27, 23.29, 23.293, 23.31 or 29.749 (1) located within such municipality and  
4 acquired after June 30, 1969. Such payments shall be made from the appropriation  
5 under s. 20.370 (5) (da) or (dq) and remitted by the department of ~~natural resources~~  
6 fish, wildlife, parks, and forestry in the amounts certified by the department of  
7 revenue according to par. (b).

8           **SECTION 2114g.** 70.114 (1) (a) of the statutes is amended to read:

9           70.114 **(1)** (a) “Department” means the department of ~~natural resources~~ fish,  
10 wildlife, parks, and forestry.”.

11           **909.** Page 705, line 24: after that line insert:

12           **“SECTION 2114j.** 70.112 (5) of the statutes is amended to read:

13           70.112 **(5)** MOTOR VEHICLES, BICYCLES, SNOWMOBILES. Every automobile,  
14 low-speed vehicle, motor bicycle, motor bus, motorcycle, motor truck, moped, road  
15 tractor, school bus, snowmobile, truck tractor, or other similar motor vehicle, or  
16 trailer or semitrailer used in connection therewith.”.

17           **910.** Page 705, line 24: after that line insert:

18           **“SECTION 2114d.** 70.32 (2) (c) 1. of the statutes is renumbered 70.32 (2) (c) 1.  
19 (intro.) and amended to read:

20           70.32 **(2)** (c) 1. (intro.) “Agricultural land” means ~~land~~, all of the following:

21           a. Land, exclusive of buildings and improvements, that is devoted primarily to  
22 agricultural use, as defined by rule.

23           **SECTION 2114f.** 70.32 (2) (c) 1. b. of the statutes is created to read:

1           70.32 (2) (c) 1. b. For every acre of agricultural land under subd. 1. a. that a  
2 person owns, nine-tenths of an acre of land, exclusive of buildings and  
3 improvements, that is classified under par. (a) 5. or 6.; that is contiguous to  
4 agricultural land under subd. 1. a., including land that is separated from  
5 agricultural land under subd. 1. a. only by a road; and that is owned by the person  
6 that owns the contiguous agricultural land under subd. 1. a.

7           **SECTION 2114h.** 70.32 (2r) (c) of the statutes is amended to read:

8           70.32 (2r) (c) For the assessment as of the January 1 after the valuation method  
9 under par. (b) no longer applies and for each assessment thereafter, agricultural land  
10 shall be assessed according to the income that could be generated from its rental for  
11 agricultural use, except that the agricultural land under sub. (2) (c) 1. b. shall be  
12 assessed as pasture land, as provided in the assessment manual published under s.  
13 73.03 (2a).”.

14           **911.** Page 705, line 25: delete the material beginning with that line and  
15 ending with page 706, line 6.

16           **912.** Page 706, line 6: after that line insert:

17           **“SECTION 2114mb.** 70.32 (2) (c) 4. of the statutes is amended to read:

18           70.32 (2) (c) 4. “Swampland or wasteland” means bog<sub>;</sub> marsh<sub>;</sub> lowland brush<sub>;</sub>  
19 uncultivated land zoned as shoreland under s. 59.692 and shown as a wetland on a  
20 final map under s. ~~23.32~~ 278.32; undeveloped land that is not classified under this  
21 subsection as agricultural or as productive forest land and that is part of a parcel that  
22 is designated as managed forest land under subch. VI of ch. 77; or other  
23 nonproductive lands not otherwise classified under this subsection.

24           **SECTION 2114mg.** 70.375 (4) (o) of the statutes is amended to read:

1           70.375 (4) (o) Actual and necessary reclamation and restoration costs  
2 associated with a mine in this state, including payments for future reclamation and  
3 postmining costs which are required by law or by department of ~~natural resources~~  
4 environmental management order and fees and charges under chs. 281, 285 or 289  
5 to 299, except s. 281.48, not otherwise deductible under this section. Any refunds of  
6 escrowed or reserve fund payments allowed as a deduction under this paragraph  
7 shall be taxed as net proceeds at the average effective tax rate for the years the  
8 deduction was taken.

9           **SECTION 2114mj.** 70.395 (2) (dc) 1. of the statutes is amended to read:

10           70.395 (2) (dc) 1. Each person intending to submit an application for a mining  
11 permit shall pay \$50,000 to the department of revenue for deposit in the investment  
12 and local impact fund at the time that the person notifies the department of ~~natural~~  
13 ~~resources~~ environmental management under s. 293.31 (1) of that intent.

14           **SECTION 2114mn.** 70.395 (2) (j) of the statutes is amended to read:

15           70.395 (2) (j) Prior to the beginning of a fiscal year, the board shall certify to  
16 the department of administration for payment from the investment and local impact  
17 fund any sum necessary for the department of ~~natural resources~~ environmental  
18 management to make payments under s. 289.68 (3) for the long-term care of mining  
19 waste sites, if moneys in the waste management fund are insufficient to make  
20 complete payments during that fiscal year, but this sum may not exceed the balance  
21 in the waste management fund at the beginning of that fiscal year or 50% of the  
22 balance in the investment and local impact fund at the beginning of that fiscal year,  
23 whichever amount is greater.

24           **SECTION 2114mq.** 70.395 (2) (k) of the statutes is amended to read:

1           70.395 (2) (k) Prior to the beginning of each fiscal year, the board shall certify  
2 to the department of administration for payment from the investment and local  
3 impact fund any sum necessary for the department of ~~natural resources~~  
4 environmental management to make payments under s. 292.31 for the  
5 environmental repair of mining waste sites, if moneys in the environmental fund  
6 that are available for environmental repair are insufficient to make complete  
7 payments during that fiscal year. This sum may not exceed the balance in the  
8 environmental fund at the beginning of that fiscal year or 50% of the balance in the  
9 investment and local impact fund at the beginning of that fiscal year, whichever  
10 amount is greater.”.

11           **913.** Page 706, line 6: after that line insert:

12           “**SECTION 2114n.** 70.35 (1) of the statutes is amended to read:

13           70.35 (1) To determine the amount and value of any personal property for  
14 which any person, firm or corporation should be assessed, any assessor may examine  
15 such person or the managing agent or officer of any firm or corporation under oath  
16 as to all such items of personal property, the taxable value thereof as defined in s.  
17 70.34 if the property is taxable and the ~~fair~~ full market value, as determined under  
18 s. 79.095 (3) (b), if the property is exempt under s. 70.11 (39). In the alternative the  
19 assessor may require such person, firm or corporation to submit a return of such  
20 personal property and of the taxable value thereof. There shall be annexed to such  
21 return the declaration of such person or of the managing agent or officer of such firm  
22 or corporation that the statements therein contained are true.

23           **SECTION 2114p.** 70.35 (2) of the statutes is amended to read:

1           70.35 (2) The return shall be made and all the information therein requested  
2 given by such person on a form prescribed by the assessor with the approval of the  
3 department of revenue which shall provide suitable schedules for such information  
4 bearing on value as the department deems necessary to enable the assessor to  
5 determine the true cash value of the taxable personal property; and the full value  
6 of the personal property that is exempt under s. 70.11 (39), as determined under s.  
7 79.095 (3) (b); that is owned or in the possession of such person on January 1 as  
8 provided in s. 70.10. The return may contain methods of deriving assessable values  
9 from book values and for the conversion of book values to present values, and a  
10 statement as to the accounting method used. No person shall be required to take  
11 detailed physical inventory for the purpose of making the return required by this  
12 section.”.

13           **914.** Page 706, line 7: after that line insert:

14           “**SECTION 2116.** 70.511 (2) (b) of the statutes is amended to read:

15           70.511 (2) (b) If the reviewing authority reduces the value of the property in  
16 question, or determines that manufacturing property is exempt, the taxpayer may  
17 file a claim for refund of taxes resulting from the reduction in value or determination  
18 that the property is exempt. If Except as provided in par. (bm), if a claim for refund  
19 is filed with the clerk of the municipality on or before the November 1 following the  
20 decision of the reviewing authority, the claim shall be payable to the taxpayer from  
21 the municipality no later than January 31 of the succeeding year. –A– Except as  
22 provided in par. (bm), a claim filed after November 1 shall be paid to the taxpayer by  
23 the municipality no later than the 2nd January 31 after the claim is filed. Interest  
24 Except for claims related to property assessed under s. 70.995, interest on the claim

1 at the rate of 0.8% per month shall be paid to the taxpayer when the claim is paid.  
2 Interest on claims related to property assessed under s. 70.995 shall be paid when  
3 the claim is made at the average annual discount interest rate determined by the last  
4 auction of 6-month U.S. treasury bills before an appeal or objection is filed under s.  
5 70.995 (8) or 10% per year, whichever is less. If the taxpayer requests a  
6 postponement of proceedings before the reviewing authority, interest on the claim  
7 shall permanently stop accruing at the date of the request. If the hearing is  
8 postponed at the request of the taxpayer, the reviewing authority shall hold a  
9 hearing on the appeal within 30 days after the postponement is requested unless the  
10 taxpayer agrees to a longer delay. If the reviewing authority postpones the hearing  
11 without a request by the taxpayer, interest on the claim shall continue to accrue. No  
12 interest may be paid if the reviewing authority determines under s. 70.995 (8) (a) that  
13 the value of the property was reduced because the taxpayer supplied false or  
14 incomplete information. If taxes are refunded, the municipality may proceed under  
15 s. 74.41.

16 **SECTION 2117.** 70.511 (2) (bm) of the statutes is created to read:

17 70.511 (2) (bm) A municipality may pay a refund under par. (b) of the taxes on  
18 property that is assessed under s. 70.995 in 5 annual installments, each of which  
19 except the last is equal to at least 20% of the sum of the refund and the interest on  
20 the refund that is due, beginning on the date under par. (b), if all of the following  
21 conditions exist:

22 1. The municipality's property tax levy for its general operations for the year  
23 for which the taxes to be refunded are due is less than \$100,000,000.

24 2. The refund is at least 0.0025% of the municipality's levy for its general  
25 operations for the year for which the taxes to be refunded are due.

1           3. The refund is more than \$10,000.

2           **SECTION 2118.** 70.511 (2) (br) of the statutes is created to read:

3           70.511 (2) (br) From the appropriation under s. 20.835 (2) (bm), the department  
4 of administration shall pay to each municipality that pays a refund under par. (b) for  
5 property that is assessed under s. 70.995 or that pays a refund under par. (bm) an  
6 amount equal to the interest that is paid by the municipality in the previous  
7 biennium and that has accrued up to the date of the determination by the tax appeals  
8 commission of the municipality's obligation.”.

9           **915.** Page 713, line 6: after that line insert:

10           “**SECTION 2130b.** 70.995 (12r) of the statutes is amended to read:

11           70.995 (12r) The department of revenue shall calculate the value of property  
12 that is used in manufacturing, as defined in this section, and that is exempt under  
13 s. 70.11 (39), as provided under s. 79.095 (3) (b).”.

14           **916.** Page 713, line 16: delete the material beginning with “and P.L.” and  
15 ending with “106-554.” on line 17 and substitute “P.L. 106-519, and P.L. 106-554.”.

16           **917.** Page 713, line 22: delete the material beginning with “and P.L.” and  
17 ending with “106-554” on line 23 and substitute “P.L. 106-519, and P.L. 106-554”.

18           **918.** Page 714, line 4: delete the material beginning with “and P.L.” and  
19 ending with “106-554.” on line 5 and substitute “P.L. 106-519, and P.L. 106-554”.

20           **919.** Page 714, line 7: delete the material beginning with “and P.L.” and  
21 ending with “106-554” on line 8 and substitute “P.L. 106-519, and P.L. 106-554”.

22           **920.** Page 714, line 19: delete that line and substitute “and, P.L. 105-277, P.L.  
23 106-519, and P.L. 106-554.”.



- 1           **921.** Page 715, line 2: delete that line and substitute “P.L. 106–519, and P.L.  
2           106–554. The Internal”.
- 3           **922.** Page 715, line 10: delete that line and substitute “~~and~~, P.L. 105–277, P.L.  
4           106–519, and P.L. 106–554.”.
- 5           **923.** Page 715, line 14: delete the material beginning with “and P.L.” and  
6           ending with “106–554” on line 15 and substitute “P.L. 106–519, and P.L. 106–554”.
- 7           **924.** Page 715, line 25: delete “and P.L. 106–554, excluding” and substitute  
8           “P.L. 106–519, and P.L. 106–554”.
- 9           **925.** Page 716, line 1: delete “sections 162 and 165 of P.L. 106–554”.
- 10          **926.** Page 716, line 8: delete that line and substitute “P.L. 105–206 ~~and~~, P.L.  
11          105–277, P.L. 106–519, and”.
- 12          **927.** Page 716, line 9: delete “of”.
- 13          **928.** Page 716, line 15: before “and P.L.” insert “P.L. 106–519.”.
- 14          **929.** Page 716, line 16: delete “excluding sections 162 and 165 of P.L.  
15          106–554.”.
- 16          **930.** Page 716, line 19: before “and P.L.” insert “P.L. 106–519.”.
- 17          **931.** Page 716, line 20: delete “excluding sections 162 and 165 of P.L.  
18          106–554.”.
- 19          **932.** Page 717, line 5: before “and P.L.” insert “P.L. 106–519.”.
- 20          **933.** Page 717, line 6: delete “, excluding sections 162 and 165 of P.L.  
21          106–554”.
- 22          **934.** Page 717, line 13: before “and P.L.” insert “P.L. 106–519.”.

1           **935.** Page 717, line 14: delete “. excluding sections 162 and 165 of P.L.  
2 106-554”.

3           **936.** Page 717, line 21: before “and P.L.” insert “P.L. 106-519.”.

4           **937.** Page 717, line 22: delete “excluding sections 162 and 165 of P.L.  
5 106-554.”.

6           **938.** Page 718, line 1: delete that line and substitute “P.L. 106-519, and P.L.  
7 106-554, apply for”.

8           **939.** Page 718, line 11: delete that line and substitute “and, P.L. 106-36, P.L.  
9 106-519, and P.L. 106-554.”.

10          **940.** Page 718, line 19: delete the material beginning with “and P.L.” and  
11 ending with “of” on line 20 and substitute “P.L. 106-519, and”.

12          **941.** Page 718, line 25: delete “and P.L. 106-554.” and substitute “P.L.  
13 106-519, and P.L. 106-554.”.

14          **942.** Page 719, line 1: delete “excluding sections 162 and 165 of P.L.  
15 106-554.”.

16          **943.** Page 719, line 3: delete the material beginning with “and P.L.” and  
17 ending with “106-554.” on line 4 and substitute “P.L. 106-519, and 106-554”.

18          **944.** Page 719, line 14: delete that line and substitute “and, P.L. 106-170, P.L.  
19 106-519, P.L. 106-554, and”.

20          **945.** Page 719, line 23: delete that line and substitute “P.L. 106-519, P.L.  
21 106-554, and P.L. 106-573. The”.

22          **946.** Page 720, line 4: delete “P.L. 106-554, excluding sections 162 and” and  
23 substitute “P.L. 106-519.”.

- 1           **947.** Page 720, line 5: delete “165 of”.
- 2           **948.** Page 720, line 7: delete “P.L. 106–554, excluding sections 162 and” and  
3 substitute “P.L. 106–519,”.
- 4           **949.** Page 720, line 8: delete “165 of”.
- 5           **950.** Page 720, line 18: delete “106–554, excluding sections 162 and 165 of P.L.  
6 106–554” and substitute “106–519, P.L. 106–554”.
- 7           **951.** Page 721, line 2: delete “106–554, excluding sections 162 and 165 of P.L.  
8 106–554” and substitute “106–519, P.L. 106–554”.
- 9           **952.** Page 721, line 8: delete “106–554, excluding sections 162 and 165 of P.L.  
10 106–554” and substitute “106–519, P.L. 106–554”.
- 11           **953.** Page 721, line 10: after “106–230,” insert “P.L. 106–519,”.
- 12           **954.** Page 721, line 11: delete “excluding sections 162 and 165 of P.L.  
13 106–554,”.
- 14           **955.** Page 721, line 20: after “106–230,” insert “P.L. 106–519,”.
- 15           **956.** Page 721, line 20: delete “excluding”.
- 16           **957.** Page 721, line 21: delete “sections 162 and 165 of P.L. 106–554,”.
- 17           **958.** Page 722, line 4: after “106–230,” insert “P.L. 106–519,”.
- 18           **959.** Page 722, line 5: delete “excluding sections 162 and 165 of P.L.  
19 106–554,”.
- 20           **960.** Page 722, line 10: after “106–230,” insert “P.L. 106–519,”.
- 21           **961.** Page 722, line 11: delete “excluding sections 162 and 165 of P.L.  
22 106–554,”.

1           **962.** Page 722, line 13: after “106–230.” insert “P.L. 106–519.”.

2           **963.** Page 722, line 13: delete “excluding sections 162 and 165 of P.L.  
3 106–554.”.

4           **964.** Page 723, line 5: after “106–230,” insert “P.L. 106–519,”.

5           **965.** Page 723, line 5: delete “excluding sections 162 and 165 of P.L.  
6 106–554.”.

7           **966.** Page 723, line 9: after that line insert:

8           “**SECTION 2130ds.** 71.01 (6) (pm) of the statutes is created to read:

9           71.01 (6) (pm) For taxable years beginning after December 31, 2000, and before  
10 January 1, 2002, for natural persons, fiduciaries, except fiduciaries of nuclear  
11 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal  
12 Internal Revenue Code as amended by sections 411, 412 (a), 611 (a), 635, 636 (b), 641  
13 to 646, 655, 658, and 701 of P.L. 107–16 and as indirectly affected by sections 411,  
14 412 (a), 611 (a), 635, 636 (b), 641 to 646, 655, 658, and 701 of P.L. 107–16. The Internal  
15 Revenue Code applies for Wisconsin purposes at the same time as for federal  
16 purposes. Amendments to the federal Internal Revenue Code enacted after June 30,  
17 2001, do not apply to this paragraph with respect to taxable years beginning after  
18 December 31, 2000, and before January 1, 2002.”.

19           **967.** Page 728, line 17: after that line insert:

20           “**SECTION 2142m.** 71.05 (1) (am) of the statutes is created to read:

21           71.05 (1) (am) *Military retirement systems.* All retirement payments, other  
22 than surviving spouse benefits, received from the U.S. military employee retirement  
23 system, to the extent that such payments are not exempt under par. (a).

24           **SECTION 2142n.** 71.05 (1) (an) of the statutes is created to read:

1           71.05 (1) (an) *Uniformed services retirement benefits*. All retirement payments  
2 received by an individual from the U.S. government that relate to the individual's  
3 service with the coast guard, the commissioned corps of the national oceanic and  
4 atmospheric administration, or the commissioned corps of the public health service,  
5 to the extent that such payments are not exempt under par. (a) or (am).”.

6           **968.** Page 728, line 20: after “(3s)” insert “, and (5d)”.

7           **969.** Page 728, line 20: delete “and (3s)” and substitute “(3s), and (5r)”.

8           **970.** Page 728, line 20: delete that line and substitute “(2di), (2dj), (2dL),  
9 (2dm) (2dr), (2ds), (2dx) and, (3g), (3s), and (5s) and not passed through”.

10          **971.** Page 728, line 23: after that line insert:

11          “**SECTION 2143v.** 71.05 (11) (a) of the statutes is amended to read:

12          71.05 (11) (a) The federal adjusted basis at the end of the calendar year 1968  
13 or corresponding fiscal year of waste treatment plant or pollution abatement  
14 equipment acquired pursuant to order or recommendation of the committee on water  
15 pollution, state board of health, city council, village board or county board pursuant  
16 to s. 59.07 (53) or (85), 1971 stats., may be treated as a subtraction modification on  
17 the return of the calendar year 1969 or corresponding fiscal year but not in later  
18 years. In case of such subtraction an add modification shall be made in 1969 and  
19 later taxable years to reverse federal depreciation or amortization of such basis or  
20 to correct gain or loss on disposition. The cost of such plant or equipment acquired  
21 in 1969 or thereafter pursuant to order, recommendation or approval of the  
22 committee on water pollution, department of resource development, department of  
23 natural resources fish, wildlife, parks, and forestry, department of environmental  
24 management, state board of health, city council, village board, or county board

1 pursuant to s. 59.07 (53) or (85), 1971 stats., (less any federal depreciation or  
2 amortization taken) may be deducted as a subtraction modification or as subtraction  
3 modifications in the year or years in which paid or accrued, dependent on the method  
4 of accounting employed. In case of such election, appropriate add modifications shall  
5 be made in subsequent years to reverse federal depreciation or amortization or to  
6 correct gain or loss on disposition. This paragraph is intended to apply only to  
7 depreciable property except that where wastes are disposed of through a lagoon  
8 process, lagooning costs and the cost of land containing such lagoons may be treated  
9 as depreciable property for purposes of this paragraph. In no event may any amount  
10 in excess of cost be deducted. The taxpayer shall file with the department copies of  
11 all recommendations, orders or approvals relating to installation of such property  
12 and such other documents or data relating thereto as the department requests.”.

13 **972.** Page 728, line 23: after that line insert:

14 “**SECTION 2143r.** 71.05 (6) (b) 32. (intro.) of the statutes, as created by 1999  
15 Wisconsin Act 44, is amended to read:

16 71.05 (6) (b) 32. (intro.) An amount paid into a college savings account, as  
17 described in s. 14.64, if the beneficiary of the account either is the claimant or; is the  
18 claimant’s child and the claimant’s dependent who is claimed under section 151 (c)  
19 of the Internal Revenue Code.; or is the claimant’s grandchild; calculated as follows:

20 **SECTION 2143rm.** 71.05 (6) (b) 32. a. of the statutes, as created by 1999  
21 Wisconsin Act 44, is amended to read:

22 71.05 (6) (b) 32. a. An amount equal to not more than \$3,000 per beneficiary  
23 by a claimant for contributions to an account for each year to which the claim relates,  
24 except that the total amount for which a deduction may be claimed under this

1 subdivision and under subd. 33., per beneficiary by any claimant may not exceed  
2 \$3,000 each year. The deduction limit under this subdivision for a married couple  
3 that files a joint income tax return is \$3,000 per beneficiary for each year. The total  
4 deduction that may be claimed by a married couple under this subdivision and under  
5 subd. 33., per beneficiary, is \$3,000 each year if the couple files a joint income tax  
6 return. The deduction limit under this subdivision for a grandparent is \$1,500 per  
7 beneficiary for each year, or \$3,000 if the grandparent is widowed or a widower. The  
8 total deduction that may be claimed by a grandmother and a grandfather who are  
9 married to each other, or by a grandparent who is widowed or a widower, under this  
10 subdivision and under subd. 33., per beneficiary, is \$3,000 each year. The total  
11 deduction that may be claimed by a grandmother and a grandfather, who are not  
12 married to each other, under this subdivision and under subd. 33., per beneficiary,  
13 is \$3,000 each year.

14 **SECTION 2143s.** 71.05 (6) (b) 33. (intro.) of the statutes, as created by 1999  
15 Wisconsin Act 44, is amended to read:

16 71.05 (6) (b) 33. (intro.) An amount paid into a college tuition and expenses  
17 program, as described in s. 14.63, if the beneficiary of the account either is the  
18 claimant or is the claimant's child and the claimant's dependent who is claimed  
19 under section 151 (c) of the Internal Revenue Code, or is the claimant's grandchild;  
20 calculated as follows:

21 **SECTION 2143sm.** 71.05 (6) (b) 33. a. of the statutes, as created by 1999  
22 Wisconsin Act 44, is amended to read:

23 71.05 (6) (b) 33. a. An amount equal to not more than \$3,000 per beneficiary  
24 by a claimant for contributions to an account for each year to which the claim relates,  
25 except that the total amount for which a deduction may be claimed under this

1 subdivision and under subd. 32., per beneficiary by any claimant may not exceed  
2 \$3,000 each year. The deduction limit under this subdivision for a married couple  
3 that files a joint income tax return is \$3,000 per beneficiary for each year. The total  
4 deduction that may be claimed by a married couple under this subdivision and under  
5 subd. 32., per beneficiary, is \$3,000 each year if the couple files a joint income tax  
6 return. The deduction limit under this subdivision for a grandparent is \$1,500 per  
7 beneficiary for each year, or \$3,000 if the grandparent is widowed or a widower. The  
8 total deduction that may be claimed by a grandmother and a grandfather, or by a  
9 grandparent who is widowed or a widower, under this subdivision and under subd.  
10 32., per beneficiary, is \$3,000 each year. The total deduction that may be claimed by  
11 a grandmother and a grandfather, who are not married to each other, under this  
12 subdivision and under subd. 32., per beneficiary, is \$3,000 each year.”.

13 **973.** Page 728, line 23: after that line insert:

14 “**SECTION 2143e.** 71.05 (6) (b) 21. of the statutes is amended to read:

15 71.05 **(6)** (b) 21. ~~The difference between the amount of social security benefits~~  
16 ~~included in federal adjusted gross income for the current year and the amount as~~  
17 ~~calculated under section 86 of the internal revenue code as that section existed on~~  
18 ~~December 31, 1992~~ Internal Revenue Code.”.

19 **974.** Page 728, line 23: after that line insert:

20 “**SECTION 2143d.** 71.05 (6) (b) 20. (intro.) of the statutes is amended to read:

21 71.05 **(6)** (b) 20. (intro.) For taxable years beginning on or after January 1,  
22 1995, and before January 1, 2002, an amount paid by a person who is the employee  
23 of another person if the person’s employer pays no amount of money toward the



1 person's medical care insurance, for medical care insurance for the person, his or her  
2 spouse and the person's dependents, calculated as follows:

3 **SECTION 2143ss.** 71.05 (6) (b) 34. of the statutes is created to read:

4 71.05 (6) (b) 34. For taxable years beginning after December 31, 2001, an  
5 amount paid by an individual, other than a person to whom subd. 19. applies, who  
6 has no employer or who is the employee of another person if the individual's employer  
7 pays no amount of money toward the individual's medical care insurance, for medical  
8 care insurance for the individual, his or her spouse, and the individual's dependents,  
9 calculated as follows:

10 a. One hundred percent of the amount paid by the individual for medical care  
11 insurance. In this subdivision, "medical care insurance" means a medical care  
12 insurance policy that covers the individual, his or her spouse, and the individual's  
13 dependents and provides surgical, medical, hospital, major medical, or other health  
14 service coverage, and includes payments made for medical care benefits under a  
15 self-insured plan, but "medical care insurance" does not include hospital indemnity  
16 policies or policies with ancillary benefits such as accident benefits or benefits for loss  
17 of income resulting from a total or partial inability to work because of illness,  
18 sickness, or injury.

19 b. From the amount calculated under subd. 34. a., subtract the amounts  
20 deducted from gross income for medical care insurance in the calculation of federal  
21 adjusted gross income.

22 c. For an individual who is a nonresident or part-year resident of this state,  
23 multiply the amount calculated under subd. 34. a. or b., by a fraction the numerator  
24 of which is the individual's wages, salary, tips, unearned income, and net earnings  
25 from a trade or business that are taxable by this state and the denominator of which

1 is the individual's total wages, salary, tips, unearned income, and net earnings from  
2 a trade or business. In this subd. 34. c., for married persons filing separately "wages,  
3 salary, tips, unearned income, and net earnings from a trade or business" means the  
4 separate wages, salary, tips, unearned income, and net earnings from a trade or  
5 business of each spouse, and for married persons filing jointly "wages, salary, tips,  
6 unearned income, and net earnings from a trade or business" means the total wages,  
7 salary, tips, unearned income, and net earnings from a trade or business of both  
8 spouses.

9 d. Reduce the amount calculated under subd. 34. a., b., or c. to the individual's  
10 aggregate wages, salary, tips, unearned income, and net earnings from a trade or  
11 business that are taxable by this state."

12 **975.** Page 730, line 23: after "(5)" insert "or 560.798 (3)".

13 **976.** Page 731, line 2: after "(e)" insert "or 560.798".

14 **977.** Page 732, line 16: after "(5)" insert "or 560.798 (3)".

15 **978.** Page 733, line 18: after "(5)" insert "or 560.798 (3)".

16 **979.** Page 734, line 2: after "(5)" insert "or 560.798 (3)".

17 **980.** Page 734, line 8: after that line insert:

18 "SECTION 2146m. 71.07 (2dx) (a) 2. of the statutes is amended to read:

19 71.07 (2dx) (a) 2. "Development zone" means a development zone under s.  
20 560.70, a development opportunity zone under s. 560.795 or an enterprise  
21 development zone under s. 560.797, or an agricultural development zone under s.  
22 560.798."

23 **981.** Page 734, line 22: after that line insert:

24 "SECTION 2147d. 71.07 (2dx) (b) (intro.) of the statutes is amended to read:

1           71.07 (2dx) (b) *Credit*. (intro.) Except as provided in s. 73.03 (35) and subject  
2 to s. 560.785, for any taxable year for which the person is entitled under s. 560.795  
3 (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~ 560.797 (4) or 560.798 (3),  
4 any person may claim as a credit against taxes imposed on the person's income from  
5 the person's business activities in a development zone the following amounts:

6           **SECTION 2147g.** 71.07 (2dx) (c) of the statutes is amended to read:

7           71.07 (2dx) (c) *Credit precluded*. If the certification of a person for tax benefits  
8 under s. 560.765 (3) ~~or~~ 560.797 (4) or 560.798 (3) is revoked, or if the person becomes  
9 ineligible for tax benefits under s. 560.795 (3), that person may not claim credits  
10 under this subsection for the taxable year that includes the day on which the  
11 certification is revoked; the taxable year that includes the day on which the person  
12 becomes ineligible for tax benefits; or succeeding taxable years and that person may  
13 not carry over unused credits from previous years to offset tax under this chapter for  
14 the taxable year that includes the day on which certification is revoked; the taxable  
15 year that includes the day on which the person becomes ineligible for tax benefits;  
16 or succeeding taxable years.

17           **SECTION 2147h.** 71.07 (2dx) (d) of the statutes is amended to read:

18           71.07 (2dx) (d) *Carry-over precluded*. If a person who is entitled under s.  
19 560.795 (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~ 560.797 (4) or  
20 560.798 (3) for tax benefits ceases business operations in the development zone  
21 during any of the taxable years that that zone exists, that person may not carry over  
22 to any taxable year following the year during which operations cease any unused  
23 credits from the taxable year during which operations cease or from previous taxable  
24 years.”.

1           **982.** Page 735, line 20: after that line insert:

2           “**SECTION 2148m.** 71.07 (5r) of the statutes is created to read:

3           **71.07 (5r) EDUCATION CREDIT.** (a) In this subsection:

4           1. “Claimant” means a sole proprietor, a partner, a member of a limited liability  
5 company, or a shareholder of a tax–option corporation who files a claim under this  
6 subsection.

7           2. “Degree–granting program” means an educational program for which an  
8 associate, a bachelor’s, or a graduate degree is awarded upon successful completion.

9           3. “Family member” has the meaning given in s. 157.061 (7).

10          4. “Managing employee” means an individual who wholly or partially exercises  
11 operational or managerial control over, or who directly or indirectly conducts, the  
12 operation of the claimant’s business.

13          5. “Poverty line” has the meaning given under s. 49.001 (5).

14          6. “Qualified postsecondary institution” means all of the following:

15          a. A University of Wisconsin System institution, a technical college system  
16 institution, or a regionally accredited 4–year nonprofit college or university having  
17 its regional headquarters and principal place of business in this state.

18          b. A school approved under s. 45.54, if the school has a physical presence, and  
19 the delivery of education occurs, in this state.

20          (b) Subject to the limitations provided in this subsection, a claimant may claim  
21 as a credit against the tax imposed under s. 71.02 an amount equal to the following:

22          1. Fifty percent of the tuition that the claimant paid or incurred during the  
23 taxable year for an individual to participate in an education program of a qualified

1 postsecondary institution, if the individual was enrolled in a degree-granting  
2 program.

3 2. Seventy five percent of the tuition that the claimant paid or incurred during  
4 the taxable year for an individual to participate in an education program of a  
5 qualified postsecondary institution, if the individual was enrolled in a  
6 degree-granting program and if the individual's taxable income in the year prior to  
7 commencing participation in the education program in connection with which a  
8 credit is claimed is not more than 185% of the poverty line.

9 (c) A claimant may not claim the credit under par. (b) for any tuition amounts  
10 that the claimant excluded under s. 71.05 (6) (b) 28. or under section 127 of the  
11 Internal Revenue Code.

12 (cm) A claimant may not claim the credit under par. (b) for any tuition amounts  
13 that the claimant paid or incurred for a family member of the claimant or for a family  
14 member of a managing employee unless all of the following apply:

15 1. The family member was employed an average of at least 20 hours a week as  
16 an employee of the claimant, or the claimant's business, during the one-year period  
17 prior to commencing participation in the education program in connection with  
18 which the claimant claims a credit under par. (b).

19 2. The family member is enrolled in a degree-granting program that is  
20 substantially related to the claimant's business.

21 3. The family member is making satisfactory progress towards completing the  
22 degree-granting program under subd. 2.

23 (d) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit  
24 under s. 71.28 (4), apply to the credit under this subsection.

1 (e) Partnerships, limited liability companies, and tax–option corporations may  
2 not claim the credit under this subsection, but the eligibility for, and the amount of,  
3 the credit are based on their payment of tuition under par. (b). A partnership, limited  
4 liability company, or tax–option corporation shall compute the amount of credit that  
5 each of its partners, members, or shareholders may claim and shall provide that  
6 information to each of them. Partners, members of limited liability companies, and  
7 shareholders of tax–option corporations may claim the credit in proportion to their  
8 ownership interest.

9 (f) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),  
10 applies to the credit under this subsection.”.

11 **983.** Page 735, line 20: after that line insert:

12 “**SECTION 2148n.** 71.07 (5d) of the statutes is created to read:

13 71.07 (5d) INDUSTRIAL, SERVICE, AND SKILLED TRADES APPRENTICESHIP CREDIT. (a)

14 In this subsection:

15 1. “Apprentice” means a person who participates in a 2–year to 5–year  
16 apprenticeship program, as determined and approved by the department, in which  
17 the person receives instruction leading to qualification as a skilled journeyman in  
18 any industrial manufacturing trade or private sector service occupation or receives  
19 instruction in the construction trades leading to qualification as a skilled  
20 journeyman carpenter, including a floor coverer, millwright, or pile driver; laborer;  
21 ironworker; or painter, including a taper.

22 2. “Claimant” means a person who files a claim under this subsection and who  
23 is a trades trainer, as determined and approved by the department.

24 3. “Department” means the department of workforce development.

1           (b) Subject to the limitations provided in this subsection, for taxable years  
2 beginning after June 30, 2003, a claimant may claim as a credit against the taxes  
3 imposed under s. 71.02 an amount that is equal to 5% of the wages that the claimant  
4 paid to an apprentice in the taxable year, but not to exceed \$1,400, except that a  
5 claimant may claim as a credit against the taxes imposed under s. 71.02 an amount  
6 that is equal to 8% of the wages that the claimant paid to an apprentice in the taxable  
7 year in which the apprentice completes an apprenticeship program, but not to exceed  
8 \$3,000.

9           (c) No claimant may receive a credit under this subsection unless the claimant  
10 enters into an agreement with the department permitting the department to post on  
11 the department's Internet site the claimant's name and address and the number of  
12 apprentices employed by the claimant during the calendar year.

13           (d) This subsection does not apply to taxable years that begin after June 30,  
14 2006, if the number of employers training apprentices in department-approved  
15 programs does not increase by more than 40% from July 1, 2003, to June 30, 2006,  
16 as determined by the department, except that a claimant who has claimed a credit  
17 for an apprentice's wages in any taxable year beginning before July 1, 2006, may  
18 continue to claim a credit for the apprentice's wages in succeeding taxable years,  
19 until the apprentice completes the apprenticeship program. As soon as practicable  
20 after June 30, 2006, the department shall certify to the department of revenue the  
21 number of employers training apprentices in approved programs on July 1, 2003, and  
22 the number of employers training apprentices in approved programs on June 30,  
23 2006.

24           (e) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit  
25 under s. 71.28 (4), apply to the credit under this subsection.

1 (f) Partnerships, limited liability companies, and tax–option corporations may  
2 not claim the credit under this subsection, but the eligibility for, and the amount of,  
3 the credit are based on their payment of wages under par. (b). A partnership, limited  
4 liability company, or tax–option corporation shall compute the amount of credit that  
5 each of its partners, members, or shareholders may claim and shall provide that  
6 information to each of them. Partners, members of limited liability companies, and  
7 shareholders of tax–option corporations may claim the credit in proportion to their  
8 ownership interests.

9 (g) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),  
10 applies to the credit under this subsection.”.

11 **984.** Page 735, line 20: after that line insert:

12 “**SECTION 2148m.** 71.07 (5) (a) 15. of the statutes is amended to read:

13 71.07 (5) (a) 15. The amount claimed as a deduction for medical care insurance  
14 under section 213 of the Internal Revenue Code that is exempt from taxation under  
15 s. 71.05 (6) (b) 17. to 20. and 34. and the amount claimed as a deduction for a  
16 long–term care insurance policy under section 213 (d) (1) (D) of the Internal Revenue  
17 Code, as defined in section 7702B (b) of the Internal Revenue Code that is exempt  
18 from taxation under s. 71.05 (6) (b) 26.”.

19 **985.** Page 735, line 20: after that line insert:

20 “**SECTION 2148p.** 71.07 (5s) of the statutes is created to read:

21 71.07 (5s) CONSERVATION LAND, CONSERVATION EASEMENT TAX CREDIT. (a)

22 *Definitions.* In this subsection:



1           1. “Claimant” means an individual, a sole proprietor, a partner, a member of  
2 a limited liability company, or a shareholder of a tax–option corporation who files a  
3 claim under this subsection.

4           2. “Conservation easement” has the meaning given in s. 700.40 (1) (a).

5           3. “Local governmental unit” means a political subdivision of this state, a  
6 special purpose district in this state, an instrumentality or corporation of such a  
7 political subdivision or special purpose district, a combination or subunit of any of  
8 the foregoing, or an instrumentality of the state and any of the foregoing.

9           4. “Nonprofit conservation organization” has the meaning given in s. 23.0955  
10 (1).

11           5. “Qualified appraisal” means any appraisal meeting the requirements of the  
12 regulations prescribed under section 170 (a) (1) of the Internal Revenue Code.

13           6. “Qualified conservation contribution” has the meaning given in section 170  
14 (h) of the Internal Revenue Code.

15           (b) *Filing claims.* Subject to the limitations provided in this subsection, a  
16 claimant may claim as a credit against the tax imposed under s. 71.02 an amount  
17 equal to 50% of the value, based on a qualified appraisal, of property or a  
18 conservation easement, to the extent that the property or easement is a qualified  
19 conservation contribution, that is donated to the state, a local governmental unit, or  
20 a nonprofit conservation organization in the taxable year in which the donation is  
21 made or the easement is granted.

22           (c) *Limitations.* 1. The maximum credit that a claimant may claim under this  
23 subsection in a taxable year is \$100,000.

24           2. No credit may be allowed under this subsection unless it is claimed within  
25 the time period under s. 71.75 (2).

1           3. Section 71.28 (4) (e) and (f), as it applies to the credit under s. 71.28 (4),  
2 applies to the credit under this subsection, except that with regard to the carry-over  
3 provisions in s. 71.28 (4) (f) the maximum number of years that the credit under this  
4 subsection may be carried forward is 10 years.

5           4. Partnerships, limited liability companies, and tax-option corporations may  
6 not claim the credit under this subsection, but the eligibility for, and the amount of,  
7 the credit are based on the amount calculated under par. (b). A partnership, limited  
8 liability company, or tax-option corporation shall compute the amount of credit that  
9 each of its partners, members, or shareholders may claim and shall provide that  
10 information to each of them. Partners, members of limited liability companies, and  
11 shareholders of tax-option corporations may claim the credit in proportion to their  
12 ownership interest.

13           (5) Part-year residents and nonresidents of this state are not eligible for the  
14 credit under this subsection.

15           (d) *Administration.* The department of revenue may enforce the credit under  
16 this subsection and may take any action, conduct any proceeding, and proceed as it  
17 is authorized in respect to taxes under this chapter. The income tax provisions in this  
18 chapter relating to assessments, refunds, appeals, collection, interest, and penalties  
19 apply to the credit under this subsection.”.

20           **986.** Page 737, line 24: after that line insert:

21           “**SECTION 2150m.** 71.10 (4) (cd) of the statutes is created to read:

22           71.10 (4) (cd) The education credit under s. 71.07 (5r).”.

23           **987.** Page 737, line 24: after that line insert:

24           “**SECTION 2150s.** 71.10 (4) (cp) of the statutes is created to read:

1           71.10 (4) (cp) Industrial, service, and skilled trades apprenticeship credit  
2 under s. 71.07 (5d).”.

3           **988.** Page 737, line 24: after that line insert:

4           “**SECTION 2150t.** 71.10 (3) (a) (title) of the statutes is created to read:

5           71.10 (3) (a) (title) *Voluntary payments.*

6           **SECTION 2150tb.** 71.10 (3) (a) of the statutes is renumbered 71.10 (3) (a) 1. and  
7 amended to read:

8           71.10 (3) (a) 1. ‘Designation on return.’ ~~Every~~ Any individual filing an income  
9 tax return ~~who has a tax liability or is entitled to a tax refund~~ may designate on the  
10 return an additional payment in the amount of \$1 or a deduction from any refund due  
11 that individual in the amount of \$1 for the Wisconsin election campaign fund for the  
12 use of eligible candidates under s. 11.50. ~~If the individuals filing a married couple~~  
13 files a joint return ~~have a tax liability or are entitled to a tax refund~~, each individual  
14 spouse may make a designation of \$1 under this subsection.

15           **SECTION 2150tc.** 71.10 (3) (a) 2. and 3. of the statutes are created to read:

16           71.10 (3) (a) 2. ‘Designation added to tax owed.’ If the individual owes any tax,  
17 the individual shall remit in full the tax due and an additional \$1 for the Wisconsin  
18 election campaign fund when the individual files a tax return.

19           3. ‘Designation deducted from refund.’ Except as provided under par. (c) if the  
20 individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80  
21 (3), the department of revenue shall deduct \$1 for the Wisconsin election campaign  
22 fund from the amount of the refund.

23           **SECTION 2150te.** 71.10 (3) (b) of the statutes is renumbered 71.10 (3) (f) and  
24 amended to read:

1           71.10 (3) (f) Administration, certification of amounts confidentiality. The  
2 secretary of revenue shall provide a place for those designations on the face of the  
3 individual income tax return and shall provide next to that place a statement that  
4 a designation will ~~not~~ increase tax liability or reduce a refund. Annually on August  
5 15, the secretary of revenue shall certify to the elections board, the department of  
6 administration and the state treasurer under s. 11.50 the total amount of received  
7 from all designations made during the preceding fiscal year. ~~If any individual~~  
8 ~~attempts to place any condition or restriction upon a designation, that individual is~~  
9 ~~deemed not to have made a designation on his or her tax return~~ Amounts designated  
10 for the Wisconsin election campaign fund under this subsection are not subject to  
11 refund to the taxpayer unless the taxpayer submits information to the satisfaction  
12 of the department of revenue within 18 months after the date taxes are due or the  
13 date the return is filed, whichever is later, that the amount designated is clearly in  
14 error. Any refund granted by the department of revenue under this subdivision shall  
15 be deducted from the moneys received under this subsection in the fiscal year that  
16 the refund is certified. The names of persons making designations under this  
17 subsection shall be strictly confidential.

18           **SECTION 2150tf.** 71.10 (3) (bm) of the statutes is created to read:

19           71.10 (3) (bm) *Errors; failure to remit correct amount.* If an individual who  
20 owes a tax fails to remit an amount equal to or in excess of the total of the actual tax  
21 due, after error corrections, and the amount designated on the return for the  
22 Wisconsin election campaign fund, the designation for the Wisconsin election  
23 campaign fund is void.

24           **SECTION 2150th.** 71.10 (3) (c) of the statutes is repealed and recreated to read:

1           71.10 (3) (c) *Errors; insufficient refund.* If an individual is owed a refund that  
2 does not equal or exceed \$1, after crediting under ss. 71.75 (9) and 71.80 (3) and after  
3 error corrections, the designation for the Wisconsin election campaign fund is void.

4           **SECTION 2150ti.** 71.10 (3) (d) of the statutes is created to read:

5           71.10 (3) (d) *Conditions.* If an individual places any conditions on a designation  
6 for the Wisconsin election campaign fund, the designation is void.

7           **SECTION 2150tj.** 71.10 (3) (e) of the statutes is created to read:

8           71.10 (3) (e) *Void designation.* If a designation for the Wisconsin election  
9 campaign fund is void, the department of revenue shall disregard the designation  
10 and determine amounts due, owed, refunded and received without regard to the void  
11 designation.”.

12           **989.** Page 737, line 24: after that line insert:

13           “**SECTION 215ou.** 71.10 (4) (cs) of the statutes is created to read:

14           71.10 (4) (cs) Conservation land, conservation easement tax credit under s.  
15 71.07 (5s).”.

16           **990.** Page 738, line 6: after that line insert:

17           “**SECTION 2153d.** 71.10 (5) (h) (intro.) of the statutes is amended to read:

18           71.10 (5) (h) *Certification of amounts.* (intro.) Annually, on or before  
19 September 15, the secretary of revenue shall certify to the department of natural  
20 resources fish, wildlife, parks, and forestry, the department of administration and  
21 the state treasurer:”.

22           **991.** Page 741, line 22: delete “and (3s)” and substitute “(3s), and (5r)”.

23           **992.** Page 741, line 22: delete that line and substitute “(2dj), (2dL), (2dm),  
24 (2ds), (2dx) ~~and~~, (3g), (3s), and (5s) and passed through to partners”.

1           **993.** Page 742, line 17: delete that line and substitute “105–277, P.L.  
2 106–519, and P.L. 106–554, and as”.

3           **994.** Page 742, line 25: delete “and P.L. 106–554, excluding” and substitute  
4 “P.L. 06–519, and P.L. 106–554”.

5           **995.** Page 743, line 1: delete “sections 162 and 165 of P.L. 106–554”.

6           **996.** Page 743, line 7: after “105–277,” insert “P.L. 106–519,”.

7           **997.** Page 743, line 7: delete “excluding sections 162”.

8           **998.** Page 743, line 8: delete “and 165 of P.L. 106–554,”.

9           **999.** Page 743, line 10: delete “and P.L.” and substitute “P.L.”.

10          **1000.** Page 743, line 11: delete that line and substitute “106–519, and P.L.  
11 106–554, apply for Wisconsin”.

12          **1001.** Page 743, line 22: delete that line and substitute “105–277, P.L.  
13 106–519, and P.L. 106–554, and as”.

14          **1002.** Page 744, line 6: delete “and P.L.” and substitute “P.L.”.

15          **1003.** Page 744, line 7: delete “106–554, excluding sections 162 and 165 of”  
16 and substitute “106–519, and”.

17          **1004.** Page 744, line 15: after “105–277,” insert “P.L. 106–519,”.

18          **1005.** Page 744, line 15: delete “, excluding sections 162 and 165 of P.L.  
19 106–554,”.

20          **1006.** Page 744, line 19: delete “and P.L. 106–554, excluding” and substitute  
21 “P.L. 106–519, and P.L. 106–554,”.

22          **1007.** Page 744, line 20: delete “sections 162 and 165 of P.L. 106–554,”.

1           **1008.** Page 745, line 5: delete “and P.L. 106–554, excluding sections 162 and  
2 165 of P.L.” and substitute “P.L. 106–519, and”.

3           **1009.** Page 745, line 14: delete “and P.L.”.

4           **1010.** Page 745, line 15: delete “106–554, excluding sections 162 and 165 of  
5 and substitute “P.L. 106–519, and”.

6           **1011.** Page 745, line 22: delete “and P.L. 106–554, excluding sections 162  
7 and substitute “P.L. 106–519, and P.L. 106–554.”.

8           **1012.** Page 745, line 23: delete “and 165 of P.L. 106–554.”.

9           **1013.** Page 746, line 1: delete “and P.L. 106–554, excluding sections 162 and  
10 165 of” and substitute “P.L. 106–519, and”.

11           **1014.** Page 746, line 11: delete “and P.L. 106–554, excluding sections 162 and  
12 165” and substitute “P.L. 106–519, and”.

13           **1015.** Page 746, line 11: delete “and P.L. 106–554, excluding sections 162 and  
14 165” and substitute “P.L. 106–519, and”.

15           **1016.** Page 746, line 12: delete “of”.

16           **1017.** Page 746, line 21: delete “and P.L. 106–554, excluding sections 162 and  
17 165 of” and substitute “P.L. 106–519, and”.

18           **1018.** Page 747, line 3: delete the material beginning with “and P.L.” and  
19 ending with “106–554.” on line 4 and substitute “P.L. 106–519, and P.L. 106–554”.

20           **1019.** Page 747, line 7: delete the material beginning with “and P.L.” and  
21 ending with “106–554.” on line 8 and substitute “P.L. 106–519, and P.L. 106–554”.

22           **1020.** Page 747, line 18: delete that line and substitute “106–36, P.L.  
23 106–519, and P.L. 106–554, and as”.

1           **1021.** Page 748, line 3: delete that line and substitute “P.L. 106–36, P.L.  
2 106–519, and P.L. 106–554. The”.

3           **1022.** Page 748, line 9: delete the material beginning with “and P.L.” and  
4 ending with “106–554.” on line 10 and substitute “P.L. 106–519, and P.L. 106–554”.

5           **1023.** Page 748, line 12: delete that line and substitute “P.L. 106–36, P.L.  
6 106–519, and P.L. 106–554 apply”.

7           **1024.** Page 748, line 22: delete “106–554, excluding sections 162 and 165 of”  
8 and substitute “106–519.”.

9           **1025.** Page 749, line 7: delete “106–554, excluding” and substitute  
10 “106–519.”.

11           **1026.** Page 749, line 8: delete “sections 162 and 165 of”.

12           **1027.** Page 749, line 14: delete “106–554, excluding sections 162 and 165 of”  
13 and substitute “106–519.”.

14           **1028.** Page 749, line 17: delete “106–554, excluding sections 162 and 165 of”  
15 and substitute “106–519.”.

16           **1029.** Page 750, line 1: after “106–230.” insert “P.L. 106–519.”.

17           **1030.** Page 750, line 2: delete “excluding sections 162 and 165 of P.L.  
18 106–554.”.

19           **1031.** Page 750, line 12: after “106–230.” insert “P.L. 106–519.”.

20           **1032.** Page 750, line 12: delete the material beginning with “excluding” and  
21 ending with “106–554.” on line 13.

22           **1033.** Page 750, line 18: after “106–230.” insert “P.L. 106–519.”.



- 1           **1034.** Page 750, line 18: delete the material beginning with “excluding” and  
2 ending with “106–554.” on line 19.
- 3           **1035.** Page 750, line 21: after “106–230.” insert “P.L. 106–519.”.
- 4           **1036.** Page 750, line 21: delete “excluding sections 162 and 165 of P.L.  
5 106–554.”.
- 6           **1037.** Page 751, line 5: after “106–230.” insert “P.L. 106–519.”.
- 7           **1038.** Page 751, line 5: delete the material beginning with “excluding” and  
8 ending with “106–554.” on line 6.
- 9           **1039.** Page 751, line 16: after “106–230.” insert “P.L. 106–519.”.
- 10          **1040.** Page 751, line 16: delete the material beginning with “excluding” and  
11 ending with “106–554.” on line 17.
- 12          **1041.** Page 751, line 22: after “106–230.” insert “P.L. 106–519.”.
- 13          **1042.** Page 751, line 22: delete the material beginning with “excluding” and  
14 ending with “106–554.” on line 23.
- 15          **1043.** Page 751, line 24: after “106–230.” insert “P.L. 106–519.”.
- 16          **1044.** Page 752, line 1: delete “excluding sections 162 and 165 of P.L.  
17 106–554.”.
- 18          **1045.** Page 752, line 19: after “106–230,” insert “P.L. 106–519.”.
- 19          **1046.** Page 752, line 19: delete the material beginning with “excluding” and  
20 ending with “106–554,” on line 20.
- 21          **1047.** Page 752, line 23: after that line insert:  
22 “**SECTION 2158ds.** 71.22 (4) (pm) of the statutes is created to read:

1           71.22 (4) (pm) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34  
2 (1g), and 71.42 (2), for taxable years beginning after December 31, 2000, and before  
3 January 1, 2002, “Internal Revenue Code” means the federal Internal Revenue Code  
4 as amended by sections 411, 412 (a), 611 (a), 635, 636 (b), 641 to 646, 655, 658, and  
5 701 of P.L. 107–16 and as indirectly affected by sections 411, 412 (a), 611 (a), 635, 636  
6 (b), 641 to 646, 655, 658, and 701 of P.L. 107–16. The Internal Revenue Code applies  
7 for Wisconsin purposes at the same time as for federal purposes. Amendments to the  
8 federal Internal Revenue Code enacted after June 30, 2001, do not apply to this  
9 paragraph with respect to taxable years beginning after December 31, 2000, and  
10 before January 1, 2002.”.

11           **1048.** Page 753, line 8: delete “and P.L. 106–554, excluding sections 162 and  
12 165 of” and substitute “P.L. 106–519, and”.

13           **1049.** Page 753, line 15: delete “and P.L. 106–554, excluding sections 162 and  
14 165 of” and substitute “P.L. 106–519, and”.

15           **1050.** Page 753, line 22: delete “and P.L. 106–554, excluding sections 162 and  
16 165 of P.L. 106–554,” and substitute “P.L. 106–519, and P.L. 106–554”.

17           **1051.** Page 753, line 25: delete “and P.L. 106–554, excluding sections 162”  
18 and substitute “P.L. 106–519,”.

19           **1052.** Page 754, line 1: delete “165 of”.

20           **1053.** Page 754, line 12: delete “and P.L. 106–554, excluding sections 162 and  
21 165 of” and substitute “P.L. 106–519, and”.

22           **1054.** Page 754, line 20: delete “and P.L. 106–554, excluding sections 162 and  
23 165 of” and substitute “P.L. 106–519, and”.

1           **1055.** Page 755, line 3: delete “and P.L. 106–554, excluding sections 162 and  
2 165 of” and substitute “P.L. 106–519, and”.

3           **1056.** Page 755, line 7: delete the material beginning with “and P.L.” and  
4 ending with “of” on line 8 and substitute “P.L. 106–519, and”.

5           **1057.** Page 755, line 18: delete the material beginning with “and P.L.” and  
6 ending with “of” on line 19 and substitute “P.L. 106–519, and”.

7           **1058.** Page 756, line 1: delete “and P.L. 106–554, excluding sections 162 and  
8 165 of” and substitute “P.L. 106–519, and”.

9           **1059.** Page 756, line 8: delete “and P.L. 106–554, excluding sections 162” and  
10 substitute “P.L. 106–519,”.

11           **1060.** Page 756, line 9: delete “165 of”.

12           **1061.** Page 756, line 12: delete “and P.L. 106–554, excluding sections 162 and  
13 165 of” and substitute “P.L. 106–519, and”.

14           **1062.** Page 756, line 22: delete “and P.L. 106–554, excluding sections 162 and  
15 165” and substitute “P.L. 106–519, and”.

16           **1063.** Page 756, line 23: delete “of”.

17           **1064.** Page 757, line 5: delete “and P.L. 106–554, excluding sections 162” and  
18 substitute “P.L. 106–519,”.

19           **1065.** Page 757, line 6: delete “165 of”.

20           **1066.** Page 757, line 12: delete the material beginning with “and P.L.” and  
21 ending with “P.L. 106–554,” on line 13 and substitute “P.L. 106–519, and P.L.  
22 106–554”.

1           **1067.** Page 757, line 16: delete the material beginning with “and P.L.” and  
2 ending with “P.L. 106–554,” on line 17 and substitute “P.L. 106–519, and P.L.  
3 106–554,”.

4           **1068.** Page 758, line 2: delete “and P.L. 106–554, excluding sections 162 and  
5 165 of” and substitute “P.L. 106–519, and”.

6           **1069.** Page 758, line 10: delete “and P.L. 106–554, excluding sections 162 and  
7 165 of” and substitute “P.L. 106–519, and”.

8           **1070.** Page 758, line 16: delete the material beginning with “and P.L.” and  
9 ending with “106–554,” on line 17 and substitute “P.L. 106–519, and P.L. 106–554”.

10           **1071.** Page 758, line 19: delete “and P.L. 106–554, excluding sections 162 and  
11 165 of” and substitute “P.L. 106–519, and”.

12           **1072.** Page 759, line 4: delete “106–554, excluding sections 162 and 165 of”  
13 and substitute “106–519,”.

14           **1073.** Page 759, line 13: delete “106–554, excluding sections 162 and 165 of”  
15 and substitute “106–519,”.

16           **1074.** Page 759, line 19: delete the material beginning with “106–554,” and  
17 ending with “of” on line 20 and substitute “106–519,”.

18           **1075.** Page 759, line 22: delete the material beginning with “106–554,” and  
19 ending with “of” on line 23 and substitute “106–519,”.

20           **1076.** Page 760, line 8: delete “106–554, excluding sections 162 and 165 of”  
21 and substitute “106–519,”.

22           **1077.** Page 760, line 17: delete “106–554, excluding sections 162 and 165 of”  
23 and substitute “106–519,”.

1           **1078.** Page 760, line 22: delete “106–554” and substitute “106–519”.

2           **1079.** Page 760, line 23: delete “excluding sections 162 and 165 of”.

3           **1080.** Page 760, line 25: delete “106–554, excluding sections 162 and 165 of”  
4 and substitute “106–519”.

5           **1081.** Page 761, line 10: delete “106–554, excluding” and substitute  
6 “106–519”.

7           **1082.** Page 761, line 11: delete “sections 162 and 165 of”.

8           **1083.** Page 761, line 20: delete “106–554, excluding sections 162 and 165 of”  
9 and substitute “106–519”.

10           **1084.** Page 761, line 25: delete “106–554, excluding sections” and substitute  
11 “106–519”.

12           **1085.** Page 762, line 1: delete “162 and 165 of”.

13           **1086.** Page 762, line 3: delete “106–554, excluding sections 162 and 165 of”  
14 and substitute “106–519”.

15           **1087.** Page 762, line 20: delete “106–554, excluding sections 162 and 165 of”  
16 and substitute “106–519”.

17           **1088.** Page 762, line 24: after that line insert:

18           “**SECTION 2158dzc.** 71.22 (4m) (nd) of the statutes is created to read:

19           71.22 (**4m**) (nd) For taxable years beginning after December 31, 2000, and  
20 before January 1, 2002, for corporations that are subject to a tax on unrelated  
21 business income under s. 71.26 (1) (a), “Internal Revenue Code” means the federal  
22 Internal Revenue Code as amended by sections 411, 412 (a), 611 (a), 635, 636 (b), 641  
23 to 646, 655, 658, and 701 of P.L. 107–16 and as indirectly affected by sections 411,

1 412 (a), 611 (a), 635, 636 (b), 641 to 646, 655, 658, and 701 of P.L. 107–16. The Internal  
2 Revenue Code applies for Wisconsin purposes at the same time as for federal  
3 purposes. Amendments to the federal Internal Revenue Code enacted after June 30,  
4 2001, do not apply to this paragraph with respect to taxable years beginning after  
5 December 31, 2000, and before January 1, 2002.”.

6 **1089.** Page 769, line 1: delete “and (3g) (1dx)” and substitute “(1dx), (3g), and  
7 (5r)”.

8 **1090.** Page 769, line 1: delete “and (3g) (1dx)” and substitute “(1dx), (3g), and  
9 (5d)”.

10 **1091.** Page 769, line 1: delete that line and substitute “(1ds) ~~and~~, (1dx), (3g),  
11 (5d), (5r), and (5s) and not passed through by a partnership, limited liability”.

12 **1092.** Page 769, line 21: delete “and P.L. 106–554.” and substitute “P.L.  
13 106–519, and”.

14 **1093.** Page 769, line 22: delete “excluding sections 162 and 165 of”.

15 **1094.** Page 770, line 3: delete the material beginning with “and P.L.” and  
16 ending with “of” on line 4 and substitute “P.L. 106–519, and”.

17 **1095.** Page 770, line 11: delete the material beginning with “and P.L.” and  
18 ending with “of” on line 12 and substitute “P.L. 106–519, and”.

19 **1096.** Page 770, line 18: delete the material beginning with “and P.L.” and  
20 ending with “of” on line 19 and substitute “P.L. 106–519, and”.

21 **1097.** Page 771, line 6: delete “and P.L. 106–554, excluding sections 162 and  
22 165 of” and substitute “P.L. 106–519, and”.

1           **1098.** Page 771, line 12: delete the material beginning with “and P.L.” and  
2 ending with “of” on line 13 and substitute “P.L. 106–519, and”.

3           **1099.** Page 771, line 19: delete the material beginning with “and P.L.  
4 106–554” and ending with “106–554.” on line 20 and substitute “P.L. 106–519, and  
5 P.L. 106–554”.

6           **1100.** Page 771, line 22: delete the material beginning with “and P.L.” and  
7 ending with “of” on line 20 and substitute “P.L. 106–519, and”.

8           **1101.** Page 772, line 9: delete the material beginning with “and P.L.” and  
9 ending with “of” on line 10 and substitute “P.L. 106–519, and”.

10           **1102.** Page 772, line 18: delete “and P.L. 106–554, excluding sections 162 and  
11 165 of” and substitute “P.L. 106–519, and”.

12           **1103.** Page 773, line 2: delete “and P.L. 106–554, excluding sections 162 and  
13 165 of” and substitute “P.L. 106–519, and”.

14           **1104.** Page 773, line 10: delete “and P.L. 106–554, excluding sections 162 and  
15 165 of” and substitute “P.L. 106–519, and”.

16           **1105.** Page 773, line 23: delete “and P.L. 106–554, excluding sections 162 and  
17 165 of” and substitute “P.L. 106–519, and”.

18           **1106.** Page 774, line 6: delete “and P.L. 106–554, excluding sections 162 and  
19 165 of” and substitute “P.L. 106–519, and”.

20           **1107.** Page 774, line 14: delete “and P.L. 106–554, excluding sections 162 and  
21 165 of” and substitute “P.L. 106–519, and”.

22           **1108.** Page 774, line 18: delete the material beginning with “and P.L.” and  
23 ending with “of” on line 19 and substitute “P.L. 106–519, and”.

1           **1109.** Page 775, line 5: delete “and P.L. 106–554, excluding sections 162 and  
2 165 of” and substitute “P.L. 106–519, and”.

3           **1110.** Page 775, line 12: delete the material beginning with “and P.L.” and  
4 ending with “of” on line 13 and substitute “P.L. 106–519, and”.

5           **1111.** Page 775, line 21: delete “and P.L. 106–554, excluding sections 162 and  
6 165 of” and substitute “P.L. 106–519, and”.

7           **1112.** Page 776, line 4: delete “and P.L. 106–554, excluding sections 162 and  
8 165 of” and substitute “P.L. 106–519, and”.

9           **1113.** Page 777, line 5: delete the material beginning with “and P.L.” and  
10 ending with “P.L. 106–554,” on line 6 and substitute “P.L. 106–519, and P.L.  
11 106–554”.

12           **1114.** Page 777, line 9: delete the material beginning with “and P.L.” and  
13 ending with “106–554,” on line 10 and substitute “P.L. 106–519, and P.L. 106–554”.

14           **1115.** Page 776, line 16: delete the material beginning with “and P.L.” and  
15 ending with “of” on line 17 and substitute “P.L. 106–519, and”.

16           **1116.** Page 776, line 24: delete “and P.L. 106–554, excluding sections 162 and  
17 165 of” and substitute “P.L. 106–519, and”.

18           **1117.** Page 777, line 21: delete “and P.L. 106–554, excluding sections 162 and  
19 165 of” and substitute “P.L. 106–519, and”.

20           **1118.** Page 778, line 4: delete “and P.L. 106–554, excluding sections 162 and  
21 165 of” and substitute “P.L. 106–519, and”.

22           **1119.** Page 778, line 13: delete “and P.L. 106–554, excluding sections 162 and  
23 165 of” and substitute “P.L. 106–519, and”.



1           **1120.** Page 778, line 21: delete “and P.L. 106–554, excluding sections 162 and  
2 165 of” and substitute “P.L. 106–519, and”.

3           **1121.** Page 779, line 8: delete the material beginning with “and P.L.” and  
4 ending with “of” on line 9 and substitute “P.L. 106–519, and”.

5           **1122.** Page 779, line 16: delete the material beginning with “and P.L.” and  
6 ending with “of” on line 17 and substitute “P.L. 106–519, and”.

7           **1123.** Page 779, line 23: delete the material beginning with “and P.L.” and  
8 ending with “106–554.” on line 24 and substitute “P.L. 106–519, and P.L. 106–554”.

9           **1124.** Page 780, line 2: delete the material beginning with “and P.L.” and  
10 ending with “of” on line 3 and substitute “P.L. 106–519, and”.

11           **1125.** Page 780, line 14: delete “and P.L. 106–554, excluding sections 162 and  
12 165 of” and substitute “P.L. 106–519, and”.

13           **1126.** Page 780, line 22: delete the material beginning with “and P.L.” and  
14 ending with “of” on line 23 and substitute “P.L. 106–519, and”.

15           **1127.** Page 781, line 6: delete the material beginning with “and P.L.” and  
16 ending with “of” on line 7 and substitute “P.L. 106–519, and”.

17           **1128.** Page 781, line 15: delete “and P.L. 106–554, excluding sections 162 and  
18 165 of” and substitute “P.L. 106–519, and”.

19           **1129.** Page 782, line 2: delete “and P.L. 106–554, excluding sections 162 and  
20 165 of” and substitute “P.L. 106–519, and”.

21           **1130.** Page 782, line 10: delete the material beginning with “and P.L.” and  
22 ending with “of” on line 11 and substitute “P.L. 106–519, and”.

1           **1131.** Page 782, line 16: delete the material beginning with “and P.L.” and  
2 ending with “106–554.” on line 17 and substitute “P.L. 106–519, and P.L. 106–554”.

3           **1132.** Page 782, line 19: delete “and P.L. 106–554, excluding sections 162 and  
4 165 of P.L. 106–554.” and substitute “P.L. 106–519, and P.L. 106–554”.

5           **1133.** Page 783, line 5: delete the material beginning with “106–554” and  
6 ending with “of” on line 6 and substitute “106–519.”.

7           **1134.** Page 783, line 14: delete the material beginning with “106–554” and  
8 ending with “of” on line 15 and substitute “106–519.”.

9           **1135.** Page 783, line 23: delete the material beginning with “106–554” and  
10 ending with “of” on line 24 and substitute “106–519.”.

11           **1136.** Page 784, line 7: delete the material beginning with “106–554” and  
12 ending with “of” on line 8 and substitute “106–519.”.

13           **1137.** Page 784, line 20: delete “106–554, excluding sections 162 and 165 of”  
14 and substitute “106–519.”.

15           **1138.** Page 785, line 3: delete the material beginning with “106–554” and  
16 ending with “of” on line 4 and substitute “106–519.”.

17           **1139.** Page 785, line 10: delete “106–554, excluding sections 162 and 165 of”  
18 and substitute “106–519.”.

19           **1140.** Page 785, line 13: delete “106–554, excluding sections 162 and 165 of”  
20 and substitute “106–519.”.

21           **1141.** Page 785, line 24: delete “106–554, excluding sections 162 and 165 of”  
22 and substitute “106–519.”.

1           **1142.** Page 786, line 8: delete “106-554, excluding sections 162 and 165 of”  
2 and substitute “106-519.”.

3           **1143.** Page 786, line 16: delete the material beginning with “106-554” and  
4 ending with “of” on line 17 and substitute “106-519.”.

5           **1144.** Page 786, line 25: delete the material beginning with “106-554” and  
6 ending with “of” on page 787, line 1 and substitute “106-519.”.

7           **1145.** Page 787, line 12: delete the material beginning with “106-554” and  
8 ending with “of” on line 13 and substitute “106-519.”.

9           **1146.** Page 787, line 21: delete the material beginning with “106-554” and  
10 ending with “of” on line 22 and substitute “106-519.”.

11           **1147.** Page 788, line 2: delete the material beginning with “106-554” and  
12 ending with “of” on line 3 and substitute “106-519.”.

13           **1148.** Page 788, line 5: delete “106-554, excluding sections 162 and 165 of”  
14 and substitute “106-519.”.

15           **1149.** Page 788, line 16: delete “106-554, excluding sections 162 and 165 of”  
16 and substitute “106-519.”.

17           **1150.** Page 788, line 25: delete “106-554, excluding sections 162 and 165 of”  
18 and substitute “106-519.”.

19           **1151.** Page 789, line 8: delete the material beginning with “106-554” and  
20 ending with “of” on line 9 and substitute “106-519.”.

21           **1152.** Page 789, line 17: delete the material beginning with “106-554” and  
22 ending with “of” on line 18 and substitute “106-519.”.

1           **1153.** Page 790, line 4: delete the material beginning with “106-554” and  
2 ending with “of” on line 5 and substitute “106-519”.

3           **1154.** Page 790, line 13: delete the material beginning with “106-554” and  
4 ending with “of” on line 14 and substitute “106-519”.

5           **1155.** Page 790, line 19: delete “106-554, excluding sections 162 and 165 of”  
6 and substitute “106-519”.

7           **1156.** Page 790, line 21: delete the material beginning with “106-554” and  
8 ending with “of” on line 22 and substitute “106-519”.

9           **1157.** Page 791, line 16: delete “106-554, excluding sections 162 and 165 of”  
10 and substitute “106-519”.

11           **1158.** Page 792, line 7: delete “106-554, excluding sections 162 and 165 of”  
12 and substitute “106-519”.

13           **1159.** Page 793, line 1: delete the material beginning with “106-554” and  
14 ending with “of” on line 2 and substitute “106-519”.

15           **1160.** Page 793, line 5: after that line insert:

16           “**SECTION 2175djm.** 71.26 (2) (b) 16m. of the statutes is created to read:

17           71.26 (2) (b) 16m. For taxable years beginning after December 31, 2000, and  
18 before January 1, 2002, for a corporation, conduit, or common law trust that qualifies  
19 as a regulated investment company, real estate mortgage investment conduit, real  
20 estate investment trust, or financial asset securitization investment trust under the  
21 Internal Revenue Code as amended to June 30, 2001, “net income” means the federal  
22 regulated investment company taxable income, federal real estate mortgage  
23 investment conduit taxable income, federal real estate investment trust or financial

1 asset securitization investment trust taxable income of the corporation, conduit, or  
2 trust as determined under the federal Internal Revenue Code as amended by  
3 sections 411, 412 (a), 611 (a), 635, 636 (b), 641 to 646, 655, 658, and 701 of P.L. 107–16  
4 and as indirectly affected by sections 411, 412 (a), 611 (a), 635, 636 (b), 641 to 646,  
5 655, 658, and 701 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin  
6 purposes at the same time as for federal purposes. Amendments to the federal  
7 Internal Revenue Code enacted after June 30, 2001, do not apply to this subdivision  
8 with respect to taxable years beginning after December 31, 2000, and before January  
9 1, 2002.”.

10 **1161.** Page 794, line 2: after “(5)” insert “or 560.798 (3)”.

11 **1162.** Page 794, line 5: after “(e)” insert “or 560.798”.

12 **1163.** Page 795, line 20: after “(5)” insert “or 560.798 (3)”.

13 **1164.** Page 796, line 21: after “(5)” insert “or 560.798 (3)”.

14 **1165.** Page 797, line 4: after “(5)” insert “or 560.798 (3)”.

15 **1166.** Page 797, line 10: after that line insert:

16 “SECTION 2177m. 71.28 (1dx) (a) 2. of the statutes is amended to read:

17 71.28 (1dx) (a) 2. “Development zone” means a development zone under s.  
18 560.70, a development opportunity zone under s. 560.795 or an enterprise  
19 development zone under s. 560.797, or an agricultural development zone under s.  
20 560.798.”.

21 **1167.** Page 797, line 24: after that line insert:

22 “SECTION 2178d. 71.28 (1dx) (b) (intro.) of the statutes is amended to read:

1           71.28 (1dx) (b) *Credit*. (intro.) Except as provided in s. 73.03 (35) and subject  
2 to s. 560.785, for any taxable year for which the person is entitled under s. 560.795  
3 (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~ 560.797 (4), or 560.798  
4 (3), any person may claim as a credit against taxes imposed on the person's income  
5 from the person's business activities in a development zone under this subchapter  
6 the following amounts:

7           **SECTION 2178g.** 71.28 (1dx) (c) of the statutes is amended to read:

8           71.28 (1dx) (c) *Credit precluded*. If the certification of a person for tax benefits  
9 under s. 560.765 (3) ~~or~~ 560.797 (4), or 560.798 (3) is revoked, or if the person becomes  
10 ineligible for tax benefits under s. 560.795 (3), that person may not claim credits  
11 under this subsection for the taxable year that includes the day on which the  
12 certification is revoked; the taxable year that includes the day on which the person  
13 becomes ineligible for tax benefits; or succeeding taxable years and that person may  
14 not carry over unused credits from previous years to offset tax under this chapter for  
15 the taxable year that includes the day on which certification is revoked; the taxable  
16 year that includes the day on which the person becomes ineligible for tax benefits;  
17 or succeeding taxable years.

18           **SECTION 2178h.** 71.28 (1dx) (d) of the statutes is amended to read:

19           71.28 (1dx) (d) *Carry-over precluded*. If a person who is entitled under s.  
20 560.795 (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~ 560.797 (4), or  
21 560.798 (3) for tax benefits ceases business operations in the development zone  
22 during any of the taxable years that that zone exists, that person may not carry over  
23 to any taxable year following the year during which operations cease any unused  
24 credits from the taxable year during which operations cease or from previous taxable  
25 years.”.

1           **1168.** Page 798, line 22: after that line insert:

2           “**SECTION 2179m.** 71.28 (5r) of the statutes is created to read:

3           71.28 (5r) EDUCATION CREDIT. (a) In this subsection:

4           1. “Claimant” means a corporation that files a claim under this subsection.

5           2. “Degree–granting program” means an education program for which an  
6           associate, a bachelor’s, or a graduate degree is awarded upon successful completion.

7           3. “Family member” has the meaning given in s. 157.061 (7).

8           4. “Managing employee” means an individual who wholly or partially exercises  
9           operational or managerial control over, or who directly or indirectly conducts, the  
10          operation of the claimant’s business.

11          5. “Poverty line” has the meaning given under s. 49.001 (5).

12          6. “Qualified postsecondary institution” means all of the following:

13          a. A University of Wisconsin System institution, a technical college system  
14          institution, or a regionally accredited 4–year nonprofit college or university having  
15          its regional headquarters and principal place of business in this state.

16          b. A school approved under s. 45.54, if the school has a physical presence, and  
17          the delivery of education occurs, in this state.

18          (b) Subject to the limitations provided in this subsection, a claimant may claim  
19          as a credit against the tax imposed under s. 71.23 an amount equal to the following:

20          1. Fifty percent of the tuition that the claimant paid or incurred during the  
21          taxable year for an individual to participate in an education program of a qualified  
22          postsecondary institution, if the individual was enrolled in a degree–granting  
23          program.

1           2. Seventy five percent of the tuition that the claimant paid or incurred during  
2 the taxable year for an individual to participate in an education program of a  
3 qualified postsecondary institution, if the individual was enrolled in a  
4 degree–granting program and if the individual’s taxable income in the year prior to  
5 commencing participation in the education program in connection with which a  
6 credit is claimed is not more than 185% of the poverty line.

7           (c) A claimant may not claim the credit under par. (b) for any tuition amounts  
8 that the claimant has excluded under section 127 of the Internal Revenue Code.

9           (cm) A claimant may not claim the credit under par. (b) for any tuition amounts  
10 that the claimant paid or incurred for a family member of a managing employee  
11 unless all of the following apply:

12           1. The family member was employed an average of at least 20 hours a week as  
13 an employee of the claimant, or the claimant’s business, during the one–year period  
14 prior to commencing participation in the education program in connection with  
15 which the claimant claims a credit under par. (b).

16           2. The family member is enrolled in a degree–granting program that is  
17 substantially related to the claimant’s business.

18           3. The family member is making satisfactory progress towards completing the  
19 degree–granting program under subd. 2.

20           (d) The carry–over provisions of sub. (4) (e) and (f), as they apply to the credit  
21 under sub. (4), apply to the credit under this subsection.

22           (e) Partnerships, limited liability companies, and tax–option corporations may  
23 not claim the credit under this subsection, but the eligibility for, and the amount of,  
24 the credit are based on their payment of tuition under par. (b). A partnership, limited  
25 liability company, or tax–option corporation shall compute the amount of credit that



1 each of its partners, members, or shareholders may claim and shall provide that  
2 information to each of them. Partners, members of limited liability companies, and  
3 shareholders of tax–option corporations may claim the credit in proportion to their  
4 ownership interest.

5 (f) Subsection (4) (g) and (h), as it applies to the credit under sub. (4), applies  
6 to the credit under this subsection.

7 **SECTION 2179p.** 71.30 (3) (dm) of the statutes is created to read:

8 71.30 (3) (dm) The education credit under s. 71.28 (5r).”.

9 **1169.** Page 798, line 22: after that line insert:

10 **“SECTION 2179h.** 71.28 (5d) of the statutes is created to read:

11 71.28 (5d) INDUSTRIAL, SERVICE, AND SKILLED TRADES APPRENTICESHIP CREDIT. (a)

12 In this subsection:

13 1. “Apprentice” means a person who participates in a 2–year to 5–year  
14 apprenticeship program, as determined and approved by the department, in which  
15 the person receives instruction leading to qualification as a skilled journeyman in  
16 any industrial manufacturing trade or private sector service occupation or receives  
17 instruction in the construction trades leading to qualification as a skilled  
18 journeyman carpenter, including a floor coverer, millwright, or pile driver; laborer;  
19 ironworker; or painter, including a taper.

20 2. “Claimant” means a person who files a claim under this subsection and who  
21 is a trades trainer, as determined and approved by the department.

22 3. “Department” means the department of workforce development.

23 (b) Subject to the limitations provided in this subsection, for taxable years  
24 beginning after June 30, 2003, a claimant may claim as a credit against the taxes

1 imposed under s. 71.23 an amount that is equal to 5% of the wages that the claimant  
2 paid to an apprentice in the taxable year, but not to exceed \$1,400, except that a  
3 claimant may claim as a credit against the taxes imposed under s. 71.23 an amount  
4 that is equal to 8% of the wages that the claimant paid to an apprentice in the taxable  
5 year in which the apprentice completes an apprenticeship program, but not to exceed  
6 \$3,000.

7 (c) No claimant may receive a credit under this subsection unless the claimant  
8 enters into an agreement with the department permitting the department to post on  
9 the department's Internet site the claimant's name and address and the number of  
10 apprentices employed by the claimant during the calendar year.

11 (d) This subsection does not apply to taxable years that begin after June 30,  
12 2006, if the number of employers training apprentices in department-approved  
13 programs does not increase by more than 40% from July 1, 2003, to June 30, 2006,  
14 as determined by the department, except that a claimant who has claimed a credit  
15 for an apprentice's wages in any taxable year beginning before July 1, 2006, may  
16 continue to claim a credit for the apprentice's wages in succeeding taxable years,  
17 until the apprentice completes the apprenticeship program. As soon as practicable  
18 after June 30, 2006, the department shall certify to the department of revenue the  
19 number of employers training apprentices in approved programs on July 1, 2003, and  
20 the number of employers training apprentices in approved programs on June 30,  
21 2006.

22 (e) The carry-over provisions of sub. (4) (e) and (f), as they apply to the credit  
23 under sub. (4), apply to the credit under this subsection.

24 (f) Partnerships, limited liability companies, and tax-option corporations may  
25 not claim the credit under this subsection, but the eligibility for, and the amount of,

1 the credit are based on their payment of wages under par. (b). A partnership, limited  
2 liability company, or tax–option corporation shall compute the amount of credit that  
3 each of its partners, members, or shareholders may claim and shall provide that  
4 information to each of them. Partners, members of limited liability companies, and  
5 shareholders of tax–option corporations may claim the credit in proportion to their  
6 ownership interests.

7 (g) Subsection (4) (g) and (h), as it applies to the credit under sub. (4), applies  
8 to the credit under this subsection.

9 **SECTION 2179x.** 71.30 (3) (dm) of the statutes is created to read:

10 71.30 (3) (dm) Industrial, service, and skilled trades apprenticeship credit  
11 under s. 71.28 (5d).”.

12 **1170.** Page 798, line 22: after that line insert:

13 “**SECTION 2179e.** 71.28 (5s) of the statutes is created to read:

14 71.28 (5s) CONSERVATION LAND, CONSERVATION EASEMENT TAX CREDIT. (a)

15 *Definitions.* In this subsection:

- 16 1. “Claimant” means a person who files a claim under this subsection.
- 17 2. “Conservation easement” has the meaning given in s. 700.40 (1) (a).
- 18 3. “Local governmental unit” means a political subdivision of this state, a  
19 special purpose district in this state, an instrumentality or corporation of such a  
20 political subdivision or special purpose district, a combination or subunit of any of  
21 the foregoing, or an instrumentality of the state and any of the foregoing.
- 22 4. “Nonprofit conservation organization” has the meaning given in s. 23.0955  
23 (1).

1           5. “Qualified appraisal” means any appraisal meeting the requirements of the  
2 regulations prescribed under section 170 (a) (1) of the Internal Revenue Code.

3           6. “Qualified conservation contribution” has the meaning given in section 170  
4 (h) of the Internal Revenue Code.

5           (b) *Filing claims.* Subject to the limitations provided in this subsection, a  
6 claimant may claim as a credit against the tax imposed under s. 71.23 an amount  
7 equal to 50% of the value, based on a qualified appraisal, of property or a  
8 conservation easement, to the extent that the property or easement is a qualified  
9 conservation contribution, that is donated to the state, a local governmental unit, or  
10 a nonprofit conservation organization in the taxable year in which the donation is  
11 made or the easement is granted.

12           (c) *Limitations.* 1. The maximum credit that a claimant may claim under this  
13 subsection in a taxable year is \$100,000.

14           2. No credit may be allowed under this subsection unless it is claimed within  
15 the time period under s. 71.75 (2).

16           3. Subsection (4) (e) and (f), as it applies to the credit under sub. (4), applies to  
17 the credit under this subsection, except that with regard to the carry-over provisions  
18 in sub. (4) (f) the maximum number of years that the credit under this subsection may  
19 be carried forward is 10 years.

20           4. Partnerships, limited liability companies, and tax-option corporations may  
21 not claim the credit under this subsection, but the eligibility for, and the amount of,  
22 the credit are based on the amount calculated under par. (b). A partnership, limited  
23 liability company, or tax-option corporation shall compute the amount of credit that  
24 each of its partners, members, or shareholders may claim and shall provide that  
25 information to each of them. Partners, members of limited liability companies, and

1 shareholders of tax–option corporations may claim the credit in proportion to their  
2 ownership interest.

3 (d) *Administration.* The department of revenue may enforce the credit under  
4 this subsection and may take any action, conduct any proceeding, and proceed as it  
5 is authorized in respect to taxes under this chapter. The income tax provisions in this  
6 chapter relating to assessments, refunds, appeals, collection, interest, and penalties  
7 apply to the credit under this subsection.

8 **SECTION 2179u.** 71.30 (3) (cs) of the statutes is created to read:

9 71.30 (3) (cs) Conservation land, conservation easement tax credit under s.  
10 71.28 (5s).”.

11 **1171.** Page 799, line 2: after that line insert:

12 “**SECTION 2181f.** 71.30 (10) (h) (intro.) of the statutes is amended to read:

13 71.30 (10) (h) *Certification of amounts.* (intro.) Annually, on or before  
14 September 15, the secretary of revenue shall certify to the department of natural  
15 resources fish, wildlife, parks, and forestry, the department of administration and  
16 the state treasurer:”.

17 **1172.** Page 799, line 6: delete “and (3g)” and substitute “(3g), and (5r)”.

18 **1173.** Page 799, line 6: delete “and (3g)” and substitute “(3g), and (5d)”.

19 **1174.** Page 799, line 6: delete that line and substitute “(3g), (5d), (5r), and (5s)  
20 and passed through to shareholders.”.

21 **1175.** Page 799, line 15: delete “106–554, excluding sections 162 and 165 of”  
22 and substitute “106–519.”.

23 **1176.** Page 799, line 23: delete the material beginning with “and P.L.” and  
24 ending with “of” on line 24 and substitute “P.L. 106–519, and”.

1           **1177.** Page 800, line 8: delete that line and substitute “105–277, P.L.  
2 106–519, and P.L. 106–554 and”.

3           **1178.** Page 800, line 11: delete the material beginning with “and P.L.” and  
4 ending with “of” on line 12 and substitute “P.L. 106–519, and”.

5           **1179.** Page 800, line 22: delete “and P.L. 106–554, excluding sections 162 and  
6 165 of” and substitute “P.L. 106–519, and”.

7           **1180.** Page 801, line 7: delete “and P.L. 106–554, excluding sections 162 and  
8 165 of” and substitute “P.L. 106–519, and”.

9           **1181.** Page 801, line 17: delete that line and substitute “and, P.L. 105–277,  
10 P.L. 106–519, and P.L. 106–554”.

11           **1182.** Page 801, line 21: delete the material beginning with “and P.L.” and  
12 ending with “of” on line 22 and substitute “P.L. 106–519, and”.

13           **1183.** Page 802, line 7: delete the material beginning with “and P.L.” and  
14 ending with “of” on line 8 and substitute “P.L. 106–519, and”.

15           **1184.** Page 802, line 17: delete “and P.L. 106–554, excluding sections 162 and  
16 165 of” and substitute “P.L. 106–519, and”.

17           **1185.** Page 803, line 1: delete the material beginning with “and P.L.” and  
18 ending with “106–554,” on line 2 and substitute “P.L. 106–519, and P.L. 106–554”.

19           **1186.** Page 803, line 5: delete “and P.L. 106–554, excluding sections 162 and  
20 165 of” and substitute “P.L. 106–519, and”.

21           **1187.** Page 803, line 14: delete the material beginning with “and P.L.” and  
22 ending with “of” on line 15 and substitute “P.L. 106–519, and”.

1           **1188.** Page 803, line 24: delete the material beginning with “and P.L.” and  
2 ending with “of” on line 25 and substitute “P.L. 106–519, and”.

3           **1189.** Page 804, line 9: delete that line and substitute “105–277, P.L.  
4 106–519, and P.L. 106–554 and”.

5           **1190.** Page 804, line 13: delete that line and substitute “105–277, P.L.  
6 106–519, and P.L. 106–554 apply for”.

7           **1191.** Page 804, line 22: delete “and P.L. 106–554, excluding sections 162 and  
8 165 of” and substitute “P.L. 106–519, and”.

9           **1192.** Page 805, line 7: delete the material beginning with “and P.L.” and  
10 ending with “of” on line 8 and substitute “P.L. 106–519, and”.

11           **1193.** Page 805, line 15: delete the material beginning with “and P.L.” and  
12 ending with “P.L. 106–554,” on line 16 and substitute “P.L. 106–519, and P.L.  
13 106–554”.

14           **1194.** Page 805, line 18: delete the material beginning with “and P.L.” and  
15 ending with “of” on line 19 and substitute “P.L. 106–519, and”.

16           **1195.** Page 806, line 3: delete “106–554, excluding sections 162 and 165 of”  
17 and substitute “106–519,”.

18           **1196.** Page 806, line 13: after “106–170,” insert “P.L. 106–519,”.

19           **1197.** Page 806, line 14: delete “excluding sections 162 and 165 of P.L.  
20 106–554,”.

21           **1198.** Page 806, line 22: delete the material beginning with “106–554” and  
22 ending with “of” on line 23 and substitute “106–519,”.

1           **1199.** Page 806, line 25: delete the material beginning with “106-554” and  
2 ending with “of” on page 807, line 1 and substitute “106-519.”.

3           **1200.** Page 807, line 10: delete “106-554, excluding sections 162 and 165 of”  
4 and substitute “106-519.”.

5           **1201.** Page 807, line 20: delete the material beginning with “106-554” and  
6 ending with “of” on line 21 and substitute “106-519.”.

7           **1202.** Page 808, line 3: delete the material beginning with “106-554” and  
8 ending with “of” on line 4 and substitute “106-519.”.

9           **1203.** Page 808, line 6: delete “106-554, excluding sections 162 and 165 of”  
10 and substitute “106-519.”.

11           **1204.** Page 808, line 15: delete the material beginning with “106-554” and  
12 ending with “of” on line 16 and substitute “106-519.”.

13           **1205.** Page 809, line 1: delete the material beginning with “106-554” and  
14 ending with “of” on line 2 and substitute “106-519.”.

15           **1206.** Page 809, line 9: delete the material beginning with “106-554” and  
16 ending with “of” on line 10 and substitute “106-519.”.

17           **1207.** Page 809, line 12: delete “106-554, excluding sections 162 and 165 of”  
18 and substitute “106-519.”.

19           **1208.** Page 810, line 4: delete the material beginning with “106-554” and  
20 ending with “of” on line 5 and substitute “106-519.”.

21           **1209.** Page 810, line 11: after that line insert:

22           “**SECTION 2182dkm.** 71.34 (1g) (pm) of the statutes is created to read:



1           71.34 **(1g)** (pm) “Internal Revenue Code” for tax-option corporations, for  
2 taxable years beginning after December 31, 2000, and before January 1, 2002, means  
3 the federal Internal Revenue Code as amended by sections 411, 412 (a), 611 (a), 635,  
4 636 (b), 641 to 646, 655, 658, and 701 of P.L. 107–16 and as indirectly affected by  
5 sections 411, 412 (a), 611 (a), 635, 636 (b), 641 to 646, 655, 658, and 701 of P.L. 107–16.  
6 The Internal Revenue Code applies for Wisconsin purposes at the same time as for  
7 federal purposes. Amendments to the federal Internal Revenue Code enacted after  
8 June 30, 2001, do not apply to this paragraph with respect to taxable years beginning  
9 after December 31, 2000, and before January 1, 2002.”.

10           **1210.** Page 811, line 22: delete “and P.L. 106–554, excluding sections 162 and  
11 165 of” and substitute “P.L. 106–519, and”.

12           **1211.** Page 812, line 3: delete the material beginning with “and P.L.” and  
13 ending with “of” on line 4 and substitute “P.L. 106–519, and”.

14           **1212.** Page 812, line 12: delete that line and substitute “105–277, P.L.  
15 106–519, and P.L. 106–554 and”.

16           **1213.** Page 812, line 15: delete the material beginning with “and P.L.” and  
17 ending with “of” on line 16 and substitute “P.L. 106–519, and”.

18           **1214.** Page 813, line 1: delete “and P.L. 106–554, excluding sections 162 and  
19 165 of” and substitute “P.L. 106–519, and”.

20           **1215.** Page 813, line 8: delete the material beginning with “and P.L.” and  
21 ending with “of” on line 9 and substitute “P.L. 106–519, and”.

22           **1216.** Page 813, line 18: delete that line and substitute “and, 105–277, P.L.  
23 106–519, and P.L. 106–554”.

1           **1217.** Page 813, line 22: delete the material beginning with “and P.L.” and  
2 ending with “of” on line 23 and substitute “P.L. 106–519, and”.

3           **1218.** Page 814, line 7: delete “and P.L. 106–554, excluding sections 162 and  
4 165 of” and substitute “P.L. 106–519, and”.

5           **1219.** Page 814, line 14: delete the material beginning with “and P.L.” and  
6 ending with “of” on line 15 and substitute “P.L. 106–519, and P.L.”.

7           **1220.** Page 814, line 23: delete the material beginning with “and P.L.” and  
8 ending with “106–554.” on line 24 and substitute “P.L. 106–519, and P.L. 106–554”.

9           **1221.** Page 815, line 2: delete “and P.L. 106–554, excluding sections 162 and  
10 165 of” and substitute “P.L. 106–519, and”.

11           **1222.** Page 815, line 11: delete “and P.L. 106–554, excluding sections 162 and  
12 165 of” and substitute “P.L. 106–519, and”.

13           **1223.** Page 815, line 18: delete the material beginning with “and P.L.” and  
14 ending with “of” on line 19 and substitute “P.L. 106–519, and”.

15           **1224.** Page 816, line 2: delete the material beginning with “and P.L.” and  
16 ending with “of” on line 3 and substitute “P.L. 106–519, and”.

17           **1225.** Page 816, line 6: delete the material beginning with “and P.L.” and  
18 ending with “of” on line 7 and substitute “P.L. 106–519, and”.

19           **1226.** Page 816, line 16: delete “and P.L. 106–554, excluding sections 162 and  
20 165 of” and substitute “P.L. 106–519, and”.

21           **1227.** Page 816, line 23: delete the material beginning with “and P.L.” and  
22 ending with “of” on line 24 and substitute “P.L. 106–519, and”.

1           **1228.** Page 817, line 6: delete the material beginning with “and P.L.” and  
2 ending with “106–554.” on line 7 and substitute “P.L. 106–519, and P.L. 106–554”.

3           **1229.** Page 817, line 9: delete “and P.L. 106–554, excluding sections 162 and  
4 165 of” and substitute “P.L. 106–519, and”.

5           **1230.** Page 817, line 18: delete “106–554, excluding sections 162 and 165 of”  
6 and substitute “106–519.”.

7           **1231.** Page 818, line 1: delete “106–554, excluding sections 162 and 165 of”  
8 and substitute “106–519.”.

9           **1232.** Page 818, line 9: delete “106–554, excluding sections 162 and 165 of”  
10 and substitute “106–519.”.

11           **1233.** Page 818, line 12: delete “106–554, excluding sections 162 and 165 of”  
12 and substitute “106–519.”.

13           **1234.** Page 818, line 20: delete the material beginning with “106–554” and  
14 ending with “of” on line 21 and substitute “106–519.”.

15           **1235.** Page 819, line 4: delete “106–554, excluding sections 162 and 165 of”  
16 and substitute “106–519.”.

17           **1236.** Page 819, line 11: delete the material beginning with “106–554” and  
18 ending with “of” on line 12 and substitute “106–519.”.

19           **1237.** Page 819, line 14: delete “106–554, excluding sections 162 and 165 of”  
20 and substitute “106–519.”.

21           **1238.** Page 819, line 22: delete the material beginning with “106–554” and  
22 ending with “of” on line 23 and substitute “106–519.”.

1           **1239.** Page 820, line 6: delete “106–554, excluding sections 162 and 165 of”  
2 and substitute “106–519.”.

3           **1240.** Page 820, line 13: delete “106–554, excluding sections 162 and 165 of”  
4 and substitute “106–519.”.

5           **1241.** Page 820, line 15: delete the material beginning with “106–554” and  
6 ending with “of” on line 16 and substitute “106–519.”.

7           **1242.** Page 821, line 6: delete “106–554, excluding sections 162 and 165 of”  
8 and substitute “106–519.”.

9           **1243.** Page 821, line 11: after that line insert:

10           “**SECTION 2182dwd.** 71.42 (2) (om) of the statutes is created to read:

11           71.42 (2) (om) For taxable years beginning after December 31, 2000, and before  
12 January 1, 2002, “Internal Revenue Code” means the federal Internal Revenue Code  
13 as amended by sections 411, 412 (a), 611 (a), 635, 636 (b), 641 to 646, 655, 658, and  
14 701 of P.L. 107–16 and as indirectly affected by sections 411, 412 (a), 611 (a), 635, 636  
15 (b), 641 to 646, 655, 658, and 701 of P.L. 107–16. The Internal Revenue Code applies  
16 for Wisconsin purposes at the same time as for federal purposes. Amendments to the  
17 federal Internal Revenue Code enacted after June 30, 2001, do not apply to this  
18 paragraph with respect to taxable years beginning after December 31, 2000, and  
19 before January 1, 2002.”.

20           **1244.** Page 821, line 17: after that line insert:

21           “**SECTION 2184m.** 71.45 (2) (a) 10. of the statutes is amended to read:

22           71.45 (2) (a) 10. By adding to federal taxable income the amount of credit  
23 computed under s. 71.47 (1dd) to (1dx) and (5r) and not passed through by a  
24 partnership, limited liability company, or tax–option corporation that has added that

1 amount to the partnership's, limited liability company's, or tax-option corporation's  
2 income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under  
3 s. 71.47 (1), (3), (4), and (5).”.

4 **1245.** Page 821, line 17: after that line insert:

5 “**SECTION 2184p.** 71.45 (2) (a) 10. of the statutes is amended to read:

6 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit  
7 computed under s. 71.47 (1dd) to (1dx) and (5d) and not passed through by a  
8 partnership, limited liability company or tax-option corporation that has added that  
9 amount to the partnership's, limited liability company's, or tax-option corporation's  
10 income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under  
11 s. 71.47 (1), (3), (4) and (5).”.

12 **1246.** Page 821, line 17: after that line insert:

13 “**SECTION 2184p.** 71.45 (2) (a) 10. of the statutes is amended to read:

14 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit  
15 computed under s. 71.47 (1dd) to (1dx) and (5s) and not passed through by a  
16 partnership, limited liability company or tax-option corporation that has added that  
17 amount to the partnership's, limited liability company's or tax-option corporation's  
18 income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under  
19 s. 71.47 (1), (3), (4) and (5).”.

20 **1247.** Page 826, line 21: after “(5)” insert “or 560.798 (3)”.

21 **1248.** Page 826, line 24: after “(e)” insert “or 560.798”.

22 **1249.** Page 828, line 14: after “(5)” insert “or 560.798 (3)”.

23 **1250.** Page 829, line 16: after “(5)” insert “or 560.798 (3)”.

24 **1251.** Page 829, line 24: after “(5)” insert “or 560.798 (3)”.

1           **1252.** Page 830, line 5: after that line insert:

2           “**SECTION 2191m.** 71.47 (1dx) (a) 2. of the statutes is amended to read:

3           71.47 (1dx) (a) 2. “Development zone” means a development zone under s.  
4           560.70, a development opportunity zone under s. 560.795 or an enterprise  
5           development zone under s. 560.797, or an agricultural development zone under s.  
6           560.798.”.

7           **1253.** Page 830, line 19: after that line insert:

8           “**SECTION 2192d.** 71.47 (1dx) (b) (intro.) of the statutes is amended to read:

9           71.47 (1dx) (b) *Credit.* (intro.) Except or provided in s. 73.03 (35) and subject  
10          to s. 560.785, for any taxable year for which the person is entitled under s. 560.795  
11          (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~ 560.797 (4) or 560.798 (3),  
12          any person may claim as a credit against taxes imposed on the person’s income from  
13          the person’s business activities in a development zone under this subchapter the  
14          following amounts:

15          **SECTION 2192g.** 71.47 (1dx) (c) of the statutes is amended to read:

16          71.47 (1dx) (c) *Credit precluded.* If the certification of a person for tax benefits  
17          under s. 560.765 (3) ~~or~~ 560.797 (4) or 560.798 (3) is revoked, or if the person becomes  
18          ineligible for tax benefits under s. 560.795 (3), that person may not claim credits  
19          under this subsection for the taxable year that includes the day on which the  
20          certification is revoked; the taxable year that includes the day on which the person  
21          becomes ineligible for tax benefits; or succeeding taxable years and that person may  
22          not carry over unused credits from previous years to offset tax under this chapter for  
23          the taxable year that includes the day on which certification is revoked; the taxable

1 year that includes the day on which the person becomes ineligible for tax benefits;  
2 or succeeding taxable years.

3 **SECTION 2192h.** 71.47 (1dx) (d) of the statutes is amended to read:

4 71.47 (1dx) (d) *Carry-over precluded.* If a person who is entitled under s.  
5 560.795 (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~ 560.797 (4) or  
6 560.798 (3) for tax benefits ceases business operations in the development zone  
7 during any of the taxable years that that zone exists, that person may not carry over  
8 to any taxable year following the year during which operations cease any unused  
9 credits from the taxable year during which operations cease or from previous taxable  
10 years.”.

11 **1254.** Page 831, line 18: after that line insert:

12 “**SECTION 2193m.** 71.47 (5r) of the statutes is created to read:

13 71.47 (5r) EDUCATION CREDIT. (a) In this subsection:

- 14 1. “Claimant” means a corporation that files a claim under this subsection.
- 15 2. “Degree-granting program” means an educational program for which an  
16 associate, a bachelor’s, or a graduate degree is awarded upon successful completion.
- 17 3. “Family member” has the meaning given in s. 157.061 (7).
- 18 4. “Managing employee” means an individual who wholly or partially exercises  
19 operational or managerial control over, or who directly or indirectly conducts, the  
20 operation of the claimant’s business.
- 21 5. “Poverty line” has the meaning given under s. 49.001 (5).
- 22 6. “Qualified postsecondary institution” means all of the following:

1           a. A University of Wisconsin System institution, a technical college system  
2 institution, or a regionally accredited 4-year nonprofit college or university having  
3 its regional headquarters and principal place of business in this state.

4           b. A school approved under s. 45.54, if the school has a physical presence, and  
5 the delivery of education occurs, in this state.

6           (b) Subject to the limitations provided in this subsection, a claimant may claim  
7 as a credit against the tax imposed under s. 71.43 an amount equal to the following:

8           1. Fifty percent of the tuition that the claimant paid or incurred during the  
9 taxable year for an individual to participate in an education program of a qualified  
10 postsecondary institution, if the individual was enrolled in a degree-granting  
11 program.

12           2. Seventy five percent of the tuition that the claimant paid or incurred during  
13 the taxable year for an individual to participate in an education program of a  
14 qualified postsecondary institution, if the individual was enrolled in a  
15 degree-granting program and if the individual's taxable income in the year prior to  
16 commencing participation in the education program in connection with which a  
17 credit is claimed is not more than 185% of the poverty line.

18           (c) A claimant may not claim the credit under par. (b) for any tuition amounts  
19 that the claimant excluded under section 127 of the Internal Revenue Code.

20           (cm) A claimant may not claim the credit under par. (b) for any tuition amounts  
21 that the claimant paid or incurred for a family member of a managing employee  
22 unless all of the following apply:

23           1. The family member was employed an average of at least 20 hours a week as  
24 an employee of the claimant, or the claimant's business, during the one-year period



1 prior to commencing participation in the education program in connection with  
2 which the claimant claims a credit under par. (b).

3 2. The family member is enrolled in a degree-granting program that is  
4 substantially related to the claimant's business.

5 3. The family member is making satisfactory progress towards completing the  
6 degree-granting program under subd. 2.

7 (d) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit  
8 under s. 71.28 (4), apply to the credit under this subsection.

9 (e) Partnerships, limited liability companies, and tax-option corporations may  
10 not claim the credit under this subsection, but the eligibility for, and the amount of,  
11 the credit are based on their payment of tuition under par. (b). A partnership, limited  
12 liability company, or tax-option corporation shall compute the amount of credit that  
13 each of its partners, members, or shareholders may claim and shall provide that  
14 information to each of them. Partners, members of limited liability companies, and  
15 shareholders of tax-option corporations may claim the credit in proportion to their  
16 ownership interest.

17 (f) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),  
18 applies to the credit under this subsection.

19 **SECTION 2193p.** 71.49 (1) (dm) of the statutes is created to read:

20 71.49 (1) (dm) The education credit under s. 71.47 (5r).”.

21 **1255.** Page 831, line 18: after that line insert:

22 “**SECTION 2193e.** 71.47 (5d) of the statutes is created to read:

23 71.47 (5d) INDUSTRIAL, SERVICE, AND SKILLED TRADES APPRENTICESHIP CREDIT. (a)

24 In this subsection:

1           1. “Apprentice” means a person who participates in a 2–year to 5–year  
2 apprenticeship program, as determined and approved by the department, in which  
3 the person receives instruction leading to qualification as a skilled journeyman in  
4 any industrial manufacturing trade or private sector service occupation or receives  
5 instruction in the construction trades leading to qualification as a skilled  
6 journeyman carpenter, including a floor coverer, millwright, or pile driver; laborer;  
7 ironworker; or painter, including a taper.

8           2. “Claimant” means a person who files a claim under this subsection and who  
9 is a trades trainer, as determined and approved by the department.

10          3. “Department” means the department of workforce development.

11          (b) Subject to the limitations provided in this subsection, for taxable years  
12 beginning after June 30, 2003, a claimant may claim as a credit against the taxes  
13 imposed under s. 71.43 an amount that is equal to 5% of the wages that the claimant  
14 paid to an apprentice in the taxable year, but not to exceed \$1,400, except that a  
15 claimant may claim as a credit against the taxes imposed under s. 71.43 an amount  
16 that is equal to 8% of the wages that the claimant paid to an apprentice in the taxable  
17 year in which the apprentice completes an apprenticeship program, but not to exceed  
18 \$3,000.

19          (c) No claimant may receive a credit under this subsection unless the claimant  
20 enters into an agreement with the department permitting the department to post on  
21 the department’s Internet site the claimant’s name and address and the number of  
22 apprentices employed by the claimant during the calendar year.

23          (d) This subsection does not apply to taxable years that begin after June 30,  
24 2006, if the number of employers training apprentices in department–approved  
25 programs does not increase by more than 40% from July 1, 2003, to June 30, 2006,

1 as determined by the department, except that a claimant who has claimed a credit  
2 for an apprentice’s wages in any taxable year beginning before July 1, 2006, may  
3 continue to claim a credit for the apprentice’s wages in succeeding taxable years,  
4 until the apprentice completes the apprenticeship program. As soon as practicable  
5 after June 30, 2006, the department shall certify to the department of revenue the  
6 number of employers training apprentices in approved programs on July 1, 2003, and  
7 the number of employers training apprentices in approved programs on June 30,  
8 2006.

9 (e) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit  
10 under s. 71.28 (4), apply to the credit under this subsection.

11 (f) Partnerships, limited liability companies, and tax-option corporations may  
12 not claim the credit under this subsection, but the eligibility for, and the amount of,  
13 the credit are based on their payment of wages under par. (b). A partnership, limited  
14 liability company, or tax-option corporation shall compute the amount of credit that  
15 each of its partners, members, or shareholders may claim and shall provide that  
16 information to each of them. Partners, members of limited liability companies, and  
17 shareholders of tax-option corporations may claim the credit in proportion to their  
18 ownership interests.

19 (g) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),  
20 applies to the credit under this subsection.

21 **SECTION 2193x.** 71.49 (1) (dm) of the statutes is created to read:

22 71.49 (1) (dm) Industrial, service, and skilled trades apprenticeship credit  
23 under s. 71.47 (5d).”.

24 **1256.** Page 831, line 18: after that line insert:

1           “**SECTION 2193e.** 71.47 (5s) of the statutes is created to read:

2           **71.47 (5s)** CONSERVATION LAND, CONSERVATION EASEMENT TAX CREDIT. (a)

3           *Definitions.* In this subsection:

4           1. “Claimant” means a person who files a claim under this subsection.

5           2. “Conservation easement” has the meaning given in s. 700.40 (1) (a).

6           3. “Local governmental unit” means a political subdivision of this state, a  
7 special purpose district in this state, an instrumentality or corporation of such a  
8 political subdivision or special purpose district, a combination or subunit of any of  
9 the foregoing, or an instrumentality of the state and any of the foregoing.

10          4. “Nonprofit conservation organization” has the meaning given in s. 23.0955  
11 (1).

12          5. “Qualified appraisal” means any appraisal meeting the requirements of the  
13 regulations prescribed under section 170 (a) (1) of the Internal Revenue Code.

14          6. “Qualified conservation contribution” has the meaning given in section 170  
15 (h) of the Internal Revenue Code.

16          (b) *Filing claims.* Subject to the limitations provided in this subsection, a  
17 claimant may claim as a credit against the tax imposed under s. 71.43 an amount  
18 equal to 50% of the value, based on a qualified appraisal, of property or a  
19 conservation easement, to the extent that the property or easement is a qualified  
20 conservation contribution, that is donated to the state, a local governmental unit, or  
21 a nonprofit conservation organization in the taxable year in which the donation is  
22 made or the easement is granted.

23          (c) *Limitations.* 1. The maximum credit that a claimant may claim under this  
24 subsection in a taxable year is \$100,000.

1           2. No credit may be allowed under this subsection unless it is claimed within  
2 the time period under s. 71.75 (2).

3           3. Section 71.28 (4) (e) and (f), as it applies to the credit under s. 71.28 (4),  
4 applies to the credit under this subsection, except that with regard to the carry-over  
5 provisions in s. 71.28 (4) (f) the maximum number of years that the credit under this  
6 subsection may be carried forward is 10 years.

7           4. Partnerships, limited liability companies, and tax-option corporations may  
8 not claim the credit under this subsection, but the eligibility for, and the amount of,  
9 the credit are based on the amount calculated under par. (b). A partnership, limited  
10 liability company, or tax-option corporation shall compute the amount of credit that  
11 each of its partners, members, or shareholders may claim and shall provide that  
12 information to each of them. Partners, members of limited liability companies, and  
13 shareholders of tax-option corporations may claim the credit in proportion to their  
14 ownership interest.

15           (d) *Administration.* The department of revenue may enforce the credit under  
16 this subsection and may take any action, conduct any proceeding, and proceed as it  
17 is authorized in respect to taxes under this chapter. The income tax provisions in this  
18 chapter relating to assessments, refunds, appeals, collection, interest, and penalties  
19 apply to the credit under this subsection.

20           **SECTION 2193u.** 71.49 (1) (cs) of the statutes is created to read:

21           71.49 (1) (cs) Conservation land, conservation easement tax credit under s.  
22 71.47 (5s).”.

23           **1257.** Page 831, line 23: after that line insert:

24           **“SECTION 2200b.** 71.93 (1) (a) 3. of the statutes is amended to read:

1           71.93 (1) (a) 3. An amount that the department of health and family services  
2 may recover under s. 49.45 (2) (a) 10. or 49.497, if the department of health and  
3 family services has certified the amount under s. 49.85.”.

4           **1258.** Page 831, line 23: after that line insert:

5           “SECTION 2195t. 71.59 (1m) of the statutes is amended to read:

6           71.59 (1m) PERMITTED USES. The designation by the department of ~~natural~~  
7 resources fish, wildlife, parks, and forestry of any farmland in this state, for which  
8 a claim under this section may be filed, as part of the ice age trail, under s. 23.17, is  
9 a permitted use under a farmland preservation agreement, or a certificate of a zoning  
10 authority, under sub. (1) (b).”.

11           **1259.** Page 831, line 23: after that line insert:

12           “SECTION 2195m. 71.52 (6) of the statutes is amended to read:

13           71.52 (6) “Income” means the sum of Wisconsin adjusted gross income and the  
14 following amounts, to the extent not included in Wisconsin adjusted gross income:  
15 maintenance payments (except foster care maintenance and supplementary  
16 payments excludable under section 131 of the internal revenue code), support money,  
17 cash public assistance (not including credit granted under this subchapter and  
18 amounts under s. 46.27), cash benefits paid by counties under s. 59.53 (21), the gross  
19 amount of any pension or annuity (including railroad retirement benefits, all  
20 payments received under the federal social security act and veterans disability  
21 pensions), nontaxable interest received from the federal government or any of its  
22 instrumentalities, nontaxable interest received on state or municipal bonds,  
23 worker’s compensation, unemployment insurance, the gross amount of “loss of time”  
24 insurance, compensation and other cash benefits received from the United States for

1 past or present service in the armed forces, scholarship and fellowship gifts or  
2 income, capital gains, gain on the sale of a personal residence excluded under section  
3 121 of the internal revenue code, dividends, income of a nonresident or part-year  
4 resident who is married to a full-year resident, housing allowances provided to  
5 members of the clergy, the amount by which a resident manager's rent is reduced,  
6 nontaxable income of an American Indian, nontaxable income from sources outside  
7 this state and nontaxable deferred compensation. Intangible drilling costs,  
8 depletion allowances and depreciation, including first-year depreciation allowances  
9 under section 179 of the internal revenue code, amortization, contributions to  
10 individual retirement accounts under section 219 of the internal revenue code,  
11 contributions to Keogh plans, net operating loss carry-forwards and capital loss  
12 carry-forwards deducted in determining Wisconsin adjusted gross income shall be  
13 added to "income". "Income" does not include gifts from natural persons, cash  
14 reimbursement payments made under title XX of the federal social security act,  
15 surplus food or other relief in kind supplied by a governmental agency, the gain on  
16 the sale of a personal residence deferred under section 1034 of the internal revenue  
17 code or nonrecognized gain from involuntary conversions under section 1033 of the  
18 internal revenue code. Amounts not included in adjusted gross income but added to  
19 "income" under this subsection in a previous year and repaid may be subtracted from  
20 income for the year during which they are repaid. Scholarship and fellowship gifts  
21 or income that are included in Wisconsin adjusted gross income and that were added  
22 to household income for purposes of determining the credit under this subchapter in  
23 a previous year may be subtracted from income for the current year in determining  
24 the credit under this subchapter. Interest income received from the installment sale  
25 of business, farm, or rental real property which includes a claimant's former

1 homestead, up to the amount of interest that is paid by the claimant on a mortgage  
2 to purchase another homestead, may be subtracted from income in determining the  
3 credit under this subchapter, except that notwithstanding s. 71.58 (7) (a), this  
4 provision does not apply to the definition of “income” under s. 71.58 (7). A marital  
5 property agreement or unilateral statement under ch. 766 has no effect in computing  
6 “income” for a person whose homestead is not the same as the homestead of that  
7 person’s spouse.”.

8 **1260.** Page 832, line 7: delete the material beginning with that line and  
9 ending on page 833, line 16.

10 **1261.** Page 833, line 16: after that line insert:

11 “SECTION 2200w. 73.01 (3) (a) of the statutes is amended to read:

12 73.01 (3) (a) The time and place of meetings and hearings of the commission  
13 shall be designated by the chairperson. Rooms for hearings outside the city of  
14 Madison shall be provided under s. 73.07. All hearings held in Milwaukee shall be  
15 held in the southeast district office of the department of ~~natural resources~~ fish,  
16 wildlife, parks, and forestry. The commission shall maintain permanent hearing  
17 rooms in Madison.”.

18 **1262.** Page 836, line 24: after that line insert:

19 “SECTION 2206d. 73.0301 (1) (e) of the statutes is amended to read:

20 73.0301 (1) (e) “Licensing department” means the department of  
21 administration; the board of commissioners of public lands; the department of  
22 commerce; the ethics board; the department of financial institutions; the department  
23 of health and family services; the department of ~~natural resources~~ fish, wildlife,  
24 parks, and forestry; the department of environmental management; the department



1 of public instruction; the department of regulation and licensing; the department of  
2 workforce development; the office of the commissioner of insurance; or the  
3 department of transportation.”.

4 **1263.** Page 836, line 24: after that line insert:

5 “SECTION 2205n. 73.03 (57) of the statutes is created to read:

6 73.03 (57) (1y) To work with the department of natural resources and with the  
7 Gathering Waters Conservancy to prepare a report, no later than the first day of the  
8 60th month beginning after the effective date of this subsection .... [revisor inserts  
9 date], on the effectiveness of the conservation land, conservation easement tax credit  
10 under ss. 71.07 (5s), 71.28 (5), and 71.47 (5s), and to submit the report to the speaker  
11 of the assembly and the president of the senate under s. 13.172 (3). The report shall  
12 also recommend modifications of the tax credit to encourage conservation  
13 donations.”.

14 **1264.** Page 838, line 16: after that line insert:

15 “SECTION 2222. 74.35 (3) (c) of the statutes is amended to read:

16 74.35 (3) (c) If the governing body of the taxation district determines that an  
17 unlawful tax has been paid and that the claim for recovery of the unlawful tax has  
18 complied with all legal requirements, the governing body shall allow the claim. ~~The~~  
19 Except as provided in par. (cm), the taxation district treasurer shall pay the claim  
20 not later than 90 days after the claim is allowed.

21 SECTION 2223. 74.35 (3) (cm) of the statutes is created to read:

22 74.35 (3) (cm) A municipality may pay a refund under par. (c) of the taxes on  
23 property that is assessed under s. 70.995 in 5 annual installments, each of which  
24 except the last is equal to at least 20% of the sum of the refund and the interest on

1 the refund, beginning in the year of the determination under par. (c), if all of the  
2 following conditions exist:

3 1. The municipality's property tax levy for its general operations for the year  
4 for which the taxes to be refunded are due is less than \$100,000,000.

5 2. The refund is at least 0.0025% of the municipality's levy for its general  
6 operations for the year for which the taxes to be refunded are due.

7 3. The refund is more than \$10,000.

8 **SECTION 2223d.** 74.35 (4) of the statutes is amended to read:

9 74.35 (4) INTEREST. The amount of a claim filed under sub. (2) or an action  
10 commenced under sub. (3) may include interest computed from the date of filing the  
11 claim against the taxation district, at the rate of 0.8% per month, except as provided  
12 under s. 70.511 (2) (b).

13 **SECTION 2224.** 74.37 (3) (c) of the statutes is amended to read:

14 74.37 (3) (c) If the governing body of the taxation district or county that has a  
15 county assessor system determines that a tax has been paid which was based on an  
16 excessive assessment, and that the claim for an excessive assessment has complied  
17 with all legal requirements, the governing body shall allow the claim. The Except  
18 as provided in par. (cm), the taxation district or county treasurer shall pay the claim  
19 not later than 90 days after the claim is allowed.

20 **SECTION 2225.** 74.37 (3) (cm) of the statutes is created to read:

21 74.37 (3) (cm) A municipality may pay a refund under par. (c) of the taxes on  
22 property that is assessed under s. 70.995 in 5 annual installments, each of which  
23 except the last is equal to at least 20% of the sum of the refund and the interest on  
24 the refund, beginning in the year of the determination under par. (c), if all of the  
25 following conditions exist:

1           1. The municipality’s property tax levy for its general operations for the year  
2 for which the taxes to be refunded are due is less than \$100,000,000.

3           2. The refund is at least 0.0025% of the municipality’s levy for its general  
4 operations for the year for which the taxes to be refunded are due.

5           3. The refund is more than \$10,000.

6           **SECTION 2225g.** 74.37 (5) of the statutes is amended to read:

7           74.37 (5) INTEREST. The amount of a claim filed under sub. (2) or an action  
8 commenced under sub. (3) may include interest computed from the date of filing the  
9 claim against the taxation district, at the rate of 0.8% per month, except as provided  
10 under s. 70.511 (2) (b).”.

11           **1265.** Page 838, line 18: after that line insert:

12           “**SECTION 2227p.** 75.105 (1) (a) of the statutes is amended to read:

13           75.105 (1) (a) “Department” means the department of ~~natural resources~~  
14 environmental management.

15           **SECTION 2227t.** 75.106 (1) (b) of the statutes is amended to read:

16           75.106 (1) (b) “Department” means the department of ~~natural resources~~  
17 environmental management.”.

18           **1266.** Page 838, line 25: after that line insert:

19           “**SECTION 2231m.** 76.02 (6m) of the statutes is created to read:

20           76.02 (6m) “Repair facility” means property on which a roundhouse, a repair  
21 shop, and a turntable are located and at which railcars and locomotives are built,  
22 maintained, and repaired.

23           **SECTION 2232d.** 76.16 of the statutes is amended to read:

1           **76.16 Separate valuation of repair facilities, docks, piers, wharves, ore**  
2 **yards, elevators, car ferries and pipeline terminal facilities.** After the  
3 property of a company is first valued as a whole, if any repair facilities, docks, ore  
4 yards, piers, wharves, grain elevators or car ferries used in transferring freight or  
5 passengers between cars and vessels or transfer of freight cars located on car ferries,  
6 or if any terminal storage facilities, docks, pipelines and pumping equipment used  
7 in transferring oil from pipelines to vessels shall be included in such valuation, then  
8 for the purpose of accounting to the proper taxation districts, the department shall  
9 make a separate valuation of each such repair facility, dock, ore yard, pier, wharf,  
10 grain elevator, including the approaches thereto, or car ferries and of each such  
11 terminal storage facility, dock, pipeline and pumping equipment. As used herein, an  
12 approach shall be an immediate access facility commencing at the switching point  
13 which leads primarily to the terminal facility. For the purpose of defining the  
14 pipeline terminal facilities affected by this section, such facilities shall begin where  
15 the incoming pipeline enters the terminal storage facility site used in the transfer  
16 of oil to vessels.

17           **SECTION 2232m.** 76.24 (2) (a) of the statutes is amended to read:

18           76.24 **(2)** (a) All taxes paid by any railroad company derived from or  
19 apportionable to repair facilities, docks, ore yards, piers, wharves, grain elevators,  
20 and their approaches, or car ferries or terminal storage facilities, docks, pipelines  
21 and pumping equipment used in transferring oil from pipelines to vessels on the  
22 basis of the separate valuation provided for in s. 76.16, shall be distributed annually  
23 from the transportation fund to the towns, villages and cities in which they are  
24 located, pursuant to certification made by the department of revenue on or before  
25 August 15.”.

1           **1267.** Page 838, line 25: after that line insert:

2           “**SECTION 2232m.** 76.24 (2) (a) of the statutes is amended to read:

3           76.24 (2) (a) All taxes paid by any railroad company derived from or  
4           apportionable to docks, ore yards, piers, wharves, grain elevators, and their  
5           approaches, or car ferries or terminal storage facilities, docks, pipelines and  
6           pumping equipment used in transferring oil from pipelines to vessels on the basis of  
7           the separate valuation provided for in s. 76.16, shall be distributed annually from the  
8           public transportation account in the transportation fund to the towns, villages and  
9           cities in which ~~they~~ those facilities are located, pursuant to certification made by the  
10          department of revenue on or before August 15.”.

11          **1268.** Page 842, line 4: after that line insert:

12          “**SECTION 2236p.** 76.39 (2) of the statutes is amended to read:

13          76.39 (2) There is levied annually a gross earnings tax in lieu of all property  
14          taxes on the car line equipment of a car line company equal to 3% 2.5% of the gross  
15          earnings in this state. Every railroad company operating in this state shall, upon  
16          making payment to each car line company for use of its cars, withhold 3% 2.5% of the  
17          amount constituting the gross earnings in this state of such car line company.”.

18          **1269.** Page 843, line 5: after that line insert:

19          “**SECTION 2243c.** 77.02 of the statutes is amended to read:

20          **77.02 Forest croplands. (1) PETITION.** The owner of an entire quarter quarter  
21          section, fractional lot or government lot as determined by U.S. government survey  
22          plat, excluding public roads and railroad rights-of-way that may have been sold,  
23          may file with the department of ~~natural resources~~ fish, wildlife, parks, and forestry  
24          a petition stating that the owner believes the lands therein described are more useful

1 for growing timber and other forest crops than for any other purpose, that the owner  
2 intends to practice forestry thereon, that all persons holding encumbrances thereon  
3 have joined in the petition and requesting that such lands be approved as “Forest  
4 Croplands” under this subchapter. Whenever any such land is encumbered by a  
5 mortgage or other indenture securing any issue of bonds or notes, the trustee named  
6 in such mortgage or indenture or any amendment thereto may join in such petition,  
7 and such action shall for the purpose of this section be deemed the action of all  
8 holders of such bonds or notes.

9 (2) NOTICE OF HEARING, ADJOURNMENT. Upon receipt of such petition the  
10 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall investigate  
11 the same and shall file a listing of descriptions with the town chairperson. For  
12 petitions received prior to May 1, the department shall within the same calendar  
13 year cause a notice that such petition has been filed to be published as a class 3 notice,  
14 under ch. 985, in the newspaper having the largest general circulation in the county  
15 in which the lands are located, and notice by registered mail shall be given to the  
16 town clerk of any town in which the lands are located. Such notice shall contain the  
17 name of the petitioner, a description of the lands and a statement that any resident  
18 of or taxpayer in the town may within 15 days from the date of publication of the  
19 notice file a request with the department that it conduct a public hearing on the  
20 petition. Upon receipt of such a request the department shall conduct a public  
21 hearing on the petition. The department may conduct a public hearing on any  
22 petition without a request, if it deems it advisable to do so. Notice of the time and  
23 place of such hearing and a description, in specific or general terms, as the  
24 department deems advisable, of the property requested to be approved as “Forest  
25 Croplands” shall be given to persons making the request, the owner of such land and

1 to the assessor of towns in which it is situated, by mail, at least one week before the  
2 day of hearing. The notice also shall be published as a class 1 notice, under ch. 985,  
3 in a newspaper having general circulation in the county in which such land is located,  
4 at least one week before the day of the hearing. Such hearing may be adjourned and  
5 no notice of the time and place of such adjourned hearing need be given, excepting  
6 the announcement thereof by the presiding officer at the hearing at which the  
7 adjournment is had.

8 **(3) DECISION, COPIES.** After receiving all the evidence offered at any hearing  
9 held on the petition and after making such independent investigation as it sees fit  
10 the department shall make its findings of fact and make and enter an order  
11 accordingly. If it finds that the facts give reasonable assurance that a stand of  
12 merchantable timber will be developed on such descriptions within a reasonable  
13 time, and that such descriptions are then held permanently for the growing of timber  
14 under sound forestry practices, rather than for agricultural, mineral, shoreland  
15 development of navigable waters, recreational, residential or other purposes, and  
16 that all persons holding encumbrances against such descriptions have in writing  
17 agreed to the petition, the order entered shall grant the request of the petitioner on  
18 condition that all unpaid taxes against said descriptions be paid within 30 days  
19 thereafter; otherwise the department of ~~natural resources~~ fish, wildlife, parks, and  
20 forestry shall deny the request of the petitioner. If the request of the petitioner is  
21 granted, a copy of such order shall be filed with the department of revenue, the  
22 supervisor of equalization and the clerk of each town, and the order shall be recorded  
23 with the register of deeds of each county, in which any of the lands affected by the  
24 order are located. The register of deeds shall record the entry, transfer or withdrawal  
25 of all forest croplands in a suitable manner on the county records. The register of

1 deeds may collect recording fees under s. 59.43 (2) from the owner. Any order of the  
2 department relating to the entry of forest croplands issued on or before November  
3 20 of any year shall take effect on January 1 of the following calendar year, but all  
4 orders issued after November 20 shall take effect on January 1 of the calendar year  
5 following the calendar year in which orders issued on or before November 20 would  
6 have been effective.

7 **SECTION 2243d.** 77.03 of the statutes is amended to read:

8 **77.03 Taxation of forest croplands.** After the filing and recording of the  
9 order with the officers under s. 77.02 (3) the lands described therein shall be “Forest  
10 Croplands”<sup>7,2</sup> on which taxes shall thereafter be payable only as provided under this  
11 subchapter. The enactment of ss. 77.01 to 77.14, petition by the owner and the  
12 making of the order under s. 77.02 (3) shall constitute a contract between the state  
13 and the owner, running with the lands, for a period of 25 or 50 years at the election  
14 of the applicant at the time the petition is filed, unless withdrawn under s. 77.10,  
15 with privilege of renewal by mutual agreement between the owner and the state,  
16 whereby the state as an inducement to owners and prospective purchasers of forest  
17 croplands to come under ss. 77.01 to 77.14 agrees that, unless withdrawn under s.  
18 77.10, no change in or repeal of ss. 77.01 to 77.14 shall apply to any land then  
19 accepted as forest croplands, except as the department of ~~natural resources~~ fish,  
20 wildlife, parks, and forestry, and the owner may expressly agree in writing and  
21 except as provided in s. 77.17. If at the end of the contract period the land is not  
22 designated as managed forest land under subch. VI, the merchantable timber on the  
23 land shall be estimated by an estimator jointly agreed upon by the department of  
24 ~~natural resources~~ fish, wildlife, parks, and forestry and the owner, and if the  
25 department and the owner fail to agree on an estimator, the judge of the circuit court



1 of the district in which the lands lie shall appoint a qualified forester, whose estimate  
2 shall be final, and the cost thereof shall be borne jointly by the department of ~~natural~~  
3 ~~resources~~ fish, wildlife, parks, and forestry and the owner; and the 10% severance  
4 tax paid on the stumpage thereon in the same manner as if the stumpage had been  
5 cut. The owners by such contract consent that the public may hunt and fish on the  
6 lands, subject to such rules as the department of ~~natural resources~~ fish, wildlife,  
7 parks, and forestry prescribes regulating hunting and fishing.

8 **SECTION 2243e.** 77.04 (2) of the statutes is amended to read:

9 77.04 (2) TAX PER ACRE; PAYMENT; PENALTY. The “acreage share” shall be  
10 computed at the rate of 10 cents per acre on all lands entered prior to 1972. On all  
11 lands entered after December 31, 1971, the “acreage share” shall be computed every  
12 10 years to the nearest cent by the department of revenue at the rate of 20 cents per  
13 acre multiplied by a ratio using the equalized value of the combined residential,  
14 commercial, manufacturing, agricultural, swamp, or waste and productive forest  
15 land classes under s. 70.32 (2) within the state in 1972 as the denominator, and using  
16 equalized value for these combined land classes in 1982 and every 10th year  
17 thereafter as the numerator. All owners shall pay to the taxation district treasurer  
18 the acreage share on each description on or before January 31. If the acreage share  
19 is not paid when due to the taxation district treasurer it shall be subject to interest  
20 and penalty as provided under ss. 74.11 (11), 74.12 (10) and 74.47. These lands shall  
21 be returned as delinquent and a tax certificate under subch. VII of ch. 74 shall be  
22 issued on them. After 2 years from the date of the issuance of a tax certificate, the  
23 county clerk shall promptly take a tax deed under ch. 75. On taking such deed the  
24 county clerk shall certify that fact and specify the descriptions to the department of  
25 ~~natural resources~~ fish, wildlife, parks, and forestry.

1           **SECTION 2243f.** 77.05 of the statutes is amended to read:

2           **77.05 State contribution.** The department of ~~natural resources~~ fish, wildlife,  
3 parks, and forestry shall pay before June 30 annually to the town treasurer, from the  
4 appropriation under s. 20.370 (5) (bv), 20 cents for each acre of land in the town that  
5 is described as forest croplands under this subchapter.

6           **SECTION 2243g.** 77.06 of the statutes is amended to read:

7           **77.06 Forestation. (1) CUTTING TIMBER REGULATED.** No person shall cut any  
8 merchantable wood products on any forest croplands where the forest crop taxes are  
9 delinquent nor until 30 days after the owner has filed with the department of ~~natural~~  
10 ~~resources~~ fish, wildlife, parks, and forestry a notice of intention to cut, specifying by  
11 descriptions and the estimated amount of wood products to be removed and the  
12 proportion of present volume to be left as growing stock in the area to be cut. The  
13 department of ~~natural resources~~ fish, wildlife, parks, and forestry may require a  
14 bond executed by some surety company licensed in this state or other surety for such  
15 amount as may reasonably be required for the payment to the department of ~~natural~~  
16 ~~resources~~ fish, wildlife, parks, and forestry of the severance tax hereinafter provided.  
17 The department, after examination of the lands specified, may prescribe the amount  
18 of forest products to be removed. Cutting in excess of the amount prescribed shall  
19 render the owner liable to double the severance tax prescribed in s. 77.06 (5) and  
20 subject to cancellation under s. 77.10. Merchantable wood products include all wood  
21 products except wood used for fuel by the owner.

22           **(2) APPRAISAL OF TIMBER, ZONES.** Each year the department of ~~natural resources~~  
23 fish, wildlife, parks, and forestry, at the time and place it shall fix and after such  
24 public notice as it deems reasonable, shall hold a public hearing. After the hearing  
25 the department shall make and file, open to public inspection, a determination of the

1 reasonable stumpage values of the wood products usually grown in the several towns  
2 in which any forest croplands lie. A public hearing under this section shall be held  
3 prior to August 1 of each year and the determination of stumpage values made by the  
4 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall take effect  
5 on November 1 of that year. If the department of ~~natural resources~~ fish, wildlife,  
6 parks, and forestry finds there is a material variance in the stumpage values in the  
7 different localities, it may fix separate zones and determine the values for each zone.

8 **(3) REVALUATION.** As to any locality or zone in which the department of ~~natural~~  
9 ~~resources~~ fish, wildlife, parks, and forestry deems there has been no material  
10 variance from the preceding year in stumpage values, it may omit to make any new  
11 valuation in any year, in which event the last preceding valuation shall continue in  
12 force until changed in a succeeding year.

13 **(4) CUTTING REPORTED.** Within 30 days after completion of cutting on any land  
14 description, but not more than one year after filing of the notice of intention to cut,  
15 the owner shall transmit to the department of ~~natural resources~~ fish, wildlife, parks,  
16 and forestry on forms provided by the department a written statement of the  
17 products so cut, specifying the variety of wood, kind of product, and quantity of each  
18 variety and kind as shown by the scale or measurement thereof made on the ground  
19 as cut, skidded, loaded, delivered, or by tree scale certified by a qualified forester  
20 when stumpage is sold by tree measurement. The department of ~~natural resources~~  
21 fish, wildlife, parks, and forestry may accept such reports as sufficient evidence of  
22 the facts, or may either with or without hearing and notice of time and place thereof  
23 to such owner, investigate and determine the fact of the quantity of each variety and  
24 kind of product so cut during said periods preceding such reports.

1           **(5) TAX LEVY ON RIGHT TO CUT TIMBER.** The department of ~~natural resources~~ fish,  
2 wildlife, parks, and forestry shall assess and levy against the owner a severance tax  
3 on the right to cut and remove wood products covered by reports under this section,  
4 at the rate of 10% of the value of the wood products based upon the stumpage value  
5 then in force. Upon making the assessment, the department of ~~natural resources~~  
6 fish, wildlife, parks, and forestry shall mail a duplicate of the certificate by registered  
7 mail to the owner who made the report of cutting at the owner's last-known  
8 post-office address. The tax assessed is due and payable to the department of  
9 ~~natural resources~~ fish, wildlife, parks, and forestry on the last day of the next  
10 calendar month after mailing the certificate. The proceeds of the tax shall be paid  
11 into the forestry account of the conservation fund for distribution under s. 77.07 (3).

12           **SECTION 2243h.** 77.07 (2) of the statutes is amended to read:

13           **77.07 (2) PENALTY, COLLECTIONS.** If any severance tax ~~remain~~ remains unpaid  
14 for 30 days after it becomes due, there shall then be added a penalty of 10%, and such  
15 tax and penalty shall thereafter draw interest at the rate of one per cent percent per  
16 month until paid. At the expiration of said 30 days the department of ~~natural~~  
17 ~~resources~~ fish, wildlife, parks, and forestry shall report to the attorney general any  
18 unpaid severance tax, adding said penalty, and the attorney general shall thereupon  
19 proceed to collect the same with penalty and interest by suit against the owner and  
20 by attachment or other legal means to enforce the lien and by action on the bond  
21 mentioned in s. 77.06 (1), or by any or all such means.

22           **SECTION 2243i.** 77.08 of the statutes is amended to read:

23           **77.08 Supplemental severance tax.** At any time within one year after any  
24 cutting should have been reported, the department of ~~natural resources~~ fish, wildlife,  
25 parks, and forestry after due notice to the owner and opportunity to be heard, and

1 on evidence duly made a matter of record, may determine whether the quantity of  
2 wood products cut from any such land, did in fact substantially exceed the amount  
3 on which the severance tax theretofore levied was based, and if so shall assess a  
4 supplemental severance tax which, in all respects, shall have the same force and  
5 effect as the former severance tax, except only it shall not be a lien on any property  
6 the title of which has passed to a purchaser for value without notice.

7 **SECTION 2243j.** 77.09 (1) of the statutes is amended to read:

8 77.09 (1) Any person who fails to report or shall intentionally make any false  
9 statement or report to the department of ~~natural resources~~ fish, wildlife, parks, and  
10 forestry required by s. 77.06 shall forfeit not more than \$1,000. An action under this  
11 section shall not be a bar to a cancellation of entry and order of withdrawal under s.  
12 77.10.

13 **SECTION 2243k.** 77.10 (1) of the statutes is amended to read:

14 77.10 (1) INVESTIGATIONS, CANCELLATIONS, CONVEYANCES. (a) The department of  
15 ~~natural resources~~ fish, wildlife, parks, and forestry shall on the application of the  
16 department of revenue or the owner of any forest croplands or the town board of the  
17 town in which said lands lie and may on its own motion at any time cause an  
18 investigation to be made and hearing to be had as to whether any forest croplands  
19 shall continue under this subchapter. If on such hearing after due notice to and  
20 opportunity to be heard by the department of revenue, the town and the owner, the  
21 department of ~~natural resources~~ fish, wildlife, parks, and forestry finds that any  
22 such lands are not meeting the requirements set forth in s. 77.02 or that the owner  
23 has made use of the land for anything other than forestry or has failed to practice  
24 sound forestry on the land, the department of ~~natural resources~~ fish, wildlife, parks,  
25 and forestry shall cancel the entry of such description and issue an order of

1 withdrawal, and the owner shall be liable for the tax and penalty under sub. (2).  
2 Copies of the order of withdrawal specifying the description shall be filed by the  
3 department of ~~natural resources~~ fish, wildlife, parks, and forestry with all officers  
4 designated to receive copies of the order of entry and withdrawal and this subchapter  
5 shall not thereafter apply to the lands withdrawn, except s. 77.07 so far as it may be  
6 needed to collect any previously levied severance or supplemental severance tax. If  
7 the owner shall not repay the amounts on or before the last day of February next  
8 succeeding the return of such lands to the general property tax roll as provided in  
9 sub. (4), the department of ~~natural resources~~ fish, wildlife, parks, and forestry shall  
10 certify to the county treasurer the descriptions and the amounts due, and the county  
11 treasurer shall sell such lands as delinquent as described in s. 77.04 (2). Whenever  
12 any county clerk has certified to the taking of a tax deed under s. 77.04 (2) the  
13 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall issue an  
14 order of withdrawal as to the lands covered in such tax deed. Such order may also  
15 be issued when examination of tax records reveals prolonged delinquency and  
16 noncompliance with the requirements of s. 77.04 (2).

17 (b) Whenever any owner of forest croplands conveys such land the owner shall,  
18 within 10 days of the date of the deed, file with the department of ~~natural resources~~  
19 fish, wildlife, parks, and forestry on forms prepared by the department a transfer of  
20 ownership signed by the owner and an acceptance of transfer signed by the grantee  
21 certifying that the grantee intends to continue the practice of forestry on such land.  
22 The department of ~~natural resources~~ fish, wildlife, parks, and forestry shall  
23 immediately issue a notice of transfer to all officers designated to receive copies of  
24 orders of entry and withdrawal. Whenever a purchaser of forest croplands declines

1 to certify his or her intention to continue the practice of forestry thereon, such action  
2 shall constitute cause for cancellation of entry under par. (a) without hearing.

3 **SECTION 2243n.** 77.10 (2) (a) of the statutes is amended to read:

4 77.10 (2) (a) 1. Any owner of forest croplands may elect to withdraw all or any  
5 of such lands from under this subchapter, by filing with the department of natural  
6 resources fish, wildlife, parks, and forestry a declaration withdrawing from this  
7 subchapter any description owned by such person which he or she specified, and by  
8 payment by such owner to the department of ~~natural resources~~ fish, wildlife, parks,  
9 and forestry within 60 days the amount of tax due from the date of entry or the most  
10 recent date of renewal, whichever is later, as determined by the department of  
11 revenue under s. 77.04 (1) with simple interest thereon at 12% per year, less any  
12 severance tax and supplemental severance tax or acreage share paid thereon, with  
13 interest computed according to the rule of partial payments at the rate of 12% per  
14 year.

15 2. The amount of the tax shall be determined by the department of revenue and  
16 furnished to the department of ~~natural resources~~ fish, wildlife, parks, and forestry,  
17 which shall determine the exact amount of payment. When the tax rate or assessed  
18 value ratio of the current year has not been determined the rate of the preceding tax  
19 year may be used. On receiving such payment the department of ~~natural resources~~  
20 fish, wildlife, parks, and forestry shall issue an order of withdrawal and file copies  
21 thereof with the department of revenue, the supervisor of equalization and the clerk  
22 of the town, and shall record the order with the register of deeds of the county, in  
23 which the land lies. The land shall then cease to be forest croplands.

24 **SECTION 2243p.** 77.10 (2) (b) of the statutes is amended to read:

1           77.10 (2) (b) Upon receipt of any taxes under this section by the state, the  
2 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall first deduct  
3 all moneys paid by the state on account of the lands under s. 77.05 with interest on  
4 the moneys computed according to the rule of partial payments at the rate of interest  
5 paid under par. (a) by the person withdrawing such lands. The department shall  
6 within 20 days remit the balance to the town treasurer who shall pay 20% to the  
7 county treasurer and retain the remainder.

8           **SECTION 2243q.** 77.10 (4) of the statutes is amended to read:

9           77.10 (4) TAXATION AFTER WITHDRAWAL. When any description ceases to be a part  
10 of the forest croplands, by virtue of any order of withdrawal issued by the department  
11 of ~~natural resources~~ fish, wildlife, parks, and forestry, taxes thereafter levied thereon  
12 shall be payable and collectible as if such description had never been under this  
13 subchapter.

14           **SECTION 2243r.** 77.11 of the statutes is amended to read:

15           **77.11 Accounts of department of ~~natural resources~~ fish, wildlife,**  
16 **parks, and forestry.** The department of ~~natural resources~~ fish, wildlife, parks, and  
17 forestry shall keep a set of forest croplands books in which shall always appear as  
18 to each description in each town containing any forest croplands, the amount of taxes  
19 paid by the state to the town and received by the state from the owner. All tax  
20 payments shall be paid out of and receipts credited to the forestry account of the  
21 conservation fund.

22           **SECTION 2243s.** 77.13 of the statutes is amended to read:

23           **77.13 Termination of forest croplands program. (1)** On and after July  
24 20, 1985, no person may petition the department of ~~natural resources~~ fish, wildlife,



1 parks, and forestry requesting it to approve any land as forest croplands under this  
2 subchapter.

3 (2) On and after January 1, 1986, the department of ~~natural resources~~ fish,  
4 wildlife, parks, and forestry may not act on any petition requesting the designation  
5 of land as forest croplands, issue any order entering land as forest croplands or enter  
6 into a renewal of any forest croplands contract under this subchapter.

7 **SECTION 2243t.** 77.14 of the statutes is amended to read:

8 **77.14 Forest croplands information, protection, appropriation.** The  
9 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall publish and  
10 distribute information regarding the method of taxation of forest croplands under  
11 this subchapter, and may employ a fire warden in charge of fire prevention in forest  
12 croplands. All actual and necessary expenses incurred by the department of ~~natural~~  
13 ~~resources~~ fish, wildlife, parks, and forestry or by the department of revenue in the  
14 performance of their duties under this subchapter shall be paid from the  
15 appropriation made in s. 20.370 (1) ~~(mu)~~ (3) (uu) upon certification by the department  
16 incurring such expenses.

17 **SECTION 2243u.** 77.16 (1) of the statutes is amended to read:

18 77.16 (1) In this section “department” means the department of ~~natural~~  
19 ~~resources~~ fish, wildlife, parks, and forestry.

20 **SECTION 2243v.** 77.54 (38) of the statutes is amended to read:

21 77.54 (38) The gross receipts from the sale of and the storage, use or other  
22 consumption of snowmobile trail groomers and attachments for them that are  
23 purchased, stored, used or consumed by a snowmobile club that meets at least 3  
24 times a year, that has at least 10 members, that promotes snowmobiling and that

1 participates in the ~~department of natural resources'~~ snowmobile program under s.  
2 350.12 (4) (b).”.

3 **1270.** Page 843, line 6: delete lines 6 to 14.

4 **1271.** Page 847, line 2: after that line insert:

5 “**SECTION 2245mn.** 77.54 (5) (b) of the statutes is amended to read:

6 77.54 (5) (b) Motor trucks, truck tractors, road tractors, buses, trailers, and  
7 semitrailers, and accessories, attachments, parts, supplies, and materials therefor,  
8 sold to common or contract carriers who use such motor trucks, truck tractors, road  
9 tractors, buses, trailers, and semitrailers exclusively as common or contract carriers,  
10 including the urban mass transportation of passengers as defined in s. 71.38 and  
11 including the transportation of property that has no value, such as waste or snow.”.

12 **1272.** Page 847, line 2: after that line insert:

13 “**SECTION 2245m.** 77.54 (3) (a) of the statutes is amended to read:

14 77.54 (3) (a) The gross receipts from the sales of and the storage, use, or other  
15 consumption of tractors and machines, including accessories, attachments, and  
16 parts therefor, lubricants, nonpowered equipment, and other tangible personal  
17 property used exclusively and directly in the business of farming or husbandry  
18 activities, including dairy farming, agriculture, aquaculture, horticulture,  
19 floriculture, and custom farming services, but excluding automobiles, trucks, and  
20 other motor vehicles for highway use; excluding personal property that is attached  
21 to, fastened to, connected to, or built into real property or that becomes an addition  
22 to, component of, or capital improvement of real property; and excluding tangible  
23 personal property used or consumed in the erection of buildings or in the alteration,  
24 repair, or improvement of real property, regardless of any contribution that that

1 personal property makes to the production process in that building or real property  
2 and regardless of the extent to which that personal property functions as a machine,  
3 except as provided in par. (c).”.

4 **1273.** Page 847, line 5: after that line insert:

5 “SECTION 2246cc. 77.54 (30) (a) 3. of the statutes is repealed.

6 SECTION 2246dd. 77.54 (30) (a) 5. of the statutes is repealed.

7 SECTION 2246hh. 77.54 (34) of the statutes is repealed.”.

8 **1274.** Page 847, line 5: after that line insert:

9 “SECTION 2246d. 77.54 (41) of the statutes is amended to read:

10 77.54 (41) The gross receipts from the sale of building materials, supplies and  
11 equipment to; and the storage, use or other consumption of those kinds of property  
12 by; owners, contractors, subcontractors or builders if that property is acquired solely  
13 for or used solely in, the construction, renovation or development of property that  
14 would be exempt under s. 70.11 (36); or if that property is acquired solely for or used  
15 solely in the construction, renovation, or development of property pursuant to a  
16 contract with a school district in this state.”.

17 **1275.** Page 847, line 15: after that line insert:

18 “SECTION 2246p. 77.65 of the statutes is created to read:

19 **77.65 Determination of tax receipts related to motor vehicles.**  
20 Beginning on July 1, 2004, and on each July 1 thereafter, the department of revenue  
21 shall determine the total amount of the taxes imposed under ss. 77.52 and 77.53 that  
22 is paid to the department of revenue and to the department of transportation in the  
23 immediately preceding calendar year on the sale or use of motor vehicles and motor  
24 vehicle parts. Annually on July 1, a percentage of the total amount determined

1 under this section shall be transferred from s. 20.855 (4) (fn) to the transportation  
2 fund as follows:

3 (1) On July 1, 2004, 10%.

4 (2) On July 1, 2005, 20%.

5 (3) On July 1, 2006, 30%.

6 (4) On July 1, 2007, 40%.

7 (5) On July 1, 2008, 50%.

8 (6) On July 1, 2009, 60%.

9 (7) On July 1, 2010, 70%.

10 (8) On July 1, 2011, 80%.

11 (9) On July 1, 2012, 90%.

12 (10) On July 1, 2013, and on each July 1 thereafter, 100%.”.

13 **1276.** Page 847, line 15: after that line insert:

14 “**SECTION 2247at.** 77.76 (1) of the statutes is amended to read:

15 77.76 (1) The department of revenue shall have full power to levy, enforce and  
16 collect county and special district sales and use taxes and may take any action,  
17 conduct any proceeding, impose interest and penalties and in all respects proceed as  
18 it is authorized to proceed for the taxes imposed by subch. III. The department of  
19 transportation and the department of ~~natural resources~~ fish, wildlife, parks, and  
20 forestry may administer the county and special district sales and use taxes in regard  
21 to items under s. 77.61 (1).”.

22 **1277.** Page 847, line 15: after that line insert:

23 “**SECTION 2246p.** 77.54 (46) of the statutes is created to read:

1           77.54 **(46)** The gross receipts from the sale of and the storage, use or other  
2 consumption of printed materials that are printed outside this state, if the printer  
3 ships the materials directly to the persons designated by the purchaser of the printed  
4 materials and the purchaser does not take possession of the printed materials.”.

5           **1278.** Page 848, line 9: after that line insert:

6           “**SECTION 2247c.** 77.81 (1) of the statutes is amended to read:

7           77.81 **(1)** “Department” means the department of ~~natural resources~~ fish,  
8 wildlife, parks, and forestry.”.

9           **1279.** Page 848, line 25: after that line insert:

10          “**SECTION 2247re.** 77.82 (2) (intro.) of the statutes is amended to read:

11          77.82 **(2)** PETITION. (intro.) Any owner of land may petition the department to  
12 designate any eligible parcel of land as managed forest land. A petition may include  
13 any number of eligible parcels under the same ownership in a single municipality.  
14 Each petition shall be submitted on a form provided by the department and shall be  
15 accompanied by a nonrefundable \$10 application fee unless a different amount of the  
16 fee is established by the department by rule at an amount equal to the average  
17 expense to the department of recording an order issued under this subchapter. The  
18 fee shall be deposited ~~in~~ into the conservation fund and credited to the appropriation  
19 under s. 20.370 ~~(1)~~ (3) (cr). Each petition shall include all of the following:

20          **SECTION 2247rm.** 77.82 (4) of the statutes is amended to read:

21          77.82 **(4)** ADDITIONS TO MANAGED FOREST LAND. An owner may petition the  
22 department to designate as managed forest land an additional parcel of land in the  
23 same municipality if the additional parcel is at least 3 acres in size and is contiguous  
24 to any of the owner’s designated land. The petition shall be accompanied by a

1 nonrefundable \$10 application fee unless a different amount of the fee is established  
2 in the same manner as the fee under sub. (2). The fee shall be deposited ~~in~~ into the  
3 conservation fund and credited to the appropriation under s. 20.370 ~~(1)~~ (3) (cr). The  
4 petition shall be submitted on a department form and shall contain any additional  
5 information required by the department.

6 **SECTION 2247rs.** 77.82 (4m) (bn) of the statutes is amended to read:

7 77.82 **(4m)** (bn) A petition under this subsection shall be accompanied by a  
8 nonrefundable \$100 application fee which shall be deposited ~~in~~ into the conservation  
9 fund and credited to the appropriation under s. 20.370 ~~(1)~~ (3) (cr).”.

10 **1280.** Page 849, line 3: after that line insert:

11 **“SECTION 2247v.** 77.88 (2) (d) of the statutes is amended to read:

12 77.88 **(2)** (d) Within 10 days after a transfer of ownership, the former owner  
13 shall, on a form provided by the department, file with the department a report of the  
14 transfer signed by the former owner and the transferee. The report shall be  
15 accompanied by a \$20 fee which shall be deposited ~~in~~ into the conservation fund and  
16 credited to the appropriation under s. 20.370 ~~(1)~~ (3) (cr). The department shall  
17 immediately notify each person entitled to notice under s. 77.82 (8).

18 **SECTION 2247w.** 77.91 (4) of the statutes is amended to read:

19 77.91 **(4)** EXPENSES. Except as provided in sub. (5), the department’s expenses  
20 for the administration of this subchapter shall be paid from the appropriation under  
21 s. 20.370 ~~(1)~~ ~~(mu)~~ (3) (uu).

22 **SECTION 2247x.** 77.91 (5) of the statutes is amended to read:

23 77.91 **(5)** RECORDING. Each register of deeds who receives notice of an order  
24 under this subchapter shall record the action as provided under s. 59.43 (1). The

1 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.  
2 from the appropriation under s. 20.370 ~~(1) (3)~~ (cr). If the amount in the appropriation  
3 under s. 20.370 ~~(1) (3)~~ (cr) in any fiscal year is insufficient to pay the full amount  
4 required under this subsection in that fiscal year, the department shall pay the  
5 balance from the appropriation under s. 20.370 ~~(1) (mu) (3) (uu)~~.”.

6 **1281.** Page 849, line 13: delete “, and (3g), and (3s)” and substitute “and, (3g),  
7 (3s), and (5r)”.

8 **1282.** Page 849, line 13: delete “, and (3g), and (3s)” and substitute “and, (3g),  
9 (3s), and (5d)”.

10 **1283.** Page 849, line 13: delete that line and substitute “(2di), (2dj), (2dL),  
11 (2dm), (2dr), (2ds), (2dx) and, (3g), (3s), and (5s); and plus or minus, as”.

12 **1284.** Page 852, line 11: after that line insert:

13 “SECTION 2281. 79.03 (4) of the statutes is amended to read:

14 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and  
15 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be  
16 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.  
17 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.  
18 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this  
19 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to  
20 municipalities and \$168,981,800 to counties. In Beginning in 1995 and subsequent  
21 years ending in 2002, the total amounts to be distributed under ss. 79.03, 79.04, and  
22 79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to  
23 counties. In 2003 and subsequent years, the total amount to be distributed under  
24 ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) to municipalities is the sum of

1 \$761,478,000 and the difference between the amount that would be distributed to  
2 municipalities under s. 79.04, 1999 stats., and the amount distributed to  
3 municipalities under s. 79.04. In 2003 and subsequent years, the total amount to be  
4 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) to counties is the  
5 sum of \$168,981,800 and the difference between the amount that would be  
6 distributed to counties under s. 79.04, 1999 stats., and the amount distributed to  
7 counties under s. 79.04.”.

8 **1285.** Page 852, line 21: after that line insert:

9 “SECTION 2283. 79.04 (1) (a) of the statutes is amended to read:

10 79.04 (1) (a) ~~An~~ Except as provided in par. (am) and sub. (5), an amount from  
11 the shared revenue account determined by multiplying by 3 mills in the case of a  
12 town, and 6 mills in the case of a city or village, ~~for the distribution in 2002,~~ the first  
13 \$125,000,000 of the amount shown in the account,; ~~for the distribution in 2003,~~ the  
14 first \$140,000,000 of the amount shown in the account; ~~for the distribution in 2004,~~  
15 the first \$160,000,000 of the amount shown in the account; ~~for the distribution in~~  
16 2005, the first \$185,000,000 of the amount shown in the account; ~~and for the~~  
17 distribution in 2006 and subsequent years, the first \$250,000,000 of the amount  
18 shown in the account; plus leased property, of each public utility except qualified  
19 wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the  
20 preceding year for either “production plant, exclusive of land” and “general  
21 structures”, or “work in progress” for production plants and general structures under  
22 construction, in the case of light, heat and power companies, electric cooperatives or  
23 municipal electric companies, for all property within a municipality in accordance  
24 with the system of accounts established by the public service commission or rural



1 electrification administration, less depreciation thereon as determined by the  
2 department of revenue and less the value of treatment plant and pollution  
3 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the  
4 department of revenue plus an amount from the shared revenue account determined  
5 by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or  
6 village, of the first \$125,000,000, for the distribution in 2002; the first \$140,000,000,  
7 for the distribution in 2003; the first \$160,000,000, for the distribution in 2004; the  
8 first \$185,000,000, for the distribution in 2005; and the first \$250,000,000, for the  
9 distribution in 2006 and subsequent years; of the total original cost of production  
10 plant, general structures and work-in-progress less depreciation, land and  
11 approved waste treatment facilities of each qualified wholesale electric company, as  
12 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property  
13 within the municipality. The total of amounts, as depreciated, from the accounts of  
14 all public utilities for the same production plant is also limited to not more than the  
15 first \$125,000,000. The amount distributable to a municipality in any year shall not  
16 exceed \$300 times the population of the municipality, for the distribution in 2002; the  
17 first \$140,000,000, for the distribution in 2003; the first \$160,000,000, for the  
18 distribution in 2004; the first \$185,000,000, for the distribution in 2005; and the first  
19 \$250,000,000, for the distribution in 2006 and subsequent years.

20 **SECTION 2283d.** 79.04 (1) (am) of the statutes is created to read:

21 79.04 (1) (am) The amount distributable to a municipality under par. (a) shall  
22 not exceed the following:

23 1. For the distribution in 2002, an amount equal to the municipality's  
24 population multiplied by \$300.

1           2. For the distribution in 2003, an amount equal to the municipality's  
2 population multiplied by \$450.

3           3. For the distribution in 2004, an amount equal to the municipality's  
4 population multiplied by \$650.

5           4. For the distribution in 2005, an amount equal to the municipality's  
6 population multiplied by \$950.

7           5. For the distribution in 2006 and subsequent years, an amount equal to the  
8 municipality's population multiplied by \$1,200.

9           **SECTION 2284m.** 79.04 (1) (c) 4. of the statutes is created to read:

10           79.04 **(1)** (c) 4. Beginning with the distributions in 2003, if property that was  
11 exempt from the property tax under s. 70.112 (4) and that was used to generate power  
12 by a light, heat, or power company, except property under s. 66.0813, is  
13 decommissioned, the municipality shall be paid an amount calculated by subtracting  
14 the property taxes paid for that property during the current year to the municipality  
15 for its general operations from the following percentages of the payment that the  
16 municipality received under this section during the last year that the property was  
17 exempt from the property tax:

18           a. In the first year that the property is taxable, 100%.

19           b. In the 2nd year that the property is taxable, 80%.

20           c. In the 3rd year that the property is taxable, 60%.

21           d. In the 4th year that the property is taxable, 40%.

22           e. In the 5th year that the property is taxable, 20%.

23           **SECTION 2284n.** 79.04 (2) (c) of the statutes is created to read:

24           79.04 **(2)** (c) Beginning with the distributions in 2003, if property that was  
25 exempt from the property tax under s. 70.112 (4) and that was used to generate power

1 by a light, heat, or power company, except property under s. 66.0813, is  
2 decommissioned, the county shall be paid an amount calculated by subtracting the  
3 property taxes paid for that property during the current year to the county for its  
4 general operations from the following percentages of the payment the county  
5 received under this section during the last year that the property was exempt from  
6 the property tax:

7 1. In the first year that the property is taxable, 100%.

8 2. In the 2nd year that the property is taxable, 80%.

9 3. In the 3rd year that the property is taxable, 60%.

10 4. In the 4th year that the property is taxable, 40%.

11 5. In the 5th year that the property is taxable, 20%.”.

12 **1286.** Page 852, line 23: delete “Annually” and substitute “Annually Except  
13 as provided in par. (ad) and sub. (5), annually”.

14 **1287.** Page 853, line 8: delete lines 8 and 9 and substitute “in the case of  
15 property in a city or village, for the distribution in 2002, the first \$125,000,000 of the  
16 amount shown in the account; for the distribution in 2003, the first \$140,000,000 of  
17 the amount shown in the account; for the distribution in 2004, the first \$160,000,000  
18 of the amount shown in the account; for the distribution in 2005, the first  
19 \$185,000,000 of the amount shown in the account; and for the distribution in 2006  
20 and subsequent years, the first \$250,000,000 of the amount shown in the account;  
21 plus leased property, of each public utility except qualified wholesale”.

22 **1288.** Page 854, line 1: delete lines 1 to 3 and substitute “utilities for the same  
23 production plant is also limited to ~~not more than~~ the first \$125,000,000. ~~The amount~~  
24 ~~distributable to a county in any year shall not exceed \$100 times the population of~~

1 the county, for the distribution in 2002; the first \$140,000,000, for the distribution  
2 in 2003; the first \$160,000,000, for the distribution in 2004; the first \$185,000,000,  
3 for the distribution in 2005; and the first \$250,000,000, for the distribution in 2006  
4 and subsequent years.”.

5 **1289.** Page 854, line 3: after that line insert:

6 “**SECTION 2285m.** 79.05 (2) (c) of the statutes is amended to read:

7 79.05 (2) (c) Its municipal budget, ~~exclusive of; excluding~~ principal and interest  
8 on long-term debt and ~~exclusive of payments of the, revenue sharing payments paid~~  
9 by the municipality under s. 66.0305, as provided by rule by the department of  
10 revenue, amounts paid from a segregated account under s. 66.0602, and recycling fee  
11 payments under s. 289.645; for the year of the statement under s. 79.015 increased  
12 over its municipal budget as adjusted under sub. (6), ~~exclusive of; excluding~~ principal  
13 and interest on long-term debt and ~~exclusive of payments of the, revenue sharing~~  
14 payments paid by the municipality under s. 66.0305, as provided by rule by the  
15 department of revenue, amounts paid from a segregated account under s. 66.0602,  
16 and recycling fee payments under s. 289.645; for the year before that year by less  
17 than the sum of the inflation factor and the valuation factor, rounded to the nearest  
18 0.10% plus 50% of the difference between the municipality’s allowable budget to be  
19 eligible for a payment under this section, as determined in the prior year, and the  
20 municipality’s adopted budget, as determined in the prior year.”.

21 **1290.** Page 854, line 3: after that line insert:

22 “**SECTION 2287.** 79.06 (2) (b) of the statutes is amended to read:

23 79.06 (2) (b) If the payments to a municipality or county, except any county in  
24 which there are no cities or villages, or any county incorporated in the year 1846, with

1 a population in the year 1990 greater than 16,000 but less than 17,000, as  
2 determined by the 1990 federal decennial census, in any year exceed its combined  
3 payments under this section and s. 79.03, excluding payments under s. 79.03 (3c),  
4 in the previous year by more than the maximum allowable increase, the excess shall  
5 be withheld to fund minimum payments in that year under sub. (1) (c).”.

6 **1291.** Page 854, line 3: after that line insert:

7 “**SECTION 2285d.** 79.04 (2) (ad) of the statutes is created to read:

8 79.04 (2) (ad) The amount distributable to a county under par. (a) shall not  
9 exceed the following:

10 1. For the distribution in 2002, an amount equal to the county’s population  
11 multiplied by \$100.

12 2. For the distribution in 2003, an amount equal to the county’s population  
13 multiplied by \$225.

14 3. For the distribution in 2004, an amount equal to the county’s population  
15 multiplied by \$325.

16 4. For the distribution in 2005, an amount equal to the county’s population  
17 multiplied by \$475.

18 5. For the distribution in 2006 and subsequent years, an amount equal to the  
19 county’s population multiplied by \$600.

20 **SECTION 2285m.** 79.04 (5) of the statutes is created to read:

21 79.04 (5) (a) If a production plant, other than a coal-powered or  
22 nuclear-powered production plant, is built on the site of an existing or  
23 decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a),  
24 after the effective date of this paragraph .... [revisor inserts date], and is operating

1 at a total power production capacity of at least 50 megawatts, the city, village, or town  
2 in which the plant is located shall receive annually an additional payment from the  
3 department of administration equal to the amount in the account, as determined  
4 under sub. (1) (a), for the “production plant, exclusive of land” multiplied by one mill,  
5 and the county in which the plant is located shall receive annually an additional  
6 payment from the department of administration equal to the amount in the account,  
7 as determined under sub. (2) (a), for the “production plant, exclusive of land”  
8 multiplied by one mill.

9 (b) If a coal-powered production plant is built on the site of an existing or  
10 decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a),  
11 after the effective date of this paragraph ... [revisor inserts date], and is operating  
12 at a total power production capacity of at least 50 megawatts, the city, village, or town  
13 in which the plant is located shall receive annually an additional payment from the  
14 department of administration equal to the amount in the account, as determined  
15 under sub. (1) (a), for the “production plant, exclusive of land” multiplied by 2 mills,  
16 and the county in which the plant is located shall receive annually an additional  
17 payment from the department of administration equal to the amount in the account,  
18 as determined under sub. (2) (a), for the “production plant, exclusive of land”  
19 multiplied by one mill.”.

20 **1292.** Page 854, line 3: after that line insert:

21 “**SECTION 2291d.** 79.095 (3) of the statutes is renumbered 79.095 (3) (a) and  
22 amended to read:

23 79.095 (3) (a) The department shall adjust each rate reported under sub. (2)  
24 (b) to a full-value rate. The department shall review and correct the information

1 submitted under sub. (2) (a), shall determine the full value, as provided under par.  
2 (b). of all of the computers reported under sub. (2) (a) and of all the computers under  
3 s. 70.995 (12r) and, on or before October 1, shall notify each taxing jurisdiction of the  
4 full value of the computers that are exempt under s. 70.11 (39) and that are located  
5 in the jurisdiction. The department shall adjust the full value that is reported to  
6 taxing jurisdictions under this subsection in the year after an error occurs or a value  
7 has been changed due to an appeal. All disputes between the department and  
8 municipalities about the value of the property reported under sub. (2) (a) or of the  
9 property under s. 70.995 (12r) shall be resolved by using the procedures under s.  
10 70.995 (8).

11 **SECTION 2291e.** 79.095 (3) (b) of the statutes is created to read:

12 79.095 (3) (b) The full value of a computer that is reported under sub. (2) (a)  
13 or a computer under s. 70.995 (12r) is determined as follows:

- 14 1. If the computer was purchased in the previous year, the full value of the  
15 computer is 67% of the cost of the computer.
- 16 2. If the computer was purchased in the year before the previous year, the full  
17 value of the computer is 33% of the cost of the computer.
- 18 3. If the computer was purchased in any year that is before the year under subd.  
19 2., the full value of the computer is zero.”.

20 **1293.** Page 856, line 3: after that line insert:

21 **“SECTION 2294m.** 84.001 (1r) of the statutes is created to read:

22 84.001 (1r) “Intelligent transportation system” means a specialized computer  
23 system or other electronic, information processing, communication, or technical  
24 system, including roadway detector loops, closed circuit television, permanent

1 variable message signs, or ramp meters, that is used to improve the efficiency or  
2 safety of a surface transportation system.”.

3 **1294.** Page 856, line 3: after that line insert:

4 “**SECTION 2294c.** 80.05 (2) (b) of the statutes is amended to read:

5 80.05 (2) (b) Give notice by registered mail to the department of ~~natural~~  
6 ~~resources~~ fish, wildlife, parks, and forestry, the department of environmental  
7 management, and to the county land conservation committee in each county through  
8 which the highway may pass.

9 **SECTION 2294g.** 80.39 (2) of the statutes is amended to read:

10 80.39 (2) NOTICE. Upon such petition the county board or the commissioners  
11 appointed by the board shall give notice of the time and place they will meet to decide  
12 on the petition. The notice shall be published as a class 2 notice, under ch. 985. The  
13 notice shall also be given to the department of ~~natural resources~~ fish, wildlife, parks,  
14 and forestry by serving a copy upon the secretary of ~~natural resources~~ fish, wildlife,  
15 parks, and forestry either by registered mail or personally and to the department of  
16 environmental management by serving a copy upon the secretary of environmental  
17 management. If the board appoints a committee to act, the notice shall state the fact  
18 and the notice shall be signed by the commissioners, otherwise by the chairperson  
19 of the board.

20 **SECTION 2294n.** 80.41 of the statutes is amended to read:

21 **80.41 Discontinuing ways to waters.** No resolution, ordinance, order or  
22 similar action of any town board or county board or committee thereof discontinuing  
23 any highway, street, alley or right-of-way that provides public access to any  
24 navigable lake or stream shall be effective until such resolution, ordinance, order or



1 similar action is approved by the department of ~~natural resources~~ fish, wildlife,  
2 parks, and forestry and the department of environmental management.

3 **SECTION 2294r.** 84.01 (17) of the statutes is amended to read:

4 84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the  
5 department shall determine, as far as possible, what improvements will be made  
6 during the following 6-year period, and shall notify the county clerks prior to  
7 February 1 of each even-numbered year, as to the improvements in their respective  
8 counties. Such notice shall also be given to the department of ~~natural resources, fish,~~  
9 wildlife, parks, and forestry, to the department of environmental management, and  
10 to the department of agriculture, trade and consumer protection.

11 **SECTION 2294w.** 84.01 (23) of the statutes is amended to read:

12 84.01 (23) BRIDGE STANDARDS. The department shall adopt standards and  
13 specifications for the design and construction of county, town, village and city  
14 bridges, arches or culverts. The standards shall be developed after consultation with  
15 the department of ~~natural resources~~ fish, wildlife, parks, and forestry and the  
16 department of environmental management, and shall be directed at preventing  
17 undue impairment of public rights in navigable waters.”.

18 **1295.** Page 856, line 3: after that line insert:

19 “**SECTION 2294ec.** 79.10 (10) (bm) of the statutes is renumbered 79.10 (10) (bm)

20 1. and amended to read:

21 79.10 (10) (bm) 1. A person who is eligible for a credit under sub. (9) (bm) but  
22 whose property tax bill does not reflect the credit may claim the credit by applying  
23 to the treasurer of the taxation district in which the property is located for the credit  
24 under par. (a) by January 31 following the issuance of the person’s property tax bill.

1 The treasurer of the ~~taxation district in which the property is located~~ shall compute  
2 the amount of the credit; subtract the amount of the credit from the person's property  
3 tax bill; notify the person of the reduced amount of the property taxes due; issue a  
4 refund to the person if the person has paid the property taxes in full; and enter the  
5 person's property on the next tax roll as property that qualifies for a lottery and  
6 gaming credit. Claims made under this ~~paragraph~~ subdivision become invalid when  
7 claims made under par. (a) become invalid.

8 **SECTION 2294ee.** 79.10 (10) (bm) 2. of the statutes is created to read:

9 79.10 (10) (bm) 2. A person who may apply for a credit under subd. 1. but who  
10 does not timely apply for the credit under subd. 1. may apply to the department of  
11 revenue no later than October 1 following the issuance of the person's property tax  
12 bill. Subject to review by the department, the department shall compute the amount  
13 of the credit; issue a check to the person in the amount of the credit; and notify the  
14 treasurer of the county in which the person's property is located or the treasurer of  
15 the taxation district in which the person's property is located, if the taxation district  
16 collects taxes under s. 74.87. The treasurer shall enter the person's property on the  
17 next tax roll as property that qualifies for a lottery and gaming credit. Claims made  
18 under this subdivision become invalid when claims made under par. (a) become  
19 invalid.

20 **SECTION 2294eg.** 79.10 (10) (bn) of the statutes is renumbered 79.10 (10) (bn)  
21 1. and amended to read:

22 79.10 (10) (bn) 1. If a person who owns and uses property as specified under  
23 sub. (1) (dm), as of the certification date under par. (a), transfers the property after  
24 the certification date, the transferee may apply to the treasurer of the county in  
25 which the property is located or, if the property is located in a city that collects taxes

1 under s. 74.87, to the treasurer of the city in which the property is located for the  
2 credit under sub. (9) (bm) on a form prescribed by the department of revenue. The  
3 transferee shall attest that, to the transferee's knowledge, the transferor used the  
4 property in the manner specified under sub. (1) (dm) as of the certification date under  
5 par. (a). A claim that is made under this ~~paragraph~~ subdivision is valid for the year  
6 in which the property is transferred.

7 **SECTION 2294eh.** 79.10 (10) (bn) 2. of the statutes is created to read:

8 79.10 (10) (bn) 2. A person who is eligible for a credit under subd. 1. but whose  
9 property tax bill does not reflect the credit may claim the credit by applying to the  
10 treasurer of the taxation district in which the property is located for the credit by  
11 January 31 following the issuance of the person's property tax bill. Claims made  
12 after January 31, but no later than October 1 following the issuance of the person's  
13 property tax bill, shall be made to the department of revenue. Paragraph (bm), as  
14 it applies to processing claims made under that paragraph, applies to processing  
15 claims made under this subdivision, except that a claim that is made under this  
16 subdivision is valid for the year in which the person took possession of the  
17 transferred property under subd. 1.”.

18 **1296.** Page 856, line 3: after that line insert:

19 “**SECTION 2294p.** 81.01 (3) (intro.) of the statutes is amended to read:

20 81.01 (3) (intro.) Provide machinery, implements, material, and equipment  
21 needed to construct, maintain, and repair said highways and bridges, and for that  
22 purpose may acquire by purchase or by condemnation in the manner provided by ch.  
23 32 gravel pits and stone quarries, but the total sum spent under this subsection shall  
24 ~~not exceed \$10,000~~ in any year for construction, maintenance, and repair of

1 highways and bridges may not exceed the product of \$5,000 multiplied by the miles  
2 of highway under the jurisdiction of the town measured by the most recent highway  
3 mileage for the town, as determined under s. 86.302, unless one of the following  
4 occurs:

5 **SECTION 2294pc.** 81.01 (3) (b) of the statutes is amended to read:

6 81.01 (3) (b) The town board, by resolution, submits to the electors of the town  
7 as a referendum at a general or special town election the question of exceeding the  
8 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as  
9 provided in s. 8.37. The board shall abide by the majority vote of the electors of the  
10 town on the question. The question shall read as follows:

11 Shall the town of ... .. spend \$... \$.... over the annual limit of \$10,000 the  
12 product of \$5,000 multiplied by the miles of highway under the jurisdiction of the  
13 town measured by the most recent highway mileage for the town, as determined  
14 under section 86.302 of the Wisconsin Statutes, for the construction, maintenance,  
15 and repair of its highways and bridges?

16 FOR SPENDING  AGAINST SPENDING .

17 **1297.** Page 856, line 3: after that line insert:

18 “**SECTION 2294m.** 81.01 (3) (b) (intro.) of the statutes is amended to read:

19 81.01 (3) (b) (intro.) The town board by resolution submits to the electors of the  
20 town as a referendum at ~~a general or special town~~ an election authorized under s.  
21 8.065 the question of exceeding the \$10,000 limit set under this subsection. A copy  
22 of the resolution shall be filed as provided in s. 8.37. The board shall abide by the  
23 majority vote of the electors of the town on the question. The question shall read as  
24 follows:”.

1           **1298.** Page 857, line 13: after that line insert:

2           “**SECTION 2296r.** 84.013 (1) (a) (intro.) of the statutes is amended to read:

3           84.013 **(1)** (a) (intro.) “Major highway project” means a project, except a project  
4 providing an approach to a bridge over a river that forms a boundary of the state or  
5 a southeast Wisconsin freeway rehabilitation project under s. 84.014, which has a  
6 total cost of more than \$5,000,000 and which involves any of the following:”.

7           **1299.** Page 857, line 13: after that line insert:

8           “**SECTION 2296p.** 84.01 (34) of the statutes is created to read:

9           84.01 **(34)** HAZARD ELIMINATION. Hazard elimination activities authorized  
10 under 23 USC 130 or 152 may not be funded from the appropriations under s. 20.395  
11 (3) (cq) to (cx).”.

12           **1300.** Page 857, line 13: after that line insert:

13           “**SECTION 2296p.** 84.01 (34) of the statutes is created to read:

14           84.01 **(34)** STILLWATER BRIDGE PROJECT. (a) Not later than April 1, 2002, the  
15 department shall develop and submit to the joint committee on finance a proposal  
16 specifying the amount of anticipated expenditures to be made by the department for  
17 mitigation in connection with the Stillwater Bridge project across the St. Croix River  
18 between Houlton in St. Croix County and Stillwater, Minnesota.

19           (b) If, after submission of the proposal under par. (a), the department  
20 determines that it will exceed the amount of anticipated expenditures specified in  
21 the proposal under par. (a), the department shall submit to the joint committee on  
22 finance a proposal for the additional amount of anticipated expenditures for  
23 mitigation in connection with the project.”.

1           **1301.** Page 858, line 15: delete the material beginning with “and Old” and  
2 ending with “33” on line 16 and substitute “in the town of Delton and Terrytown Road  
3 in the town of Baraboo”.

4           **1302.** Page 858, line 25: after that line insert:

5           “**SECTION 2302gg.** 84.013 (3m) (g) of the statutes is created to read:

6           84.013 (3m) (g) The department shall complete any major highway project  
7 involving USH 10 from Marshfield to Stevens Point in Portage and Wood counties  
8 by December 31, 2010.”.

9           **1303.** Page 859, line 10: delete “**reconstruction**” and substitute  
10 “**rehabilitation**”.

11           **1304.** Page 859, line 22: after that line insert:

12           “(d) “Rehabilitation” means the reconditioning, reconstruction, or resurfacing,  
13 as defined in s. 84.013 (1) (b) to (d), of a freeway or the adding of one or more lanes  
14 to the freeway, and includes interim repairs.

15           (e) “Southeast Wisconsin freeway” means a state trunk highway, located in  
16 Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, or Waukesha  
17 county, that has 4 or more lanes of traffic physically separated by a median or barrier  
18 and that gives preference to through traffic by limiting access to interchanges only.”.

19           **1305.** Page 859, line 23: after “86.255,” insert “any southeast Wisconsin  
20 freeway rehabilitation projects, including”.

21           **1306.** Page 859, line 24: delete “project” and substitute “project,”.

22           **1307.** Page 860, line 7: on lines 7 and 13, delete “reconstruction” and  
23 substitute “rehabilitation”.

1           **1308.** Page 861, line 17: after that line insert:

2           “(8m) The department shall design the reconstruction of the Marquette  
3 interchange and I 94 in Milwaukee and Waukesha counties to allow for expansion  
4 of capacity for vehicular traffic on the Marquette interchange and I 94 in these  
5 counties to meet the projected vehicular traffic capacity needs, as determined by the  
6 department, for 30 years following the completion of such reconstruction.”.

7           **1309.** Page 861, line 17: after that line insert:

8           “**SECTION 2304p.** 84.02 (5) (a) of the statutes is amended to read:

9           84.02 (5) (a) As often as it deems necessary, the department shall publish  
10 highway service maps showing the state trunk highway system and such other main  
11 highways and other features as may seem desirable. Such highway service maps  
12 shall be sold by the department at a price to be fixed by it, which shall be not less than  
13 cost. The department may permit the use of the base plates for other maps and  
14 publications in consideration of a fair fee for such use. The department shall make  
15 and publish or duplicate such highway service maps as are required for its use, and  
16 shall publish folded highway maps of Wisconsin for free distribution to the public.  
17 The department shall ensure that the folded highway maps bear information  
18 regarding the requirements of s. 347.48 (4) and do not bear information regarding  
19 toll-free telephone service under s. 13.205.”.

20           **1310.** Page 861, line 17: after that line insert:

21           “**SECTION 2304t.** 84.02 (3) (a) of the statutes is amended to read:

22           84.02 (3) (a) Changes may be made in the state trunk system by the  
23 department, if it deems that the public good is best served by making the changes.  
24 The department, in making the changes, may lay out new highways by the procedure

1 under this subsection. Due notice shall be given to the localities concerned of the  
2 intention to make changes or discontinuances, and if the change proposes to lay a  
3 highway via a new location and the distance along such deviation from the existing  
4 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the  
5 proposed change shall be held prior to making the change effective. The notice shall  
6 also be given to the secretary of ~~natural resources~~ fish, wildlife, parks, and forestry  
7 and to the secretary of environmental management either by registered mail or  
8 personally. Whenever the department decides to thus change more than 2 1/2 miles  
9 of the system the change shall not be effective until the decision of the department  
10 has been referred to and approved by the county board of each county in which any  
11 part of the proposed change is situated. A copy of the decision shall be filed in the  
12 office of the clerk of each county in which a change is made or proposed. Where the  
13 distance along the deviation from the existing location exceeds 5 miles the change  
14 shall constitute an addition to the state trunk highway system. The preexisting  
15 route shall continue to be a state trunk highway unless the county board of each  
16 county in which any part of the relocation lies and the department mutually agree  
17 to its discontinuance as a state trunk highway. Whenever such county board or  
18 boards and the department cannot so agree the department shall report the problem  
19 to the next ensuing session of the legislature for determination.”.

20 **1311.** Page 861, line 19: delete the material beginning with that line and  
21 ending with page 864, line 2.

22 **1312.** Page 865, line 2: delete the material beginning with “and” and ending  
23 with “(ck),” on line 4.

24 **1313.** Page 865, line 8: delete “\$10,000,000” and substitute “\$5,000,000”.



1           **1314.** Page 865, line 20: after that line insert:

2           “**SECTION 2307f.** 84.04 (4) of the statutes is created to read:

3           84.04 (4) Notwithstanding sub. (2), after the effective date of this subsection  
4           .... [revisor inserts date], the department may not construct any rest area along or  
5           in close proximity with a state trunk highway at a location that is within a radius  
6           of 5 miles from an exit from the highway that provides access to motorist services  
7           described under s. 86.195 (3). This subsection does not apply to any rest area that  
8           is located no more than 5 miles from the border of this state or to any rest area that  
9           may be located near the village of Belmont in Lafayette County.”.

10          **1315.** Page 865, line 20: after that line insert:

11          “**SECTION 2307g.** 84.06 (1) of the statutes is amended to read:

12          84.06 (1) DEFINITIONS. In this section, “improvement” or “highway  
13          improvement” includes construction, reconstruction, rehabilitation, and ~~the~~  
14          ~~activities, operations and processes incidental to building, fabricating, or bettering~~  
15          ~~a highway, public mass transportation system or street, but not maintenance. The~~  
16          terms do not include the installation, replacement, rehabilitation, or maintenance  
17          of highway signs, traffic control signals, highway lighting, pavement markings, or  
18          intelligent transportation systems, unless incidental to building, fabricating, or  
19          bettering a highway or street.

20          **SECTION 2307h.** 84.07 (1) of the statutes is amended to read:

21          84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk  
22          highway system shall be maintained by the state at state expense. The department  
23          shall prescribe by rule specifications for such maintenance and may contract with a  
24          private entity or any county highway committee or municipality to have all or certain

1 parts of the work of maintaining the state trunk highways within or beyond the  
2 limits of the county or municipality, including interstate bridges, performed by the  
3 private entity, county, or municipality, and any private entity, county, or municipality  
4 may enter into such contract. General maintenance activities include the  
5 application of protective coatings, the removal and control of snow, the removal,  
6 treatment and sanding of ice, interim repair of highway surfaces and adjacent  
7 structures, and all other operations, activities and processes required on a  
8 continuing basis for the preservation of the highways on the state trunk system, and  
9 including the care and protection of trees and other roadside vegetation and suitable  
10 planting to prevent soil erosion or to beautify highways pursuant to s. 80.01 (3), and  
11 all measures deemed necessary to provide adequate traffic service. Special  
12 maintenance activities include the restoration, reinforcement, complete repair or  
13 other activities which the department deems are necessary on an individual basis for  
14 specified portions of the state trunk system. Maintenance activities also include the  
15 installation, replacement, rehabilitation, or maintenance of highway signs, traffic  
16 control signals, highway lighting, pavement markings, and intelligent  
17 transportation systems.”.

18 **1316.** Page 865, line 20: after that line insert:

19 “**SECTION 2307dc.** 84.072 of the statutes is created to read:

20 **84.072 Unified disadvantaged business certification program. (1)**

21 DEFINITIONS. In this section:

22 (a) “Business” means a sole proprietorship, partnership, limited liability  
23 company, joint venture, or corporation that is operated for profit.

1 (am) “Certifying authority” means the department or, if authorized under sub.  
2 (5m), a municipality or county.

3 (b) “Disadvantaged business” means a business that is all of the following:

4 1. At least 51% owned by one or more disadvantaged individuals who are U.S.  
5 citizens or persons lawfully admitted to the United States for permanent residence,  
6 as defined in 8 USC 1101 (a) (20).

7 2. Controlled in its management and daily business operations by one or more  
8 of the disadvantaged individuals who own the business.

9 3. A small business concern within the meaning given in 49 CFR 26.5.

10 (c) “Disadvantaged individual” means an individual found by a certifying  
11 authority to be socially and economically disadvantaged within the meaning given  
12 in 49 CFR 26.5.

13 (d) “Municipality” means a city, village, or town.

14 **(2) CERTIFICATION.** (a) Any business may apply to a certifying authority for  
15 certification as a disadvantaged business. All applications shall be sworn and  
16 notarized. A certifying authority shall certify as a disadvantaged business any  
17 business that meets the requirements under 49 CFR 26, subpart D, for such  
18 certification. A certifying authority shall follow all certification procedures and  
19 standards provided in 49 CFR 26 and all certification determinations shall strictly  
20 conform with 49 CFR 26 and federal guidelines established under that section. A  
21 certifying authority shall complete review and issue a decision concerning an  
22 application within 90 days after receiving the completed application, except that a  
23 certifying authority may extend its review period to not more than 150 days if, within  
24 those 90 days, the certifying authority provides written notice to the applicant  
25 specifying the reasons for the extension. No person may certify a business as a

1       disadvantaged business for purposes of 49 CFR 26, except as provided in this section.  
2       A certifying authority may charge and collect reasonable fees for reviewing an  
3       application submitted under this paragraph.

4           (b) 1. Except as provided in sub. (6), a certifying authority is not required to  
5       review an application submitted by a business that has its principal place of business  
6       in another state, unless the business is certified as a disadvantaged business under  
7       a unified certification program that strictly conforms to 49 CFR 26 and to which that  
8       other state is a party.

9           2. If the department receives an application for a business that is certified as  
10       a disadvantaged business under a federally approved unified certification program  
11       pursuant to 49 CFR 26, the department may do any of the following:

12           a. Grant certification in reliance of the certification determination under the  
13       federally approved unified certification program.

14           b. Make an independent certification determination based on material  
15       submitted by the other certifying agency, supplemented by whatever additional  
16       information the department may request from the applicant.

17           c. Require the applicant to undergo the application process without regard to  
18       the other certification.

19           3. If a certifying authority that is a municipality or county receives an  
20       application for a business that is certified as a disadvantaged business under a  
21       federally approved unified certification program pursuant to 49 CFR 26, the  
22       certifying authority shall forward the application to the department for purposes of  
23       subd. 2.

1 (c) A certifying authority shall cooperate with any directive from the federal  
2 government under authority of 49 CFR 26 concerning certification under this  
3 section.

4 (d) Certification under this section is valid for 3 years, unless the department  
5 removes certification under sub. (4) or the certification is removed as provided in 49  
6 CFR 26.87 or 26.89. A certifying authority may not require a business that is  
7 certified under this section to reapply during the 3-year period after its certification,  
8 unless the factual basis on which the certification is made materially changes.

9 (e) No certification of a business as a disadvantaged business for purposes of  
10 federal transportation assistance programs before the effective date of this  
11 paragraph .... [revisor inserts date], is valid for contracts executed after the last day  
12 of the 5th month beginning after the effective date of this paragraph .... [revisor  
13 inserts date]. Beginning on the first day of the 6th month beginning after the  
14 effective date of this paragraph.... [revisor inserts date], only a business certified  
15 under this section qualifies as a disadvantaged business enterprise for purposes of  
16 49 CFR 26.

17 **(2m) CONFIDENTIALITY.** (a) A certifying authority may not disclose to any  
18 person any information that relates to an individual's statement of net worth, a  
19 statement of experience, or a company's financial statement, including the gross  
20 receipts of a bidder, or to any documentation submitted in support of those  
21 statements, if the information was obtained for the purpose of complying with 49  
22 CFR 26, as that section existed on October 1, 1999.

23 (b) This subsection does not prohibit a certifying authority from disclosing  
24 information to any of the following persons:

- 25 1. The person to whom the information relates.

1           2. If the certifying authority is a municipality or county, to the department.

2           3. If the certifying authority is the department, to a municipality or county  
3 authorized under sub. (5m).

4           4. Any person who has the written consent of the person to whom the  
5 information relates to receive such information.

6           5. Any person to whom 49 CFR 26, as that section existed on October 1, 1999,  
7 requires or specifically authorizes the certifying authority to disclose such  
8 information.

9           6. The federal department of transportation, if the certifying authority  
10 discloses the information for the purposes of a certification appeal proceeding in  
11 which the disadvantaged status of the individual is in question.

12           **(3) IMPLIED CONSENT.** Any municipality, county, or other person that accepts  
13 federal moneys from the appropriations under s. 20.395 (1) (bx), (2) (ax), (dx), or (fx),  
14 or (3) (bx), (cx), or (ex), or accepts other federal moneys for highway, transit, or airport  
15 purposes, after the effective date of this subsection ... [revisor inserts date], is  
16 considered to have given consent to the unified certification disadvantage business  
17 program administered under this section.

18           **(4) REQUIREMENTS OF CERTIFIED BUSINESSES.** A business certified as a  
19 disadvantaged business shall, within 30 days after a change in the business's size,  
20 disadvantaged status, ownership, or control that could preclude its certification as  
21 a disadvantaged business under 49 CFR 26, notify the department of such change  
22 by sworn and notarized statement. A business certified as a disadvantaged business  
23 shall submit annually to the department a sworn, notarized statement attesting that  
24 there have been no changes to business's size, disadvantaged status, ownership, or  
25 control, or gross receipts, that would preclude its certification as a disadvantaged

1 business under 49 CFR 26. The notice shall include a statement that the business  
2 meets the size and gross receipts criteria for certification, and shall include  
3 documentary evidence supporting that statement. The department shall remove the  
4 certification of any disadvantaged business that fails to provide the statement within  
5 13 months after certification under this section, or within 13 months after it last  
6 submitted to the department the information required under this subsection,  
7 whichever is later.

8 **(5)** DIRECTORY OF CERTIFIED BUSINESSES. The department shall maintain a list  
9 of all businesses certified as a disadvantaged business by a certifying authority or  
10 by a state that is a party to an agreement under sub. (6). The list shall include the  
11 business name, address, telephone number, and types of work that the business is  
12 certified to perform as a disadvantaged business. The department shall make the  
13 list and any updated information available to any person, at no charge, on the  
14 Internet and in printed format. The department shall update the list at least  
15 annually, but shall update the electronic list available on the Internet by including  
16 additions, deletions, or other changes to the list as soon as the department makes  
17 such an addition, deletion, or other change.

18 **(5m)** CERTIFICATION BY A MUNICIPALITY OR COUNTY. The department may  
19 authorize any municipality or county to certify a business as a disadvantaged  
20 business. The authorization shall be in writing and shall require the municipality  
21 or county to conform strictly to the standards and processes provided in this section  
22 and rules promulgated under this section. The authorization shall be valid for one  
23 year. The authorization shall require the municipality or county to provide written  
24 notice to the department of any certification decision. The written notice shall  
25 include all of the information contained in the directory maintained under sub. (5).

1 The authorization shall require the municipality or county to forward applications  
2 to the department under sub. (2) (b) 3. Certification by a municipality or county is  
3 valid for 3 years, unless the department removes certification under sub. (4) or the  
4 certification is removed as provided in 49 CFR 26.87 or 26.89. No municipality or  
5 county authorized under this subsection may hear any appeals or complaints  
6 regarding certification decisions.

7 **(6) RECIPROCAL CERTIFICATION AGREEMENTS.** Notwithstanding sub. (2) (a), the  
8 department may enter into a reciprocal agreement with any other state establishing  
9 a joint unified certification program that strictly conforms to 49 CFR 26. The  
10 agreement may authorize the other state to certify as a disadvantaged business any  
11 business that is based in this state, or may authorize the department to certify as a  
12 disadvantaged business any business based in that other state.

13 **(7) CERTIFICATION APPEALS AND COMPLAINTS.** (a) Any business whose application  
14 for certification is denied, or is not reviewed within the time limits prescribed in sub.  
15 (2) (a), or whose certification is removed, may appeal that action as provided in 49  
16 CFR 26.89 to the department.

17 (b) Any person may file with the department a signed, written complaint that  
18 a business that a certifying authority has certified under this section is not eligible  
19 for such certification. The department shall investigate complaints that it finds are  
20 supported by credible evidence. If, upon investigation, the department finds  
21 reasonable cause to believe that a business is not eligible for certification, the  
22 department shall notify the business of its findings in writing and shall proceed in  
23 the manner provided under 49 CFR 26.87.

24 **(8) APPLICABILITY.** This section does not apply if federal law does not require,  
25 as a condition of using federal funds, this state to establish goals for the participation



1 of disadvantaged businesses or the employment of disadvantaged individuals in  
2 projects using federal funds.

3 **SECTION 2307de.** 84.076 (1) (a) of the statutes is amended to read:

4 84.076 (1) (a) “Disadvantaged individual” means a minority group member, a  
5 woman or any other individual found by the department to be socially and  
6 economically disadvantaged ~~by the department as provided~~ within the meaning  
7 given in 49 CFR ~~23.62~~ 26.5, unless successfully challenged as provided in 49 CFR  
8 ~~23.69~~ 26.89.

9 **SECTION 2307dg.** 84.076 (1) (b) (intro.) of the statutes is renumbered 84.076  
10 (1) (b) and is amended to read:

11 84.076 (1) (b) “Disadvantaged business” ~~means a sole proprietorship,~~  
12 ~~partnership, limited liability company, joint venture or corporation that fulfills all~~  
13 ~~of the following requirements, as certified by the department:~~ has the meaning given  
14 in s. 84.072 (1) (b).

15 **SECTION 2307dh.** 84.076 (1) (b) 1., 2. and 3. of the statutes are repealed.

16 **SECTION 2307dj.** 84.076 (3) (intro.) and (a) of the statutes are consolidated,  
17 renumbered 84.076 (3) and amended to read:

18 84.076 (3) BIDS, CONTRACTS. Section 84.06 (2) applies to bids and contracts  
19 under this section, except that the secretary shall reject low bids that do not satisfy  
20 the requirements under sub. (4). ~~The secretary shall establish a list of disadvantaged~~  
21 ~~businesses that are eligible to submit bids for contracts awarded under this section~~  
22 ~~and subcontractors who meet the requirements under sub. (4) (b).~~ Each bid  
23 submitted under this section shall include the agreement specified under sub. (4) and  
24 ~~all of the following conditions:~~ (a) A, as a condition, a goal that at least 25% of the

1 total number of workers in all construction trades employed on the project will be  
2 disadvantaged individuals.

3 **SECTION 2307dk.** 84.076 (3) (b) of the statutes is repealed.

4 **SECTION 2307dm.** 84.076 (4) (b) of the statutes is amended to read:

5 84.076 (4) (b) Obtain from a subcontractor that has experience in providing  
6 training to disadvantaged individuals a program of preapprenticeship training that  
7 satisfies the requirements established by the secretary under sub. (2) (b), and assure  
8 that the subcontractor has experience in providing a program of management and  
9 technical assistance to disadvantaged business contractors, and that the  
10 subcontractor's management and technical assistance program satisfies the  
11 requirements established by the secretary under sub. (2) (b) and includes all of the  
12 requirements of par. (a) 2. A subcontractor under this paragraph need not be a  
13 disadvantaged business, but if the subcontractor is not a disadvantaged business, it  
14 may not be included within the goal established under sub. (3) ~~(b)~~.”.

15 **1317.** Page 865, line 20: after that line insert:

16 “**SECTION 2307c.** 84.03 (9) (a) of the statutes is amended to read:

17 84.03 (9) (a) Subject to s. 86.255, that part of the appropriation made by s.  
18 20.395 (3) in the state and local highways account, not required for the other  
19 purposes therein provided, may be used by the department for the improvement and  
20 traffic service of the state trunk highway system and connecting highways, for the  
21 purchase and operation of equipment, making surveys for locating local road  
22 materials, testing of materials, and for other purposes provided in this section, and  
23 to match or supplement federal aid for the construction, reconstruction or  
24 improvement of the federal aid highway system, secondary or feeder roads, the

1 elimination of hazards at railroad grade crossings and for any other highway purpose  
2 for which the state may match or supplement federal aid funds pursuant to any act  
3 of congress. Where such funds are used for the improvement of the state trunk  
4 highway system or connecting highways or to match or supplement federal aid they  
5 shall be expended in accordance with s. 84.06 and any applicable act of congress. Any  
6 funds expended pursuant to this paragraph shall be expended by the department on  
7 such projects within the provisions of this paragraph, and executed in such manner  
8 as the department shall from time to time determine will best meet the needs of  
9 travel and best promote the general welfare. Such funds may be used for  
10 improvements, within the provisions of this paragraph, independent of or in  
11 conjunction with other funds available for such improvements. Subject to s. 86.255,  
12 the requirements of any federal highway act, or regulations issued thereunder, may  
13 be met from such appropriation.

14 **SECTION 2307d.** 84.05 of the statutes is amended to read:

15 **84.05 Railroad crossing improvements.** On a highway which the  
16 department has authority to construct and which crosses a railroad, if the  
17 department determines that the construction or reconstruction of a grade separation  
18 or the rearrangement or elimination of a grade crossing or other rearrangement of  
19 the highway or tracks is necessary in the interest of public safety or for convenience  
20 of public travel, the department shall make a plan of the construction proposed and  
21 an estimate of the cost thereof, including the cost of needed right-of-way; and shall  
22 endeavor to make an arrangement with all persons concerned as to all matters  
23 involved in the plan, including the portion of the cost of the contemplated work which  
24 the persons shall defray. If the department is unable to contract with the persons  
25 concerned as to the distribution and payment of the cost of the work or the

1 maintenance thereof, the department shall lay the matter before the office of the  
2 commissioner of railroads, and the office of the commissioner of railroads shall  
3 review the proceedings and hold a hearing thereon in accordance with ss. 195.28 and  
4 195.29, and shall fix the portion of the cost of the construction and of the maintenance  
5 which is to be paid by the persons or corporations concerned, and the portion of the  
6 cost, if any, to be paid by the public, which portion shall be paid from the public  
7 transportation account in the transportation fund. The office of the commissioner  
8 of railroads shall determine the benefits, if any, which will inure to other highways,  
9 and apportion and charge to the units of government responsible for the construction  
10 of such other highways a fair portion of the cost.

11 **SECTION 2307f.** 84.09 (3) (c) of the statutes is amended to read:

12 84.09 (3) (c) The county highway committee when so ordered by the  
13 department is authorized and empowered to sell and shall sell at public or private  
14 sale, subject to such conditions and terms authorized by the department, any and all  
15 buildings, structures, or parts thereof, and any other fixtures or personalty acquired  
16 in the name of the county under this section or any predecessor. Any instrument in  
17 the name of the county, transferring title to the property mentioned in the foregoing  
18 sentence, shall be executed by the county highway committee and the county clerk.  
19 The proceeds from such sale shall be deposited ~~with the state in the appropriate in~~  
20 the state and local highways account in the transportation fund and the expense  
21 incurred in connection with such sale shall be paid from such fund.

22 **SECTION 2307h.** 84.09 (5) of the statutes is amended to read:

23 84.09 (5) Subject to the approval of the governor, the department may sell at  
24 public or private sale property of whatever nature owned by the state and under the  
25 jurisdiction of the department when the department determines that the property

1 is no longer necessary for the state's use for highway purposes and, if real property,  
2 the real property is not the subject of a petition under s. 16.375 (2). The department  
3 shall present to the governor a full and complete report of the property to be sold, the  
4 reason for the sale, and the minimum price for which the same should be sold,  
5 together with an application for the governor's approval of the sale. The governor  
6 shall thereupon make such investigation as he or she may deem necessary and  
7 approve or disapprove the application. Upon such approval and receipt of the full  
8 purchase price, the department shall by appropriate deed or other instrument  
9 transfer the property to the purchaser. The approval of the governor is not required  
10 for public or private sale of property having a fair market value at the time of sale  
11 of not more than \$3,000, for the transfer of surplus state real property to the  
12 department of administration under s. 16.375 or for the transfer of surplus state  
13 personal property to the department of tourism under sub. (5s). The funds derived  
14 from sales under this subsection shall be deposited in the state and local highways  
15 account in the transportation fund, and the expense incurred by the department in  
16 connection with the sale shall be paid from such account in the transportation fund.

17 **SECTION 2307hg.** 84.09 (5r) of the statutes is amended to read:

18 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),  
19 the department may, subject to the approval of the governor, donate real property  
20 that is adjacent to the veterans memorial site located at The Highground in Clark  
21 County and owned by the state and under the jurisdiction of the department to the  
22 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans  
23 memorial site located at The Highground in Clark County for the purpose of a  
24 memorial hall specified in s. 70.11 (9). The department may donate property under  
25 this subsection only when the department determines that the property is no longer

1 necessary for the state's use for highway purposes and is not the subject of a petition  
2 under s. 16.375 (2) and is transferred with a restriction that the donee may not  
3 subsequently transfer the real property to any person except to this state, which  
4 shall not be charged for any improvements thereon. Such restriction shall be  
5 recorded in the office of the register of deeds in the county in which the property is  
6 located. The department shall present to the governor a full and complete report of  
7 the property to be donated, the reason for the donation, and the minimum price for  
8 which the property could likely be sold under sub. (5), together with an application  
9 for the governor's approval of the donation. The governor shall thereupon make such  
10 investigation as he or she considers necessary and approve or disapprove the  
11 application. Upon such approval, the department shall by appropriate deed or other  
12 instrument transfer the property to the donee. The approval of the governor is not  
13 required for donation of property having a fair market value at the time of donation  
14 of not more than \$3,000. Any expense incurred by the department in connection with  
15 the donation shall be paid from the state and local highways account in the  
16 transportation fund.

17 **SECTION 2307hm.** 84.10 (2) of the statutes is amended to read:

18 **84.10 (2)** The joint committee on finance may transfer moneys to s. 20.395 (3)  
19 (cq) from any other segregated revenue appropriations of the department for state  
20 operations from the state and local highways account in the transportation fund,  
21 upon request of the department, for the purpose of supplementing moneys allocated  
22 under s. 20.395 (3) (cq) for the rehabilitation of a local bridge for which improvement  
23 is a state responsibility and which has been posted with a weight limitation as  
24 provided in s. 349.16 (2).”.

1           **1318.** Page 865, line 20: after that line insert:

2           “**SECTION 2307g.** 84.078 (1) (am) of the statutes is amended to read:

3           84.078 (1) (am) “High-volume industrial waste” means fly ash, bottom ash,  
4           paper mill sludge or foundry process waste, or any other waste with similar  
5           characteristics specified by the department of ~~natural resources~~ environmental  
6           management by rule.

7           **SECTION 2307h.** 84.078 (3) (a) 2. of the statutes is amended to read:

8           84.078 (3) (a) 2. The department of ~~natural resources~~ environmental  
9           management certifies to the department of transportation, before the time that the  
10          department of transportation advertises for bids for the improvement, that the  
11          high-volume industrial waste intended to be used and the design for the use of the  
12          high-volume industrial waste comply with all applicable state requirements or  
13          standards administered by the department of ~~natural resources~~ environmental  
14          management.

15          **SECTION 2307i.** 84.078 (3) (b) (intro.) of the statutes is amended to read:

16          84.078 (3) (b) (intro.) The exemption under par. (a) extends to the  
17          transportation of high-volume industrial waste to or from the site of a highway  
18          improvement and to the storage of high-volume industrial waste at the site of a  
19          highway improvement. The exemption provided under par. (a) continues to apply  
20          after the date of certification by the department of ~~natural resources~~ environmental  
21          management under par. (a) 2., notwithstanding the occurrence of any of the  
22          following:

23          **SECTION 2307j.** 84.078 (3) (c) of the statutes is amended to read:

1           84.078 (3) (c) The department of transportation and the department of ~~natural~~  
2     resources environmental management may enter into agreements establishing  
3     standard lists of high-volume industrial waste that may be used in highway  
4     improvements and designs for the use of high-volume industrial waste in highway  
5     improvements that comply with rules of the department of ~~natural resources~~  
6     environmental management applicable at the time of the design of the highway  
7     improvement in order to simplify certification under par. (a) 2. to the greatest extent  
8     possible.”.

9           **1319.** Page 866, line 2: after that line insert:

10          “**SECTION 2307m.** 84.1040 of the statutes is created to read:

11          **84.1040 Donald K. “Deke” Slayton Memorial Highway.** (1) The  
12     department shall designate and, subject to sub. (2), mark STH 27 in Monroe County  
13     commencing at Sparta and proceeding southerly to Cashton as the “Donald K. ‘Deke’  
14     Slayton Memorial Highway” as a living memorial to and in honor of Donald K. “Deke”  
15     Slayton, who brought credit to this state and, in particular, Monroe County for his  
16     contribution to this country’s space program as one of the 7 original astronauts and  
17     as a participant in the first joint United States–Soviet space mission.

18          (2) Upon receipt of sufficient contributions from interested parties, including  
19     any county, city, village, or town, to cover the cost of erecting and maintaining  
20     markers along the route specified in sub. (1) to clearly identify to motorists the  
21     designation of the route as the “Donald K. ‘Deke’ Slayton Memorial Highway,” the  
22     department shall erect and maintain the markers. No state funds, other than from  
23     the receipt of contributions under this subsection, may be expended for the erection  
24     or maintenance of the markers.”.



1           **1320.** Page 866, line 7: after that line insert:

2           “**SECTION 2307u.** 84.11 (3) of the statutes is amended to read:

3           84.11 **(3)** HEARING. Within 60 days of the receipt of a petition under sub. (2),  
4           the department shall fix a time and place for a hearing and give notice of the hearing  
5           by publication of a class 2 notice, under ch. 985, in the vicinity of the proposed bridge  
6           project. Notice shall also be given by registered letter addressed to the clerks of the  
7           counties, cities, villages and towns in which any part of the bridge project will be  
8           located. The notice shall also be given to the secretary of ~~natural resources~~ fish,  
9           wildlife, parks, and forestry and the secretary of environmental management either  
10          by registered mail or personally. The hearing may be held in any county, city, village  
11          or town in which any part of the bridge project will be located.

12          **SECTION 2307w.** 84.11 (7m) of the statutes is amended to read:

13          84.11 **(7m)** EXECUTION AND CONTROL OF WORK. Subject to the control and  
14          supervision over the navigable waters of the state conferred by law upon the  
15          department of ~~natural resources~~ environmental management, and the control  
16          exercised by the United States, the construction under this section of any bridge  
17          project shall be wholly under the supervision and control of the department. The  
18          secretary shall make and execute all contracts and have complete supervision over  
19          all matters pertaining to such construction and shall have the power to suspend or  
20          discontinue proceedings or construction relative to any bridge project at any time in  
21          the event any county, city, village or town fails to pay the amount required of it as to  
22          any project under sub. (1m), or in the event the secretary determines that sufficient  
23          funds to pay the state’s part of the cost of the bridge project are not available. All  
24          moneys provided by counties, cities, villages and towns shall be deposited in the state

1 treasury, when required by the secretary, and paid out on order of the secretary. Any  
2 of such moneys deposited for a project eligible for construction under sub. (1m) which  
3 remain in the state treasury after the completion of the project shall be repaid to the  
4 respective counties, cities, villages and towns in such amounts as to result in the  
5 distribution provided in sub. (5m).

6 **SECTION 2307y.** 84.12 (7) of the statutes is amended to read:

7 **84.12 (7) EXECUTION AND CONTROL OF WORK.** Subject to the control and  
8 supervision over the navigable waters of the state conferred upon the department of  
9 ~~natural resources~~ environmental management, and the control exercised by the  
10 United States, the construction under this section of any bridge project shall be  
11 under the joint supervision and control of the department and of the transportation  
12 department of the other state concerned. If the transportation department of the  
13 other state is not authorized to act jointly with this state in such bridge project  
14 arrangements may be made with such subdivisions of the other state as may have  
15 proper authority, represented by their proper officers. Control shall be exercised in  
16 the manner deemed most expedient by the secretary and such department or by the  
17 secretary and the officers of the subdivisions of the other state concerned in the  
18 construction. Contracts for the construction of said bridge projects may be made and  
19 executed by the secretary and the transportation department of the other state  
20 jointly, or jointly by the secretary and such subdivisions of the other state as may  
21 participate in the construction, or by appropriate agreement between the parties  
22 with respect to financing and control of the work, the authority of either state may  
23 contract for all or part of the construction. The secretary may suspend or discontinue  
24 proceedings or construction relative to any bridge project at any time in the event any  
25 county, city, village or town fails to pay the amount required of it as to any project

1 eligible to construction under sub. (1) (a) or offered by it as to any project eligible to  
2 construction under sub. (1) (b), or in the event the secretary determines that  
3 sufficient funds to pay the state’s part of the cost of the bridge project are not  
4 available. All moneys available from this state, or its subdivisions, shall be deposited  
5 in the state treasury when required by the secretary and shall be paid out only upon  
6 the order of the secretary. Moneys deposited by such subdivisions which remain in  
7 the state treasury after the completion of such project shall be repaid to the  
8 respective subdivisions in the proportion paid in.”.

9 **1321.** Page 866, line 24: delete the material beginning with that line and  
10 ending with page 868, line 2.

11 **1322.** Page 868, line 2: after that line insert:

12 “**SECTION 2308r.** 84.30 (10m) of the statutes is renumbered 84.30 (10m) (intro.)  
13 and amended to read:

14 **84.30 (10m)** ANNUAL PERMIT FEE REQUIREMENT. The department may  
15 promulgate a rule requiring persons specified in the rule to pay annual permit fees  
16 for signs. If the department establishes an annual permit fee under this subsection,  
17 failure to pay the fee within 2 months after the date on which payment is due is  
18 evidence that the sign has been abandoned for the purposes of s. TRANS 201.10 (2)  
19 (f), Wis. Adm. Code. This subsection does not apply to any of the following:

20 **SECTION 2308s.** 84.30 (10m) (a) and (b) of the statutes are created to read:

21 **84.30 (10m)** (a) An off–premises advertising sign that is owned by a nonprofit  
22 organization.

23 (b) A sign that has been permanently removed by the owner of the sign, even  
24 if the department was not notified of the sign’s removal.”.

1           **1323.** Page 868, line 2: after that line insert:

2           “**SECTION 2308n.** 84.205 (2) (intro.) of the statutes, as created by 2001  
3 Wisconsin Act .... (this act), is amended to read:

4           84.205 (2) (intro.) From funds appropriated and available to the department  
5 under s. 20.395 (3) in the state and local highways account, the department shall pay,  
6 in whole or in part, any claims submitted to the department by a political  
7 subdivision, on a form prescribed by the department, for damage to any gravel road  
8 maintained by the political subdivision that is determined by the department to be  
9 caused by reason of the road’s use as a detour incident to the maintenance, repair,  
10 or construction by the department of any state trunk highway, if the gravel road is  
11 not part of a detour route designated by the department. The political subdivision  
12 shall include with the claim a description of the nature and cause of the alleged  
13 damage, the asserted value of the claim, and all known evidence in support of the  
14 claim. In making its determination after submittal of the claim, the department  
15 shall consider each of the following factors:

16           **SECTION 2308t.** 84.30 (17) of the statutes is amended to read:

17           84.30 (17) **TRANSPORTATION FUND.** All fees collected for the issuance of permits  
18 provided for under this section shall be paid into the state and local highways  
19 account in the transportation fund.”.

20           **1324.** Page 868, line 2: after that line insert:

21           “**SECTION 2308t.** 84.28 of the statutes is amended to read:

22           **84.28 State park, forest and riverway roads. (1)** Moneys from the  
23 appropriation under s. 20.370 (7) (mc) may be expended for the renovation, marking  
24 and maintenance of a town or county highway located within the boundaries of any

1 state park, state forest or other property under the jurisdiction of the department of  
2 ~~natural resources~~ fish, wildlife, parks, and forestry. Moneys from the appropriation  
3 under s. 20.370 (7) (mc) may be expended for the renovation, marking and  
4 maintenance of a town or county highway located in the lower Wisconsin state  
5 riverway as defined in s. 30.40 (15). Outside the lower Wisconsin state riverway as  
6 defined in s. 30.40 (15), or outside the boundaries of these parks, forests or property,  
7 moneys from the appropriation under s. 20.370 (7) (mc) may be expended for the  
8 renovation, marking and maintenance of roads which the department of ~~natural~~  
9 ~~resources~~ fish, wildlife, parks, and forestry certifies are utilized by a substantial  
10 number of visitors to state parks, state forests or other property under the  
11 jurisdiction of the department of ~~natural resources~~ fish, wildlife, parks, and forestry.  
12 The department of ~~natural resources~~ fish, wildlife, parks, and forestry shall  
13 authorize expenditures under this subsection. The department of ~~natural resources~~  
14 fish, wildlife, parks, and forestry shall rank projects eligible for assistance under a  
15 priority system and funding may be restricted to those projects with highest priority.

16 (2) The department may administer a program for the construction,  
17 maintenance and marking of roads, including fire roads, service areas, trailer or  
18 vehicle parking stalls or parking areas and other facilities consistent with highway  
19 construction and for the marking of scenic routes in the state parks, state forests, the  
20 ~~lower~~ Lower Wisconsin state riverway State Riverway as defined under s. 30.40 (15),  
21 state fish hatcheries, other public used areas under the jurisdiction of the  
22 department of ~~natural resources~~ fish, wildlife, parks, and forestry and other public  
23 lands as defined in ch. 24, for highways or fire roads leading from the most  
24 convenient state trunk highways to such lands, and for the relocation and  
25 construction of state trunk highways in or near state parks when required in the

1 interests of public safety. Within the limitations and for the purposes of this section,  
2 work may be performed by or under the supervision or authority or with the approval  
3 of the department, upon the request for such work filed by the department of ~~natural~~  
4 ~~resources~~ fish, wildlife, parks, and forestry as to the lower Lower Wisconsin state  
5 ~~riverway~~ State Riverway, as defined in s. 30.40 (15), or as to state park or forest lands,  
6 or by the board of commissioners of the public lands as to other classes of public lands.  
7 Outside the lower Lower Wisconsin state ~~riverway~~ State Riverway, as defined in s.  
8 30.40 (15), and outside the limits of the park, state forest and public land areas, direct  
9 connections to the most convenient state trunk highway may be built or maintained  
10 under this section. Roads in unincorporated areas within 5 miles of the boundaries  
11 of the Horicon national wildlife refuge or the Horicon ~~marsh~~ Marsh wildlife area may  
12 be built or maintained under this section upon request of the town board, if the  
13 department of transportation certifies that such roads are or will be used by a  
14 substantial number of visitors to such area. Costs incurred under this section shall  
15 be the responsibility of the department of ~~natural resources~~ fish, wildlife, parks, and  
16 forestry, commissioners of public lands or town board, as appropriate.”.

17 **1325.** Page 868, line 10: after that line insert:

18 “**SECTION 2309m.** 84.59 (3) of the statutes is amended to read:

19 84.59 (3) The secretary may pledge revenues received or to be received in the  
20 fund established in sub. (2) to secure revenue obligations issued under this section.  
21 The pledge shall provide for the transfer to this state of all pledged revenues,  
22 including any interest earned on the revenues, which are in excess of the amounts  
23 required to be paid under s. 20.395 (6) (as). The pledge shall provide that the  
24 transfers be made at least twice yearly, that the transferred amounts be deposited

1 in the transportation fund and that the transferred amounts are free of any prior  
2 pledge. The secretary shall deposit any amounts transferred under this subsection  
3 in the state and local highways account in the transportation fund.”.

4 **1326.** Page 868, line 24: after that line insert:

5 “SECTION 2310m. 85.027 of the statutes is created to read:

6 **85.027 Highway corridor planning grant program. (1)** In this section:

7 (a) “Highway corridor” means the area up to 10 miles on either side of a state  
8 trunk highway that is expected by the department to need additional capacity for  
9 vehicular traffic or to have possible safety or operational problems resulting from  
10 pressure for development adjacent to the highway.

11 (b) “Local governmental unit” means a city, village, town, county, regional  
12 planning commission, or metropolitan planning organization, as defined in s. 85.243  
13 (1) (c).

14 (2) The department shall administer a highway corridor planning grant  
15 program. From the appropriation under s. 20.395 (3) (bq), the department shall  
16 award grants to local governmental units for highway corridor planning activities.  
17 In any fiscal year, the department may not expend more than \$500,000 for grants  
18 under this subsection.”.

19 **1327.** Page 868, line 24: after that line insert:

20 “SECTION 2310m. 85.028 of the statutes is amended to read:

21 **85.028 Milwaukee east-west transportation corridor.** Upon  
22 implementation of a funding source to provide local funds for a Milwaukee east-west  
23 transportation corridor project, local units of government that will be affected by  
24 such a project shall reimburse the transportation fund for 50% of the nonfederal

1 share of preliminary engineering costs relating to a Milwaukee east-west  
2 transportation corridor project. The department shall deposit any moneys received  
3 under this section in the state and local highways account in the transportation  
4 fund.”.

5 **1328.** Page 868, line 25: after that line insert:

6 “SECTION 2311p. 85.103 (6) of the statutes is amended to read:

7 85.103 (6) The department may disclose the personal identifier of any person  
8 who has made a designation under sub. (2) or (3) if the department discloses the  
9 personal identifier under s. 341.17 (9), 343.234, 343.235, 343.24 (3) and (4), or  
10 343.245 (3m).”.

11 **1329.** Page 868, line 25: after that line insert:

12 “SECTION 2311g. 85.061 (3) (b) of the statutes is repealed and recreated to read:

13 85.061 (3) (b) The department may not use any proceeds from the bond issue  
14 authorized under s. 20.866 (2) (up) unless the use of the proceeds is specifically  
15 enumerated in a list under par. (c) and state funds are used for not more than 20%  
16 of the cost of an enumerated project.

17 SECTION 2311j. 85.061 (3) (c) of the statutes is created to read:

18 85.061 (3) (c) The department may use proceeds from the bond issue authorized  
19 under s. 20.866 (2) (up) for the following purposes:

20 1. No purposes enumerated under this subdivision as of the effective date of  
21 this subdivision .... [revisor inserts date].”.

22 **1330.** Page 868, line 25: after that line insert:

23 “SECTION 2311m. 85.09 (4i) of the statutes is amended to read:



1           **85.09 (4i)** DISPOSAL OF RAIL PROPERTY. The department shall sell at public or  
2 private sale rail property acquired under sub. (4) when the department determines  
3 that the rail property is not necessary for a public purpose and, if real property, the  
4 real property is not the subject of a petition under s. 16.375 (2). Upon receipt of the  
5 full purchase price, the department shall, by appropriate deed or other instrument,  
6 transfer the rail property to the purchaser. The funds derived from sales under this  
7 subsection shall be deposited in the public transportation account in the  
8 transportation fund, and the expense incurred by the department in connection with  
9 the sale shall be paid from the appropriation under s. 20.395 (2) (bq).”.

10           **1331.** Page 870, line 22: after that line insert:

11           “**SECTION 2321p.** 85.12 (5) of the statutes is created to read:

12           **85.12 (5)** Beginning with fiscal year 2001–02, from the appropriations under  
13 s. 20.395 (5) (dk) of moneys received by the department from the department and  
14 under s. 20.395 (5) (dq), the amount provided by the department in any fiscal year  
15 for the statewide public safety radio management program under this section may  
16 not exceed 50% of the costs of the statewide public safety radio management program  
17 or \$138,000, whichever is less.”.

18           **1332.** Page 870, line 22: after that line insert:

19           “**SECTION 2321mb.** 85.12 (4) of the statutes, as created by 2001 Wisconsin Act  
20 .... (this act), is amended to read:

21           **85.12 (4)** Beginning with fiscal year 2001–02, if the department of  
22 transportation provides radio services under this section to the department of  
23 ~~natural resources~~ fish, wildlife, parks, and forestry in any fiscal year, the department  
24 of ~~natural resources~~ fish, wildlife, parks, and forestry shall make quarterly

1 payments from the appropriation under s. 20.370 ~~(8) (mu)~~ (1) (su) of \$111,450 to the  
2 department of transportation.

3 **SECTION 2321p.** 85.19 (1) of the statutes is amended to read:

4 85.19 **(1)** STANDARDS. The department, in consultation with the department of  
5 ~~natural resources~~ environmental management, shall, by rule, establish standards  
6 for the control of soil erosion related to highway and bridge construction that is  
7 funded in whole or in part with state or federal funds. At a minimum, the standards  
8 shall require the use of best management practices.

9 **SECTION 2321q.** 85.19 (2) (c) of the statutes is amended to read:

10 85.19 **(2)** (c) The department shall establish the training program in  
11 consultation with the department of ~~natural resources~~ environmental  
12 management.”.

13 **1333.** Page 873, line 18: after that line insert:

14 “**SECTION 2330g.** 85.205 (title) of the statutes is amended to read:

15 **85.205** (title) **Prohibited expenditures and construction for light rail.**

16 **SECTION 2330h.** 85.205 of the statutes is renumbered 85.205 (1) and amended  
17 to read:

18 85.205 **(1)** Notwithstanding ss. 85.022, 85.062 and 85.063, the department may  
19 not encumber or expend any federal funds received under P.L. 102–240, section 1045,  
20 or P.L. 105–277, section 373, or state funds for any purpose related to a light rail mass  
21 transit system. This section Notwithstanding any other provision of ch. 59, 60, 61,  
22 62, or 66, no governing body of any city, village, town, or county and no agency,  
23 corporation, instrumentality, or subunit of a city, village, town, or county may enter  
24 into a contract for any purpose related to a light rail mass transit system if the cost

1 of any of the contracted items would be paid for by, or reimbursed with, federal funds  
2 received under P.L. 102–240, section 1045, or P.L. 105–277, section 373, or any funds  
3 received from the state. This subsection does not apply to any light rail mass transit  
4 system that is being constructed on October 29, 1999. This ~~section~~ subsection does  
5 not apply to any funds expended or activity related to a mass transit system that is  
6 done under the memorandum of agreement concerning USH 12 between Middleton  
7 and Lake Delton, Wisconsin, that was executed by the governor, the secretary of  
8 transportation, the secretary of natural resources, the county executive of Dane  
9 County, the administrative coordinator of Sauk County, and others, and that became  
10 effective on April 22, 1999. ~~This section does not apply after June 30, 2001.~~

11 **SECTION 2330j.** 85.205 (2) of the statutes is created to read:

12 85.205 (2) A light rail mass transit system may not be constructed in  
13 Milwaukee County after the effective date of this subsection .... [revisor inserts date],  
14 unless the Milwaukee County board authorizes construction of the light rail mass  
15 transit system by resolution and the resolution is ratified by the electors of  
16 Milwaukee County at a referendum held at the next general election.”.

17 **1334.** Page 873, line 18: after that line insert:

18 “**SECTION 2330m.** 85.21 (3) (c) of the statutes is amended to read:

19 85.21 (3) (c) To make and execute contracts with counties to ensure the  
20 provision of specialized transportation service. Payments under such contracts to  
21 eligible applicants shall not exceed the county proportionate share, except as  
22 supplemented under par. (e) or (f). A contract under this section shall require the  
23 county to make a matching contribution of 20% of the contract amount and to furnish  
24 information determined necessary by the department for periodic program

1 monitoring and year–end auditing and evaluation. A contract may permit a county  
2 to hold aids received under this section on or after July 2, 1983, in trust, according  
3 to rules promulgated by the department, for the exclusive purpose of acquiring or  
4 maintaining equipment used for services authorized under this section. All aids held  
5 in trust, as well as any accumulated interest, not expended for the authorized  
6 purposes, shall be returned to the department for deposit in the public  
7 transportation account in the transportation fund. Nothing in this paragraph  
8 entitles a county to any investment interest accumulated prior to the time the aid  
9 payment is actually received by the county.”.

10 **1335.** Page 875, line 21: after that line insert:

11 “SECTION 2337d. 85.25 (5) of the statutes is amended to read:

12 85.25 (5) MORAL OBLIGATION. Recognizing its moral obligation to do so, the  
13 legislature expresses its expectation and aspiration that, if ever called upon to do so,  
14 it shall make an appropriation from the state and local highways account in the  
15 transportation fund to meet all demands for funds relating to defaulted mobilization  
16 loans and deficiencies under this section.”.

17 **1336.** Page 875, line 21: after that line insert:

18 “SECTION 2337c. 85.245 (1) of the statutes is renumbered 85.245.

19 SECTION 2337d. 85.245 (2) of the statutes is repealed.

20 SECTION 2337f. 86.255 (2) (a) of the statutes is amended to read:

21 86.255 (2) (a) The purchase of any land that is acquired as compensatory  
22 mitigation for another wetland, as defined in s. ~~23.32~~ 278.32 (1), that will suffer an  
23 adverse impact by degradation or destruction as part of a highway project.”.

24 **1337.** Page 878, line 10: after that line insert:

1           **SECTION 2340m.** 85.52 (3) (cm) of the statutes is renumbered 85.52 (3) (cm)

2           1. and amended to read:

3           85.52 **(3)** (cm) 1. The joint committee on finance may transfer moneys, at the  
4           request of the department, in amounts not to exceed the amounts necessary to meet  
5           the requirements under P.L. 104–59, section 350, from the state and local highways  
6           account in the transportation fund to the highway account in the transportation  
7           infrastructure loan fund. The department shall submit to the joint committee on  
8           finance for its review and approval proposed reductions among the transportation  
9           fund appropriations to the department equal to the amount transferred under this  
10          paragraph subdivision. The joint committee on finance may approve, disapprove or  
11          modify the proposed reductions. Upon approval of the proposed reductions, as may  
12          be modified by the committee, an amount equivalent to each approved reduction is  
13          lapsed from the appropriation account for each reduced appropriation to the state  
14          and local highways account in the transportation fund.

15          **SECTION 2340n.** 85.52 (3) (cm) 2. of the statutes is created to read:

16          85.52 **(3)** (cm) 2. The joint committee on finance may transfer moneys, at the  
17          request of the department, in amounts not to exceed the amounts necessary to meet  
18          the requirements under P.L. 104–59, section 350, from the public transportation  
19          account in the transportation fund to the transit account in the transportation  
20          infrastructure loan fund. The department shall submit to the joint committee on  
21          finance for its review and approval proposed reductions among the transportation  
22          fund appropriations to the department equal to the amount transferred under this  
23          subdivision. The joint committee on finance may approve, disapprove, or modify the  
24          proposed reductions. Upon approval of the proposed reductions, as may be modified  
25          by the committee, an amount equivalent to each approved reduction is lapsed from

1 the appropriation account for each reduced appropriation to the public  
2 transportation account in the transportation fund.”.

3 **1338.** Page 878, line 23: after that line insert:

4 “**SECTION 2340vg.** 86.03 (5m) of the statutes is created to read:

5 **86.03 (5m)** TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

6 (a) In this subsection, “vegetation” means any tree, shrub, hedge, or other foliage.

7 (b) Notwithstanding any other provision of this section, if any vegetation  
8 located in a highway right-of-way prevents the operator of a vehicle traveling on a  
9 highway at the posted speed limit from viewing for 6 uninterrupted seconds a  
10 business premises located adjacent to the highway right-of-way, a sign located on  
11 a business premises adjacent to the highway right-of-way that advertises the  
12 business to motorists on the adjacent highway, or any sign erected under this chapter  
13 or s. 84.30 that is permitted to be located in or adjacent to the highway right-of-way,  
14 any person who maintains a majority ownership interest in the business adjacent to  
15 the highway right-of-way or who owns a sign identified in this paragraph may trim  
16 or remove any obstructing vegetation located in the highway right-of-way if all of  
17 the following requirements are met:

18 1. The person obtains a permit from the department under par. (c).

19 2. The person pays for the cost of trimming or removing the obstructing  
20 vegetation, including the cost of cleanup and disposal, and for replacing any removed  
21 vegetation, including the cost of purchasing and planting the replacement  
22 vegetation.

23 3. If the person has removed vegetation, the person replaces the removed  
24 vegetation with comparable vegetation along the same highway right-of-way,

1 provided that the person may not locate replacement vegetation in a manner that  
2 obstructs, or will obstruct in the foreseeable future, the view from the highway of  
3 another existing business or sign identified in this paragraph.

4 (c) The department shall issue permits to eligible applicants for the trimming  
5 or removal of vegetation located in a highway right-of-way under par. (b). Any  
6 permit issued under this paragraph shall specify the vegetation or the portion of the  
7 highway right-of-way to which the permit applies. The department shall grant or  
8 deny an application for a permit within 30 days of receipt of the application.”.

9 **1339.** Page 878, line 24: delete that line.

10 **1340.** Page 879, line 1: delete lines 1 to 6 and substitute:

11 “SECTION ~~2340~~y. 86.193 of the statutes is created to read:

12 **86.193 Agricultural tourism signs. (1)** In this section, “agricultural  
13 tourism facility” means a facility located in this state that is open to the public at  
14 least 4 days a week for a minimum of 3 months and which does any of the following:

15 (a) Markets Wisconsin farm products.

16 (b) Processes and markets agricultural products, of which at least 50% are  
17 grown and produced in this state.

18 (c) Promotes tourism by providing tours and on-site sales or samples of  
19 Wisconsin agricultural products.

20 **(2)** The department shall develop and, no later than March 1, 2002, implement  
21 a plan, consistent with federal and state laws, to promote and maximize the erection  
22 of agricultural tourism signs on highways in this state to identify and provide  
23 directional information to any agricultural tourism facility.

1           **(3)** (a) Except as provided in par. (b), the department may assess and collect  
2 from an agricultural tourism facility the actual costs of erection of any agricultural  
3 tourism sign that identifies and provides directional information to the facility.

4           (b) A local authority shall permit erection of a trailblazer sign that identifies  
5 and provides directional information to an agricultural tourism facility on a highway  
6 under the jurisdiction of the local authority if the facility is located more than 5 miles  
7 from the highway and the local authority assesses and collects from the facility the  
8 actual costs of erection of the trailblazer sign. The department shall promulgate  
9 rules defining “trailblazer sign” for purposes of this paragraph.

10           **(4)** In developing and implementing the plan under sub. (2), the department  
11 shall consult with the department of agriculture, trade and consumer protection.”.

12           **1341.** Page 879, line 6: after that line insert:

13           “**SECTION 2340zg.** 86.21 (2) (a) of the statutes is amended to read:

14           86.21 **(2)** (a) Before any such toll bridge is constructed or acquired under this  
15 section, a resolution authorizing the construction or acquisition thereof, and  
16 specifying the method of payment therefor, shall be adopted by a majority of the  
17 members of the governing body of such county, town, village or city at a regular  
18 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The  
19 resolution shall include a general description of the property it is proposed to acquire  
20 or construct. Any county, town, village or city constructing or acquiring a toll bridge  
21 under this section may provide for the payment of the same or any part thereof from  
22 the general fund, from taxation, or from the proceeds of either municipal bonds,  
23 revenue bonds or as otherwise provided by law. Such resolution shall not be effective  
24 until 15 days after its passage and publication. If within said 15 days a petition



1 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,  
2 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof  
3 requesting that the question of acquiring such toll bridge be submitted to the said  
4 electors, such question shall be submitted at ~~any general or regular municipal~~ the  
5 next election authorized under s. 8.065 (2) or an election authorized under s. 8.065  
6 (3) that is held not sooner than 42 days from the date of filing such petition. ~~In case~~  
7 ~~no such general or regular municipal election is to be held within such stated period,~~  
8 ~~then the governing body of such municipality shall order a special election to be held~~  
9 ~~within 30 days from the filing of such petition upon the question of whether such toll~~  
10 ~~bridge shall be acquired by said municipality.~~ The question submitted to the electors  
11 shall specify the method of payment for such toll bridge as provided in the resolution  
12 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast  
13 at such referendum election are in favor of the acquisition of such toll bridge, then  
14 the resolution of the governing body for the acquisition of such toll bridge shall be in  
15 effect.”.

16 **1342.** Page 881, line 4: after that line insert:

17 “SECTION 2348g. 88.01 (8m) of the statutes is repealed.

18 SECTION 2348r. 88.11 (1) (f) of the statutes is amended to read:

19 88.11 (1) (f) Assist districts in applying for permits under s. ~~88.31~~ chs. 30 and  
20 31.”.

21 **1343.** Page 881, line 4: after that line insert:

22 “SECTION 2349c. 86.315 (1) of the statutes is amended to read:

23 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department  
24 shall annually, on March 10, pay to counties having county forests established under

1 ch. 28, for the improvement of public roads within the county forests which are open  
2 and used for travel and which are not state or county trunk highways or town roads  
3 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road  
4 designated in the comprehensive county forest land use plan as approved by the  
5 county board and the department of ~~natural resources~~ fish, wildlife, parks, and  
6 forestry. If the amount appropriated under s. 20.395 (1) (fu) is insufficient to make  
7 the payments required under this subsection, the department shall prorate the  
8 amount appropriated in the manner it considers desirable.

9 **SECTION 2349g.** 87.01 (1) of the statutes is amended to read:

10 87.01 (1) “Department” means the department of ~~natural resources~~  
11 environmental management.

12 **SECTION 2349n.** 87.02 (intro.) of the statutes is amended to read:

13 **87.02 Powers of department.** (intro.) To accomplish the purposes of ss. 87.01  
14 to 87.17, the department of ~~natural resources~~ is hereby authorized and empowered:

15 **SECTION 2349r.** 87.14 of the statutes is amended to read:

16 **87.14 Operation and maintenance.** The flood control board is authorized  
17 to sell, lease, or lease with power to purchase, any reservoir proposed to be  
18 constructed, in the process of construction or completed, to a duly organized river  
19 improvement company as defined by s. 182.016, on such terms and conditions as are  
20 approved by the department of ~~natural resources~~ as hereinafter provided. Unless so  
21 leased or sold it shall be the duty of the flood control board to maintain and operate  
22 said improvement. The cost of operation and maintenance during the period  
23 intervening between the completion of said improvement and the date when funds  
24 provided under this section become available shall be paid from the funds provided  
25 for maintenance pursuant to the estimate made by the department as provided in s.

1 87.07 (3). Prior to the first day of November in each year the flood control board shall  
2 certify to the clerk of each town, village and city in which lands to be benefited by the  
3 improvement are located an estimated budget, detailed as far as practicable, of the  
4 cost of operation and maintenance of said improvement for the succeeding calendar  
5 year, together with the amount due upon any judgments outstanding against the  
6 board, except those judgments from which the board has appealed or intends to  
7 appeal, and shall certify at the same time the portion of such cost to be borne by each  
8 such town, village and city. This shall be determined in the same manner and  
9 according to the same proportions as provided in s. 87.10 (1) (c). It shall thereupon  
10 become the duty of each such town, village and city to include in its next succeeding  
11 tax levy the amount so certified and to forward such amount, on or before March 15  
12 following, to the flood control board.

13 **SECTION 2349w.** 87.18 of the statutes is amended to read:

14 **87.18 Lease, sale and lease with option to purchase the project.**  
15 Whenever the flood control project consists of a storage reservoir and authority to  
16 create, operate and maintain a reservoir on the river affected by such storage  
17 reservoir is vested in a duly organized river improvement company as defined by s.  
18 182.016, and the petitioners file with the department of natural resources a petition  
19 and a proposed contract with such improvement company for a lease, sale, or lease  
20 with option to purchase said reservoir, and the department finds the terms and  
21 conditions of such contract are sufficient to assure the payment of the amount the  
22 board will be obligated to pay for the cost of the reservoir and the maintenance and  
23 operation of the same, and the project will secure effective flood control and  
24 promotion of the public welfare, then notices, proceedings and assessments provided  
25 by ss. 87.04 to 87.12 are not required. The department, however, shall make findings

1 as required by s. 87.05 and shall order that the flood control board be appointed and  
2 shall so certify to the governor as provided by s. 87.12. The governor shall thereupon  
3 appoint the board as provided in said s. 87.12. The proposed contract filed with the  
4 department by petitioners for the sale, lease, or lease with option to purchase said  
5 reservoir property shall not be binding upon the board so appointed unless the board  
6 approves such contract. Upon approval the board shall so report to the department  
7 and file with it a final contract executed by the board and lessee or purchaser. The  
8 department has authority to approve or disapprove such contract. If the department  
9 approves such contract, then it shall be final and the department shall thereupon  
10 order the board to proceed with the work. When such reservoir property is sold and  
11 the purchase price has been fully paid and any indebtedness assumed by the  
12 purchaser has been paid and discharged, including the fees and expenses of the  
13 board, and the department so finds, the said board shall thereupon be dissolved by  
14 order of the department.

15 **SECTION 2350e.** 88.05 (4) (a) of the statutes is amended to read:

16 88.05 (4) (a) The chairperson of the county highway committee except in a  
17 county with a highway commissioner appointed under s. 83.01 (1) (c), the highway  
18 commissioner; the chairperson of the county land conservation committee in the  
19 county involved; the secretary of ~~natural resources~~ environmental management; the  
20 state drainage engineer; and, where a railroad company is involved, the person  
21 specified in sub. (6).

22 **SECTION 2350v.** 88.11 (1) (e) of the statutes is amended to read:

23 88.11 (1) (e) Coordinate district activities with the department of ~~natural~~  
24 ~~resources~~ environmental management.

25 **SECTION 2351c.** 88.11 (1) (i) of the statutes is amended to read:

1           88.11 (1) (i) Establish, by rule, performance standards for drainage district  
2 structures, ditches, maintenance and operations, in order to minimize adverse  
3 effects on water quality. The performance standards shall be consistent with any  
4 requirements imposed by the department of ~~natural resources~~ environmental  
5 management under s. 88.31.

6           **SECTION 2351e.** 88.11 (2) of the statutes is amended to read:

7           88.11 (2) The state drainage engineer shall provide technical assistance to  
8 improve district operations on the request of the department of ~~natural resources~~  
9 environmental management, drainage board, landowners in the district or the  
10 judge.”.

11           **1344.** Page 881, line 10: after that line insert:

12           “**SECTION 2353b.** 88.31 (title) of the statutes is amended to read:

13           **88.31** (title) ~~Special procedure in cases affecting~~ Drainage work in  
14 navigable waters.

15           **SECTION 2353e.** 88.31 (1) to (7m) of the statutes are repealed.

16           **SECTION 2353g.** 88.31 (8) (intro.) of the statutes is amended to read:

17           88.31 (8) (intro.) Subject to other restrictions imposed by this chapter, a  
18 drainage board which has obtained all of the permits as required under ~~this chapter~~  
19 ~~and ch. 30~~ may:

20           **SECTION 2353i.** 88.35 (5m) of the statutes is repealed.

21           **SECTION 2353k.** 88.35 (6) (intro.) of the statutes is amended to read:

22           88.35 (6) (intro.) Upon the completion of its duties under subs. (1) to ~~(5m)~~ (5),  
23 the board shall prepare a written report, including a copy of any maps, plans or

1 profiles that it has prepared. The assessment of benefits and awards of damages  
2 shall be set forth in substantially the following form:

3 **SECTION 2353m.** 88.62 (3) (a) of the statutes is renumbered 88.62 (3) and  
4 amended to read:

5 **88.62 (3)** If drainage work is undertaken in navigable waters, the drainage  
6 board shall obtain ~~a permit under s. 30.20 or 88.31 or ch. 31, as directed by the~~  
7 ~~department of natural resources, except as provided in par. (b)~~ any permit that is  
8 required under ch. 30 or 31.

9 **SECTION 2353p.** 88.62 (3) (b) of the statutes is repealed.

10 **SECTION 2353r.** 88.72 (3) of the statutes is amended to read:

11 **88.72 (3)** At the hearing on the petition, any interested person may appear and  
12 contest its sufficiency and the necessity for the work. If the drainage board finds that  
13 the petition has the proper number of signers and that to afford an adequate outlet  
14 it is necessary to remove dams or other obstructions from waters and streams which  
15 may be navigable, or to straighten, clean out, deepen, or widen any waters or streams  
16 either within or beyond the limits of the district, the board shall obtain any permit  
17 that is required under ~~this chapter or~~ ch. 30 or 31.

18 **SECTION 2353t.** 88.72 (4) of the statutes is amended to read:

19 **88.72 (4)** Within 30 days after the department of natural resources has issued  
20 all of the permits as required under ~~this chapter and~~ chs. 30 and 31, the board shall  
21 proceed to estimate the cost of the work, including the expenses of the proceeding  
22 together with the damages that will result from the work, and shall, within a  
23 reasonable time, award damages to all lands damaged by the work and assess the  
24 cost of the work against the lands in the district in proportion to the assessment of  
25 benefits then in force.

1           **SECTION 2378m.** 88.95 of the statutes is created to read:

2           **88.95 Geographic information system maps.** If a county prepares a  
3 geographic information system map in preliminary form and the map includes a  
4 stream, ditch, dike, or levee, the county shall furnish each drainage district in which  
5 the land is located with a copy of the map. No later than 120 days after the drainage  
6 district receives the map, the drainage district shall provide notice to the county if  
7 the drainage district determines that there is an error or omission in the map. If the  
8 drainage district provides such notice, the county shall correct the error or omission  
9 on the map. If the county does not correct the error or omission because it does not  
10 concur with the drainage district, the county shall notify the drainage district and  
11 the land information board and the land information board shall resolve the  
12 conflict.”.

13           **SECTION 2357b.** 88.62 (3) of the statutes is amended to read:

14           **88.62 (3)** (a) If drainage work is undertaken in navigable waters, the drainage  
15 board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the  
16 department of ~~natural resources~~ environmental management, except as provided in  
17 par. (b).

18           (b) If drainage work is undertaken in navigable waters located in the Duck  
19 Creek Drainage District, the board for that district shall obtain a permit under s.  
20 30.20 or ch. 31, as directed by the department of ~~natural resources~~ environmental  
21 management.

22           **SECTION 2360b.** 88.72 (4) of the statutes is amended to read:

23           **88.72 (4)** Within 30 days after the department of ~~natural resources~~  
24 environmental management has issued all of the permits as required under this  
25 chapter and chs. 30 and 31, the board shall proceed to estimate the cost of the work,

1 including the expenses of the proceeding together with the damages that will result  
2 from the work, and shall, within a reasonable time, award damages to all lands  
3 damaged by the work and assess the cost of the work against the lands in the district  
4 in proportion to the assessment of benefits then in force.

5 **SECTION 2360f.** 91.01 (6) of the statutes is amended to read:

6 91.01 (6) “Eligible farmland” means a parcel of 35 or more acres of contiguous  
7 land which is devoted primarily to agricultural use, including land designated by the  
8 department of ~~natural resources~~ fish, wildlife, parks, and forestry as part of the ice  
9 age trail under s. 23.17, which during the year preceding application for a farmland  
10 preservation agreement produced gross farm profits, as defined in s. 71.58 (4), of not  
11 less than \$6,000 or which, during the 3 years preceding application produced gross  
12 farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or  
13 more acres of which at least 35 acres, during part or all of the year preceding  
14 application, were enrolled in the conservation reserve program under 16 USC 3831  
15 to 3836.

16 **SECTION 2378e.** 92.04 (2) (e) of the statutes is amended to read:

17 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the  
18 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make  
19 recommendations on the plan to the department and to the department of ~~natural~~  
20 ~~resources~~ environmental management.

21 **SECTION 2378h.** 92.05 (1) of the statutes is amended to read:

22 92.05 (1) **CENTRAL AGENCY.** The department is the central agency of this state  
23 responsible for setting and implementing statewide soil and water conservation  
24 policies and administering the state’s soil and water conservation programs. The  
25 department shall coordinate its soil and water conservation program with the



1 nonpoint source water pollution abatement program established under s. 281.65, the  
2 inland lake protection and rehabilitation program established under ch. 33 and other  
3 programs with objectives related to soil and water conservation administered by the  
4 department of ~~natural resources~~ environmental management or by other state or  
5 federal agencies.

6 **SECTION 2379k.** 92.10 (6) (a) 1. of the statutes is amended to read:

7 92.10 **(6)** (a) 1. Includes an assessment of water quality and soil erosion  
8 conditions throughout the county, including any assessment available from the  
9 department of ~~natural resources~~ environmental management.

10 **SECTION 2379n.** 92.10 (8) of the statutes is amended to read:

11 92.10 **(8)** DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~ ENVIRONMENTAL  
12 MANAGEMENT. The department of ~~natural resources~~ environmental management  
13 shall provide counties with assistance in land and water resource management  
14 planning, including providing available water quality data and information,  
15 providing training and support for water resource assessments and appraisals and  
16 providing related program information.

17 **SECTION 2379t.** 92.14 (2) (j) of the statutes is amended to read:

18 92.14 **(2)** (j) Enhancing the administration and coordination of state nonpoint  
19 source water pollution abatement activities by the department and the department  
20 of ~~natural resources~~ environmental management, including providing a single  
21 process for grant application, funding allocation, reporting and evaluation.”.

22 **1345.** Page 881, line 25: delete “, equal to at least” and substitute “by rule,  
23 equal to”.

24 **1346.** Page 882, line 1: delete “at least”.

1           **1347.** Page 882, line 11: after that line insert:

2           “**SECTION 2382.** 93.06 (8) of the statutes is amended to read:

3           93.06 **(8)** PRESCRIBE CONDITIONS OF LICENSES. Except as provided in s. 93.135,  
4 issue any permit, certificate, registration or license on a temporary or conditional  
5 basis, contingent upon pertinent circumstances or acts. If the temporary or  
6 conditional permit, certificate, registration or license is conditioned upon compliance  
7 with chs. 93 to 100, ch. ~~127~~ 126, a rule promulgated by the department or a regulation  
8 adopted under s. 97.41 (7) within a specified period of time and the condition is not  
9 met within the specified period, the permit, certificate, registration or license shall  
10 be void.”.

11           **1348.** Page 882, line 11: after that line insert:

12           “**SECTION 2380c.** 92.14 (6) (b) of the statutes is amended to read:

13           92.14 **(6)** (b) The department and the department of ~~natural resources~~  
14 environmental management shall prepare an annual grant allocation plan  
15 identifying the amounts to be provided to counties under this section and ss. 281.65  
16 and 281.66. In the allocation plan, the departments shall attempt to provide funding  
17 under this section for an average of 3 staff persons per county with full funding for  
18 the first staff person, 70% funding for the 2nd staff person and 50% funding for any  
19 additional staff persons and to provide an average of \$100,000 per county for  
20 cost-sharing grants. The department shall submit that plan to the board.

21           **SECTION 2380d.** 92.14 (6) (d) of the statutes is amended to read:

22           92.14 **(6)** (d) The board shall review the annual allocation plan submitted to  
23 it under par. (b) and make recommendations to the department of agriculture, trade

1 and consumer protection and the department of ~~natural resources~~ environmental  
2 management on approval, modification or disapproval of the plan.

3 **SECTION 2380e.** 92.14 (6) (h) 3. of the statutes is amended to read:

4 92.14 **(6)** (h) 3. Nothing in this paragraph affects the authority of the  
5 department of ~~natural resources~~ environmental management to act under ch. 283.

6 **SECTION 2380f.** 92.14 (6) (m) of the statutes is amended to read:

7 92.14 **(6)** (m) The department of agriculture, trade and consumer protection  
8 and the department of ~~natural resources~~ environmental management shall assist  
9 counties in conducting the activities for which grants under sub. (3) may be used.

10 **SECTION 2380g.** 92.14 (8) of the statutes is amended to read:

11 92.14 **(8)** RULES. In consultation with the department of ~~natural resources~~  
12 environmental management, the department shall promulgate rules to administer  
13 this section and the department's duties under s. 281.65.

14 **SECTION 2380h.** 92.14 (12) of the statutes is amended to read:

15 92.14 **(12)** ANNUAL REPORT. Annually, the department, in cooperation with the  
16 department of ~~natural resources~~ environmental management, shall submit a report  
17 on the progress of the program under this section and s. 281.65 to the board.

18 **SECTION 2380j.** 92.14 (13) of the statutes is amended to read:

19 92.14 **(13)** EVALUATION PLAN. The department, jointly with the department of  
20 ~~natural resources~~ environmental management, shall prepare a plan, which includes  
21 water quality monitoring and analysis, for evaluating the program administered  
22 under this section and s. 281.65 and submit the plan to the board. The board shall  
23 make recommendations to the department and the department of ~~natural resources~~  
24 environmental management on the plan. The department shall review and approve  
25 or disapprove the plan and shall notify the board of its final action on the plan. The

1 department shall implement any part of the plan for which the plan gives it  
2 responsibility.

3 **SECTION 2380k.** 92.14 (14) of the statutes is amended to read:

4 92.14 **(14)** APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The  
5 department, jointly with the department of ~~natural resources~~ environmental  
6 management, shall develop a single set of grant application, reporting and  
7 evaluation forms for use by counties receiving grants under this section and ss.  
8 281.65 and 281.66. The department, jointly with the department of ~~natural~~  
9 ~~resources~~ environmental management, shall implement a single process for grant  
10 application, funding allocation, reporting and evaluation for counties receiving  
11 grants under this section and ss. 281.65 and 281.66.

12 **SECTION 2380L.** 92.14 (14m) of the statutes is amended to read:

13 92.14 **(14m)** COORDINATION. The department of agriculture, trade and  
14 consumer protection and the department of ~~natural resources~~ environmental  
15 management, jointly, shall review applications from counties for grants under sub.  
16 (5r) and, for projects and activities selected to receive funding shall determine  
17 whether to provide funding under this section or under s. 281.65 or 281.66.

18 **SECTION 2380n.** 92.14 (15) of the statutes is amended to read:

19 92.14 **(15)** FINANCIAL INFORMATION. The department shall consult with the  
20 department of ~~natural resources~~ environmental management when it prepares the  
21 information which it submits to the department of administration under s. 16.42.

22 **SECTION 2380p.** 92.15 (3) of the statutes is amended to read:

23 92.15 **(3)** (a) Notwithstanding ss. 92.11 and 92.17, a local governmental unit  
24 may enact regulations of livestock operations that exceed the performance  
25 standards, prohibitions, conservation practices and technical standards under s.

1 281.16 (3) only if the local governmental unit demonstrates to the satisfaction of the  
2 department of agriculture, trade and consumer protection or the department of  
3 ~~natural resources~~ environmental management that the regulations are necessary to  
4 achieve water quality standards under s. 281.15.

5 (b) The department of agriculture, trade and consumer protection and the  
6 department of ~~natural resources~~ environmental management shall, by rule, specify  
7 procedures for review and approval of proposed local governmental unit regulations  
8 under par. (a).

9 **SECTION 2380r.** 92.18 (4) of the statutes is amended to read:

10 92.18 (4) The department shall promulgate rules under this section in  
11 consultation with the department of ~~natural resources~~ environmental management.

12 **SECTION 2380s.** 92.18 (5) of the statutes is amended to read:

13 92.18 (5) Any training required under this section may be conducted by the  
14 department or the department of ~~natural resources~~ environmental management or  
15 by another person with the approval of the department.”.

16 **1349.** Page 882, line 11: after that line insert:

17 “**SECTION 2381.** 93.01 (1m) of the statutes is amended to read:

18 93.01 (1m) “Business” includes any business, except that of banks, savings  
19 banks, credit unions, savings and loan associations, and insurance companies.

20 “Business” includes public utilities and telecommunications carriers to the extent  
21 that their activities, beyond registration, notice, and reporting activities, are not  
22 regulated by the public service commission and includes public utility and  
23 telecommunications carrier methods of competition or trade and advertising  
24 practices that are exempt from regulation by the public service commission under s.

1 196.195, 196.196, 196.202, 196.203, 196.219, or 196.499 or by other action of the  
2 commission.”.

3 **1350.** Page 882, line 13: delete the material beginning with “From” and  
4 ending with “provide” on line 14 and substitute “Provide”.

5 **1351.** Page 882, line 16: after that line insert:

6 “SECTION 2385. 93.135 (1) (rm) of the statutes is amended to read:

7 93.135 (1) (rm) A registration certificate license under s. 100.03 ~~(2)~~ 126.56.

8 SECTION 2386. 93.135 (1) (s) of the statutes is amended to read:

9 93.135 (1) (s) A license under s. ~~127.02 (1)~~ 126.26.

10 SECTION 2387. 93.135 (1) (sm) of the statutes is amended to read:

11 93.135 (1) (sm) A license under s. ~~127.03 (1)~~ 126.11.

12 SECTION 2388. 93.20 (1) of the statutes is amended to read:

13 93.20 (1) DEFINITION. In this section, “action” means an action that is  
14 commenced in court by, or on behalf of, the department of agriculture, trade and  
15 consumer protection to enforce chs. 88, 91 to 100 or ~~127~~ 126.

16 SECTION 2389. 93.21 (5) (a) of the statutes is amended to read:

17 93.21 (5) (a) In this subsection, “license” means a permit, certificate,  
18 registration or license issued by the department under chs. 91 to 100 or ch. ~~127~~ 126.”.

19 **1352.** Page 882, line 16: after that line insert:

20 “SECTION 2384g. 93.12 (5) of the statutes is amended to read:

21 93.12 (5) The department shall establish uniform minimum standards to be  
22 used in the evaluation and certification of laboratory examinations. The department  
23 shall submit any rules proposed under this subsection which affect the laboratory  
24 certification program under s. 299.11 to the department of ~~natural resources~~

1 environmental management and to the state laboratory of hygiene for review and  
2 comment. These rules may not take effect unless they are approved by the  
3 department of ~~natural resources~~ environmental management within 6 months after  
4 submission.

5 **SECTION 2384j.** 93.12 (8) of the statutes is amended to read:

6 93.12 (8) The department shall enter into a memorandum of understanding  
7 with the department of ~~natural resources~~ environmental management setting forth  
8 the responsibilities of each department in administering the laboratory certification  
9 programs under sub. (5) and s. 299.11. The memorandum of understanding shall  
10 include measures to be taken by each department to avoid duplication of application  
11 and compliance procedures for laboratory certification.

12 **SECTION 2384L.** 93.12 (9) of the statutes is amended to read:

13 93.12 (9) The department shall recognize the certification or registration of a  
14 laboratory by the department of ~~natural resources~~ environmental management  
15 under s. 299.11 and shall accept the results of any test conducted by a laboratory  
16 certified or registered to conduct that category of test under that section.”.

17 **1353.** Page 882, line 17: after that line insert:

18 “**SECTION 2390p.** 93.32 of the statutes is created to read:

19 **93.32 Agriculture in the classroom program.** From the appropriation  
20 account under s. 20.115 (4) (q), the department shall provide grants to the  
21 organization that conducts an agriculture in the classroom program in cooperation  
22 with the federal department of agriculture to help teachers educate students about  
23 agriculture.”.

24 **1354.** Page 882, line 17: after that line insert:

1           “**SECTION 2390v.** 93.45 of the statutes is created to read:

2           **93.45 Wisconsin agricultural research and development initiative. (1)**

3           From the appropriation account under s. 20.115 (4) (am), the department shall  
4           provide funds to a nonprofit corporation for grants for agricultural research and  
5           development projects and administrative costs associated with making those grants  
6           if all of the following apply:

7           (a) The nonprofit corporation is described in section 501 (c) of the Internal  
8           Revenue Code, as defined in s. 71.22 (4), and is exempt from federal taxation under  
9           section 501 (a) of the Internal Revenue Code.

10          (b) The nonprofit corporation has as its primary purpose the promotion and  
11          funding of agricultural research and development projects to benefit agricultural  
12          producers in this state.

13          (c) The board of directors of the nonprofit corporation consists of persons  
14          selected by organizations that represent agricultural production in this state.

15          (d) The board of directors of the nonprofit corporation selects agricultural  
16          research and development projects for funding based on research priorities  
17          identified by the board of directors and recommendations by technical advisory  
18          groups established by the board of directors.

19          **(1m)** A nonprofit corporation that receives funds under this section may make  
20          a grant only pursuant to an agreement with the recipient. The nonprofit corporation  
21          shall submit a final draft of any proposed agreement between the nonprofit  
22          corporation and a grant recipient to the department for review. The department  
23          shall either approve or disapprove the proposed agreement within 30 days after  
24          receiving it. The decision of the department approving or disapproving a proposed  
25          agreement is final and is not subject to judicial review under ch. 227. A proposed



1 agreement, a final agreement between the nonprofit corporation and a grant  
2 recipient, and any amendments to an agreement are public records.

3 (2) A nonprofit corporation that receives funds under this section shall do all  
4 of the following:

5 (a) Require each recipient of a grant to submit a final research report to the  
6 nonprofit corporation and require an annual report for each project funded for more  
7 than 12 months.

8 (b) Require each recipient of a grant to convey research findings to potential  
9 users of those findings.

10 (c) Submit an annual report to the legislature, under s. 13.172 (2), and to the  
11 governor describing expenditures of funds received under this section and the  
12 progress and results of research and development projects funded under this section.

13 (3) A nonprofit corporation that receives funds under this section may do any  
14 of the following:

15 (a) Require a person receiving a grant for an agricultural research and  
16 development project to obtain a portion of the funds needed for the project from other  
17 sources.

18 (b) Use funds received under this section to purchase administrative services  
19 from any public or private entity.

20 (4) The department shall promulgate rules for the implementation of this  
21 section.”.

22 **1355.** Page 882, line 17: after that line insert:

23 “SECTION 2390p. 93.46 (1m) (a) 2. of the statutes is amended to read:

1           93.46 (1m) (a) 2. Coordinating the aquaculture activities of the department  
2 with the aquaculture activities of the department of ~~natural resources~~ fish, wildlife,  
3 parks, and forestry and the University of Wisconsin System.

4           **SECTION 2390q.** 93.46 (1m) (a) 3. of the statutes is amended to read:

5           93.46 (1m) (a) 3. Conducting meetings on a quarterly basis between  
6 representatives of the department, the department of ~~natural resources~~ fish,  
7 wildlife, parks, and forestry and the University of Wisconsin System to exchange  
8 information regarding the progress of their efforts to promote commercial  
9 aquaculture in this state.

10          **SECTION 2390t.** 93.46 (1m) (b) of the statutes is amended to read:

11          93.46 (1m) (b) The department of ~~natural resources~~ fish, wildlife, parks, and  
12 forestry and the department of environmental management shall assist persons in  
13 obtaining any license or approval required by any state or federal agency to conduct  
14 a commercial aquaculture operation.”.

15          **1356.** Page 882, line 24: after that line insert:

16          “**SECTION 2394.** 93.50 (1) (g) of the statutes is amended to read:

17          93.50 (1) (g) “Procurement contract” has the meaning given for “vegetable  
18 procurement contract” in s. ~~100.03 (1) (vm)~~ 126.55 (15).”.

19          **1357.** Page 882, line 24: after that line insert:

20          “**SECTION 2394p.** 93.80 of the statutes is created to read:

21          **93.80 Arsenic in wood. (1)** The department, jointly with the department of  
22 commerce, shall review scientific evidence to determine whether there is a  
23 substantial likelihood that wood treated with copper, chromium, and arsenic is

1 harmful to the environment. The departments shall report the results of their review  
2 to the legislature under s. 13.172 (2) no later than June 30, 2002.

3 (2) If the department and the department of commerce determine under sub.  
4 (1) that there is a substantial likelihood that wood treated with copper, chromium,  
5 and arsenic is harmful to the environment, the departments jointly shall promulgate  
6 rules that phase in restrictions on the use of wood treated with copper, chromium,  
7 and arsenic. The departments may not prohibit the use of wood treated with copper,  
8 chromium, and arsenic for a purpose unless there is a substitute wood preservative  
9 that may be used for that purpose and that is less harmful.

10 (3) Any person who violates a rule promulgated under sub. (2) may be required  
11 to forfeit not more than \$500 for each violation.”.

12 **1358.** Page 882, line 24: after that line insert:

13 “SECTION 2395b. 94.02 (4) of the statutes is amended to read:

14 94.02 (4) This section pertains to the abatement of pests on agricultural lands  
15 and on agricultural business premises. This section does not affect the authority of  
16 the department of ~~natural resources~~ fish, wildlife, parks, and forestry under ch. 26.

17 SECTION 2395t. 94.65 (3) (a) 3. of the statutes is amended to read:

18 94.65 (3) (a) 3. No permit is required for the landspreading of sewage sludge  
19 under a pollutant discharge elimination system permit issued by the department of  
20 ~~natural resources~~ environmental management under s. 283.31 or 283.35.”.

21 **1359.** Page 882, line 25: delete the material beginning with that line and  
22 ending with page 888, line 10.

23 **1360.** Page 888, line 10: after that line insert:

24 “SECTION 2397c. 94.73 (1) (b) of the statutes is amended to read:

1           94.73 (1) (b) “Corrective action” means action that is taken in response to a  
2 discharge and that is necessary to restore the environment to the extent practicable  
3 and to minimize the harmful effects of the discharge to the air, lands or waters of this  
4 state. “Corrective action” includes action taken or ordered by the department of  
5 ~~natural resources~~ environmental management under s. 292.11 (7) in response to a  
6 discharge, but does not include action ordered by the department of ~~natural~~  
7 ~~resources~~ environmental management under s. 291.37 (2) or 291.95. “Corrective  
8 action” does not include action taken, or ordered to be completed, before  
9 January 1, 1989.

10           **SECTION 2397e.** 94.73 (2) (a) of the statutes is amended to read:

11           94.73 (2) (a) The department may issue an order requiring a responsible person  
12 to take corrective action. Except as provided in a memorandum of understanding  
13 under sub. (12), if a discharge involves a hazardous substance that may also become  
14 a hazardous waste, the department and the department of ~~natural resources~~  
15 environmental management shall consult to determine whether corrective action  
16 should be taken under this section or s. 291.37 (2), 291.95 (1) or 292.31 (3).

17           **SECTION 2397f.** 94.73 (2m) (intro.) of the statutes is amended to read:

18           94.73 (2m) ~~CORRECTIVE ACTION ORDERED BY THE DEPARTMENT OF NATURAL~~  
19 ~~RESOURCES~~ ENVIRONMENTAL MANAGEMENT. (intro.) The department of ~~natural~~  
20 ~~resources~~ environmental management may take action under s. 292.11 (7) (a) or may  
21 issue an order under s. 292.11 (7) (c) in response to a discharge only if one or more  
22 of the following apply:

23           **SECTION 2397g.** 94.73 (2m) (b) of the statutes is amended to read:

1           94.73 (2m) (b) The department of agriculture, trade and consumer protection  
2 requests the department of ~~natural resources~~ environmental management to take  
3 the action or issue the order.

4           **SECTION 2397h.** 94.73 (2m) (c) of the statutes is amended to read:

5           94.73 (2m) (c) The secretary of ~~natural resources~~ environmental management  
6 approves the action or order in advance after notice to the secretary of agriculture,  
7 trade and consumer protection.

8           **SECTION 2397i.** 94.73 (2m) (d) of the statutes is amended to read:

9           94.73 (2m) (d) The department of ~~natural resources~~ environmental  
10 management takes action under s. 292.11 (7) (a) after the responsible person fails to  
11 comply with an order that was issued under s. 292.11 (7) (c) in compliance with this  
12 subsection.

13           **SECTION 2397j.** 94.73 (2m) (e) of the statutes is amended to read:

14           94.73 (2m) (e) The department of ~~natural resources~~ environmental  
15 management takes the action or issues the order in compliance with a memorandum  
16 of understanding under sub. (12) between the department of agriculture, trade and  
17 consumer protection and the department of ~~natural resources~~ environmental  
18 management

19           **SECTION 2397k.** 94.73 (3) (d) of the statutes is amended to read:

20           94.73 (3) (d) The applicant has complied with every corrective action order  
21 issued to the applicant by the department under sub. (2) or the department of ~~natural~~  
22 ~~resources~~ environmental management under s. 292.11 (7) (c).

23           **SECTION 2397L.** 94.73 (3) (f) of the statutes is amended to read:

24           94.73 (3) (f) The applicant, upon discovery of the discharge, promptly reported  
25 the discharge to the department or, if the applicant was required to report the

1 discharge under s. 292.11 (2), to the department of ~~natural resources~~ environmental  
2 management.

3 **SECTION 2397n.** 94.73 (3m) (a) of the statutes is amended to read:

4 94.73 (3m) (a) Costs for corrective action taken in response to a discharge that  
5 is an intentional use of an agricultural chemical for agricultural purposes, unless the  
6 corrective action is ordered by the department under sub. (2) or by the department  
7 of ~~natural resources~~ environmental management under s. 292.11 (7) (c).

8 **SECTION 2397p.** 94.73 (3m) (b) of the statutes is amended to read:

9 94.73 (3m) (b) Costs of reimbursing the department of ~~natural resources~~  
10 environmental management for action taken under s. 292.11 (7) (a) or 292.31 (1), (3)  
11 or (7) because the applicant failed to respond adequately to a discharge.

12 **SECTION 2397q.** 94.73 (3m) (e) of the statutes is amended to read:

13 94.73 (3m) (e) Costs for corrective action taken in response to a discharge from  
14 a facility that is required to be licensed under s. 289.31 or that would be required to  
15 be licensed except that the department of ~~natural resources~~ environmental  
16 management has issued a specific exemption under s. 289.43 or rules promulgated  
17 under s. 289.05 (1) or (2).

18 **SECTION 2397r.** 94.73 (3m) (r) of the statutes is amended to read:

19 94.73 (3m) (r) The cost of providing alternative sources of drinking water,  
20 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible  
21 person who applies for reimbursement a total of not more than \$20,000 for the  
22 replacement of private wells if the department or the department of ~~natural~~  
23 ~~resources~~ environmental management orders the well replacement in response to a  
24 discharge.

25 **SECTION 2397s.** 94.73 (4) (b) of the statutes is amended to read:

1           94.73 (4) (b) Except as agreed under sub. (12), the department of agriculture,  
2 trade and consumer protection shall promptly furnish the department of ~~natural~~  
3 ~~resources~~ environmental management with a copy of each work plan submitted to  
4 the department of agriculture, trade and consumer protection under par. (a) for  
5 comment by the department of ~~natural resources~~ environmental management.  
6 Within 14 days after it receives a copy of a work plan or within a different time period  
7 agreed to under sub. (12), the department of ~~natural resources~~ environmental  
8 management may provide the department of agriculture, trade and consumer  
9 protection with any comments of the department of ~~natural resources~~ environmental  
10 management on the work plan. If the department of ~~natural resources~~  
11 environmental management timely submits written comments on a proposed work  
12 plan, the department of agriculture, trade and consumer protection shall either  
13 incorporate those comments into the approved work plan or give the department of  
14 ~~natural resources~~ environmental management a written explanation of why the  
15 comments were not incorporated.

16           **SECTION 2397t.** 94.73 (9) of the statutes is amended to read:

17           94.73 (9) SAMPLING REQUIREMENTS. The department, in cooperation with the  
18 department of ~~natural resources~~ environmental management, shall establish a  
19 program for the collection and analysis of soil and other environmental samples at  
20 sites where discharges may have occurred, including sites required to be registered  
21 according to rules promulgated by the department of agriculture, trade and  
22 consumer protection under sub. (11).

23           **SECTION 2397u.** 94.73 (12) of the statutes is amended to read:

24           94.73 (12) MEMORANDUM OF UNDERSTANDING. The department and the  
25 department of ~~natural resources~~ environmental management shall enter into a

1 memorandum of understanding establishing their respective functions in the  
2 administration of this section. The memorandum of understanding shall establish  
3 procedures to ensure that corrective actions taken under this section are consistent  
4 with actions taken under s. 292.11 (7). The department and the department of  
5 ~~natural resources~~ environmental management may request that the secretary of  
6 administration provide assistance in accomplishing the memorandum of  
7 understanding.”.

8 **1361.** Page 888, line 11: after that line insert:

9 “SECTION 2398g. 95.60 (2) (d) of the statutes is amended to read:

10 95.60 (2) (d) The department of ~~natural resources~~ fish, wildlife, parks, and  
11 forestry is exempt from par. (a).

12 SECTION 2398h. 95.60 (4s) (a) of the statutes is amended to read:

13 95.60 (4s) (a) In consultation with the department of ~~natural resources~~ fish,  
14 wildlife, parks, and forestry, promulgate rules specifying requirements for the  
15 labeling and identification, in commerce, of fish reared in fish farms.

16 SECTION 2398i. 95.60 (4s) (b) of the statutes is amended to read:

17 95.60 (4s) (b) In consultation with the department of ~~natural resources~~ fish,  
18 wildlife, parks, and forestry, promulgate rules specifying fish health standards and  
19 requirements for certifying that fish meet those standards for the purpose of s.  
20 29.736.

21 SECTION 2398j. 95.60 (4s) (c) of the statutes is amended to read:

22 95.60 (4s) (c) In consultation with the department of ~~natural resources~~ fish,  
23 wildlife, parks, and forestry, promulgate rules specifying the qualifications that a  
24 person who is not a veterinarian must satisfy in order to issue fish health certificates.



1           **SECTION 2398k.** 95.60 (4s) (d) of the statutes is amended to read:

2           95.60 **(4s)** (d) In consultation with the department of ~~natural resources~~ fish,  
3 wildlife, parks, and forestry, promulgate rules specifying diseases and requirements  
4 for certifying that fish are free of those diseases for the purposes of sub. (2) (b).

5           **SECTION 2398L.** 95.60 (6) of the statutes is amended to read:

6           95.60 **(6)** (a) No person, except the department of ~~natural resources~~ fish,  
7 wildlife, parks, and forestry, may rear lake sturgeon in a fish farm.

8           (c) The department, in consultation with the department of ~~natural resources~~  
9 fish, wildlife, parks, and forestry, shall study regulatory options that would enable  
10 commercial rearing of lake sturgeon while protecting the wild lake sturgeon  
11 population. The department shall submit the results of the study to the legislature  
12 under s. 13.172 (2) no later than December 31, 2000.”.

13           **1362.** Page 888, line 15: after that line insert:

14           “**SECTION 2400.** 97.20 (2) (d) 2. of the statutes is amended to read:

15           97.20 **(2)** (d) 2. The license applicant has filed all financial information required  
16 under s. 126.44 and any security required under s. ~~100.06~~ 126.47. If an applicant has  
17 not filed all financial information under s. 126.44 and any security required under  
18 s. ~~100.06~~ 126.47, the department may issue a conditional dairy plant license under  
19 s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk  
20 products from milk producers or their agents, but allows the operator to purchase  
21 milk or fluid milk products from other sources.

22           **SECTION 2401.** 97.20 (3m) of the statutes is amended to read:

23           97.20 **(3m)** CONFIDENTIALITY. Any information kept by the department under  
24 this section or s. 97.24 that identifies individual milk producers who deliver milk to

1 a dairy plant licensed under this section and that is a composite list for that dairy  
2 plant is not subject to inspection under s. 19.35 unless inspection is required under  
3 s. ~~100.06 (4)~~ 126.70 or unless the department determines that inspection is necessary  
4 to protect the public health, safety or welfare.

5 **SECTION 2402.** 97.22 (10) of the statutes is amended to read:

6 97.22 **(10)** CONFIDENTIALITY. Any information obtained and kept by the  
7 department under this section, under s. 97.24 or 97.52, or under rules promulgated  
8 under those sections, that pertains to individual milk producer production, milk fat  
9 and other component tests and quality records is not subject to inspection under s.  
10 19.35 except as required under s. ~~100.06 (4)~~ 126.70 or except as the department  
11 determines is necessary to protect the public health, safety or welfare.

12 **SECTION 2403.** 97.29 (4) of the statutes is amended to read:

13 97.29 **(4)** FOOD PROCESSING PLANTS BUYING VEGETABLES FROM PRODUCERS. The  
14 department may not issue or renew a license to operate a food processing plant to any  
15 applicant who is a vegetable contractor, as defined in s. ~~100.03 (1) (f)~~ 126.55 (14),  
16 unless the applicant has filed all financial information required under s. 126.58 and  
17 any security that is required under s. ~~100.03~~ 126.61. If an applicant has not filed all  
18 financial information required under s. 126.58 and any security that is required  
19 under s. ~~100.03~~ 126.61, the department may issue a conditional license under s. 93.06  
20 (8) that prohibits the licensed operator from procuring vegetables from a producer  
21 or a producer's agent, but allows the operator to procure vegetables from other  
22 sources.”.

23 **1363.** Page 888, line 15: after that line insert:

24 **“SECTION 2403c.** 97.42 (3) (d) of the statutes is amended to read:

1           97.42 (3) (d) *Custom service slaughtering*. This subsection shall not apply to  
2 animals and poultry slaughtered as a custom service for the owner ~~exclusively for use~~  
3 ~~by the owner and members of the owner's household and the owner's nonpaying~~  
4 ~~guests and employees~~ if the slaughterer is not involved with the sale of the meat,  
5 unless department inspection is specifically requested and performed at  
6 establishments where examinations before and after slaughter are required. The  
7 rules of the department shall make provision for the furnishing of such inspection  
8 service, subject to availability of inspector personnel, and for the identification of all  
9 animals and poultry custom slaughtered for the owners thereof without department  
10 inspection.

11           **SECTION 2403cp.** 97.42 (6) (a) (intro.) of the statutes is amended to read:

12           97.42 (6) (a) (intro.) ~~No~~ Except as provided in par. (am), no person shall  
13 slaughter any animals or poultry for the purpose of selling the meat products or  
14 poultry products thereof for human food, or sell, offer for sale or have in his or her  
15 possession with intent to sell such meat products or poultry products for human food,  
16 unless such animals and poultry and the carcasses thereof have been first inspected  
17 and approved as provided by any of the following:

18           **SECTION 2403cs.** 97.42 (6) (am) of the statutes is created to read:

19           97.42 (6) (am) Paragraph (a) does not prohibit the slaughter for the purpose  
20 of sale or the sale of animals or poultry without inspection or approval if the sale is  
21 by the person who raised the animals or poultry to an individual and is not for  
22 resale.”.

23           **1364.** Page 888, line 15: after that line insert:

24           **SECTION 2402g.** 97.34 (2) (b) of the statutes is amended to read:

1           97.34 (2) (b) No person may manufacture or bottle bottled drinking water for  
2 sale or distribution in this state unless the bottled drinking water complies with  
3 state drinking water standards adopted by the department of ~~natural resources~~  
4 environmental management under s. 280.11, 281.15 or 281.17 (8) and with  
5 health-related enforcement standards adopted by the department of ~~natural~~  
6 ~~resources~~ environmental management under ch. 160.

7           **SECTION 2402i.** 97.34 (2) (d) of the statutes is amended to read:

8           97.34 (2) (d) No person may manufacture or bottle bottled drinking water for  
9 sale or distribution in this state unless the water system used by the manufacturer  
10 or bottler complies with ch. 280 and rules promulgated by the department of ~~natural~~  
11 ~~resources~~ environmental management under that chapter.”.

12           **1365.** Page 889, line 1: after that line insert:

13           “**SECTION 2404.** 100.03 of the statutes as affected by 2000 Wisconsin Act ...  
14 (this act) is repealed.

15           **SECTION 2405.** 100.06 of the statutes is repealed.”.

16           **1366.** Page 889, line 1: after that line insert:

17           “**SECTION 2404g.** 100.03 (1) (bm) of the statutes is amended to read:

18           100.03 (1) (bm) “Audited financial statement” means a financial statement  
19 that, in the accompanying opinion of an independent certified public accountant ~~or~~  
20 ~~a public accountant holding a certificate of authority~~ licensed or certified under ch.  
21 442, fairly and in all material respects represents the financial position of the  
22 contractor, the results of the contractor’s operations and the contractor’s cash flows  
23 in conformity with generally accepted accounting principles.

24           **SECTION 2404r.** 100.03 (1) (ym) 2. of the statutes is amended to read:

1           100.03 **(1)** (ym) 2. Reviewed according to generally accepted accounting  
2 principles by an independent certified public accountant ~~or a public accountant~~  
3 ~~holding a certificate of authority~~ licensed or certified under ch. 442.

4           **SECTION 2405m.** 100.06 (1g) (c) of the statutes is amended to read:

5           100.06 **(1g)** (c) The department shall require the applicant to file a financial  
6 statement of his or her business operations and financial condition that meets the  
7 requirements of par. (d). The licensee, during the term of his or her license, may be  
8 required to file such statements periodically. All such statements shall be  
9 confidential and shall not be open for public inspection, except that the department  
10 shall provide the name and address of an individual, the name and address of the  
11 individual's employer and financial information related to the individual contained  
12 in such statements if requested under s. 49.22 (2m) by the department of workforce  
13 development or a county child support agency under s. 59.53 (5). The department  
14 may require such statements to be certified by a certified public accountant licensed  
15 or certified under ch. 442. Such statements and audits, when made by the  
16 department, shall be paid for at cost.”.

17           **1367.** Page 889, line 1: after that line insert:

18           “**SECTION 2406.** 100.18 (11) (d) of the statutes is amended to read:

19           100.18 **(11)** (d) The department ~~or the department of justice, after consulting~~  
20 ~~with the department,~~ or any district attorney, upon informing the department, may  
21 commence an action in circuit court in the name of the state to restrain by temporary  
22 or permanent injunction any violation of this section. The court may in its discretion,  
23 prior to entry of final judgment, make such orders or judgments as may be necessary  
24 to restore to any person any pecuniary loss suffered because of the acts or practices

1 involved in the action, provided proof thereof is submitted to the satisfaction of the  
2 court. The department and the department of justice may subpoena persons and  
3 require the production of books and other documents, and the department of justice  
4 may request the department to exercise its authority under par. (c) to aid in the  
5 investigation of alleged violations of this section.

6 **SECTION 2407.** 100.18 (11) (e) of the statutes is amended to read:

7 100.18 **(11)** (e) In lieu of instituting or continuing an action pursuant to this  
8 section, the department or the department of justice may accept a written assurance  
9 of discontinuance of any act or practice alleged to be a violation of this section from  
10 the person who has engaged in such act or practice. The acceptance of such assurance  
11 by either the department or the department of justice shall be deemed acceptance by  
12 the other state officials enumerated in par. (d) if the terms of the assurance so  
13 provide. An assurance entered into pursuant to this section shall not be considered  
14 evidence of a violation of this section, provided that violation of such an assurance  
15 shall be treated as a violation of this section, and shall be subjected to all the  
16 penalties and remedies provided therefor.”.

17 **1368.** Page 889, line 8: after that line insert:

18 “**SECTION 2414.** 100.235 (1) (b) of the statutes is amended to read:

19 100.235 **(1)** (b) “Contractor” has the meaning given for “vegetable contractor”  
20 under s. ~~100.03 (1) (f)~~ 126.55 (14).

21 **SECTION 2415.** 100.235 (1) (em) of the statutes is renumbered 100.235 (1) (dm)  
22 and amended to read:

23 100.235 **(1)** (dm) “Registration License year” has the meaning given under s.  
24 ~~100.03 (1) (y)~~ 126.55 (10m).

1           **SECTION 2416.** 100.235 (2) of the statutes is amended to read:

2           100.235 **(2)** CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO  
3 GROW. If a contractor and the contractor's affiliates and subsidiaries collectively grow  
4 more than 10% of the acreage of any vegetable species grown and procured by the  
5 contractor in any ~~registration~~ license year, the contractor shall pay a producer, for  
6 vegetables of that species tendered or delivered under a vegetable procurement  
7 contract, a price not less than the contractor's cost to grow that vegetable species in  
8 the same growing region. For vegetables contracted on a tonnage basis and for  
9 open-market tonnage purchased, acreage under this subsection shall be determined  
10 using the state average yield per acre during the preceding ~~registration~~ license year.

11           **SECTION 2417.** 100.235 (3) of the statutes is repealed.

12           **SECTION 2418.** 100.235 (4) of the statutes is amended to read:

13           100.235 **(4)** COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the  
14 department determines that a contractor and the contractor's affiliates and  
15 subsidiaries will collectively grow more than 10% of the acreage of any vegetable  
16 species grown and procured by the contractor during a ~~registration~~ license year, the  
17 department may require the contractor to file a statement of the contractor's cost to  
18 grow that vegetable species. The contractor shall file the report with the department  
19 within 30 days after the department makes its request, unless the department  
20 grants an extension of time. The department may permit the contractor to report  
21 different costs to grow for different growing regions if the contractor can define the  
22 growing regions to the department's satisfaction, and can show to the department's  
23 satisfaction that the contractor's costs to grow are substantially different between  
24 the growing regions.

25           **SECTION 2420.** 100.26 (5) of the statutes is amended to read:

1           100.26 (5) Any person violating s. ~~100.06 or any order or regulation of the~~  
2           ~~department thereunder, or s. 100.18 (9),~~ shall be fined not less than \$100 nor more  
3           than \$1,000 or imprisoned for not more than 2 years or both. Each day of violation  
4           constitutes a separate offense.”.

5           **1369.** Page 889, line 8: after that line insert:

6           “**SECTION 2409.** 100.20 (4) of the statutes is amended to read:

7           100.20 (4) The ~~department of justice~~ district attorney may file a written  
8           complaint with the department alleging that the person named is employing unfair  
9           methods of competition in business or unfair trade practices in business or both.  
10          Whenever such a complaint is filed it shall be the duty of the department to proceed,  
11          after proper notice and in accordance with its rules, to the hearing and adjudication  
12          of the matters alleged, and a representative of the ~~department of justice designated~~  
13          ~~by the attorney general~~ district attorney may appear before the department in such  
14          proceedings. The ~~department of justice~~ district attorney shall be entitled to judicial  
15          review of the decisions and orders of the department under ch. 227.

16          **SECTION 2410.** 100.207 (6) (b) 1. of the statutes is amended to read:

17          100.207 (6) (b) 1. The ~~department of justice, after consulting with the~~  
18          ~~department of agriculture, trade and consumer protection,~~ or any district attorney  
19          upon informing the department of agriculture, trade and consumer protection, may  
20          commence an action in circuit court in the name of the state to restrain by temporary  
21          or permanent injunction any violation of this section. Injunctive relief may include  
22          an order directing telecommunications providers, as defined in s. 196.01 (8p), to  
23          discontinue telecommunications service provided to a person violating this section  
24          or ch. 196. Before entry of final judgment, the court may make such orders or



1 judgments as may be necessary to restore to any person any pecuniary loss suffered  
2 because of the acts or practices involved in the action if proof of these acts or practices  
3 is submitted to the satisfaction of the court.

4 **SECTION 2411.** 100.207 (6) (b) 2. of the statutes is amended to read:

5 100.207 (6) (b) 2. The department may exercise its authority under ss. 93.14  
6 to 93.16 and 100.18 (11) (c) to administer this section. The department ~~and the~~  
7 ~~department of justice~~ may subpoena persons and require the production of books and  
8 other documents, ~~and the department of justice may request the department of~~  
9 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~  
10 ~~investigation of alleged violations of this section.~~

11 **SECTION 2412.** 100.207 (6) (c) of the statutes is amended to read:

12 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to  
13 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this  
14 paragraph shall be enforced by the ~~department of justice, after consulting with the~~  
15 ~~department of agriculture, trade and consumer protection, or, upon informing the~~  
16 ~~department, by the district attorney of the county where the violation occurs.~~

17 **SECTION 2413.** 100.207 (6) (em) 1. of the statutes is amended to read:

18 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the  
19 department shall form an advisory group to suggest recommendations regarding the  
20 content and scope of the proposed rule. The advisory group shall consist of one or  
21 more persons who may be affected by the proposed rule, ~~a representative from the~~  
22 ~~department of justice~~ and a representative from the public service commission.

23 **SECTION 2419.** 100.24 of the statutes is amended to read:

24 **100.24 Revocation of corporate authority.** Any corporation, or limited  
25 liability company, foreign or domestic, ~~which~~ that violates any order issued under s.

1 100.20 may be enjoined from doing business in this state and its certificate of  
2 authority, incorporation, or organization may be canceled or revoked. The attorney  
3 general department may bring an action for this purpose in the name of the state.  
4 In any such action judgment for injunction, cancellation, or revocation may be  
5 rendered by the court, upon such terms as it deems just and in the public interest,  
6 but only upon proof of a substantial and wilful willful violation.

7 **SECTION 2421.** 100.26 (6) of the statutes is amended to read:

8 100.26 (6) The department, ~~the department of justice, after consulting with the~~  
9 ~~department,~~ or any district attorney may commence an action in the name of the  
10 state to recover a civil forfeiture to the state of not less than \$100 nor more than  
11 \$10,000 for each violation of an injunction issued under s. 100.18, 100.182, or 100.20  
12 (6). The department of agriculture, trade and consumer protection or any district  
13 attorney may commence an action in the name of the state to recover a civil forfeiture  
14 to the state of not less than \$100 nor more than \$10,000 for each violation of an order  
15 issued under s. 100.20.”.

16 **1370.** Page 890, line 16: after that line insert:

17 **“SECTION 2429n.** 100.27 (5) (d) of the statutes is amended to read:

18 100.27 (5) (d) Informs the department and the department of ~~natural resources~~  
19 environmental management of the collection site identified under par. (a) and the  
20 telephone number under par. (c).

21 **SECTION 2430k.** 100.295 (1) of the statutes is amended to read:

22 100.295 (1) LABELING STANDARDS. The department shall establish standards  
23 that must be met by products in order for any person to represent that the products  
24 are recycled, recyclable or degradable. The department shall establish standards

1 that are consistent, to the greatest extent practicable, with nationwide industry  
2 consensus standards. In developing standards, the department shall consult with  
3 the department of ~~natural resources~~ environmental management and the council on  
4 recycling and consider purchasing specifications under s. 16.72 (2) (e) and (f) and any  
5 existing federal standards. The department shall give priority to establishing  
6 standards for specific products commonly represented as being recycled, recyclable  
7 or degradable.”.

8 **1371.** Page 890, line 16: after that line insert:

9 “**SECTION 2428.** 100.263 of the statutes is amended to read:

10 **100.263 Recovery.** In addition to other remedies available under this chapter,  
11 the court may award the department the reasonable and necessary costs of  
12 investigation and an amount reasonably necessary to remedy the harmful effects of  
13 the violation, and the court may award the department of justice the reasonable and  
14 necessary expenses of prosecution, including attorney fees, from any person who  
15 violates this chapter. The department ~~and the department of justice~~ shall deposit in  
16 the state treasury for deposit in the general fund all moneys that the court awards  
17 to the department, ~~the department of justice~~ or the state under this section. Ten  
18 percent of the money deposited in the general fund that was awarded under this  
19 section for the costs of investigation and the expenses of prosecution, including  
20 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).”.

21 **1372.** Page 890, line 25: after that line insert:

22 “**SECTION 2446r.** 101.01 (11) of the statutes is amended to read:

23 101.01 (11) “Place of employment” includes every place, whether indoors or out  
24 or underground and the premises appurtenant thereto where either temporarily or

1 permanently any industry, trade, or business is carried on, or where any process or  
2 operation, directly or indirectly related to any industry, trade, or business, is carried  
3 on, and where any person is, directly or indirectly, employed by another for direct or  
4 indirect gain or profit, but does not include any place where persons are employed  
5 in private domestic service which does not involve the use of mechanical power or in  
6 farming. “Farming” includes those activities specified in s. 102.04 (3), ~~and also~~  
7 ~~includes;~~ the transportation of farm products, supplies, or equipment directly to the  
8 farm by the operator of said the farm or employees for use thereon, if such activities  
9 are directly or indirectly for the purpose of producing commodities for market, or as  
10 an accessory to such production; and the operation of a horse boarding facility or  
11 horse training facility that does not contain an area for the public to view a horse  
12 show. When used with relation to building codes, “place of employment” does not  
13 include an adult family home, as defined in s. 50.01 (1), or, except for the purposes  
14 of s. 101.11, a previously constructed building used as a community-based  
15 residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who  
16 are not related to the operator or administrator.

17 **SECTION 2447d.** 101.01 (12) of the statutes is amended to read:

18 101.01 (12) “Public building” means any structure, including exterior parts of  
19 such building, such as a porch, exterior platform, or steps providing means of ingress  
20 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,  
21 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation  
22 to building codes, “public building” does not include a horse boarding facility or horse  
23 training facility that does not contain an area for the public to view a horse show or  
24 a previously constructed building used as a community-based residential facility as

1 defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the  
2 operator or administrator or an adult family home, as defined in s. 50.01 (1).”.

3 **1373.** Page 891, line 4: after that line insert:

4 “**SECTION 2449d.** 101.10 (2) of the statutes, as created by 2001 Wisconsin Act  
5 3, is amended to read:

6 101.10 (2) RULES. The department shall promulgate rules that prescribe  
7 reasonable standards relating to the safe storage and handling of anhydrous  
8 ammonia. The rules shall prescribe standards for the design, construction, repair,  
9 alteration, location, installation, inspection, and operation of anhydrous ammonia  
10 equipment. The Except as otherwise provided in this subsection, the rules  
11 promulgated under this subsection do not apply to ammonia manufacturing plants,  
12 refrigeration plants where ammonia is used solely as a refrigerant, facilities where  
13 ammonia is used in pollution control devices or is manufactured, electric generating  
14 or cogenerating facilities where ammonia is used as a refrigerant, and ammonia  
15 transportation pipelines. If ammonia is used on the premises of a facility or plant  
16 described under this subsection for a purpose or in a manner that is not related to  
17 the applicable exemption from the rules promulgated under this subsection, the  
18 exemption does not apply to that use.”.

19 **1374.** Page 891, line 4: after that line insert:

20 “**SECTION 2449d.** 101.1205 (1) of the statutes is amended to read:

21 101.1205 (1) The department, in consultation with the department of natural  
22 resources environmental quality, shall establish statewide standards for erosion  
23 control at building sites for the construction of public buildings and buildings that  
24 are places of employment.”.

1           **1375.** Page 892, line 24: after that line insert:

2           “**SECTION 2463t.** 101.143 (1) (am) of the statutes is amended to read:

3           101.143 (1) (am) “Case closure letter” means a letter provided by the  
4 department of ~~natural resources~~ environmental management that states that, based  
5 on information available to the department of ~~natural resources~~ environmental  
6 management, no further remedial action is necessary with respect to a discharge.”.

7           **1376.** Page 893, line 2: after that line insert:

8           “**SECTION 2464g.** 101.143 (2) (h) (intro.) of the statutes is amended to read:

9           101.143 (2) (h) (intro.) The department of commerce and the department of  
10 ~~natural resources~~ environmental management, jointly, shall promulgate rules  
11 designed to facilitate effective and cost-efficient administration of the program  
12 under this section that specify all of the following:

13           **SECTION 2464j.** 101.143 (2) (h) 3. of the statutes is amended to read:

14           101.143 (2) (h) 3. Review procedures that must be followed by employees of the  
15 department of ~~natural resources~~ environmental management and the department  
16 of commerce in reviewing the information submitted under subd. 1.

17           **SECTION 2464L.** 101.143 (2) (i) (intro.) of the statutes is amended to read:

18           101.143 (2) (i) (intro.) The department of commerce and the department of  
19 ~~natural resources~~ environmental management, jointly, shall promulgate rules  
20 specifying procedures for evaluating remedial action plans and procedures to be used  
21 by employees of the department of commerce and the department of ~~natural~~  
22 ~~resources~~ environmental management while remedial actions are being conducted.

23           The departments shall specify procedures that include all of the following:

24           **SECTION 2464n.** 101.143 (2) (j) (intro.) of the statutes is amended to read:

1           101.143 (2) (j) (intro.) The department of commerce and the department of  
2 ~~natural resources~~ environmental management, jointly, shall promulgate rules  
3 specifying all of the following:

4           **SECTION 2464p.** 101.143 (2) (j) 1. of the statutes is amended to read:

5           101.143 (2) (j) 1. The conditions under which employees of the department of  
6 commerce and the department of ~~natural resources~~ environmental management  
7 must issue approvals under sub. (3) (c) 4.

8           **SECTION 2464q.** 101.143 (2) (k) of the statutes is amended to read:

9           101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of  
10 commerce and the department of ~~natural resources~~ environmental management  
11 shall attempt to reach an agreement that is consistent with those provisions. If the  
12 department of commerce and the department of ~~natural resources~~ environmental  
13 management are unable to reach an agreement, they shall refer the matters on  
14 which they are unable to agree to the secretary of administration for resolution. The  
15 secretary of administration shall resolve any matters on which the departments  
16 disagree in a manner that is consistent with pars. (h) to (j). The department of  
17 commerce and the department of ~~natural resources~~ environmental management,  
18 jointly, shall promulgate rules incorporating any agreement between the  
19 department of commerce and the department of ~~natural resources~~ environmental  
20 management under this paragraph and any resolution of disagreements between the  
21 departments by the secretary of administration under this paragraph.

22           **SECTION 2465b.** 101.143 (2e) of the statutes is amended to read:

23           101.143 (2e) RISK-BASED ANALYSIS. (a) The department of commerce and the  
24 department of ~~natural resources~~ environmental management shall attempt to agree  
25 on a method, which shall include individualized consideration of the routes for

1 migration of petroleum product contamination at each site, for determining the risk  
2 to public health, safety and welfare and to the environment posed by discharges for  
3 which the department of commerce receives notification under sub. (3) (a) 3.

4 (b) If the department of commerce and the department of ~~natural resources~~  
5 environmental management are unable to reach an agreement under par. (a), they  
6 shall refer the matters on which they are unable to agree to the secretary of  
7 administration for resolution. The secretary of administration shall resolve any  
8 matters on which the departments disagree in a manner that is consistent with par.  
9 (a). The department of commerce and the department of ~~natural resources~~  
10 environmental management, jointly, shall promulgate rules incorporating any  
11 agreement between the department of commerce and the department of ~~natural~~  
12 ~~resources~~ environmental management under par. (a) and any resolution of  
13 disagreements between the departments by the secretary of administration under  
14 this paragraph.

15 (c) The department of ~~natural resources~~ environmental management or, if the  
16 discharge is covered under s. 101.144 (2) (b), the department of commerce shall apply  
17 the method in the rules promulgated under par. (b) to determine the risk posed by  
18 a discharge for which the department of commerce receives notification under sub.  
19 (3) (a) 3.

20 **SECTION 2465e.** 101.143 (2m) of the statutes is amended to read:

21 101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of  
22 commerce receives a notification under sub. (3) (a) 3. or the department of ~~natural~~  
23 ~~resources~~ environmental management receives a notification of a petroleum product  
24 discharge under s. 292.11, the department receiving the notification shall contact the



1 other department and shall schedule a meeting of the owner or operator or person  
2 owning a home oil tank system and representatives of both departments.

3 **SECTION 2465g.** 101.143 (3) (a) 5. of the statutes is amended to read:

4 101.143 (3) (a) 5. The owner or operator or the person reports the discharge in  
5 a timely manner to the division of emergency management in the department of  
6 military affairs or to the department of ~~natural resources~~ environmental  
7 management, according to the requirements under s. 292.11.

8 **SECTION 2465k.** 101.143 (3) (a) 9. of the statutes is amended to read:

9 101.143 (3) (a) 9. The owner or operator or the person follows standards for  
10 groundwater restoration in the groundwater standards in the rules promulgated by  
11 the department of ~~natural resources~~ environmental management under ss. 160.07  
12 and 160.09 and restores the environment, to the extent practicable, according to  
13 those standards at the site of the discharge from a petroleum product storage system  
14 or home oil tank system.

15 **SECTION 2466b.** 101.143 (3) (c) 4. of the statutes is amended to read:

16 101.143 (3) (c) 4. Receive written approval from the department of ~~natural~~  
17 ~~resources~~ environmental management or, if the discharge is covered under s. 101.144  
18 (2) (b), from the department of commerce that the remedial action activities  
19 performed under subd. 3. meet the requirements of s. 292.11.

20 **SECTION 2467b.** 101.143 (3) (cm) of the statutes is amended to read:

21 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person  
22 owning a home oil tank system may, with the approval of the department of ~~natural~~  
23 ~~resources~~ environmental management or, if the discharge is covered under s. 101.144  
24 (2) (b), the department of commerce, satisfy the requirements of par. (c) 2. and 3. by

1 proposing and implementing monitoring to ensure the effectiveness of natural  
2 attenuation of petroleum product contamination.

3 **SECTION 2467d.** 101.143 (3) (cp) 1. of the statutes is amended to read:

4 101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of  
5 ~~natural resources~~ environmental management or, if the site is covered under s.  
6 101.144 (2) (b), the department of commerce estimates that the cost to complete a site  
7 investigation, remedial action plan and remedial action for an occurrence exceeds  
8 \$60,000, the department of commerce shall implement a competitive public bidding  
9 process to obtain information to assist in making the determination under par. (cs).

10 **SECTION 2467e.** 101.143 (3) (cp) 2. of the statutes is amended to read:

11 101.143 (3) (cp) 2. The department of commerce or the department of ~~natural~~  
12 ~~resources~~ environmental management may waive the requirement under subd. 1. if  
13 an enforcement standard is exceeded in groundwater within 1,000 feet of a well  
14 operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any other  
15 well used to provide water for human consumption.

16 **SECTION 2467g.** 101.143 (3) (cp) 5. of the statutes is amended to read:

17 101.143 (3) (cp) 5. The department of commerce or the department of ~~natural~~  
18 ~~resources~~ environmental management may waive the requirement under subd. 1.  
19 after providing notice to the other department.

20 **SECTION 2467k.** 101.143 (3) (cs) 2. of the statutes is amended to read:

21 101.143 (3) (cs) 2. The department of ~~natural resources~~ environmental  
22 management and the department of commerce shall review the remedial action plan  
23 for a site that is classified as high risk under s. 101.144 and shall jointly determine  
24 the least costly method of complying with par. (c) 3. and with enforcement standards.  
25 The departments shall notify the owner or operator of their determination of the

1 least costly method and shall notify the owner or operator that reimbursement for  
2 remedial action under this section is limited to the amount necessary to implement  
3 that method.

4 **SECTION 2467L.** 101.143 (3) (cs) 3. of the statutes is amended to read:

5 101.143 (3) (cs) 3. In making determinations under subs. 1. and 2., the  
6 department of ~~natural resources~~ environmental management and the department  
7 of commerce shall determine whether natural attenuation will achieve compliance  
8 with par. (c) 3. and with enforcement standards.

9 **SECTION 2467n.** 101.143 (3) (cs) 4. of the statutes is amended to read:

10 101.143 (3) (cs) 4. The department of commerce may review and modify an  
11 amount established under subd. 1. if the department determines that new  
12 circumstances, including newly discovered contamination at a site, warrant those  
13 actions. The department of commerce and the department of ~~natural resources~~  
14 environmental management may review and modify an amount established under  
15 subd. 2. if the departments determine that new circumstances, including newly  
16 discovered contamination at a site, warrant those actions.

17 **SECTION 2467q.** 101.143 (3) (cw) 2. of the statutes is amended to read:

18 101.143 (3) (cw) 2. The department of ~~natural resources~~ environmental  
19 management and the department of commerce shall conduct the annual review  
20 required under sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144  
21 and shall jointly determine the least costly method of completing remedial action at  
22 the site in order to comply with par. (c) 3. and with enforcement standards. The  
23 departments shall notify the owner or operator of their determination of the least  
24 costly method and shall notify the owner or operator that reimbursement under this

1 section for remedial action conducted after the date of the notice is limited to the  
2 amount necessary to implement that method.

3 **SECTION 2467r.** 101.143 (3) (cw) 3. of the statutes is amended to read:

4 101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the  
5 department of ~~natural resources~~ environmental management and the department  
6 of commerce shall determine whether natural attenuation will achieve compliance  
7 with par. (c) 3. and with enforcement standards.

8 **SECTION 2467s.** 101.143 (3) (cw) 4. of the statutes is amended to read:

9 101.143 (3) (cw) 4. The department of commerce may review and modify an  
10 amount established under subd. 1. if the department determines that new  
11 circumstances, including newly discovered contamination at a site, warrant those  
12 actions. The department of commerce and the department of ~~natural resources~~  
13 environmental management may review and modify an amount established under  
14 subd. 2. if the departments determine that new circumstances, including newly  
15 discovered contamination at a site, warrant those actions.

16 **SECTION 2468b.** 101.143 (3) (d) of the statutes is amended to read:

17 101.143 (3) (d) *Final review of remedial action activities.* The department of  
18 ~~natural resources~~ environmental management or, if the discharge is covered under  
19 s. 101.144 (2) (b), the department of commerce shall complete a final review of the  
20 remedial action activities within 60 days after the claimant notifies the appropriate  
21 department that the remedial action activities are completed.

22 **SECTION 2468d.** 101.143 (3) (e) of the statutes is amended to read:

23 101.143 (3) (e) *Notifications.* The department of ~~natural resources~~  
24 environmental management shall notify the department when it gives a claimant  
25 written approval under par. (c) 4.

1           **SECTION 2468f.** 101.143 (3) (f) 5. of the statutes is amended to read:

2           101.143 (3) (f) 5. The written approval of the department of ~~natural resources~~  
3 environmental management or the department of commerce under par. (c) 4.

4           **SECTION 2468h.** 101.143 (3) (g) of the statutes is amended to read:

5           101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.  
6 and 2., an owner or operator or the person may submit a claim for an award under  
7 sub. (4) after notifying the department under par. (a) 3., without completing an  
8 investigation under par. (c) 1. and without preparing a remedial action plan under  
9 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and  
10 the remedial action plan under par. (c) 2. inappropriate, and, before conducting  
11 remedial action, the owner or operator or person notified the department of  
12 commerce and the department of ~~natural resources~~ environmental management of  
13 the emergency and the department of commerce and the department of ~~natural~~  
14 ~~resources~~ environmental management authorized emergency action.”.

15           **1377.** Page 896, line 22: after that line insert:

16           “**SECTION 2478b.** 101.143 (4) (ei) 1. a. of the statutes, as affected by 2001  
17 Wisconsin Act .... (this act), is amended to read:

18           101.143 (4) (ei) 1. a. The owner or operator of the farm tank owns a parcel of  
19 35 or more acres of contiguous land, on which the farm tank is located, which is  
20 devoted primarily to agricultural use, as defined in s. 91.01 (1), including land  
21 designated by the department of ~~natural resources~~ fish, wildlife, parks, and forestry  
22 as part of the ice age trail under s. 23.17, which during the year preceding submission  
23 of a first claim under sub. (3) produced gross farm profits, as defined in s. 71.58 (4),  
24 of not less than \$6,000 or which, during the 3 years preceding that submission

1 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a  
2 parcel of 35 or more acres, on which the farm tank is located, of which at least 35  
3 acres, during part or all of the year preceding that submission, were enrolled in the  
4 conservation reserve program under 16 USC 3831 to 3836.”.

5 **1378.** Page 897, line 4: after that line insert:

6 “**SECTION 2481b.** 101.143 (4) (ei) 1m. b. of the statutes, as created by 2001  
7 Wisconsin Act .... (this act), is amended to read:

8 101.143 (4) (ei) 1m. b. The claim is submitted by a person who, at the time that  
9 the notification was made under sub. (3) (a) 3., was the owner of the farm tank and  
10 owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or  
11 was located, which was devoted primarily to agricultural use, as defined in s. 91.01  
12 (1), including land designated by the department of ~~natural resources~~ fish, wildlife,  
13 parks, and forestry as part of the ice age trail under s. 23.17, which during the year  
14 preceding that notification produced gross farm profits, as defined in s. 71.58 (4), of  
15 not less than \$6,000 or which, during the 3 years preceding that notification,  
16 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a  
17 parcel of 35 or more acres, on which the farm tank is located, of which at least 35  
18 acres, during part or all of the year preceding that notification, were enrolled in the  
19 conservation reserve program under 16 USC 3831 to 3836.”.

20 **1379.** Page 897, line 20: after that line insert:

21 “**SECTION 2482d.** 101.143 (4) (ei) 2m. of the statutes, as affected by 2001  
22 Wisconsin Act .... (this act), is amended to read:

23 101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter  
24 or notice from the department of commerce or department of ~~natural resources~~

1 environmental management indicating that the owner or operator must conduct a  
2 site investigation or remedial action because of a discharge from the farm tank or an  
3 order to conduct such an investigation or remedial action.

4 **SECTION 2482h.** 101.143 (4) (es) 1. of the statutes is amended to read:

5 101.143 (4) (es) 1. The department shall issue an award for a claim filed after  
6 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,  
7 by an owner or operator or a person owning a home oil tank system in investigating  
8 the existence of a discharge or investigating the presence of petroleum products in  
9 soil or groundwater if the investigation is undertaken at the written direction of the  
10 department of commerce or the department of ~~natural resources~~ environmental  
11 management and no discharge or contamination is found.”.

12 **1380.** Page 898, line 11: after that line insert:

13 “**SECTION 2484b.** 101.143 (8) (b) of the statutes is amended to read:

14 101.143 (8) (b) Review and advise the secretary and the secretary of ~~natural~~  
15 ~~resources~~ environmental management on the implementation of the petroleum  
16 product remedial action program established under this section.”.

17 **1381.** Page 898, line 20: after that line insert:

18 “**SECTION 2485v.** 101.143 (11) (intro.) of the statutes is amended to read:

19 101.143 (11) **REPORTS.** (intro.) No later than each January 1 and July 1, the  
20 department of commerce and the department of ~~natural resources~~ environmental  
21 management shall submit to the governor, to the joint legislative audit committee,  
22 to the joint committee on finance and to the appropriate standing committees of the  
23 legislature, under s. 13.172 (3), a report on the program under this section. The  
24 departments shall include all of the following information in the report:

1           **SECTION 2487b.** 101.144 (2) (a) of the statutes is amended to read:

2           101.144 **(2)** (a) The department shall administer a program under which  
3 responsible persons investigate, and take remedial action in response to, those  
4 discharges of petroleum products from petroleum storage tanks that are covered  
5 under par. (b). The department may issue an order requiring a responsible person  
6 to take remedial action in response to a discharge of a petroleum product from a  
7 petroleum storage tank if the discharge is covered under par. (b). In administering  
8 this section, the department shall follow rules promulgated by the department of  
9 ~~natural resources~~ environmental management for the cleanup of discharges of  
10 hazardous substances.

11           **SECTION 2489b.** 101.144 (3) (intro.) of the statutes is amended to read:

12           101.144 **(3)** (intro.) The department of ~~natural resources~~ environmental  
13 management may take action under s. 292.11 (7) (a) or may issue an order under s.  
14 292.11 (7) (c) in response to a discharge that is covered under sub. (2) (b) only if one  
15 or more of the following apply:

16           **SECTION 2489d.** 101.144 (3) (b) of the statutes is amended to read:

17           101.144 **(3)** (b) The department of commerce requests the department of  
18 ~~natural resources~~ environmental management to take the action or issue the order.

19           **SECTION 2489f.** 101.144 (3) (c) of the statutes is amended to read:

20           101.144 **(3)** (c) The secretary of ~~natural resources~~ environmental management  
21 approves the action or order in advance after notice to the secretary of commerce.

22           **SECTION 2489h.** 101.144 (3) (d) of the statutes is amended to read:

23           101.144 **(3)** (d) The department of ~~natural resources~~ environmental  
24 management takes action under s. 292.11 (7) (a) after the responsible person fails to



1 comply with an order that was issued under s. 292.11 (7) (c) in compliance with this  
2 subsection.

3 **SECTION 2489j.** 101.144 (3) (e) of the statutes is amended to read:

4 101.144 (3) (e) The department of ~~natural-resources~~ environmental  
5 management takes the action under s. 292.11 (7) (a) because the identity of the  
6 responsible person is unknown.

7 **SECTION 2489L.** 101.144 (3g) (a) of the statutes is amended to read:

8 101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified  
9 under this section, excluding sites that are contaminated by a hazardous substance  
10 other than a petroleum product or an additive to a petroleum product, are classified  
11 as high-risk sites, the department of commerce and the department of ~~natural~~  
12 ~~resources~~ environmental management shall attempt to reach an agreement that  
13 specifies standards for determining whether the site of a discharge of a petroleum  
14 product from a petroleum storage tank is classified as high risk. The standards shall  
15 be designed to classify no more than 35% of those sites as high-risk sites and may  
16 not classify all sites at which an enforcement standard is exceeded as high-risk sites.  
17 If the department of commerce and the department of ~~natural-resources~~  
18 environmental management are unable to reach an agreement, they shall refer the  
19 matters on which they are unable to agree to the secretary of administration for  
20 resolution. The secretary of administration shall resolve any matters on which the  
21 departments disagree in a manner that is consistent with this paragraph. The  
22 department of commerce shall promulgate rules incorporating any agreement  
23 between the department of commerce and the department of ~~natural-resources~~  
24 environmental management under this paragraph and any resolution of

1 disagreements between the departments by the secretary of administration under  
2 this paragraph.

3 **SECTION 2489n.** 101.144 (3m) (a) (intro.) of the statutes is amended to read:

4 101.144 (3m) (a) (intro.) The department of commerce and the department of  
5 ~~natural resources~~ environmental management shall enter into a memorandum of  
6 understanding that does all of the following:

7 **SECTION 2489p.** 101.144 (3m) (b) of the statutes is amended to read:

8 101.144 (3m) (b) The department of commerce and the department of ~~natural~~  
9 ~~resources~~ environmental management shall submit a memorandum of  
10 understanding under this subsection to the secretary of administration for review.  
11 A memorandum of understanding under this subsection does not take effect until it  
12 is approved by the secretary of administration.”.

13 **1382.** Page 901, line 9: after that line insert:

14 “**SECTION 2518j.** 101.653 (6m) of the statutes is amended to read:

15 101.653 (6m) REVIEW. The department and the department of ~~natural~~  
16 ~~resources~~ environmental management shall enter into a memorandum of agreement  
17 that establishes a process for reviewing the standards established under sub. (2),  
18 periodically updating those standards and reviewing the training program. The  
19 memorandum of understanding shall ensure that local officials and other persons  
20 interested in the standards established under sub. (2) and the training program may  
21 participate in the process.”.

22 **1383.** Page 901, line 9: after that line insert:

23 “**SECTION 2515t.** 101.576 of the statutes is created to read:

1           **101.576 Fire suppression grant program. (1) GRANTS.** The department  
2 of natural resources shall establish a program to award grants for up to 50% of the  
3 cost of acquiring fire suppression equipment and materials.

4           **(2) ELIGIBLE RECIPIENTS.** A fire department is eligible for grants under this  
5 section if all of the following apply:

6           (a) The area in which the fire department provides fire protection and fire  
7 prevention services has a population of less than 6,000 on the date on which the  
8 application for the grant is submitted to the department of natural resources.

9           (b) The fire department responds to all of the first alarms for structural fires  
10 that are issued in the area described in par. (a).

11           (c) The fire department has entered into an agreement with at least one other  
12 fire department to assist the latter fire department in the suppression of structural  
13 fires.

14           **(3) ELIGIBLE EQUIPMENT AND MATERIALS.** (a) A recipient of a grant under this  
15 section may use the grant to acquire any of the following fire suppression equipment  
16 or materials:

- 17           1. Protective equipment and fire resistant clothing.
- 18           2. Fire suppression tools and communication equipment.
- 19           3. Materials necessary for fire prevention training or information that is  
20 provided by the recipient.
- 21           4. Fire suppression training equipment and materials.
- 22           5. Other equipment and materials as specified by rule by the department of  
23 natural resources.

24           (b) A recipient of a grant under this section may not use the grant to acquire  
25 any of the following:

- 1           1. Buildings or vehicles.
- 2           2. Search and rescue or emergency medical equipment.
- 3           3. Equipment or materials that are used exclusively for suppressing forest
- 4 fires.

5           **(4) RULES.** The department of natural resources shall promulgate rules  
6 establishing criteria and procedures for awarding grants under this section. For  
7 purposes of this section, the rules shall include a definition of “structural fire.”.

8           **1384.** Page 901, line 22: after that line insert:

9           “**SECTION 2539c.** 101.9203 (1) of the statutes is amended to read:

10           101.9203 **(1)** ~~The Except as provided in subs. (3) and (4), the~~ owner of a  
11 manufactured home situated in this state or intended to be situated in this state  
12 shall make application for certificate of title under s. 101.9209 for the manufactured  
13 home if the owner has newly acquired the manufactured home.

14           **SECTION 2539d.** 101.9203 (4) of the statutes is created to read:

15           101.9203 **(4)** The owner of a manufactured home that is situated in this state  
16 or intended to be situated in this state is not required to make application for a  
17 certificate of title under s. 101.9209 if the owner of the manufactured home intends,  
18 upon acquiring the manufactured home, to permanently affix the manufactured  
19 home to land that the owner of the manufactured home owns.”.

20           **1385.** Page 902, line 5: after that line insert:

21           “**SECTION 2539n.** 101.9209 (1) (a) of the statutes is amended to read:

22           101.9209 **(1)** (a) If an owner transfers an interest in a manufactured home,  
23 other than by the creation of a security interest, the owner shall, at the time of the  
24 delivery of the manufactured home, execute an assignment and warranty of title to

1 the transferee in the space provided therefor on the certificate, and cause the  
2 certificate to be mailed or delivered to the transferee. This paragraph does not apply  
3 if the owner has no certificate of title as a result of the exemption under s. 101.9203  
4 (4).

5 **SECTION 2539nc.** 101.9209 (2) of the statutes is amended to read:

6 101.9209 (2) Promptly Except as otherwise provided in this subsection,  
7 promptly after delivery to him or her of the manufactured home, the transferee shall  
8 execute the application for a new certificate of title in the space provided therefor on  
9 the certificate or as the department prescribes, and cause the certificate and  
10 application to be mailed or delivered to the department. This subsection does not  
11 apply to a transferee who is exempt from making application for a certificate of title  
12 under s. 101.9203 (4).

13 **SECTION 2539nf.** 101.9209 (3) of the statutes is amended to read:

14 101.9209 (3) A transfer by an owner is not effective until the applicable  
15 provisions of this section have been complied with. An owner who has delivered  
16 possession of the manufactured home to the transferee and has complied with the  
17 provisions of this section requiring action by him or her is not liable as owner for any  
18 damages thereafter resulting from use of the mobile home.

19 **SECTION 2539nh.** 101.9209 (5) (a) and (b) of the statutes are amended to read:

20 101.9209 (5) (a) Any transferee of a mobile manufactured home who fails to  
21 make application for a new certificate of title immediately upon transfer to him or  
22 her of a manufactured home as required under sub. (2) may be required to forfeit not  
23 more than \$200.

24 (b) Any transferee of a manufactured home who, with intent to defraud, fails  
25 to make application for a new certificate of title immediately upon transfer to him

1 or her of a manufactured home as required under sub. (2) may be fined not more than  
2 \$1,000 or imprisoned for not more than 30 days or both.

3 **SECTION 2539nj.** 101.921 (1) (a) of the statutes is amended to read:

4 101.921 (1) (a) Except as provided in par. (b), if a manufactured home dealer  
5 acquires a manufactured home and holds it for resale or accepts a manufactured  
6 home for sale on consignment, the manufactured home dealer may not submit to the  
7 department the certificate of title or application for certificate of title naming the  
8 manufactured home dealer as owner of the manufactured home. Upon transferring  
9 the manufactured home to another person, the manufactured home dealer shall  
10 immediately give the transferee, on a form prescribed by the department, a receipt  
11 for all title, security interest and sales tax moneys paid to the manufactured home  
12 dealer for transmittal to the department when required. The Unless the  
13 manufactured home has no certificate of title as a result of the exemption under s.  
14 101.9203 (4), the manufactured home dealer shall promptly execute the assignment  
15 and warranty of title, showing the name and address of the transferee and of any  
16 secured party holding a security interest created or reserved at the time of the resale  
17 or sale on consignment, in the spaces provided therefor on the certificate or as the  
18 department prescribes. Within 7 business days following the sale or transfer, the  
19 manufactured home dealer shall mail or deliver the certificate or application for  
20 certificate to the department with the transferee's application for a new certificate,  
21 unless the transferee is exempt from making application for a certificate of title  
22 under s. 101.9203 (4). A nonresident who purchases a manufactured home from a  
23 manufactured home dealer in this state may not, unless otherwise authorized by rule  
24 of the department, apply for a certificate of title issued for the manufactured home  
25 in this state unless the manufactured home dealer determines that a certificate of

1 title is necessary to protect the interests of a secured party. The manufactured home  
2 dealer is responsible for determining whether a certificate of title and perfection of  
3 security interest is required. The manufactured home dealer is liable for any  
4 damages incurred by the department or any secured party for the manufactured  
5 home dealer's failure to perfect a security interest that the manufactured home  
6 dealer had knowledge of at the time of sale.

7 **SECTION 2539nL.** 101.9211 (1) of the statutes is amended to read:

8 101.9211 (1) If the interest of an owner in a manufactured home passes to  
9 another other than by voluntary transfer, the transferee shall, except as provided in  
10 sub. (2), promptly mail or deliver to the department the last certificate of title, if  
11 available, and the any documents required by the department to legally effect such  
12 transfer, and. The transferee shall also promptly mail or deliver to the department  
13 an application for a new certificate in the form that the department prescribes,  
14 unless the transferee is exempt from making application for a certificate of title  
15 under s. 101.9203 (4).

16 **SECTION 2539nn.** 101.9211 (2) of the statutes is amended to read:

17 101.9211 (2) If the interest of the owner is terminated or the manufactured  
18 home is sold under a security agreement by a secured party named in the certificate  
19 of title, the transferee shall promptly mail or deliver to the department the last  
20 certificate of title, unless there is no certificate of title as a result of the exemption  
21 under s. 101.9203 (4), an application for a new certificate in the form that the  
22 department prescribes, unless the transferee is exempt from making application for  
23 a certificate of title under s. 101.9203 (4), and a statement made by or on behalf of  
24 the secured party that the manufactured home was repossessed and that the interest

1 of the owner was lawfully terminated or sold under the terms of the security  
2 agreement.

3 **SECTION 2539np.** 101.9211 (4) (a) 2. of the statutes is amended to read:

4 101.9211 (4) (a) 2. The title executed by such administrator, executor, guardian  
5 or trustee, except that this subdivision does not apply if there is no certificate of title  
6 as a result of the exemption under s. 101.9203 (4).

7 **SECTION 2539nr.** 101.9211 (4) (b) 1. (intro.) of the statutes is amended to read:

8 101.9211 (4) (b) 1. (intro.) The Except as provided under subd. 1m., the  
9 department shall transfer the decedent's interest in any manufactured home to his  
10 or her surviving spouse upon receipt of the title executed by the surviving spouse and  
11 a statement by the spouse that states all of the following:

12 **SECTION 2539nt.** 101.9211 (4) (b) 1m. of the statutes is created to read:

13 101.9211 (4) (b) 1m. The department may not require a surviving spouse to  
14 provide an executed title to a manufactured home under subd. 1. if the manufactured  
15 home has no certificate of title as a result of the exemption under s. 101.9203 (4).

16 **SECTION 2539nv.** 101.9211 (4) (b) 2. of the statutes is amended to read:

17 101.9211 (4) (b) 2. The transfer of a manufactured home under this paragraph  
18 shall not affect any liens upon the manufactured home.

19 **SECTION 2539nw.** 101.9212 (1) and (2) of the statutes are amended to read:

20 101.9212 (1) The Except as otherwise provided in this subsection, the  
21 department, upon receipt of a properly assigned certificate of title, with an  
22 application for a new certificate of title, the required fee and any other transfer  
23 documents required by law, to support the transfer, shall issue a new certificate of  
24 title in the name of the transferee as owner. The department may not require a  
25 person to provide a properly assigned certificate of title if the manufactured home



1 for which the new certificate of title is requested has no certificate of title as a result  
2 of the exemption under s. 101.9203 (4).

3 **SECTION 2539ny.** 101.9218 (2) of the statutes is amended to read:

4 101.9218 (2) FIXTURES EXCLUDED. Notwithstanding ss. 101.921 to 101.9217, the  
5 method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security  
6 interests does not apply to a manufactured home that is a fixture to real estate or to  
7 a manufactured home that the owner intends, upon acquiring, to permanently affix  
8 to land that the owner of the manufactured home owns.”.

9 **1386.** Page 904, line 24: after that line insert:

10 “**SECTION 2558h.** 103.49 (3) (a) of the statutes is amended to read:

11 103.49 (3) (a) Before bids are asked for any work to which this section applies,  
12 the state agency having the authority to prescribe the specifications shall apply to  
13 the department to determine the prevailing wage rate for each trade or occupation  
14 required in the work under contemplation in the area in which the work is to be done.  
15 The department shall conduct investigations and hold public hearings as necessary  
16 to define the trades or occupations that are commonly employed on projects that are  
17 subject to this section and to inform itself as to the prevailing wage rates in all areas  
18 of the state for those trades or occupations, in order to determine the prevailing wage  
19 rate for each trade or occupation. In defining those trades or occupations, the  
20 department shall define metal building assembler as a separate trade or occupation  
21 for purposes of determining the prevailing wage rates for that trade or occupation  
22 and shall include among the typical duties of that trade or occupation reroofing and  
23 assembling components for use in constructing canopies, reroofs, and mezzanines.

24 The department shall issue its determination within 30 days after receiving the

1 request and shall file the determination with the requesting state agency. For the  
2 information of the employees working on the project, the prevailing wage rates  
3 determined by the department, the prevailing hours of labor and the provisions of  
4 subs. (2) and (6m) shall be kept posted by the state agency in at least one conspicuous  
5 and easily accessible place on the site of the project.”.

6 **1387.** Page 904, line 25: delete that line.

7 **1388.** Page 905, line 1: delete lines 1 to 24.

8 **1389.** Page 906, line 1: delete lines 1 and 2.

9 **1390.** Page 906, line 18: delete lines 18 to 25.

10 **1391.** Page 907, line 1: delete lines 1 to 9.

11 **1392.** Page 908, line 1: delete lines 1 to 15.

12 **1393.** Page 908, line 22: after that line insert:

13 “**SECTION 2560t.** 106.01 (12) of the statutes is created to read:

14 106.01 (12) The department of workforce development shall apply to the  
15 federal department of labor for \$150,000 in each fiscal year to provide the  
16 apprenticeship marketing activities described in this subsection. If the department  
17 of workforce development receives any of those moneys, the department shall  
18 allocate all of those moneys received, plus all amounts received as contributions  
19 under this subsection, for apprenticeship marketing activities, including the  
20 development and distribution of promotional materials directed at encouraging  
21 employers to hire apprentices, educating high school career counselors on careers  
22 available in the skilled trades, encouraging the youth of this state to consider a career  
23 in the skilled trades, and otherwise promoting the availability and benefits of careers  
24 in the skilled trades. The department shall solicit contributions from private sources

1 to assist in the provision of those promotional materials and shall credit any  
2 contributions received to the appropriation account under s. 20.445 (1) (g). The  
3 department shall seek the advice of and consult with the apprenticeship marketing  
4 council regarding the administration of the apprenticeship marketing activities  
5 provided under this subsection.”.

6 **1394.** Page 911, line 20: after that line insert:

7 “SECTION 2571p. 106.175 of the statutes is created to read:

8 **106.175 Labor Day report.** By September 1, 2002, and annually thereafter,  
9 the department shall prepare and submit to the appropriate standing committees of  
10 the legislature under s. 13. 172 (3) a report on the labor supply in this state. The  
11 report shall describe any critical labor shortage areas identified by the department  
12 by occupation, region, gender, and race and shall recommend potential solutions to  
13 those critical labor shortages. The department shall also provide the report to the  
14 local workforce development boards established under 29 USC 2832 throughout the  
15 state and to the other appropriate organizations as determined by the department.

16 SECTION 2571q. 106.18 of the statutes is created to read:

17 **106.18 Job skills training reports.** The department shall collect  
18 information concerning the availability of basic job skills training programs in the  
19 state and periodically prepare reports identifying those programs for distribution to  
20 local workforce development boards established under 29 USC 2832, job centers, and  
21 other appropriate organizations as determined by the department. To the extent  
22 practicable, the reports shall identify available training programs by region of the  
23 state.”.

24 **1395.** Page 912, line 2: after that line insert:

1           “**SECTION 2585t.** 106.215 (7) (am) of the statutes is amended to read:

2           106.215 (7) (am) *Human services activities; appropriations.* Moneys  
3 appropriated under s. 20.445 (6) ~~(b)~~, (j) and (m) may be utilized for human services  
4 activities as authorized under those appropriations.”.

5           **1396.** Page 912, line 11: after that line insert:

6           “**SECTION 2603g.** 107.15 (2) (b) of the statutes is amended to read:

7           107.15 (2) (b) “Licensee” means any person licensed to conduct exploration  
8 activities by the department of ~~natural resources~~ environmental management under  
9 s. 293.21. If the person is a corporation or limited liability company, “licensee”  
10 includes the parent and any subsidiary or affiliates of the corporation or limited  
11 liability company engaged in mining or activities related to mining in this state.

12           **SECTION 2603j.** 107.15 (6) (c) 2. of the statutes is amended to read:

13           107.15 (6) (c) 2. By the secretary of the ~~department of natural resources~~  
14 environmental management for purposes of specific environmental analysis and  
15 permit application evaluation and by the secretary of the ~~department of revenue~~  
16 provided that the confidential information shall not be released by either the  
17 department of revenue or the department of ~~natural resources~~ environmental  
18 management, that the departments of revenue and ~~natural resources~~ environmental  
19 management shall establish procedures to keep any confidential information  
20 confidential, and that the responsible person or persons in each department shall be  
21 subject to the penalty specified under this paragraph for the unauthorized release  
22 of confidential information.

23           **SECTION 2604t.** 110.20 (4) of the statutes is amended to read:

1           110.20 (4) DEPARTMENTAL COOPERATION. The department shall consult and  
2 cooperate with the department of natural resources environmental management in  
3 order to efficiently and fairly establish and administer the program established  
4 under this section.”.

5           **1397.** Page 912, line 17: after that line insert:

6           “**SECTION 2605p.** 110.20 (8) (d) of the statutes is amended to read:

7           110.20 (8) (d) No inspection station may be established within 0.5 mile of an  
8 air monitoring station which reported a violation during the period from 1976 to 1979  
9 of the carbon monoxide primary national ambient air quality standard as defined by  
10 the department of natural resources environmental management.”.

11           **1398.** Page 912, line 20: after that line insert:

12           “**SECTION 2606n.** 111.335 (1) (c) of the statutes is amended to read:

13           111.335 (1) (c) Notwithstanding s. 111.322, it is not employment discrimination  
14 because of conviction record to refuse to ~~employ or license~~, or to bar or terminate from  
15 ~~employment or licensing~~, any ~~individual who~~ of the following:

16           1. ~~Has~~ An individual who has been convicted of any felony, misdemeanor, or  
17 other offense the circumstances of which substantially relate to the circumstances  
18 of the particular ~~job or licensed activity; or~~.

19           2. ~~Is~~ An individual who is not bondable under a standard fidelity bond or an  
20 equivalent bond ~~where~~ when such bondability is required by state or federal law, or  
21 administrative regulation ~~or established business practice of the employer~~.

22           **SECTION 2606p.** 111.335 (1) (cg) 3. of the statutes is repealed.

23           **SECTION 2606q.** 111.335 (1) (cm) of the statutes is renumbered 111.335 (1) (cm)  
24 (intro.) and amended to read:

1           111.335 (1) (cm) (intro.) Notwithstanding s. 111.322, it is not employment  
2 discrimination because of conviction record to refuse to employ ~~as an installer of~~  
3 ~~burglar alarms a person, or to bar or terminate from employment, any of the~~  
4 following:

5           1. An individual who has been convicted of a felony and who has not been  
6 pardoned for that felony.

7           **SECTION 2606r.** 111.335 (1) (cm) 2. to 4. of the statutes are created to read:

8           111.335 (1) (cm) 2. An individual who has been convicted of a felony, the  
9 circumstances of which substantially relate to the circumstances of the particular  
10 job, and who has been pardoned for that felony.

11           3. An individual who has been convicted of a misdemeanor or other offense, the  
12 circumstances of which substantially relate to the circumstances of the particular  
13 job.

14           4. An individual who is not bondable under a standard fidelity bond or an  
15 equivalent bond when such bondability is required by state or federal law,  
16 administrative regulation, or established business practice of the employer.”.

17           **1399.** Page 912, line 20: after that line insert:

18           “**SECTION 2606m.** 111.335 (1) (cv) of the statutes is created to read:

19           111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment  
20 discrimination because of conviction record to refuse to employ in a position in the  
21 classified service, in a position described in s. 230.08 (2) (k), or as a corps enrollee with  
22 the Wisconsin conservation corps under s. 106.215 (1) (c) a person who has been  
23 convicted under 50 USC, Appendix, section 462 for refusing to register with the  
24 selective service system and who has not been pardoned.”.

1           **1400.** Page 912, line 20: after that line insert:

2           “**SECTION 2605d.** 110.20 (13) (b) of the statutes is amended to read:

3           110.20 (13) (b) The department of ~~natural resources~~ environmental  
4 management shall, by rule, establish the amount of the repair cost limit to equal the  
5 amount required under 42 USC 7511a (b) 4. or (c) (3) (C).”.

6           **1401.** Page 912, line 20: after that line insert:

7           “**SECTION 2608h.** 111.70 (1) (a) of the statutes is amended to read:

8           111.70 (1) (a) “Collective bargaining” means the performance of the mutual  
9 obligation of a municipal employer, through its officers and agents, and the  
10 representative of its municipal employees in a collective bargaining unit, to meet and  
11 confer at reasonable times, in good faith, with the intention of reaching an  
12 agreement, or to resolve questions arising under such an agreement, with respect to  
13 wages, hours, and conditions of employment, and with respect to a requirement of  
14 the municipal employer for a municipal employee to perform law enforcement and  
15 fire fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s.  
16 40.81 (3) and except that a municipal employer shall not meet and confer with respect  
17 to any proposal to diminish or abridge the rights guaranteed to municipal employees  
18 under ch. 164. The duty to bargain, however, does not compel either party to agree  
19 to a proposal or require the making of a concession. Collective bargaining includes  
20 the reduction of any agreement reached to a written and signed document. The  
21 municipal employer shall not be required to bargain on subjects reserved to  
22 management and direction of the governmental unit except insofar as the manner  
23 of exercise of such functions affects the wages, hours, and conditions of employment  
24 of the municipal employees in a collective bargaining unit. In creating this

1 subchapter the legislature recognizes that the municipal employer must exercise its  
2 powers and responsibilities to act for the government and good order of the  
3 jurisdiction which it serves, its commercial benefit and the health, safety, and  
4 welfare of the public to assure orderly operations and functions within its  
5 jurisdiction, subject to those rights secured to municipal employees by the  
6 constitutions of this state and of the United States and by this subchapter.”.

7 **1402.** Page 912, line 20: after that line insert:

8 “**SECTION 2606r.** 111.09 (2m) of the statutes is created to read:

9 111.09 (2m) In addition to any fee that the commission is required to assess and  
10 collect under subs. (1) and (2), the commission may assess and collect a reasonable  
11 fee for any other service that the commission provides to any person.”.

12 **1403.** Page 912, line 20: after that line insert:

13 “**SECTION 2607.** 111.70 (1) (a) of the statutes is amended to read:

14 111.70 (1) (a) “Collective bargaining” means the performance of the mutual  
15 obligation of a municipal employer, through its officers and agents, and the  
16 representative of its municipal employees in a collective bargaining unit, to meet and  
17 confer at reasonable times, in good faith, with the intention of reaching an  
18 agreement, or to resolve questions arising under such an agreement, with respect to  
19 wages, hours, and conditions of employment, and with respect to a requirement of  
20 the municipal employer for a municipal employee to perform law enforcement and  
21 fire fighting services under s. 61.66, except as provided in sub. (4) (m) and (om) and  
22 s. 40.81 (3) and except that a municipal employer shall not meet and confer with  
23 respect to any proposal to diminish or abridge the rights guaranteed to municipal  
24 employees under ch. 164. The duty to bargain, however, does not compel either party



1 to agree to a proposal or require the making of a concession. Collective bargaining  
2 includes the reduction of any agreement reached to a written and signed document.  
3 The municipal employer shall not be required to bargain on subjects reserved to  
4 management and direction of the governmental unit except insofar as the manner  
5 of exercise of such functions affects the wages, hours, and conditions of employment  
6 of the municipal employees in a collective bargaining unit. In creating this  
7 subchapter the legislature recognizes that the municipal employer must exercise its  
8 powers and responsibilities to act for the government and good order of the  
9 jurisdiction which it serves, its commercial benefit and the health, safety, and  
10 welfare of the public to assure orderly operations and functions within its  
11 jurisdiction, subject to those rights secured to municipal employees by the  
12 constitutions of this state and of the United States and by this subchapter.

13 **SECTION 2608b.** 111.70 (4) (cm) 8s. (title) of the statutes is amended to read:

14 111.70 (4) (cm) 8s. (title) 'Forms for determining costs; determination of fringe  
15 benefits coverage.'

16 **SECTION 2608c.** 111.70 (4) (cm) 8s. of the statutes is renumbered 111.70 (4) (cm)  
17 8s. a.

18 **SECTION 2609.** 111.70 (4) (cm) 8s. b. of the statutes is created to read:

19 111.70 (4) (cm) 8s. b. For the purpose of determining whether fringe benefits  
20 provided to municipal employees are maintained by a municipal employer under a  
21 qualified economic offer, the commission shall consider substantially similar health  
22 care benefits to be identical to existing health care benefits. Rules promulgated by  
23 the office of the commissioner of insurance under s. 601.415 (13) shall be used to  
24 determine if the health care benefits are substantially similar.”.

1           **1404.** Page 912, line 20: after that line insert:

2           “**SECTION 2606s.** 111.335 (1) (d) of the statutes is created to read:

3           111.335 **(1)** (d) 1. In this paragraph, “educational agency” means a school  
4           district, a cooperative educational service agency, a county children with disabilities  
5           education board, a state correctional institution under s. 302.01, a secured  
6           correctional facility, as defined in s. 938.02 (15m), a secured child caring institution,  
7           as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually  
8           Impaired, the Wisconsin School for the Deaf, the Mendota Mental Health Institute,  
9           the Winnebago Mental Health Institute, a state center for the developmentally  
10          disabled, a private school, a charter school, a private, nonprofit, nonsectarian agency  
11          under contract with a school board under s. 118.153 (3) (c), or a nonsectarian private  
12          school or agency under contract with the board of school directors in a 1st class city  
13          under s. 119.235 (1).

14          2. Notwithstanding s. 111.322, it is not employment discrimination because of  
15          conviction record for an educational agency to refuse to employ or to bar or terminate  
16          from employment an individual who has been convicted of a felony and who has not  
17          been pardoned for that felony.”.

18          **1405.** Page 912, line 20: after that line insert:

19          “**SECTION 2606d.** 111.337 (1) of the statutes is renumbered 111.337 (1r) (intro.)  
20          and amended to read:

21          111.337 **(1r)** (intro.) Employment discrimination because of creed includes, but  
22          is not limited to, ~~refusing~~ any of the following:

23          (a) Refusing to reasonably accommodate an employee’s or prospective  
24          employee’s religious observance or practice unless the employer can demonstrate

1 that the accommodation would pose an undue hardship on the employer's program,  
2 enterprise, or business.

3 **SECTION 2606g.** 111.337 (1g) of the statutes is created to read:

4 111.337 (1g) In this section:

5 (a) "Health care provider" means any of the following:

6 1. An individual licensed, registered, permitted, or certified by the department  
7 of health and family services or the department of regulation and licensing to provide  
8 health care services in this state.

9 2. An individual who provides health care services as directed, supervised, or  
10 inspected by an individual specified in subd. 1.

11 (b) "Human embryo" includes any organism that is derived by fertilization,  
12 parthenogenesis, cloning, or any other means from one or more human gametes or  
13 human diploid cells.

14 (bm) "Medical equipment seller" means an individual whose employment  
15 duties include selling or supplying medical equipment or supplies.

16 (c) "Participate in" means to perform, assist in, recommend, counsel in favor  
17 of, make referrals for, prescribe, dispense or administer drugs for, or otherwise  
18 promote, encourage, or aid.

19 **SECTION 2606j.** 111.337 (1r) (b) of the statutes is created to read:

20 111.337 (1r) (b) Discriminating against any health care provider or medical  
21 equipment seller by engaging in any of the actions prohibited under s. 111.322 on the  
22 basis of the health care provider's or medical equipment seller's refusal, or statement  
23 of an intention to refuse, whether or not in writing, based on his or her creed, to  
24 participate in, or sell or provide medical equipment or supplies used for, any of the  
25 following:

1           1. A sterilization procedure.

2           2. A procedure involving a drug or device that may prevent the implantation  
3 of a fertilized human ovum.

4           3. An abortion, as defined in s. 253.10 (2) (a).

5           4. An experiment or medical procedure involving any of the following:

6           a. The destruction of a human embryo.

7           b. A human embryo or unborn child, at any stage of development, in which the  
8 experiment or procedure is not related to the beneficial treatment of the human  
9 embryo or unborn child.

10          5. A procedure, including a transplant procedure, that uses fetal tissue or  
11 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or  
12 miscarriage.

13          6. The withholding or withdrawal of nutrition or hydration, if the withholding  
14 or withdrawal of nutrition or hydration would result in the patient's death from  
15 malnutrition or dehydration, or complications of malnutrition or dehydration, rather  
16 than from the underlying terminal illness or injury, unless the administration of  
17 nutrition or hydration is medically contraindicated.

18          7. An act that intentionally causes or assists in causing the death of an  
19 individual, such as by assisted suicide, euthanasia, or mercy killing.”.

20           **1406.** Page 913, line 2: after that line insert:

21           “**SECTION 2615d.** 111.91 (2) (nm) of the statutes is created to read:

22           111.91 (2) (nm) The prohibition under s. 632.872 related to denying payment  
23 for certain procedures.”.

24           **1407.** Page 913, line 2: after that line insert:

1           “**SECTION 2615c.** 111.91 (2) (r) of the statutes, as created by 1999 Wisconsin Act  
2           9, is repealed.”.

3           **1408.** Page 913, line 2: after that line insert:

4           “**SECTION 2615f.** 111.93 (3) of the statutes is amended to read:

5           111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),  
6           230.35 (2d), 230.35 (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement  
7           exists between the employer and a labor organization representing employees in a  
8           collective bargaining unit, the provisions of that agreement shall supersede the  
9           provisions of civil service and other applicable statutes, as well as rules and policies  
10          of the board of regents of the University of Wisconsin System, related to wages, fringe  
11          benefits, hours, and conditions of employment whether or not the matters contained  
12          in those statutes, rules, and policies are set forth in the collective bargaining  
13          agreement.”.

14          **1409.** Page 913, line 2: after that line insert:

15          “**SECTION 2612m.** 111.91 (1) (cm) of the statutes is amended to read:

16          111.91 (1) (cm) Except as provided in sub. (2) (~~g~~) and (h) and ss. 40.02 (22) (e)  
17          and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40  
18          and all actions of the employer that are authorized under any such law which apply  
19          to nonrepresented individuals employed by the state shall apply to similarly situated  
20          employees, unless otherwise specifically provided in a collective bargaining  
21          agreement that applies to those employees.

22          **SECTION 2612r.** 111.91 (2) (g) of the statutes is repealed.”.

23          **1410.** Page 913, line 2: after that line insert:

24          “**SECTION 2613h.** 111.70 (4) (o) of the statutes is created to read:

1           111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,  
2 the municipal employer is not required to bargain collectively with respect to the  
3 establishment of the school calendar. This paragraph shall not be construed to  
4 eliminate a school district’s duty to bargain collectively with the recognized or  
5 certified representative of school district employees in a collective bargaining unit  
6 concerning the total number of days of work and the number of those days which are  
7 allocated to different purposes such as days on which school is taught, in-service  
8 days, staff preparation days, convention days, paid holidays, and parent-teacher  
9 conference days, and to bargain collectively with that representative with regard to  
10 the impact of the school calendar on wages, hours, and conditions of employment.”.

11           **1411.** Page 913, line 2: after that line insert:

12           “**SECTION 2614h.** 111.71 (2m) of the statutes is created to read:

13           111.71 (2m) In addition to any fee that the commission is required to assess and  
14 collect under subs. (1) and (2), the commission may assess and collect a reasonable  
15 fee for any other service that the commission provides to any person.

16           **SECTION 2615h.** 111.94 (2m) of the statutes is created to read:

17           111.94 (2m) In addition to any fee that the commission is required to assess and  
18 collect under subs. (1) and (2), the commission may assess and collect a reasonable  
19 fee for any other service that the commission provides to any person.”.

20           **1412.** Page 913, line 2: after that line insert:

21           “**SECTION 2615.** 111.70 (4) (om) of the statutes is created to read:

22           111.70 (4) (om) *Permissive subjects of collective bargaining.* In a school district,  
23 the municipal employer is not required to bargain collectively with respect to the  
24 selection of any group health care benefits provider for school district professional

1 employees if the provider offers health care benefits coverage that is substantially  
2 similar to that offered by other providers in bids submitted under s. 120.12 (24).  
3 Rules promulgated by the office of the commissioner of insurance under s. 601.415  
4 (13) shall be used to determine if health care benefits coverage offered by different  
5 providers is substantially similar.”.

6 **1413.** Page 913, line 3: delete lines 3 to 9.

7 **1414.** Page 913, line 11: delete the material beginning with that line and  
8 ending with page 914, line 12.

9 **1415.** Page 914, line 21: after that line insert:

10 “**SECTION 2630g.** 115.343 (title) and (1) of the statutes are amended to read:

11 **115.343** (title) **Wisconsin morning school day milk program.** (1) The  
12 department shall establish a morning school day milk program. A school  
13 participating in the program shall offer each eligible child –a– one half-pint of  
14 Wisconsin-produced whole milk, 2% milk, 1.5% milk, one percent milk, 0.5% milk,  
15 skim milk or chocolate milk on each day in which school is in session. If a child is  
16 allergic to milk or has metabolic disorders or other conditions which prohibit him or  
17 her from drinking milk, the child shall be offered juice as a substitute. Any school  
18 that participates in the program is encouraged to consider bids from local milk  
19 suppliers. The school shall keep all information related to the identity of the pupils  
20 who receive a beverage under the program confidential. In this subsection,  
21 “Wisconsin-produced” means that all or part of the raw milk used by the milk  
22 processor was produced in this state.

23 **SECTION 2630h.** 115.343 (2) (c) of the statutes is created to read:

1           115.343 (2) (c) The child does not receive the beverage during the school's  
2 breakfast or lunch period.”.

3           **1416.** Page 914, line 21: after that line insert:

4           “**SECTION 2630m.** 115.31 (1) (b) of the statutes is amended to read:

5           115.31 (1) (b) “Educational agency” means a school district, cooperative  
6 educational service agency, state correctional institution under s. 302.01, secured  
7 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,  
8 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually  
9 Impaired, the Wisconsin School Educational Services Program for the Deaf and Hard  
10 of Hearing, the Mendota mental health institute, the Winnebago mental health  
11 institute, a state center for the developmentally disabled, a private school, or a  
12 private, nonprofit, nonsectarian agency under contract with a school board under s.  
13 118.153 (3) (c).”.

14           **1417.** Page 914, line 21: after that line insert:

15           “**SECTION 2635m.** 115.28 (49) of the statutes is created to read:

16           115.28 (49) CHARTER SCHOOL REPORT. Annually report to the legislature, in the  
17 manner provided under s. 13.172 (2), on the status of existing charter schools, the  
18 number of petitions for new charter schools, and school board and departmental  
19 action on petitions for new charter schools.”.

20           **1418.** Page 914, line 21: after that line insert:

21           “**SECTION 2638m.** 115.28 (50) of the statutes is created to read:

22           115.28 (50) SPECIAL EDUCATION STUDY. Distribute a summary of study under s.  
23 36.11 (49) to each school district.”.

24           **1419.** Page 914, line 21: after that line insert:



1           **“SECTION 2635m.** 115.28 (52) of the statutes is created to read:

2           115.28 **(52)** FEDERAL FUNDS. In consultation with the department of  
3 administration, maximize the use of federal aid for education and annually report  
4 to the joint committee on finance on whether federal funding could be used in lieu  
5 of general school aid under s. 121.08 or categorical aids.”.

6           **1420.** Page 914, line 21: after that line insert:

7           **“SECTION 2625s.** 115.28 (51) of the statutes is created to read:

8           115.28 **(51)** EDUCATION CONSULTANTS. Ensure that each person employed by the  
9 department as a consultant has taught in a classroom or has an educational  
10 component before being employed by the department as a consultant.”.

11           **1421.** Page 914, line 22: delete the material beginning with that line and  
12 ending with page 915, line 2, and substitute:

13           **“SECTION 2645m.** 115.38 (1) (bm) of the statutes is created to read:

14           115.38 **(1)** (bm) A comparison of the school district’s performance under pars.  
15 (a) and (b) with the performance of other school districts in the same athletic  
16 conference under pars. (a) and (b).”.

17           **1422.** Page 916, line 1: after that line insert:

18           **“SECTION 2666m.** 115.817 (5) (b) 1. of the statutes is amended to read:

19           115.817 **(5)** (b) 1. At the close of each fiscal year, the board shall employ a  
20 licensed certified public accountant licensed or certified under ch. 442 to audit its  
21 accounts and certify the audit. The cost of the audit shall be paid from board funds.”.

22           **1423.** Page 916, line 1: after that line insert:

23           **“SECTION 2660m.** Subchapter III (title) of chapter 115 [precedes 115.51] of the  
24 statutes is amended to read:



1           (a) *School.* 1. ‘Residents 3 to 20 years old.’ The program shall operate a school  
2 at which any resident of this state 3 to 20 years old who is hearing impaired, and for  
3 the duration of a school term any resident of this state who is hearing impaired and  
4 becomes 21 years old during that school term, shall be received and taught free of  
5 charge if the individualized education program for the resident under s. 115.787 and  
6 the educational placement under s. 115.79 specify the school operated by the  
7 program as the appropriate placement.

8           2. ‘Residents 21 years old or older.’ The state superintendent may admit to the  
9 school operated by the program a resident of the state who is hearing impaired and  
10 is 21 years of age or older prior to the beginning of a school term upon the payment  
11 of fees fixed by the state superintendent and upon the recommendation of the  
12 secretary of health and family services, the director of the technical college system,  
13 or the director of the program.

14           3. ‘Nonresidents.’ A nonresident of this state, who is hearing impaired, who  
15 either is 3 to 20 years old or becomes 21 years old during a school term, whose  
16 individualized education program under 20 USC 1414 (d) and educational placement  
17 specify the school operated by the program as the appropriate placement, and who  
18 is capable of receiving instruction may be received at the school upon payment in  
19 advance of the fees fixed by the state superintendent, but no nonresident may be  
20 received to the exclusion of a resident pupil.

21           4. ‘Pupil use of residential facilities.’ Except as provided in sub. (4), the director  
22 of the program shall make the residential facilities of the program available to all  
23 pupils received at the school operated by the program.

24           5. ‘School term.’ The state superintendent shall fix the period of the school term  
25 at the school operated by the program at not less than 38 weeks, prescribe the school

1 sessions, and confer diplomas upon meritorious pupils who have completed the  
2 prescribed curriculum. Pursuant to a pupil's individualized education program  
3 under s. 115.787, a pupil may be placed at the school for less than a school term.

4 6. 'Transportation.' The program may provide transportation for resident  
5 pupils at the school operated by the program.

6 (b) *Other statewide services.* The program may do any of the following:

7 1. Provide evaluation services to assist local educational agencies, cooperative  
8 educational service agencies, county children with disabilities education boards,  
9 private schools, and others.

10 2. Provide technical assistance and consultation services to local educational  
11 agencies, cooperative educational service agencies, county children with disabilities  
12 education boards, private schools, and others.

13 3. Develop and disseminate curriculum and instructional materials.

14 4. Provide in-service and other training to teachers and other staff serving  
15 pupils who are hearing impaired.

16 5. Provide training, technical assistance, and consultation services for parents  
17 of children who are hearing impaired and for professionals who work with children  
18 who are hearing impaired.

19 6. Provide access to educational materials to children who are hearing  
20 impaired.

21 7. Loan books and other materials from the library described in par. (c) 2.

22 8. Serve as a clearinghouse for information about children who are hearing  
23 impaired.

24 9. Teach American sign language, and teach other subjects using American  
25 sign language, through the use of distance education technology.

1           10. Rent or lease technological materials and assistive technology devices, as  
2 defined in s. 115.76 (1), to local educational agencies, cooperative educational service  
3 agencies, county children with disabilities education boards, and private schools.

4           11. Facilitate the preparation of teachers of pupils who are hearing impaired  
5 by providing assistance to teacher preparation programs.

6           12. Provide other statewide services that relate to the education of children who  
7 are hearing impaired.

8           (c) *Additional services.* 1. ‘Birth to 3 services.’ The program may provide  
9 instruction or services, or both, for children who are under the age of 3 and are  
10 hearing impaired and their parents. The instruction or services are subject to the  
11 approval of, and shall comply with requirements established by, the department.

12           2. ‘Library.’ Educational media and materials acquired by the program  
13 constitute a circulating collection for persons who are hearing impaired. The  
14 collection shall be kept at the program’s facility and be under the supervision of its  
15 director. All school age children of the state who are hearing impaired may use the  
16 media and materials upon compliance with criteria established by the director of the  
17 program and approved by the state superintendent.

18           3. ‘Summer programs.’ The program shall provide summer programs each year  
19 for children who are hearing impaired.

20           4. ‘Independent living skills.’ With the approval of the state superintendent,  
21 the program may allow individuals to receive instruction in and practice  
22 independent living skills in state-owned housing at the program’s facility in  
23 Delavan.

1           (d) *Provision of services.* In addition to providing services at the program's  
2 facility in Delavan, the program may provide services at any location in the state and  
3 may operate regional satellite facilities throughout the state to provide services.

4           **(4) NONDISCRIMINATION.** All pupils in the program may equally and freely enjoy  
5 the benefits and privileges of the program, have the use of the library and books of  
6 instruction, and receive board, lodging, and linens, without discrimination, except  
7 that the director of the program may determine that board, lodging, and linens may  
8 not be provided to an individual because appropriate services are not available for  
9 that individual at the program's residential facilities.

10           **(5) CHARGES.** The state superintendent may charge for meals, living quarters,  
11 laundry, and other services furnished to employees of the program and their families.  
12 The state superintendent may charge for services furnished to visitors to the  
13 program's facilities and participants in training programs and institutes.

14           **(6) LEASING OF SPACE.** The state superintendent may lease space at the  
15 program's facilities in Delavan that is not required by the program to any person if  
16 the state superintendent determines that the use will not be inconsistent with the  
17 operation of the program.

18           **(7) AUDIT.** In the 2004–05 fiscal year, the legislative audit bureau shall perform  
19 a performance evaluation audit of the program. The bureau shall submit copies of  
20 the audit report to the chief clerk of each house of the legislature for distribution to  
21 the appropriate standing committees under s. 13.172 (3) by June 30, 2005.

22           **SECTION 2661m.** 115.53 (2) of the statutes is amended to read:

23           115.53 **(2)** Arrange for vocational, trade or academic training for any pupil in  
24 either the school operated by the Wisconsin Center for the Blind and Visually  
25 Impaired or the Wisconsin School Educational Services Program for the Deaf and

1 Hard of Hearing qualified to take such training advantageously, in either a public  
2 school or technical college or a private business establishment in Janesville or  
3 Delavan. The public school and the technical college shall be paid the regular tuition  
4 for full-time attendance and proportionally for part-time attendance by the school  
5 district responsible for the provision of a free appropriate public education under  
6 subch. V.

7 **SECTION 2661p.** 115.53 (3) (a) of the statutes is amended to read:

8 115.53 (3) (a) Arrange for otological or ophthalmic examination of any pupil or  
9 prospective pupil of the Wisconsin School Educational Services Program for the Deaf  
10 and Hard of Hearing. The examination shall be paid for from the appropriation in  
11 s. 20.255 (1) (b), (gh) or (gs).

12 **SECTION 2661r.** 115.53 (4) of the statutes is amended to read:

13 115.53 (4) Apply to the board of directors of the University of Wisconsin  
14 Hospitals and Clinics Authority for admission to the University of Wisconsin  
15 Hospitals and Clinics of any pupil at the school operated by the Wisconsin School  
16 Educational Services Program for the Deaf and Hard of Hearing or the school  
17 operated by the Wisconsin Center for the Blind and Visually Impaired.

18 (a) The application shall be accompanied by the report of a physician appointed  
19 by the superintendent director of the Wisconsin School Educational Services  
20 Program for the Deaf and Hard of Hearing or the director of the Wisconsin Center  
21 for the Blind and Visually Impaired and shall be in the same form as reports of other  
22 physicians for admission of patients to such hospital.

23 (b) The net cost of hospital treatment shall be at the rate established under s.  
24 233.40 (1) and shall be paid from the appropriation under s. 20.255 (1) (b), (gh) or (gs)  
25 if the patient is a pupil at the school operated by the Wisconsin School Educational

1 Services Program for the Deaf and Hard of Hearing or from the appropriation under  
2 s. 20.255 (1) (b), (gh), (gL) or (gs) if the patient is a pupil at the school operated by the  
3 Wisconsin Center for the Blind and Visually Impaired. The state superintendent  
4 likewise may authorize payment for the expense of transporting patients to and from  
5 the hospital. The state superintendent shall make payments for the treatment to the  
6 University of Wisconsin Hospitals and Clinics Authority. Funds collected by the  
7 state superintendent on account of the hospitalization shall be credited to the  
8 appropriation under s. 20.255 (1) (gh) for the school or center concerned.

9 **SECTION 2661t.** 115.53 (5) of the statutes is amended to read:

10 115.53 (5) Arrange for visits by members of the staff of either the Wisconsin  
11 School Educational Services Program for the Deaf and Hard of Hearing or the  
12 Wisconsin Center for the Blind and Visually Impaired to other public schools or to  
13 families of deaf children who are hearing impaired or children who are visually  
14 impaired, whenever it appears to the state superintendent that such visits will be  
15 of advantage to such children.

16 **SECTION 2662g.** 115.54 of the statutes is amended to read:

17 **115.54 Compulsory education.** If it appears, by affidavit, to any circuit  
18 judge that any deaf child who is either hearing impaired or ~~child who is~~ visually  
19 impaired and who is between the ages of 6 and 21 is deprived of a suitable education  
20 by the failure of the person having the care and custody of the child to provide a  
21 suitable education, the judge shall order the person to bring the child before the  
22 judge. If the material allegations of the affidavit are denied, the judge shall subpoena  
23 witnesses and hear testimony. If the allegations are admitted or established, the  
24 judge may order the child sent to the school operated by the Wisconsin School  
25 Educational Services Program for the Deaf and Hard of Hearing, the school operated



1 by the Wisconsin Center for the Blind and Visually Impaired or to some class or other  
2 school for instruction, but the order may not make a direct charge for the class or  
3 school against any county.”.

4 **1424.** Page 917, line 22: after that line insert:

5 “SECTION 12678s. 118.025 of the statutes is amended to read:

6 **118.025 Arbor day observance.** A school principal may request one free tree  
7 provided from state forest nurseries by the department of ~~natural resources~~ fish,  
8 wildlife, parks, and forestry under s. 28.06 for each 4th grade pupil in the school for  
9 planting in conjunction with an annual observance and celebration of arbor day.”.

10 **1425.** Page 917, line 22: after that line insert:

11 “SECTION 2679f. 118.115 (2) of the statutes is created to read:

12 118.115 (2) Each school board shall establish a written policy regarding the use  
13 of classrooms and facilities by local organizations and businesses for  
14 employment-related training. The policy may condition access on payment of a  
15 reasonable fee, the availability of space, and the appropriateness of the training. The  
16 policy may limit access to activities that are consistent with the mission of the school  
17 district.”.

18 **1426.** Page 917, line 22: after that line insert:

19 “SECTION 2677. 117.20 (2) of the statutes is amended to read:

20 117.20 (2) The clerk of each affected school district shall publish notice, as  
21 required under s. 8.55, in the territory of that school district. The procedures for  
22 school board elections under s. 120.06 ~~(5),~~ (9), (11), (13) and (14) apply to a  
23 referendum held under this section. The school board and school district clerk of each  
24 affected school district shall each perform, for that school district, the functions

1 assigned to the school board and the school district clerk, respectively, under those  
2 subsections. The form of the ballot shall correspond to the form prescribed by the  
3 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school  
4 district shall file with the secretary of the board a certified statement prepared by  
5 the school district board of canvassers of the results of the referendum in that school  
6 district.”.

7 **1427.** Page 917, line 22: after that line insert:

8 “**SECTION 2676m.** 117.20 of the statutes is amended to read:

9 **117.20 Referendum procedures. (1)** If a referendum is required under ss.  
10 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November  
11 occurring not sooner than 45 days following receipt of the petition or adoption of the  
12 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a  
13 referendum is required under s. 117.105, it shall be held on the Tuesday after the first  
14 Monday in the 2nd November occurring not sooner than 45 days following receipt of  
15 the petition or adoption of the resolution under s. 117.105 (1).

16 **(2)** The clerk of each affected school district shall publish notice, as required  
17 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for  
18 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a  
19 referendum held under this section. The school board and school district clerk of each  
20 affected school district shall each perform, for that school district, the functions  
21 assigned to the school board and the school district clerk, respectively, under those  
22 subsections. The form of the ballot shall correspond to the form prescribed by the  
23 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school  
24 district shall file with the secretary of the board a certified statement prepared by

1 the school district board of canvassers of the results of the referendum in that school  
2 district.”.

3 **1428.** Page 917, line 22: after that line insert:

4 “**SECTION 2674d.** 118.06 (title) of the statutes is amended to read:

5 **118.06 (title) Flag and, pledge of allegiance, and national anthem.**

6 **SECTION 2674f.** 118.06 (1) of the statutes is renumbered 118.06 (1) (a) and  
7 amended to read:

8 118.06 (1) (a) Every school board and the governing body of every private school  
9 shall cause the U.S. flag to be displayed in the schoolroom or from a flagstaff on each  
10 school ground during the school hours of each school day. This paragraph does not  
11 apply beginning in the 2005–06 school year.

12 **SECTION 2674h.** 118.06 (1) (b) of the statutes is created to read:

13 118.06 (1) (b) Beginning in the 2005–06 school year, every school board and the  
14 governing body of every private school shall cause the U.S. flag to be displayed in  
15 every classroom during the school hours of each school day.

16 **SECTION 2674j.** 118.06 (2) of the statutes is amended to read:

17 118.06 (2) Every public and private school shall offer the pledge of allegiance  
18 or the national anthem in grades one to 8 ~~at the beginning of 12 each~~ school at least  
19 ~~one day per week.~~ No pupil may be compelled, against the pupil’s objections or those  
20 of the pupil’s parents or guardian, to recite the pledge or to sing the anthem.

21 **SECTION 2674L.** 118.06 (3) of the statutes is created to read:

22 118.06 (3) The requirements under subs. (1) and (2) do not apply to a private  
23 school if the governing body of that private school determines that those  
24 requirements conflict with the school’s religious doctrines.”.

1           **1429.** Page 917, line 22: after that line insert:

2           “**SECTION 2673m.** 118.035 of the statutes is created to read:

3           **118.035 School uniforms. (1)** In this section, “school” means a public school  
4 and includes a charter school other than a charter school under s. 118.40 (2r).

5           **(2)** A school board may adopt a policy that requires all pupils enrolled in school  
6 in the school district, or all pupils enrolled in one or more schools in the school  
7 district, to wear a uniform while in school or while under the supervision of a school  
8 authority.

9           **(3)** If a school board adopts a policy under sub. (2), it shall do all of the following:

10           (a) Establish a method whereby the parent or guardian of a pupil enrolled in  
11 a school in which the policy is in effect may exempt his or her child from complying  
12 with the policy.

13           (b) Ensure that no pupil is penalized academically or otherwise discriminated  
14 against because the pupil’s parent or guardian has chosen to exempt the pupil from  
15 complying with the policy.

16           (c) Notify each parent or guardian of a pupil enrolled in a school in which the  
17 policy will be implemented of the policy at least 3 months before the school board  
18 implements the policy.

19           (d) Assist economically disadvantaged pupils to obtain the uniforms.

20           **(4)** The requirements under sub. (3) do not apply to any school board that has  
21 in effect on the effective date of this subsection ... [revisor inserts date], a school  
22 uniform policy for pupils enrolled in a school in the school district and has had such  
23 a policy in effect continuously since that date.

1           **(5)** By July 1, 2005, the department shall submit a report to the appropriate  
2 standing committees of the legislature under s. 13.172 (3). The report shall address  
3 all of the following issues relating to the imposition of school uniforms by school  
4 boards:

5           (a) Methods of encouraging the involvement of the parents or guardians of  
6 pupils enrolled in a school district in a school board's decision to require school  
7 uniforms.

8           (b) The ability of pupils to obtain the uniforms.

9           (c) The effect of the imposition of the requirement on crime in the school,  
10 including weapons possession, assault, battery, and vandalism, and on pupil  
11 suspensions and expulsions.

12           **(6)** Nothing in this section affects the authority of a school board to require  
13 pupils to wear uniforms for extracurricular activities, and the provisions of sub. (3)  
14 do not apply to such a requirement.”.

15           **1430.** Page 917, line 22: after that line insert:

16           “**SECTION 2670m.** 118.019 (2) (intro.) of the statutes is amended to read:

17           118.019 **(2)** SUBJECTS. (intro.) A school board may provide an instructional  
18 program in human growth and development in grades kindergarten to 12. If  
19 provided, the program shall offer information and instruction appropriate to each  
20 grade level and the age and level of maturity of the pupils. The Except as provided  
21 in sub. (2m), the program may include instruction in any of the following areas:

22           **SECTION 2670p.** 118.019 (2) (e) of the statutes is amended to read:

23           118.019 **(2)** (e) Human sexuality; reproduction; family planning, as defined in  
24 s. 253.07 (1) (a), including natural family planning; human immunodeficiency virus

1 and acquired immunodeficiency syndrome; prenatal development; childbirth;  
2 adoption; available prenatal and postnatal support; and male and female  
3 responsibility.

4 **SECTION 2670q.** 118.019 (2m) of the statutes is created to read:

5 118.019 (2m) MARRIAGE AND PARENTAL RESPONSIBILITY. If a school board provides  
6 instruction in any of the areas under sub. (2) (e), the school board shall also provide  
7 instruction in marriage and parental responsibility.”.

8 **1431.** Page 917, line 22: after that line insert:

9 “**SECTION 2671m.** 118.02 (2) of the statutes is amended to read:

10 118.02 (2) February 12, Abraham Lincoln’s birthday.

11 **SECTION 2671n.** 118.02 (4) of the statutes is amended to read:

12 118.02 (4) February 22, George Washington’s birthday.

13 **SECTION 2671p.** 118.02 (12) of the statutes is amended to read:

14 118.02 (12) October 12, Christopher Columbus’ birthday.

15 **SECTION 2671q.** 118.02 (13) of the statutes is amended to read:

16 118.02 (13) November 11, Veterans Day.

17 **SECTION 2671r.** 118.02 (17) of the statutes is created to read:

18 118.02 (17) April 19, Patriots’ Day.”.

19 **1432.** Page 917, line 22: after that line insert:

20 “**SECTION 2673p.** 118.045 (3) of the statutes is amended to read:

21 118.045 (3) A school board may commence the school term before September  
22 1 in any school year if it ~~holds a public hearing on the issue and adopts a resolution~~  
23 ~~to that effect in that school year~~ the school board requests the department to allow  
24 it to commence the school term before September 1 and the school board includes

1 reasons with its request. The department may grant a request only if it determines  
2 that there are extraordinary reasons for granting it. The department shall  
3 promulgate rules to implement and administer this subsection.”.

4 **1433.** Page 918, line 19: after that line insert:

5 “SECTION 2696m. 118.30 (1) (a) of the statutes is amended to read:

6 118.30 (1) (a) The state superintendent shall adopt or approve examinations  
7 designed to measure pupil attainment of knowledge and concepts in the 4th, and 8th  
8 ~~and 10th~~ grades.”.

9 **1434.** Page 919, line 20: after that line insert:

10 “SECTION 2703g. 118.30 (1m) (b) of the statutes is repealed.

11 SECTION 2703r. 118.30 (1m) (d) of the statutes is amended to read:

12 118.30 (1m) (d) If the school board operates high school grades, beginning in  
13 the 2002–03 school year administer the high school graduation examination adopted  
14 by the school board under sub. (1g) (b) to all pupils enrolled in the school district,  
15 including pupils enrolled in charter schools located in the school district, in the 11th  
16 and 12th grades. The school board shall administer the examination at least ~~twice~~  
17 ~~each school year~~ 3 times every 2 school years and may administer the examination  
18 only to pupils enrolled in the 11th and 12th grades.”.

19 **1435.** Page 920, line 19: after that line insert:

20 “SECTION 2707b. 118.30 (1r) (b) of the statutes is repealed.

21 SECTION 2707f. 118.30 (1r) (d) of the statutes is amended to read:

22 118.30 (1r) (d) If the charter school operates high school grades, beginning in  
23 the 2002–03 school year, administer the high school graduation examination  
24 adopted by the operator of the charter school under sub. (1g) (b) to all pupils enrolled

1 in the 11th and 12th grades in the charter school. The operator of the charter school  
2 shall administer the examination at least ~~twice each school year~~ 3 times every 2  
3 school years and may administer the examination only to pupils enrolled in the 11th  
4 and 12th grades.

5 **SECTION 2710g.** 118.30 (2) (b) 3. of the statutes is repealed.

6 **SECTION 2710m.** 118.30 (2) (b) 4. of the statutes is repealed.

7 **SECTION 2712m.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and  
8 amended to read:

9 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~  
10 allow a person to view an examination required to be administered under this section  
11 if the person submits to the state superintendent a written request to do so within  
12 90 days after the date of administration, ~~any of the~~ examination required to be  
13 administered under this section. This subsection paragraph does not apply while the  
14 an examination is being developed or validated.

15 **SECTION 2714m.** 118.30 (3) (b) of the statutes is created to read:

16 118.30 (3) (b) The state superintendent shall promulgate rules establishing  
17 procedures to administer par. (a). To the extent feasible, the rules shall protect the  
18 security and confidentiality of the examinations required to be administered under  
19 this section.”.

20 **1436.** Page 920, line 19: after that line insert:

21 **“SECTION 2709m.** 118.30 (2) (f) of the statutes is created to read:

22 118.30 (2) (f) Each school board, and each operator of a charter school under  
23 s. 118.40 (2r), shall ensure that no pupil uses a calculator while taking the 4th grade  
24 examination under sub. (1m) or (1r).”.



1           **1437.** Page 920, line 19: after that line insert:

2           “**SECTION 2715q.** 118.40 (2r) (b) of the statutes is renumbered 118.40 (2r) (b)  
3 1. (intro.) and amended to read:

4           118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~  
5 ~~chancellor of the University of Wisconsin–Milwaukee and the Milwaukee area~~  
6 ~~technical college district board~~ All of the following entities may establish by charter  
7 and operate a charter school or, on behalf of their respective entities, may initiate a  
8 contract with an individual or group to operate a school as a charter school.:

9           2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.  
10 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.  
11 to 14. and shall specify the effect of the establishment of the charter school on the  
12 liability of the contracting entity under this paragraph. The contract may include  
13 other provisions agreed to by the parties. The chancellor of the University of  
14 Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may not establish  
15 or enter into a contract for the establishment of a charter school under this  
16 paragraph without the approval of the board of regents of the University of  
17 Wisconsin System.

18           **SECTION 2715qg.** 118.40 (2r) (b) 1. a. to g. of the statutes are created to read:

19           118.40 (2r) (b) 1. a. The common council of the city of Milwaukee.

20           b. The chancellor of the University of Wisconsin–Milwaukee.

21           c. The chancellor of the University of Wisconsin–Parkside.

22           d. The Milwaukee area technical college district board.

23           e. A technical college district board that has entered into a charter school  
24 agreement with participating school districts.

1 f. A county board.

2 g. The board of control of a cooperative educational service agency.

3 **SECTION 2715r.** 118.40 (2r) (bm) of the statutes is created to read:

4 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor  
5 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college  
6 district board may only establish or enter into a contract for the establishment of a  
7 charter school located in the school district operating under ch. 119. A county board  
8 may only establish or enter into a contract for the establishment of a charter school  
9 located in the county.

10 **SECTION 2715rg.** 118.40 (2r) (c) (intro.) of the statutes is renumbered 118.40  
11 (2r) (c) 1. (intro.) and amended to read:

12 118.40 (2r) (c) 1. (intro.) ~~An entity under par. (b) may not establish or enter into~~  
13 ~~a contract for the establishment of a charter school located outside of the school~~  
14 ~~district operating under ch. 119. A pupil residing within the school district operating~~  
15 ~~under ch. 119 may attend a charter school established in the school district operating~~  
16 ~~under ch. 119 under this subsection only if one of the following applies:~~

17 **SECTION 2715rm.** 118.40 (2r) (c) 1. f. of the statutes is created to read:

18 118.40 (2r) (c) 1. f. In the previous school year, the pupil participated in the  
19 interdistrict transfer program under s. 121.85 (2).

20 **SECTION 2715s.** 118.40 (2r) (c) 2. of the statutes is created to read:

21 118.40 (2r) (c) 2. Only pupils who reside in the school district in which the  
22 charter school is located may attend the charter school, except that:

23 a. If the charter school is established or operated by the board of control of a  
24 cooperative educational service agency, a pupil who resides in any school district

1 served by the cooperative educational service agency may also attend the charter  
2 school.

3 b. If the charter school is established or operated by a technical college district  
4 board other than the Milwaukee Area Technical College district board, a pupil who  
5 resides in any school district that has entered into a charter school agreement with  
6 the technical college district board may also attend the charter school.

7 c. If the charter school is established or operated by a county, any pupil who  
8 resides in the county may attend the charter school.

9 **SECTION 2715t.** 118.40 (7) (am) 2. of the statutes is amended to read:

10 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private  
11 school located in the school district operating under ch. 119 that is converted to a  
12 charter school is not an instrumentality of the any school district ~~operating under ch.~~  
13 ~~119 and the no~~ school board of that school district may not employ any personnel for  
14 the charter school.”.

15 **1438.** Page 920, line 19: after that line insert:

16 **SECTION 2721e.** 118.40 (2) (a) of the statutes is amended to read:

17 118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the  
18 school board shall hold a public hearing on the petition. At the hearing, the school  
19 board shall consider the level of employee and parental support for the establishment  
20 of the charter school described in the petition and the fiscal impact of the  
21 establishment of the charter school on the school district. ~~After~~ Except as provided  
22 in par. (c), within 60 days after the hearing, the school board ~~may~~ shall either grant  
23 or deny the petition. The school board's decision shall be in writing and shall include

1 the reasons for its decision. The school board shall provide the petitioner with a copy  
2 of the decision.

3 **SECTION 2725g.** 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

4 **SECTION 2725h.** 118.40 (5) (b) of the statutes is created to read:

5 118.40 (5) (b) If a school board or other entity revokes a charter, its decision  
6 shall be in writing and include the reasons for its decision. The operator of the  
7 charter school may appeal the revocation to the circuit court for a county in which  
8 the school district is located. If the appeal is filed within 60 days after the date on  
9 which the decision is issued, the court shall conduct a full trial on the merits. The  
10 court shall award reasonable attorney fees, damages, and other actual costs to the  
11 prevailing party.”.

12 **1439.** Page 920, line 19: after that line insert:

13 “**SECTION 2725m.** 118.38 (1) (a) 8. of the statutes is created to read:

14 118.38 (1) (a) 8. The commencement of the school term under s. 118.045.”.

15 **1440.** Page 923, line 7: after that line insert:

16 “**SECTION 2745q.** 119.04 (1) of the statutes is amended to read:

17 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
18 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
19 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.115, 118.12,  
20 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164,  
21 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258,  
22 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125,  
23 120.13 (1), (2) (b) to (g), (3), (14), ~~(17) to (18)~~, (19), (26), (34), (35) and (37), 120.14 and  
24 120.25 are applicable to a 1st class city school district and board.”.

1           **1441.** Page 923, line 7: after that line insert:

2           “**SECTION 2746g.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

3           119.23 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (b) and (e), any pupil in grades  
4           kindergarten to 12 who resides within the city may attend, at no charge, any private  
5           school located in the city Milwaukee County if all of the following apply:

6           **SECTION 2747h.** 119.23 (2) (a) 1. of the statutes is amended to read:

7           119.23 (2) (a) 1. The pupil is a member of a family that has a total family income  
8           that does not exceed an amount equal to ~~1.75~~ 1.85 times the poverty level determined  
9           in accordance with criteria established by the director of the federal office of  
10          management and budget.

11          **SECTION 2748i.** 119.23 (2) (a) 3. of the statutes is amended to read:

12          119.23 (2) (a) 3. The private school notified the state superintendent of its  
13          intent to participate in the program under this section by ~~May~~ February 1 of the  
14          previous school year. The notice shall specify the number of pupils participating in  
15          the program under this section for which the school has space.

16          **SECTION 2748k.** 119.23 (2) (b) of the statutes is amended to read:

17          119.23 (2) (b) ~~No more than 15% of the school district's membership may attend~~  
18          ~~private schools under this section.~~ If in any school year there are more spaces  
19          available in the participating private schools than the ~~maximum~~ number of pupils  
20          ~~allowed~~ who wish to participate, the department shall prorate the number of spaces  
21          available at each participating private school.

22          **SECTION 2749m.** 119.23 (2) (c) of the statutes is created to read:

23          119.23 (2) (c) 1. If the department receives a notice from a private school under  
24          par. (a) 3., by March 1 the department shall notify the private school whether it is

1 eligible to participate in the program under this section. If the department  
2 determines that the private school is ineligible, the notice shall include an  
3 explanation of that determination.

4 2. If the department determines under subd. 1. that a private school is  
5 ineligible, the private school may appeal the decision to the department within 14  
6 days after the decision. The department shall approve, reverse, or modify its decision  
7 within 7 days of receiving an appeal.

8 3. A private school may appeal the department's decision under subd. 2. to the  
9 circuit court for Milwaukee County. The court shall give preference to the action and  
10 shall conduct a full trial on the merits.

11 **SECTION 2751m.** 119.23 (2) (e) of the statutes is created to read:

12 119.23 (2) (e) A pupil who attends a private school under this section is eligible  
13 to attend a private school under this section in succeeding school years even if the  
14 pupil no longer meets the criterion under par. (a) 1.

15 **SECTION 2753p.** 119.23 (9) of the statutes is repealed and recreated to read:

16 119.23 (9) The legislative audit bureau shall administer a 12-year longitudinal  
17 study of the program under this section. The bureau shall seek private sources of  
18 funding for the study. The study shall use standardized examinations, and shall  
19 review graduation rates and other indicators of academic achievement. The results  
20 of the study shall be submitted to the legislature periodically over the 12-year period  
21 in the manner provided under s. 13. 172 (2), with the first report due by October 15,  
22 2003.”.

23 **1442.** Page 923, line 7: after that line insert:

24 **SECTION 2749m.** 119.23 (4) (bm) of the statutes is created to read:

1           119.23 (4) (bm) A pupil enrolled in 4-year-old kindergarten may be counted  
2 under par. (b) only if the pupil is a child with a disability, as defined in s. 115.76 (5).”.

3           **1443.** Page 923, line 12: after “special election” insert “an election authorized  
4 under s. 8.065”.

5           **1444.** Page 923, line 12: delete “at the” and substitute “at the”.

6           **1445.** Page 923, line 14: delete the material beginning with that line and  
7 ending with page 924, line 22 and substitute:

8           “119.48 (4) (c) Upon receipt of the communication, the common council shall  
9 file the communication as provided in s. 8.37 and shall cause the question of  
10 exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters  
11 of the city at the ~~September election or at a special~~ next election authorized under  
12 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45  
13 days after receipt of the communication. The question of exceeding the levy rate  
14 specified under s. 65.07 (1) (f) shall be submitted so that the vote upon exceeding the  
15 levy rate specified in s. 65.07 (1) (f) is taken separately from any other question  
16 submitted to the voters. If a majority of the electors voting on the question favors  
17 exceeding the levy rate specified under s. 65.07 (1) (f), the common council shall  
18 approve the increase in the levy rate and shall levy and collect a tax equal to the  
19 amount of money approved by the electors.

20           **SECTION 2757ab.** 119.49 (1) (b) and (2) of the statutes are amended to read:

21           119.49 (1) (b) The communication shall state the amount of funds needed under  
22 par. (a) and the purposes for which the funds will be used and shall request the  
23 common council to submit to the voters of the city at the next election authorized  
24 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city

1 not sooner than 45 days after receipt of the communication the question of issuing  
2 school bonds in the amount and for the purposes stated in the communication.

3 (2) Upon receipt of the communication, the common council shall file the  
4 communication as provided in s. 8.37 and shall cause the question of issuing such  
5 school bonds in the stated amount and for the stated school purposes to be submitted  
6 to the voters of the city at the next election ~~held in the city~~ authorized under s. 8.065  
7 (2) or an election authorized under s. 8.065 (3) that occurs not sooner than 45 days  
8 after the date of receipt of the communication. The question of issuing such school  
9 bonds shall be submitted so that the vote upon issuing such school bonds is taken  
10 separately from any other question submitted to the voters. If a majority of the  
11 electors voting on the school bond question favors issuing such school bonds, the  
12 common council shall cause the school bonds to be issued immediately or within the  
13 period permitted by law, in the amount requested by the board and in the manner  
14 other bonds are issued.”.

15 **1446.** Page 924, line 22: after that line insert:

16 “**SECTION 2760g.** 120.14 (3) of the statutes is amended to read:

17 120.14 (3) The annual meeting may authorize and direct an audit of the school  
18 district accounts by a ~~licensed~~ certified public accountant licensed or certified under  
19 ch. 442.

20 **SECTION 2760r.** 120.18 (1) (gm) of the statutes is amended to read:

21 120.18 (1) (gm) Payroll and related benefit costs for all school district  
22 employees in the previous school year. Costs for represented employees shall be  
23 based upon the costs of any collective bargaining agreements covering such  
24 employees for the previous school year. If, as of the time specified by the department



1 for filing the report, the school district has not entered into a collective bargaining  
2 agreement for any portion of the previous school year with the recognized or certified  
3 representative of any of its employees and the school district and the representative  
4 have been required to submit final offers under s. 111.70 (4) (cm) 6., increased costs  
5 limited to the lower of the school district's offer or the representative's offer shall be  
6 reflected in the report. The school district shall amend the annual report to reflect  
7 any change in such costs as a result of any award or settlement under s. 111.70 (4)  
8 (cm) 6. between the date of filing the report and October 1. Any such amendment  
9 shall be concurred in by the ~~licensed~~ certified public accountant ~~licensed or certified~~  
10 under ch. 442 certifying the school district audit.”.

11 **1447.** Page 924, line 22: after that line insert:

12 “SECTION 2760e. 120.13 (17) of the statutes is amended to read:

13 120.13 (17) TEMPORARY USE OF SCHOOL PROPERTY. ~~Grant~~ Subject to s. 66.0436,  
14 grant the temporary use of school grounds, buildings, facilities or equipment, upon  
15 such conditions, including fees not to exceed actual costs, as determined by the school  
16 board, to any responsible person for any lawful nonschool purpose if such use does  
17 not interfere with use for school purposes or school-related functions. Fees received  
18 under this subsection shall be paid into the school district treasury and accounted  
19 for as prescribed under s. 115.28 (13). The user shall be primarily liable, and the  
20 school board secondarily liable, for any damage to property and for any expense  
21 incurred in consequence of any use of school grounds, buildings, facilities or  
22 equipment under this subsection.”.

23 **1448.** Page 924, line 22: after that line insert:

24 “SECTION 2758f. 119.70 (5) of the statutes is amended to read:

1           119.70 (5) Nothing in this section prohibits the board from granting the use of  
2 school property to religious organizations under s. ~~120.13 (17)~~ 118.115.

3           **SECTION 2760m.** 120.13 (17) (title) of the statutes is renumbered 118.115 (title).

4           **SECTION 2760n.** 120.13 (17) of the statutes is renumbered 118.115 (1) and  
5 amended to read:

6           118.115 (1) ~~Grant~~ The school board may grant the temporary use of school  
7 grounds, buildings, facilities or equipment, upon such conditions, including fees not  
8 to exceed actual costs, as determined by the school board, to any responsible person  
9 for any lawful nonschool purpose if such use does not interfere with use for school  
10 purposes or school–related functions. Fees received under this subsection shall be  
11 paid into the school district treasury and accounted for as prescribed under s. 115.28  
12 (13). The user shall be primarily liable, and the school board secondarily liable, for  
13 any damage to property and for any expense incurred in consequence of any use of  
14 school grounds, buildings, facilities or equipment under this subsection.”.

15           **1449.** Page 924, line 22: after that line insert:

16           “**SECTION 2759m.** 120.06 (9) (a) of the statutes is amended to read:

17           120.06 (9) (a) The primary and spring elections for school board members shall  
18 be conducted by the election officials for state and municipal elections. In a school  
19 board election held in conjunction with a state, county, municipal or judicial election,  
20 the polling places for the state, county, municipal or judicial election shall be the  
21 polling places for the school board election and the municipal election hours shall  
22 apply. If no state, county, municipal or judicial election is held on the day of the school  
23 board election, the school board may ~~set the election hours and~~ select the polling  
24 places to be used. The election costs shall be charged as provided in ss. 5.68 and 7.03.

1 ~~Election hours set by the school board shall be the same as those provided by the~~  
2 ~~municipal governing body in which the polling place is located, except that if the~~  
3 ~~opening hour is later than 7 a.m., the school board may extend the opening hour to~~  
4 ~~not earlier than 7 a.m.”.~~

5 **1450.** Page 924, line 22: after that line insert:

6 “SECTION 2759. 120.06 (5) of the statutes is repealed.”.

7 **1451.** Page 924, line 22: after that line insert:

8 “SECTION 2760h. 120.12 (15) of the statutes is amended to read:

9 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
10 school day. The school board may differentiate between the various elementary and  
11 high school grades in scheduling the school day. The equivalent of 180 such days, as  
12 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~  
13 ~~not be construed to eliminate a school district’s duty to bargain with the employee’s~~  
14 ~~collective bargaining representative over any calendaring proposal which is~~  
15 ~~primarily related to wages, hours and conditions of employment.”.~~

16 **1452.** Page 925, line 3: after that line insert:

17 “SECTION 2761g. 121.004 (7) (cm) of the statutes is amended to read:

18 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program that  
19 provides the required number of hours of direct pupil instruction under s. 121.02 (1)  
20 (f) 2. shall be counted as 0.6 pupil if the pupil is a child with a disability and the  
21 program annually provides at least 87.5 additional hours of outreach activities. A  
22 pupil enrolled in a 4-year-old kindergarten program who is not a child with a  
23 disability, as defined in s. 115.76 (5), shall not be counted.

24 **SECTION 2761j.** 121.004 (7) (f) of the statutes is amended to read:

1           121.004 (7) (f) A pupil who transfers from one school district to another under  
2 s. 121.85 (3) (a) shall be counted by the school district in which the pupil resides as  
3 0.75 pupil or, if appropriate, as a number equal to the result obtained by multiplying  
4 0.75 by the appropriate fraction under par. (c), ~~(em)~~ or (d).

5           **SECTION 2761m.** 121.004 (8) of the statutes is amended to read:

6           121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. “Summer average  
7 daily membership equivalent” is the total number of minutes in which pupils are  
8 enrolled in academic summer classes or laboratory periods, as defined by the state  
9 superintendent under s. 121.14, divided by 48,600. In this subsection, “pupils”  
10 excludes pupils enrolled in a 4-year-old kindergarten program who are not children  
11 with a disability, as defined in s. 115.76 (5).”.

12           **1453.** Page 925, line 14: after that line insert:

13           **“SECTION 2765m.** 121.07 (6) (a) (intro.) of the statutes is amended to read:

14           121.07 (6) (a) (intro.) ~~“Shared~~ Subject to par. (am). “shared cost” is the sum of  
15 the net cost of the general fund and the net cost of the debt service fund, except that  
16 “shared cost” excludes any costs, including attorney fees, incurred by a school district  
17 as a result of its participation in a lawsuit commenced against the state, beginning  
18 with such costs incurred in the fiscal year in which the lawsuit is commenced,  
19 excludes any expenditures from a capital improvement fund created under s.  
20 120.135, and excludes the costs of transporting those transfer pupils for whom the  
21 school district operating under ch. 119 does not receive intradistrict transfer aid  
22 under s. 121.85 (6) as a result of s. 121.85 (6) (am). In this paragraph, “net cost of  
23 the debt service fund” includes all of the following amounts:

1           **SECTION 2765p.** 121.07 (6) (am) of the statutes is repealed and recreated to  
2 read:

3           121.07 **(6)** (am) In par. (a), “debt service” excludes debt service on debt  
4 authorized by a referendum on or after the effective date of this paragraph .... [revisor  
5 inserts date], if the result of excluding such debt service is an increase in state aid  
6 to the school district under s. 121.08.”.

7           **1454.** Page 925, line 14: after that line insert:

8           “**SECTION 2764m.** 121.05 (1) (a) 8. of the statutes is amended to read:

9           121.05 **(1)** (a) 8. Pupils enrolled in the school operated by the Wisconsin School  
10 Educational Services Program for the Deaf and Hard of Hearing or the school  
11 operated by the Wisconsin Center for the Blind and Visually Impaired under subch.  
12 III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2)  
13 determined by multiplying the total number of periods in each day in which the  
14 pupils are enrolled in the local public school by the total number of days for which  
15 the pupils are enrolled in the local public school and dividing the product by 1,080.”.

16           **1455.** Page 925, line 20: delete lines 20 to 24.

17           **1456.** Page 926, line 1: delete lines 1 to 10.

18           **1457.** Page 926, line 10: after that line insert:

19           “**SECTION 2767k.** 120.08 (1) (a) of the statutes is amended to read:

20           120.08 **(1)** (a) Common school districts shall hold an annual meeting on the 4th  
21 Monday in July at 8 p.m. and union high school districts shall hold an annual  
22 meeting on the 3rd Monday in July at 8 p.m. unless the electors at one annual  
23 meeting determine to thereafter hold the annual meeting on a different date or hour,  
24 or authorize the school board to establish a different date or hour. No annual meeting

1 may be held before May 15 or after ~~September 30~~ October 31. The first school district  
2 meeting in a common or union high school district created under s. 117.08, 117.09,  
3 or 117.27 shall be considered an annual meeting.”.

4 **1458.** Page 926, line 10: after that line insert:

5 “SECTION 2767k. 121.082 of the statutes is created to read:

6 **121.082 Milwaukee parental choice program; hold harmless. (1)**

7 Annually the department shall calculate all of the following for each school district  
8 other than the school district operating under ch. 119:

9 (a) The amount by which the school district’s state aid is reduced under s.  
10 121.08 (4) (c).

11 (b) The amount of state aid the school district receives as a result of the  
12 increased levy relating to the aid reductions under s. 121.08 (4) (b) and (c).

13 **(2)** If the amount calculated under sub. (1) (a) is greater than the amount  
14 calculated under sub. (1) (b), the department shall pay the difference to the school  
15 district from the appropriation under s. 20.255 (1) (fw). The department shall  
16 identify the payment as the “Milwaukee Parental Choice Program Hold Harmless  
17 Payment.”

18 **(3)** Annually by October 15, the department shall notify each school district of  
19 the amounts calculated under sub. (1) (a) and (b) for that school district and the  
20 amount of the payment under sub. (2).”.

21 **1459.** Page 927, line 22: after that line insert:

22 “SECTION 2773. 120.12 (24) of the statutes is amended to read:

23 120.12 **(24) HEALTH CARE BENEFITS.** Prior to the selection of any group health  
24 care benefits provider for school district professional employees, as defined in s.

1 111.70 (1) (ne), solicit sealed bids for the provision of such benefits and consider the  
2 state insurance plan under subch. IV of ch. 40.”.

3 **1460.** Page 927, line 25: delete that line.

4 **1461.** Page 928, line 1: delete lines 1 to 13.

5 **1462.** Page 928, line 16: delete “(bi) (am)” and substitute “(bi) and”.

6 **1463.** Page 928, line 17: after “(4)” insert “; less the amount of school districts’  
7 allowable revenue under s. 121.91 that is attributable to including in the number of  
8 pupils enrolled those pupils who are enrolled in 4-year-old kindergarten and are not  
9 children with disabilities, as defined in s. 115.76 (5)”.

10 **1464.** Page 928, line 21: delete “and,” and substitute “; and”.

11 **1465.** Page 928, line 22: after “(h)” insert “, less the amount by which the  
12 amount of property taxes levied to pay debt service exceeds \$460,000,000”.

13 **1466.** Page 928, line 24: delete that line.

14 **1467.** Page 929, line 2: delete “(am),”.

15 **1468.** Page 929, line 2: after “(fu),” insert “(fw),”.

16 **1469.** Page 929, line 2: after “(m)” insert “and 20.505 (3) (t)”.

17 **1470.** Page 929, line 2: delete “20.255 (2),” and substitute “20.255 (1) (b) and  
18 (2),”.

19 **1471.** Page 929, line 2: delete “s.” and substitute “s. ss.”.

20 **1472.** Page 929, line 5: after that line insert:

21 “**SECTION 2779s.** 121.54 (3) of the statutes is amended to read:

22 121.54 **(3)** TRANSPORTATION FOR CHILDREN WITH DISABILITIES. Every school board  
23 shall provide transportation for children with disabilities, as defined in s. 115.76 (5),

1 to any public or private elementary or high school, to the school operated by the  
2 Wisconsin Center for the Blind and Visually Impaired or the school operated by the  
3 Wisconsin School Educational Services Program for the Deaf and Hard of Hearing  
4 or to any special education program for children with disabilities sponsored by a state  
5 tax-supported institution of higher education, including a technical college,  
6 regardless of distance, if the request for such transportation is approved by the state  
7 superintendent. Approval shall be based on whether or not the child can walk to  
8 school with safety and comfort. Section 121.53 shall apply to transportation provided  
9 under this subsection.”.

10 **1473.** Page 929, line 5: after that line insert:

11 “**SECTION 2779r.** 121.54 (2) (e) of the statutes is created to read:

12 121.54 (2) (e) If a pupil attending a charter school under s. 118.40 (2r) that is  
13 located in the school district operating under ch. 119 would be eligible to be  
14 transported under this subsection were the pupil attending a public or private school  
15 located in the school district operating under ch. 119, the school board of the school  
16 district operating under ch. 119 shall provide transportation to and from the charter  
17 school for the pupil.”.

18 **1474.** Page 930, line 8: after that line insert:

19 “**SECTION 2787m.** 121.90 (2) (intro.) of the statutes is amended to read:

20 121.90 (2) (intro.) “State aid” means aid under ss. 121.08, 121.082, 121.09 and  
21 121.105 and subch. VI, as calculated for the current school year on October 15 under  
22 s. 121.15 (4) and including adjustments made under s. 121.15 (4), and amounts under  
23 s. 79.095 (4) for the current school year, except that “state aid” excludes all of the  
24 following:”.



1           **1475.** Page 930, line 8: after that line insert:

2           “**SECTION 2788L.** 121.86 (3) of the statutes is amended to read:

3           121.86 **(3)** STATE AID EXCEPTION. Pupils under sub. (2) (b) and (c) who are  
4 enrolled in a kindergarten program or in a preschool program under subch. V of ch.  
5 115 shall be multiplied under sub. (2) (a) 2. by a number equal to the result obtained  
6 by multiplying 0.25 by the appropriate fraction under s. 121.004 (7) (c), ~~(em)~~ or (d).

7           **SECTION 2788m.** 121.90 (1) (f) of the statutes is created to read:

8           121.90 **(1)** (f) In determining a school district’s revenue limit for the 2002–03  
9 school year or for any school year thereafter, the department shall calculate the  
10 number of pupils enrolled in each school year prior to the 2002–03 school year by  
11 excluding pupils enrolled in a 4–year–old kindergarten program who are not  
12 children with a disability, as defined in s. 115.76 (3).”.

13           **1476.** Page 931, line 3: delete lines 3 to 22 and substitute:

14           “**SECTION 2796ab.** 121.91 (3) (a) of the statutes is amended to read:

15           121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. (2m)  
16 otherwise applicable to the school district in any school year, it shall promptly adopt  
17 a resolution supporting inclusion in the final school district budget of an amount  
18 equal to the proposed excess revenue. The resolution shall specify whether the  
19 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the  
20 proposed excess revenue is for both recurring and nonrecurring purposes, the  
21 amount of the proposed excess revenue for each purpose. The resolution shall be filed  
22 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board  
23 shall notify the department of the scheduled date of the referendum and submit a  
24 copy of the resolution to the department. The school board shall call a special

1 referendum in accordance with s. 8.065 for the purpose of submitting the resolution  
2 to the electors of the school district for approval or rejection. ~~In lieu of a special~~  
3 ~~referendum, the school board may specify that the referendum be held at the next~~  
4 ~~succeeding spring primary or election or September primary or general election, if~~  
5 ~~such election is,~~ to be held not sooner than 42 days after the filing of the resolution  
6 of the school board. The school district clerk shall certify the results of the  
7 referendum to the department within 10 days after the referendum is held.”.

8 **1477.** Page 932, line 23: after that line insert:

9 “**SECTION 2798gc.** 121.91 (4) (k) of the statutes is created to read:

10 121.91 (4) (k) The limit otherwise applicable to a school district under sub. (2m)  
11 in any school year is increased by an amount equal to the amount spent by the school  
12 district in the current year for 4-year-old kindergarten pupils who are not children  
13 with a disability, as defined in s. 115.76 (5).”.

14 **1478.** Page 934, line 4: after that line insert:

15 “**SECTION 2801.** 125.05 (2) (h) of the statutes is amended to read:

16 125.05 (2) (h) *Number of electors.* The number of electors in a residence district  
17 shall equal not less than the number of names with residences in the district which  
18 appear on ~~a~~ the registration list, as defined in s. 5.02 (17). ~~If there is no registration~~  
19 ~~list, the number of electors shall equal the number of names with residences in the~~  
20 ~~district which appear on a poll list as defined in s. 5.02 (14) compiled at the last~~  
21 ~~gubernatorial or presidential election, whichever is most recent, for the residence~~  
22 district on the date that the remonstrance, consent, or counter petition is filed. A  
23 person whose name does not appear on a registration list ~~or poll list~~ may not sign a  
24 protest petition, consent or counter petition.”.

1           **1479.** Page 934, line 14: after that line insert:

2           “**SECTION 2802m.** 125.06 (13) of the statutes is created to read:

3           125.06 **(13)** WINE SAMPLING ON “CLASS A” PREMISES. (a) The provision of wine  
4           taste samples of not more than 3 fluid ounces each, free of charge, by a “Class A”  
5           licensee to customers and visitors for consumption on the premises. No “Class A”  
6           licensee may provide more than 2 taste samples per day to any one person. This  
7           subsection applies only between the hours of 10 a.m. and 6 p.m. Notwithstanding  
8           s. 125.07 (1) (a) 1., no “Class A” licensee may provide taste samples under this  
9           subsection to any underage person. No “Class A” licensee may provide as taste  
10          samples under this subsection wine that the “Class A” licensee did not purchase from  
11          a wholesaler.

12          (b) Notwithstanding par. (a) and s. 125.10 (1), a municipality may prohibit the  
13          provision of wine under this subsection.”.

14          **1480.** Page 935, line 12: after that line insert:

15          “**SECTION 2805g.** 125.31 (1) (a) 2. of the statutes is amended to read:

16          125.31 **(1)** (a) 2. Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may  
17          maintain and operate one place on brewery premises and one place on real estate  
18          owned by the brewer or a subsidiary or affiliate corporation or limited liability  
19          company for the sale of fermented malt beverages for which a Class “B” license is  
20          required for each place, but, except as provided in ~~subd.~~ subds. 3. and 4., not more  
21          than 2 such Class “B” licenses shall be issued to any brewer.

22          **SECTION 2805h.** 125.31 (1) (a) 4. of the statutes is created to read:

23          125.31 **(1)** (a) 4. Notwithstanding ss. 125.29 (2) and 125.33 (1), in addition to  
24          places authorized under subd. 2., a brewer may possess a Class “B” license for not

1 more than 20 restaurants in each of which the sale of alcohol beverages accounts for  
2 less than 60% of the restaurant's gross receipts if no fermented malt beverages  
3 manufactured by the brewer are offered for sale in any of these restaurants. No  
4 brewer may possess Class "B" licenses under both this subdivision and subd. 3."

5 **1481.** Page 939, line 16: after that line insert:

6 "SECTION 2813. Chapter 126 of the statutes is created to read:

7 **CHAPTER 126**

8 **AGRICULTURAL PRODUCER SECURITY**

9 **SUBCHAPTER I**

10 **GENERAL**

11 **126.01 General definitions.** In this chapter:

12 **(1)** "Affiliate" means any of the following persons:

13 (a) An owner, major stockholder, partner, officer, director, member, employee,  
14 or agent of a contractor.

15 (b) A person owned, controlled, or operated by a person under par. (a).

16 **(2)** "Asset" means anything of value owned by a person.

17 **(3)** "Audited financial statement" means a financial statement on which an  
18 independent certified public accountant, or an independent public accountant  
19 holding a certificate of authority under ch. 442, has done all of the following:

20 (a) Stated that the financial statement presents fairly, in all material respects,  
21 the financial position of a contractor as of a specific date or for a specific period,  
22 according to one of the following:

23 1. Generally accepted accounting principles.

1           2. The historical cost basis method of accounting, if the financial statement is  
2 a sole proprietor's personal financial statement and the financial statement is  
3 prepared on a historical cost basis.

4           (b) Conducted an audit according to generally accepted auditing standards.

5           **(4)** "Balance sheet" means a statement of assets, liabilities, and equity on a  
6 specific date.

7           **(5)** "Contractor," unless otherwise qualified, means any of the following:

8           (a) A grain dealer, as defined in s. 126.10 (9).

9           (b) A grain warehouse keeper, as defined in s. 126.25 (9).

10          (c) A milk contractor, as defined in s. 126.40 (8).

11          (d) A vegetable contractor, as defined in s. 126.55 (14).

12          **(6)** "Current assets" means cash and other assets, including trade or  
13 investment items, that may be readily converted into cash in the ordinary course of  
14 business within one year after the date as of which the value of those assets is  
15 determined.

16          **(7)** "Current liabilities" means those liabilities that are due within one year  
17 after the date as of which the value of those liabilities is determined.

18          **(8)** "Department" means the department of agriculture, trade and consumer  
19 protection.

20          **(9)** "Equity" means the value of assets less the value of liabilities.

21          **(10)** "Equity statement" means a report of the change in equity from the  
22 beginning to the end of the accounting period covered by the report.

23          **(11)** "Fund" means the agricultural producer security fund established under  
24 s. 25.463.

1           **(12)** “Generally accepted accounting principles” means the accounting  
2 standards adopted by the Financial Accounting Standards Board, except that for a  
3 business entity organized and operating outside the United States “generally  
4 accepted accounting principles” includes generally accepted foreign accounting  
5 standards that are substantially equivalent to standards adopted by the Financial  
6 Accounting Standards Board.

7           **(13)** “Grain” means corn, wheat, soybeans, oats, barley, rye, buckwheat,  
8 sorghum, flax seed, milo, sunflower seed, and mixed grain, as defined in 7 CFR  
9 810.801, except that “grain” does not include any of the following:

10           (a) Sweet corn or other canning crops for processing.

11           (b) Seed corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax  
12 seed, milo, sunflower seed, or mixed grain used or intended for use solely for planting  
13 purposes.

14           (c) Corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax seed,  
15 milo, sunflower seed, or mixed grain that has been rolled, cracked, roasted, or  
16 otherwise processed.

17           **(14)** “Income statement” means a report of the financial results of business  
18 operations for a specific period.

19           **(15)** “Individual” means a natural person.

20           **(16)** “Interim financial statement” means a statement of financial condition  
21 prepared for a period shorter than a fiscal year.

22           **(17)** “Milk” has the meaning given in s. 97.22 (1) (e).

23           **(18)** “Person,” notwithstanding s. 990.01 (26), means an individual,  
24 corporation, cooperative, partnership, limited liability company, trust, state agency,

1 as defined in s. 20.001 (1), local governmental unit, as defined in s. 66.0131 (1) (a),  
2 or other legal entity.

3 **(19)** “Producer,” unless otherwise qualified, means a grain producer, as defined  
4 in s. 126.10 (10), milk producer, as defined in s. 126.40 (10), or vegetable producer,  
5 as defined in s. 126.55 (16).

6 **(20)** “Reviewed financial statement” means a contractor’s financial statement,  
7 other than an audited financial statement, if all of the following apply:

8 (a) The contractor attests in writing, under oath, that the financial statement  
9 is complete and accurate.

10 (b) The financial statement is reviewed by an independent certified public  
11 accountant or by an independent public accountant who holds a certificate of  
12 authority under ch. 442.

13 **(21)** “Security” means security filed or maintained under s. 126.16, 126.31,  
14 126.47, or 126.61.

15 **(22)** “Sole proprietor” means a contractor who is an individual.

16 **(23)** “Statement of cash flows” means a report of cash receipts and cash  
17 disbursements from operating, investing, and financing activities, including an  
18 explanation of changes in cash and cash equivalents for the accounting period  
19 covered by the report.

20 **(24)** “Vegetable” means any vegetable that is grown or sold for use in food  
21 processing, whether or not the vegetable is actually processed as food. “Vegetable”  
22 includes green beans, kidney beans, lima beans, romano beans, wax beans, beets,  
23 cabbage, carrots, celery, cucumbers, onions, peas, potatoes, spinach, squash, and  
24 sweet corn, but does not include grain.

## 1 SUBCHAPTER II

## 2 AGRICULTURAL PRODUCER

## 3 SECURITY FUND

4 **126.05 Agricultural producer security fund. (1)** The fund is a public trust  
5 and shall be administered to secure payments to producers. Moneys deposited into  
6 the fund may be used only for the purposes of this chapter.

7 **(2)** The department shall deposit into the fund all fees, surcharges,  
8 assessments, reimbursements, and proceeds of surety bonds that the department  
9 collects under this chapter. The department shall keep a record by contractor and  
10 industry, of all deposits.

11 **126.06 Industry bonds. (1)** DEPARTMENT TO ACQUIRE BONDS. Using moneys  
12 appropriated under s. 20.115 (1) (v), the department shall acquire and maintain all  
13 of the following surety bonds:

14 (a) A surety bond that takes effect on May 1, 2002, to secure payment under  
15 s. 126.72 (2) of claims against contributing milk contractors, as defined in s. 126.40  
16 (1).

17 (b) A surety bond that takes effect on September 1, 2002, to secure payment  
18 under s. 126.72 (2) of claims against contributing grain dealers, as defined in s.  
19 126.10 (3), and contributing grain warehouse keepers, as defined in s. 126.25 (2).

20 (c) A surety bond that takes effect on February 1, 2002, to secure payment  
21 under s. 126.72 (2) of claims against contributing vegetable contractors, as defined  
22 in s. 126.55 (4).

23 **(2) BOND TERMS.** The department shall ensure all of the following:

24 (a) That the amount of each bond under sub. (1) is at least \$5,000,000 but not  
25 more than \$20,000,000.



1 (b) That the amount of each bond under sub. (1) renews annually.

2 (c) That each bond under sub. (1) is payable to the department for the benefit  
3 of the appropriate claimants under sub. (1).

4 (d) That each bond under sub. (1) is issued by a person who is authorized to  
5 operate a surety business in this state.

6 (dm) That no surety issues more than one of the 3 bonds under sub. (1).

7 (e) That no bond issued under sub. (1) may be canceled or modified unless one  
8 of the following applies:

9 1. The department agrees to the cancellation or modification.

10 2. The department receives written notice from the issuer in person or by  
11 certified mail at least one year before the proposed cancellation or modification.

12 (f) That the issuer of each bond under sub. (1) issues the bond in a form, and  
13 subject to any terms and conditions, that the department considers appropriate.

14 **(3) BOND PROCUREMENT.** The department shall procure the surety bonds under  
15 sub. (1) according to the procedures provided in subch. IV of ch. 16.

16 **126.07 Blanket bond. (1) DEPARTMENT TO ACQUIRE BOND.** Using moneys  
17 appropriated under s. 20.115 (1) (v), the department shall acquire and maintain a  
18 surety bond, that takes effect on February 1, 2002, to secure payment under s. 126.72  
19 (3) of claims against contributing contractors, as defined in s. 126.68 (1).

20 **(2) BOND TERMS.** The department shall ensure all of the following:

21 (a) That the amount of the bond under sub. (1) is at least \$20,000,000 but not  
22 more than \$40,000,000.

23 (b) That the amount of the bond under sub. (1) renews annually.

24 (c) That the bond under sub. (1) is payable to the department for the benefit of  
25 claimants described in sub. (1).

1 (d) That the bond under sub. (1) is jointly issued by at least 3 persons acting  
2 as cosureties on the bond and that each of the persons is authorized to operate a  
3 surety business in this state.

4 (e) That no issuer of the bond under sub. (1) may cancel or modify the bond, or  
5 withdraw as a cosurety, unless one of the following applies:

6 1. The department agrees to the cancellation, modification, or withdrawal.

7 2. The department receives written notice from the issuer that is delivered in  
8 person or by certified mail and is received at least one year before the proposed  
9 cancellation, modification, or withdrawal.

10 (f) That the issuers of the bond under sub. (1) issue the bond in a form, and  
11 subject to any terms and conditions, that the department considers appropriate.

12 **(3) BOND PROCUREMENT.** The department shall procure the surety bond under  
13 sub. (1) according to the procedures provided in subch. IV of ch. 16.

14 **126.08 Start-up loan to fund; repayment.** On January 1, 2002, \$2,000,000  
15 is transferred as a loan from the agrichemical management fund, to the agricultural  
16 producer security fund. The department shall repay this loan principal, plus interest  
17 compounded at 5% annually, from the agricultural producer security fund by July 1,  
18 2006. The department shall transfer at least \$250,000 from the agricultural  
19 producer security fund to the agrichemical management fund on July 1 of each year,  
20 beginning on July 1, 2003. The department may accelerate the loan repayment, at  
21 its discretion.

22 SUBCHAPTER III

23 GRAIN DEALERS

24 **126.10 Definitions.** In this subchapter:

1           **(1)** “Cash on delivery” means full cash payment for grain when the grain dealer  
2 takes custody or control of the grain.

3           **(2)** “Cash payment” means payment in any of the following forms:

4           (a) Currency.

5           (b) A cashier’s check or a check that a bank issues and certifies.

6           (c) A wire transfer.

7           (d) Simultaneous barter.

8           **(3)** “Contributing grain dealer” means a grain dealer who is licensed under s.  
9 126.11, who either has paid one or more quarterly installments under s. 126.15 (7)  
10 or is required to contribute to the fund, but the first quarterly installment under s.  
11 126.15 (7) is not yet due, and who is not disqualified from the fund under s. 126.14  
12 (2).

13           **(4)** “Current ratio” means the ratio of the value of current assets to the value  
14 of current liabilities, calculated according to s. 126.13 (6) (c) 1.

15           **(5)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,  
16 calculated according to s. 126.13 (6) (c) 2.

17           **(6)** “Deferred payment contract” means a contract for the procurement of grain  
18 under which a grain dealer takes custody or control of producer grain more than 7  
19 days before paying for the grain in full. “Deferred payment contract” includes a  
20 deferred price contract.

21           **(7)** “Deferred price contract” means a contract for the procurement of grain  
22 under which a grain dealer takes custody or control of producer grain more than 7  
23 days before the price of that grain must be determined under the contract.

24           **(8)** “Disqualified grain dealer” means a grain dealer who is disqualified from  
25 the fund under s. 126.14 (2).

1           **(9)** “Grain dealer” means a person who buys producer grain or who markets  
2 producer grain as a producer agent. “Grain dealer” does not include any of the  
3 following:

4           (a) A person who merely brokers a contract between a grain producer and a  
5 grain dealer without becoming a party to the contract, taking control of grain, or  
6 accepting payment on behalf of the grain producer.

7           (b) A person who merely buys or sells grain on a board of trade or commodity  
8 exchange.

9           **(10)** “Grain producer” means a person who grows grain.

10          **(10m)** “License year” means the period beginning on September 1 and ending  
11 on the following August 31.

12          **(11)** “Procure grain” means to buy grain or acquire the right to market grain.

13          **(12)** “Procure producer grain in this state” means any of the following:

14           (a) To buy producer grain for receipt in this state.

15           (b) To acquire the right to market producer grain grown in this state.

16          **(13)** “Producer agent” means a person who acts on behalf of a grain producer  
17 to market or accept payment for the grain producer’s grain without taking title to  
18 that grain, including a person who uses a producer trust fund to market or accept  
19 payment for producer grain. “Producer agent” does not include any of the following:

20           (a) A person who merely brokers a contract between a grain producer and a  
21 grain dealer, without becoming a party to the contract, taking control of grain, or  
22 accepting payment on behalf of the grain producer.

23           (b) A person who merely holds or transports grain for a grain producer without  
24 marketing the grain or accepting payment on behalf of the grain producer.

1           **(14)** “Producer grain” means grain that is owned by or held in trust for one or  
2 more grain producers. “Producer grain” includes grain that a producer agent  
3 markets for a grain producer, without taking title to the grain.

4           **126.11 Grain dealers; licensing. (1)** LICENSE REQUIRED. Except as provided  
5 in sub. (2), no grain dealer may procure producer grain in this state without a current  
6 annual license from the department.

7           **(2)** EXEMPT GRAIN DEALERS. The following grain dealers are not required to hold  
8 a license under this section, but may volunteer to be licensed:

9           (a) A grain dealer who pays cash on delivery for all producer grain.

10           (b) A grain dealer who buys producer grain solely for the grain dealer’s own use  
11 as feed or seed and who spends less than \$400,000 per license year for that grain.

12           **(2m)** LICENSE TERMS. A license under this section expires on the August 31  
13 following its issuance. No person may transfer or assign a license issued under this  
14 section.

15           **(3)** LICENSE APPLICATION. A grain dealer shall apply for an annual license under  
16 this section in writing, on a form provided by the department. An applicant shall  
17 provide all of the following:

18           (a) The applicant’s legal name and any trade name under which the applicant  
19 proposes to operate as a grain dealer.

20           (b) A statement of whether the applicant is an individual, corporation,  
21 partnership, cooperative, limited liability company, trust, or other legal entity. If the  
22 applicant is a corporation or cooperative, the applicant shall identify each officer of  
23 the corporation or cooperative. If the applicant is a partnership, the applicant shall  
24 identify each partner.

1 (c) The mailing address of the applicant's primary business location and the  
2 name of a responsible individual who may be contacted at that location.

3 (d) The street address of each business location from which the applicant  
4 operates in this state as a grain dealer and the name of a responsible individual who  
5 may be contacted at each location that is staffed.

6 (e) All license fees and surcharges required under sub. (4).

7 (f) The sworn and notarized statement required under sub. (9).

8 (g) A financial statement if required under s. 126.13 (1) and not yet filed.

9 (h) Other relevant information required by the department.

10 **(4) LICENSE FEES AND SURCHARGES.** A grain dealer applying for an annual license  
11 under this section shall pay the following fees and surcharges, unless the  
12 department specifies a different fee or surcharge amount by rule:

13 (a) A nonrefundable license processing fee of \$25.

14 (b) The following license fees based on the grain dealer's reported grain  
15 payments under sub. (9) (a), less any credit provided under sub. (6):

16 1. A fee of \$500, plus \$225 per business location in excess of one business  
17 location, if the amount under sub. (9) (a) is at least \$500,000.

18 2. A fee of \$200 if the amount under sub. (9) (a) is at least \$50,000 but less than  
19 \$500,000.

20 3. A fee of \$50 if the amount under sub. (9) (a) is less than \$50,000.

21 (c) A license fee of \$45 for each truck, in excess of one truck, that the grain dealer  
22 uses to haul grain in this state.

23 (d) A license surcharge of \$425 if the grain dealer files a financial statement  
24 under s. 126.13 (1) that is not an audited financial statement.

1 (e) A license surcharge of \$500 if the department determines that, within 365  
2 days before submitting the license application, the applicant operated as a grain  
3 dealer without a license in violation of sub. (1). The applicant shall also pay any  
4 license fees, license surcharges, and fund assessments that are still due for any  
5 license year in which the applicant violated sub. (1).

6 (f) A license surcharge of \$100 if during the preceding 12 months the applicant  
7 failed to file an annual financial statement required under s. 126.13 (1) (b) by the  
8 deadline specified in s. 126.13 (1) (c).

9 (g) A license surcharge of \$100 if a renewal applicant fails to renew a license  
10 by the license expiration date of August 31. This paragraph does not apply to a grain  
11 dealer who is exempt under sub. (2) and is voluntarily licensed.

12 **(4m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (4) (e) does not  
13 relieve the applicant of any other civil or criminal liability that results from the  
14 violation of sub. (1), but does not constitute evidence of any law violation.

15 **(5)** LICENSE FOR PART OF YEAR; FEES. A person who applies for an annual grain  
16 dealer license after the beginning of a license year shall pay the full annual fee  
17 amounts required under sub. (4).

18 **(6)** FEE CREDITS. If the balance in the fund contributed by grain dealers exceeds  
19 \$2,000,000 on June 30 of any license year, the department shall credit 50% of the  
20 excess amount against fees charged under sub. (4) (b) to contributing grain dealers  
21 who file timely license renewal applications for the next license year. The  
22 department shall credit each contributing grain dealer on a prorated basis, in  
23 proportion to the total fees that the grain dealer paid under sub. (4) (b) for the 4  
24 preceding license years.

1           **(7) FEE STATEMENT.** The department shall provide, with each license application  
2 form, a written statement of all license fees and surcharges required under sub. (4)  
3 or the formula for determining them. The department shall specify any fee credit for  
4 which the applicant may qualify under sub. (6).

5           **(8) NO LICENSE WITHOUT FULL PAYMENT.** The department may not issue an  
6 annual license under sub. (1) until the applicant pays all license fees and surcharges  
7 identified in the department's statement under sub. (7). The department shall  
8 refund a fee or surcharge paid under protest if upon review the department  
9 determines that the fee or surcharge is not applicable.

10           **(9) SWORN AND NOTARIZED STATEMENT.** As part of a license application under sub.  
11 (3), an applicant shall provide a sworn and notarized statement, signed by the  
12 applicant or an officer of the applicant, that reports all of the following:

13           (a) The total amount that the applicant paid, during the applicant's last  
14 completed fiscal year, for producer grain procured in this state. If the applicant has  
15 not yet operated as a grain dealer in this state, the applicant shall estimate the  
16 amount that the applicant will pay during the applicant's first complete fiscal year  
17 for producer grain procured in this state.

18           (b) The amount of the payments under par. (a) made under deferred payment  
19 contracts.

20           (c) Whether the applicant has had any obligations under deferred payment  
21 contracts, for grain procured in this state, at any time since the beginning of the  
22 applicant's last completed fiscal year.

23           **(10) ACTION GRANTING OR DENYING APPLICATION.** The department shall grant or  
24 deny an application under sub. (3) within 30 days after the department receives a



1 complete application. If the department denies a license application, the department  
2 shall give the applicant a written notice stating the reason for the denial.

3 **(11) LICENSE DISPLAYED.** A grain dealer licensed under sub. (1) shall  
4 prominently display a copy of that license at the following locations:

5 (a) On each truck that the grain dealer uses to haul grain in this state.

6 (b) At each business location from which the grain dealer operates in this state.

7 **126.12 Grain dealers; insurance. (1) FIRE AND EXTENDED COVERAGE**  
8 **INSURANCE.** A grain dealer licensed, or required to be licensed, under s. 126.11 shall  
9 maintain fire and extended coverage insurance, issued by an insurance company  
10 authorized to do business in this state, that covers all grain in the custody of the grain  
11 dealer, whether owned by the grain dealer or held for others, at the full local market  
12 value of the grain.

13 **(2) INSURANCE CANCELLATION; REPLACEMENT.** Whenever an insurance policy  
14 under sub. (1) is canceled, the grain dealer shall replace the policy so that there is  
15 no lapse in coverage.

16 **(3) INSURANCE COVERAGE; MISREPRESENTATION.** No grain dealer may  
17 misrepresent any of the following to the department or to any grain producer or  
18 producer agent:

19 (a) That the grain dealer is insured.

20 (b) The nature, coverage, or material terms of the grain dealer's insurance  
21 policy.

22 **126.13 Grain dealers; financial statements. (1) REQUIRED ANNUAL**  
23 **FINANCIAL STATEMENT.** (a) A grain dealer shall file an annual financial statement with  
24 the department, before the department first licenses the grain dealer under s. 126.11,  
25 if the grain dealer's license application reports any of the following:

1           1. More than \$500,000 in grain payments under s. 126.11 (9) (a).

2           2. Any deferred payment contract obligations under s. 126.11 (9) (c).

3           (b) A grain dealer licensed under s. 126.11 shall file an annual financial  
4 statement with the department during each license year if the grain dealer's license  
5 application for that year reports any of the following:

6           1. More than \$500,000 in grain payments under s. 126.11 (9) (a) unless the  
7 grain dealer is a contributing grain dealer who procures producer grain in this state  
8 solely as a producer agent.

9           2. Any deferred payment contract obligations under s. 126.11 (9) (c).

10          (c) A grain dealer shall file an annual financial statement under par. (b) by the  
11 15th day of the 4th month following the close of the grain dealer's fiscal year, except  
12 that the department may extend the filing deadline for up to 30 days if the grain  
13 dealer, or the accountant reviewing or auditing the financial statement, files a  
14 written extension request at least 10 days before the filing deadline.

15          (d) A grain dealer licensed under s. 126.11 may not incur any obligations under  
16 deferred payment contracts for grain procured in this state unless the contractor first  
17 notifies the department and files an annual financial statement with the  
18 department.

19          **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A contributing grain dealer who  
20 is not required to file a financial statement under sub. (1) may file an annual  
21 financial statement with the department to qualify for a lower fund assessment  
22 under s. 126.15.

23          **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A grain dealer filing an  
24 annual financial statement under sub. (1) or (2) shall file an audited financial  
25 statement if any of the following applies:

1           1. The grain dealer's license application reports more than \$3,000,000 in  
2 payments under s. 126.11 (9) (a).

3           2. The grain dealer's last 2 license applications report more than \$2,000,000  
4 in payments under s. 126.11 (9) (a).

5           (b) If par. (a) does not apply, a grain dealer filing an annual financial statement  
6 under sub. (1) or (2) shall file either a reviewed financial statement or an audited  
7 financial statement.

8           **(4)** ACCOUNTING PERIOD. A grain dealer filing an annual financial statement  
9 under sub. (1) or (2) shall file a financial statement that covers the grain dealer's last  
10 completed fiscal year unless the grain dealer has been in business for less than one  
11 year.

12           **(4m)** INTERIM FINANCIAL STATEMENT. The department may, at any time, require  
13 a grain dealer licensed under s. 126.11 to file an interim financial statement with the  
14 department. The grain dealer shall provide, with the interim financial statement,  
15 the grain dealer's sworn and notarized statement that the financial statement is  
16 correct. An interim financial statement need not be a reviewed financial statement  
17 or an audited financial statement.

18           **(5)** GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. (a) Except as provided in par.  
19 (b), a grain dealer filing an annual financial statement under this section shall file  
20 a financial statement that is prepared according to generally accepted accounting  
21 principles.

22           (b) If a grain dealer is a sole proprietor and the grain dealer's financial  
23 statement is not audited, the grain dealer shall file a financial statement that is  
24 prepared on a historical cost basis.

1           **(6) FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a grain  
2 dealer filing a financial statement under this section shall file a financial statement  
3 that consists of a balance sheet, income statement, equity statement, statement of  
4 cash flows, notes to those statements, and any other information required by the  
5 department. If the grain dealer is a sole proprietor, the grain dealer shall file his or  
6 her business and personal financial statements. A grain dealer shall disclose on the  
7 grain dealer's financial statement, separately and clearly, the grain dealer's unpaid  
8 obligations to grain producers and producer agents.

9           (b) If a grain dealer has been in business for less than one year, the grain dealer  
10 may file an annual financial statement under sub. (1) or (2) consisting of a balance  
11 sheet and notes.

12           (c) A grain dealer filing a financial statement under this section shall include  
13 in the financial statement, or in an attachment to the financial statement,  
14 calculations of all of the following:

15           1. The grain dealer's current ratio, excluding any assets required to be excluded  
16 under sub. (7).

17           2. The grain dealer's debt to equity ratio, excluding any assets required to be  
18 excluded under sub. (7).

19           **(7) ASSETS EXCLUDED.** A grain dealer may not include any of the following assets  
20 in the calculations under sub. (6) (c) unless the department specifically approves  
21 their inclusion:

22           (a) A nontrade note or account receivable from an officer, director, employee,  
23 partner, or stockholder, or from a member of the family of any of those individuals,  
24 unless the note or account receivable is secured by a first priority security interest  
25 in real or personal property.

1 (b) A note or account receivable from a parent organization, a subsidiary, or an  
2 affiliate, other than an employee.

3 (c) A note or account that has been receivable for more than one year, unless  
4 the grain dealer has established an offsetting reserve for uncollectible notes and  
5 accounts receivable.

6 **(9) ENTITY COVERED.** A person filing a financial statement under this section  
7 may not file, in lieu of that person's financial statement, the financial statement of  
8 the person's parent organization, subsidiary, predecessor, or successor.

9 **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement  
10 submitted under this section and may reject a financial statement that fails to  
11 comply with this section.

12 **126.14 Contributing grain dealers; disqualification. (1) CONTRIBUTION**  
13 **REQUIRED.** A grain dealer who is required to be licensed under s. 126.11 (1) shall pay  
14 fund assessments under s. 126.15 unless the grain dealer is disqualified under sub.  
15 (2). A grain dealer who is voluntarily licensed under s. 126.11 may pay voluntary  
16 assessments under s. 126.15, unless the grain dealer is disqualified under sub. (2).

17 **(2) DISQUALIFIED GRAIN DEALER.** (a) A grain dealer who is required to file  
18 security under s. 126.16 (1) (a) is disqualified from the fund until the department  
19 determines that one of the conditions in s. 126.16 (8) (a) 1. and 2. is satisfied.

20 (b) A grain dealer is disqualified from the fund, and required to pay cash on  
21 delivery for producer grain, if any of the following occurs:

- 22 1. The department denies, suspends, or revokes the grain dealer's license.
- 23 2. The department issues a written notice disqualifying the grain dealer for  
24 cause, including failure to pay fund assessments under s. 126.15 when due or failure  
25 to file a financial statement under s. 126.13 when due.

1           3. The grain dealer fails to reimburse the department, within 60 days after the  
2 department issues a reimbursement demand under s. 126.73 (1), for the full amount  
3 that the department pays to claimants under s. 126.72 (1) because of that grain  
4 dealer's default.

5           4. The grain dealer fails to reimburse a bond surety, within 60 days after the  
6 bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount  
7 that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of  
8 claimants affected by that grain dealer's default.

9           **(3) PAYMENTS BY DISQUALIFIED GRAIN DEALER.** (a) The department may not return  
10 to a disqualified grain dealer any fund assessments that the grain dealer paid as a  
11 contributing grain dealer.

12           (b) A disqualified grain dealer remains liable for any unpaid fund installment  
13 under s. 126.15 that became due while the grain dealer was a contributing grain  
14 dealer. A disqualified grain dealer is not liable for any fund installment that becomes  
15 due after the grain dealer is disqualified under sub. (2).

16           **126.15 Contributing grain dealers; fund assessments.** **(1) GENERAL.** A  
17 contributing grain dealer shall pay an annual fund assessment for each license year.  
18 The assessment equals \$20 or the sum of the following, whichever is greater, unless  
19 the department by rule specifies a different assessment:

20           (a) The grain dealer's current ratio assessment. The current ratio assessment  
21 for a license year equals the grain dealer's current ratio assessment rate under sub.  
22 (2) multiplied by the amount reported under s. 126.11 (9) (a) in the grain dealer's  
23 license application for that license year.

24           (b) The grain dealer's debt to equity ratio assessment. The debt to equity ratio  
25 assessment for a license year equals the grain dealer's debt to equity ratio

1 assessment rate under sub. (4) multiplied by the amount reported under s. 126.11  
2 (9) (a) in the grain dealer's license application for that license year.

3 (c) The grain dealer's deferred payment assessment. The deferred payment  
4 assessment for a license year equals the grain dealer's deferred payment assessment  
5 rate under sub. (6) multiplied by the payment amount, if any, that the grain dealer  
6 reports under s. 126.11 (9) (b) in the grain dealer's license application for that license  
7 year.

8 **(2) CURRENT RATIO ASSESSMENT RATE.** A grain dealer's current ratio assessment  
9 rate is calculated, at the beginning of the license year, as follows:

10 (a) If the grain dealer has filed an annual financial statement under s. 126.13  
11 and that financial statement shows a current ratio of at least 1.25 to 1.0, the grain  
12 dealer's current ratio assessment rate equals the greater of zero or the current ratio  
13 assessment factor in sub. (3) (a) multiplied by the following amount:

- 14 1. Subtract one from the current ratio.
- 15 2. Divide the amount determined under subd. 1. by 3.
- 16 3. Multiply the amount determined under subd. 2. by negative one.
- 17 4. Raise the amount determined under subd. 3. to the 3rd power.
- 18 5. Subtract 0.75 from the current ratio.
- 19 6. Divide 0.65 by the amount determined under subd. 5.
- 20 7. Raise the amount determined under subd. 6. to the 5th power.
- 21 8. Add the amount determined under subd. 4. to the amount determined under  
22 subd. 7.
- 23 9. Add 2 to the amount determined under subd. 8.

24 (b) If the grain dealer has filed an annual financial statement under s. 126.13  
25 and that financial statement shows a current ratio of less than 1.25 to 1.0, but greater

1 than 1.0 to 1.0, the grain dealer's current ratio assessment rate equals the current  
2 ratio assessment factor in sub. (3) (b) multiplied by the following amount:

- 3 1. Subtract one from the current ratio.
- 4 2. Divide the amount determined under subd. 1. by 3.
- 5 3. Multiply the amount determined under subd. 2. by negative one.
- 6 4. Raise the amount determined under subd. 3. to the 3rd power.
- 7 5. Subtract 0.75 from the current ratio.
- 8 6. Divide 0.65 by the amount determined under subd. 5.
- 9 7. Raise the amount determined under subd. 6. to the 5th power.
- 10 8. Add the amount determined under subd. 4. to the amount determined under  
11 subd. 7.
- 12 9. Add 2 to the amount determined under subd. 8.

13 (c) If the grain dealer has filed an annual financial statement under s. 126.13  
14 and that financial statement shows a current ratio of less than or equal to 1.0 to 1.0,  
15 the grain dealer's current ratio assessment rate equals the current ratio assessment  
16 factor in sub. (3) (b) multiplied by 120.81376.

17 (d) Except as provided in par. (e), if the grain dealer has not filed an annual  
18 financial statement under s. 126.13, the grain dealer's current ratio assessment rate  
19 equals the current ratio assessment factor in sub. (3) (b) multiplied by 5.71235.

20 (e) If the grain dealer has not filed an annual financial statement under s.  
21 126.13 and the grain dealer procures grain in this state solely as a producer agent,  
22 the grain dealer's current ratio assessment rate is 0.00025, except that, for the grain  
23 dealer's 5th or higher consecutive full license year of participation in the fund, the  
24 grain dealer's current ratio assessment rate is 0.000175.



1           **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A grain dealer's current ratio  
2 assessment factor under sub. (2) (a) is 0.00003 except that, for the grain dealer's 5th  
3 or higher consecutive full license year as a contributing grain dealer, the grain  
4 dealer's current ratio assessment factor is zero.

5           (b) A grain dealer's current ratio assessment factor under sub. (2) (b) to (d) is  
6 0.000045 except that, for the grain dealer's 5th or higher consecutive full license year  
7 as a contributing grain dealer, the grain dealer's current ratio assessment factor is  
8 0.000036.

9           **(4) DEBT TO EQUITY ASSESSMENT RATE.** A grain dealer's debt to equity ratio  
10 assessment rate is calculated, at the beginning of the license year, as follows:

11           (a) If the grain dealer has filed an annual financial statement under s. 126.13  
12 and that financial statement shows positive equity and a debt to equity ratio of not  
13 more than 4.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals  
14 the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a)  
15 multiplied by the following amount:

- 16           1. Subtract 4 from the debt to equity ratio.
- 17           2. Divide the amount determined under subd. 1. by 3.
- 18           3. Raise the amount determined under subd. 2. to the 3rd power.
- 19           4. Subtract 1.7 from the debt to equity ratio.
- 20           5. Divide the amount determined under subd. 4. by 1.75.
- 21           6. Raise the amount determined under subd. 5. to the 7th power.
- 22           7. Add the amount determined under subd. 3. to the amount determined under  
23 subd. 6.
- 24           8. Add 2 to the amount determined under subd. 7.

1 (b) If the grain dealer has filed an annual financial statement under s. 126.13  
2 and that financial statement shows a debt to equity ratio of greater than 4.0 to 1.0,  
3 but less than 5.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals  
4 the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the following  
5 amount:

6 1. Subtract 4 from the debt to equity ratio.

7 2. Divide the amount determined under subd. 1. by 3.

8 3. Raise the amount determined under subd. 2. to the 3rd power.

9 4. Subtract 1.7 from the debt to equity ratio.

10 5. Divide the amount determined under subd. 4. by 1.75.

11 6. Raise the amount determined under subd. 5. to the 7th power.

12 7. Add the amount determined under subd. 3. to the amount determined under  
13 subd. 6.

14 8. Add 2 to the amount determined under subd. 7.

15 (c) If the grain dealer has filed an annual financial statement under s. 126.13  
16 and that financial statement shows negative equity or a debt to equity ratio of at least  
17 5.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals the debt to  
18 equity ratio assessment factor in sub. (5) (b) multiplied by 86.8244.

19 (d) Except as provided in par. (e), if the grain dealer has not filed an annual  
20 financial statement under s. 126.13, the grain dealer's debt to equity ratio  
21 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)  
22 multiplied by 8.77374.

23 (e) If the grain dealer has not filed an annual financial statement under s.  
24 126.13 and the grain dealer procures grain in this state solely as a producer agent,  
25 the grain dealer's debt to equity ratio assessment rate is 0.00025, except that it is

1 0.000175 for the grain dealer's 5th or higher consecutive full license year of  
2 participation in the fund.

3 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A grain dealer's debt to equity  
4 ratio assessment factor under sub. (4) (a) is 0.0000125, except that it is zero for the  
5 grain dealer's 5th or higher consecutive full license year as a contributing grain  
6 dealer.

7 (b) A grain dealer's debt to equity ratio assessment factor under sub. (4) (b) to  
8 (d) is 0.00001875, except that it is 0.000015 for the grain dealer's 5th or higher  
9 consecutive full license year as a contributing grain dealer.

10 **(6) DEFERRED PAYMENT ASSESSMENT RATE.** A grain dealer's deferred payment  
11 assessment rate is 0.0035, except that it is 0.002 for the grain dealer's 5th or higher  
12 consecutive full license year as a contributing grain dealer.

13 **(7) QUARTERLY INSTALLMENTS.** (a) A contributing grain dealer shall pay the  
14 grain dealer's annual fund assessment in equal quarterly installments that are due  
15 as follows:

- 16 1. The first installment is due on October 1 of the license year.
- 17 2. The 2nd installment is due on January 1 of the license year.
- 18 3. The 3rd installment is due on April 1 of the license year.
- 19 4. The 4th installment is due on July 1 of the license year.

20 (b) A contributing grain dealer may prepay any of the quarterly installments  
21 under par. (a).

22 (c) A contributing grain dealer who applies for an annual license after the  
23 beginning of a license year shall pay the full annual fund assessment required under  
24 this section. The grain dealer shall pay, with the first quarterly installment that

1 becomes due after the day on which the department issues the license, all of that  
2 year's quarterly installments that became due before that day.

3 (d) A contributing grain dealer who fails to pay the full amount of any quarterly  
4 installment when due shall pay, in addition to that installment, a late payment  
5 penalty of \$50 or 10% of the overdue installment amount, whichever is greater.

6 **(8) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the  
7 department issues an annual license to a contributing grain dealer, the department  
8 shall notify the grain dealer of all of the following:

9 (a) The amount of the grain dealer's annual fund assessment under this  
10 section.

11 (b) The amount of each required quarterly installment under sub. (7) and the  
12 date by which the grain dealer must pay each installment.

13 (c) The penalty that applies under sub. (7) (d) if the grain dealer fails to pay any  
14 quarterly installment when due.

15 **126.16 Grain dealers; security. (1) SECURITY REQUIRED.** (a) A grain dealer  
16 shall file security with the department, and maintain that security until the  
17 department releases it under sub. (8) (a), if all of the following apply when the  
18 department first licenses the grain dealer under s. 126.11:

19 1. The grain dealer reports more than \$500,000 in grain payments under s.  
20 126.11 (9) (a).

21 2. The grain dealer files an annual financial statement under s. 126.13 (1) (a)  
22 and that financial statement shows negative equity.

23 (b) A grain dealer who reports any deferred payment contract obligations under  
24 s. 126.11 (9) (c) or 126.13 (1) (d) shall file security with the department, and maintain

1 that security until the department releases it under sub. (8) (b), unless the grain  
2 dealer has positive equity and one of the following applies:

3 1. The grain dealer's annual financial statement under s. 126.13 covers a fiscal  
4 year ending on or before January 1, 2006, and shows a debt to equity ratio of not more  
5 than 5.0 to 1.0.

6 2. The grain dealer's annual financial statement under s. 126.13 covers a fiscal  
7 year ending after January 1, 2006, and shows a debt to equity ratio of not more than  
8 4.0 to 1.0.

9 **(2) SECURITY CONTINUED.** A grain dealer who filed security under ch. 127, 1999  
10 stats., before September 1, 2002, shall maintain that security until the department  
11 releases it under sub. (8) (c).

12 **(3) AMOUNT OF SECURITY.** A grain dealer who is required to file or maintain  
13 security under this section shall at all times maintain security that is at least equal  
14 to the sum of the following:

15 (a) An amount equal to 35% of the grain dealer's average monthly payment for  
16 the 3 months, during the preceding 12 months, in which the grain dealer made the  
17 largest monthly payments for producer grain procured in this state, except that this  
18 amount is not required of a contributing grain dealer after December 1, 2002.

19 (b) The grain dealer's highest total, at any time during the preceding 12  
20 months, of unpaid obligations for producer grain procured in this state under  
21 deferred payment contracts.

22 **(4) FORM OF SECURITY.** The department shall review, and determine whether  
23 to approve, security filed or maintained under this section. The department may  
24 approve only the following types of security:

25 (a) Currency.

1 (b) A commercial surety bond if all of the following apply:

2 1. The surety bond is made payable to the department for the benefit of grain  
3 producers and producer agents.

4 2. The surety bond is issued by a person authorized to operate a surety business  
5 in this state.

6 3. The surety bond is issued as a continuous term bond that may be canceled  
7 only with the department's written agreement or upon 90 days' prior written notice  
8 served on the department in person or by certified mail.

9 4. The surety bond is issued in a form, and subject to any terms and conditions,  
10 that the department considers appropriate.

11 (c) A certificate of deposit or money market certificate if all of the following  
12 apply:

13 1. The certificate is issued or endorsed to the department for the benefit of grain  
14 producers and producer agents who deliver grain to the grain dealer.

15 2. The certificate may not be canceled or redeemed without the department's  
16 written authorization.

17 3. No person may transfer or withdraw funds represented by the certificate  
18 without the department's written permission.

19 4. The certificate renews automatically without any action by the department.

20 5. The certificate is issued in a form, and subject to any terms and conditions,  
21 that the department considers appropriate.

22 (d) An irrevocable bank letter of credit if all of the following apply:

23 1. The letter of credit is payable to the department for the benefit of grain  
24 producers and producer agents.

25 2. The letter of credit is issued on bank letterhead.

1           3. The letter of credit is issued for an initial period of at least one year.

2           4. The letter of credit renews automatically unless at least 90 days before the  
3 scheduled renewal date the issuing bank gives the department written notice, in  
4 person or by certified mail, that the letter of credit will not be renewed.

5           5. The letter of credit is issued in a form, and subject to any terms and  
6 conditions, that the department considers appropriate.

7           (e) Security filed under ch. 127, 1999 stats., before September 1, 2002, except  
8 that on January 1, 2003, the department shall withdraw its approval of any security  
9 that is not approvable under pars. (a) to (d).

10           **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,  
11 all security filed and maintained under this section. The department shall hold the  
12 security for the benefit of grain producers and producer agents who deliver grain to  
13 a grain dealer.

14           **(6) MONTHLY REPORTS.** A grain dealer who is required to file or maintain  
15 security under this section shall file monthly reports with the department. The grain  
16 dealer shall file a report on or before the 10th day of each month, in a form specified  
17 by the department. In a monthly report, a grain dealer shall provide information  
18 reasonably required by the department, including all of the following:

19           (a) The grain dealer's average monthly payment for the 3 months, during the  
20 preceding 12 months, in which the grain dealer made the largest monthly payments  
21 for producer grain procured in this state.

22           (b) The grain dealer's highest total unpaid obligations, at any time during the  
23 preceding 12 months, for producer grain procured in this state under deferred  
24 payment contracts. If the amount owed on deferred price contracts has not yet been

1 determined, the grain dealer shall estimate the amount based on contract terms and  
2 prevailing market prices on the last day of the previous month.

3 (7) ADDITIONAL SECURITY. (a) The department may, at any time, demand  
4 additional security from a grain dealer if any of the following applies:

5 1. The grain dealer's existing security falls below the amount required under  
6 sub. (3) for any reason, including depreciation in the value of the security filed with  
7 the department, an increase in grain payments or grain prices, or the cancellation  
8 of any security filed with the department.

9 2. The grain dealer fails to provide required information that is relevant to a  
10 determination of security requirements.

11 (b) The department shall issue a demand under par. (a) in writing. The  
12 department shall indicate why the security is required, the amount of security  
13 required, and the deadline date for filing security. The department may not specify  
14 a deadline for filing security that is more than 30 days after the date on which the  
15 department issues its demand for security.

16 (c) A grain dealer may request a hearing, under ch. 227, on a demand for  
17 security under par. (b). A request for hearing does not automatically stay a security  
18 demand.

19 (d) If a grain dealer fails to comply with the department's demand for security  
20 under this subsection, the grain dealer shall give written notice of that fact to all  
21 grain producers and producer agents from whom the grain dealer procures producer  
22 grain in this state. If the grain dealer fails to give accurate notice under this  
23 paragraph within 5 days after the deadline for filing security under par. (b) has  
24 passed, the department shall promptly notify those grain producers and producer  
25 agents by publishing a class 3 notice under ch. 985. The department may also give



1 individual notice to those grain producers or producer agents of whom the  
2 department is aware.

3 (e) If a grain dealer fails to comply with the department's demand for security  
4 under this subsection, the department may do any of the following:

5 1. Issue a summary order under s. 126.55 (2) that prohibits the grain dealer  
6 from procuring producer grain or requires the grain dealer to pay cash on delivery  
7 for all producer grain.

8 2. Suspend or revoke the grain dealer's license.

9 **(8) RELEASING SECURITY.** (a) The department may release security filed under  
10 sub. (1) (a), except for any amount of security that the grain dealer is required to file  
11 because sub. (1) (b) applies to the grain dealer, if any of the following applies:

12 1. The grain dealer reports, for at least 2 consecutive years, no more than  
13 \$500,000 in annual grain payments under s. 126.11 (9) (a) and the grain dealer pays  
14 the quarterly fund assessment that would have been required of the grain dealer if  
15 the grain dealer had been a contributing grain dealer on the most recent quarterly  
16 installment date under s. 126.15 (7).

17 2. The grain dealer's annual financial statement under s. 126.13 shows positive  
18 equity for at least 2 consecutive years and the grain dealer pays the quarterly fund  
19 assessment that would have been required of the grain dealer if the grain dealer had  
20 been a contributing grain dealer on the most recent quarterly installment date under  
21 s. 126.15 (7).

22 (b) The department may release security filed under sub. (1) (b), except for any  
23 amount of security that the grain dealer is required to file because sub. (1) (a) applies  
24 to the grain dealer, if any of the following applies:

1           1. The grain dealer has not had any deferred payment contract obligations  
2 since the beginning of the grain dealer's last completed fiscal year.

3           2. The grain dealer files 2 consecutive annual financial statements under s.  
4 126.13 showing that the grain dealer meets the applicable equity requirement and  
5 debt to equity ratio under sub. (1) (b).

6           (c) On December 1, 2002, the department may release security maintained  
7 under sub. (2), unless the grain dealer is required to file security under sub. (1).

8           (d) The department may release security to the extent that the security exceeds  
9 the amount required under sub. (3).

10          (e) The department may release security if the grain dealer files alternative  
11 security, of equivalent value, that the department approves.

12          (f) The department shall release security if the grain dealer is no longer in  
13 business and has paid all grain obligations in full.

14           **126.17 Grain dealers; records. (1) RECORDS AND ACCOUNTS; GENERAL.** A grain  
15 dealer shall keep records and accounts of all grain procured and all grain sold or  
16 marketed by the grain dealer. A grain dealer shall keep records that are complete,  
17 accurate, current, well-organized, and accessible, so that the grain dealer and the  
18 department can readily determine all of the following:

19           (a) The kinds and amounts of grain procured, the procurement dates, the  
20 procurement terms, and the persons from whom the grain dealer procured the grain.

21           (b) The kinds and amounts of grain sold or marketed, the sale or marketing  
22 dates, the sale or marketing terms, and the persons to whom the grain dealer sold  
23 or marketed the grain.

24           (c) The kinds and amounts of grain, received from others, that the grain dealer  
25 has used for feed, seed, milling, manufacturing, processing, or other purposes.

1           (d) The kinds and amounts of grain, received from others, that the grain dealer  
2 has on hand, including the kinds and amounts of grain owned by the grain dealer,  
3 and the kinds and amounts of grain held for others.

4           (e) The nature and amount of the grain dealer's obligations to grain producers  
5 and producer agents, including obligations under deferred payment contracts. The  
6 grain dealer shall keep a daily record of obligations under priced contracts and a  
7 separate daily record of obligations under deferred price contracts that have not yet  
8 been priced.

9           (f) The nature and amount of the grain dealer's obligations to depositors, as  
10 defined in s. 126.25 (5), under agreements for the storage of grain, if any.

11           (g) The grain dealer's accounts receivable from the sale or marketing of grain,  
12 including the names of the account debtors, the amount receivable from each account  
13 debtor, and the dates on which payment is due.

14           **(2) RECORDS OF GRAIN PROCURED.** A grain dealer shall keep records all of the  
15 following related to each shipment of grain procured by the grain dealer:

16           (a) The kind and weight of grain procured.

17           (b) The grade and quality of the grain if determined.

18           (c) The date on which the grain dealer procured the grain.

19           (d) The name and address of the person from whom the grain dealer procured  
20 the grain.

21           (e) Whether the grain dealer purchased the grain, holds it under an agreement  
22 for storage, or is marketing the grain as a producer agent.

23           (f) The terms of purchase, storage, or marketing.

24           (g) If the grain dealer procured the grain under a deferred payment contract,  
25 the terms of that contract.

1           **(3) RECORDS RETENTION; INSPECTION.** (a) A grain dealer shall keep copies of all  
2 of the following records for at least 6 years after the records are created:

3           1. Records required under this section and s. 126.18 (2).

4           2. Records that the grain dealer was required to keep, under ch. 127, 1999  
5 stats., and department rules, before September 1, 2002.

6           (b) A grain dealer shall make records required under this section available to  
7 the department for inspection and copying upon request.

8           **126.18 Grain dealers; receipts for grain. (1) REQUIREMENT.** Whenever a  
9 grain dealer receives grain from any person, the grain dealer shall immediately give  
10 that person a written receipt for the grain that includes all of the following:

11           (a) The name of the grain dealer and a statement indicating whether the grain  
12 dealer is a corporation.

13           (b) A permanent business address at which the holder of the receipt can readily  
14 contact the grain dealer.

15           (c) A statement identifying the document as a receipt for grain.

16           (d) The date on which the grain dealer received the grain.

17           (e) The kind of grain received.

18           (f) The net weight of grain received or, if the grain dealer receives the grain at  
19 the grain producer's farm, the approximate net weight of the grain.

20           (g) The grade and quality of the grain, if determined.

21           (h) A statement identifying the receipt as a purchase receipt, storage receipt,  
22 or receipt for grain marketed by the grain dealer as a producer agent.

23           (i) The grain dealer's promise to pay the total amount due for grain, less any  
24 discounts that may apply, within 7 calendar days after the date of receipt of the grain.

25           This requirement does not apply if any of the following applies:

- 1           1. The grain dealer pays cash on delivery.
- 2           2. The grain dealer receives the grain under a deferred payment contract that
- 3           complies with s. 126.19.
- 4           3. The receipt is clearly identified as a storage receipt.

5           **(1m)** EFFECT OF FAILURE TO IDENTIFY RECEIPT. A receipt not clearly identified  
6           under sub. (1) (h) is considered a purchase receipt except that, if the grain dealer also  
7           operates as a grain warehouse keeper, as defined in s. 126.25 (9), under the same  
8           name, a receipt not clearly identified is considered a storage receipt.

9           **(2)** GRAIN DEALER'S COPIES. A grain dealer shall keep copies of all receipts issued  
10          under sub. (1).

11          **126.19 Grain dealers; deferred payment contracts. (1)** CONTRACT IN  
12          WRITING. A grain dealer may not procure grain from any grain producer or producer  
13          agent under a deferred payment contract before the contract is reduced to writing  
14          and signed by the parties. The grain dealer shall provide a copy of the signed contract  
15          to the other party.

16          **(2)** CONTENTS OF CONTRACT. A grain dealer may not enter into a deferred  
17          payment contract unless the deferred payment contract includes all of the following:

- 18          (a) A unique contract identification number.
- 19          (b) The type, weight, grade, and quality of grain procured and a statement that
- 20          price adjustments may apply if delivered grain varies in grade or quality from that
- 21          identified in the contract.
- 22          (c) The price for the grain or, in a deferred price contract, the method and
- 23          deadline by which the price will be determined.

24          (d) The date by which the grain dealer agrees to make full payment for the  
25          grain, which may not be more than 180 days after the date on which the contract price

1 is established or more than 180 days after the date on which the grain dealer takes  
2 custody or control of the grain, whichever is later.

3 (dm) If the contract is a deferred price contract, a pricing deadline that is not  
4 more than one year after the date on which the grain dealer takes custody or control  
5 of the grain.

6 (e) The grain dealer's permanent business location.

7 (f) Other information required under this section.

8 **(3) PAYMENT AND PRICING DEADLINES.** (a) A grain dealer shall make full payment  
9 under a deferred payment contract by the deadline date specified in the contract.

10 (b) The parties may not extend a payment or pricing deadline under sub. (2)  
11 (d) or (dm), except that they may sign a new contract that extends either deadline  
12 or both deadlines for up to 180 days if the new contract refers to the contract number  
13 of the original contract.

14 **(4) REQUIRED NOTICE.** A grain dealer may not enter into a deferred payment  
15 contract unless the deferred payment contract clearly discloses that it is not a storage  
16 contract. Whenever a grain dealer buys grain from a grain producer under a deferred  
17 payment contract, the grain dealer shall include the following statement in  
18 capitalized, boldface print immediately above the contract signature line: "This is  
19 not a storage contract. The grain dealer (buyer) becomes the owner of any grain that  
20 the producer (seller) delivers to the grain dealer under this contract. The producer  
21 relinquishes ownership and control of the grain, and becomes an unsecured creditor  
22 pending payment."

23 **(5) DEFERRED PAYMENT CONTRACT ASSESSMENT.** From the amount that a grain  
24 dealer pays to a grain producer or producer agent under a deferred payment contract,  
25 the grain dealer shall deduct a deferred payment contract assessment. The

1 assessment shall equal the total amount owed under the contract before the  
2 assessment is deducted, multiplied by the deferred payment assessment rate that  
3 applies under s. 126.15 (6) when the contract is made. The grain dealer shall disclose  
4 the assessment amount or, if the contract is a deferred price contract, the method by  
5 which the assessment amount will be determined, in the written contract under sub.  
6 (1).

7 **126.20 Grain dealers; business practices. (1) GRAIN WEIGHT, GRADE, AND**  
8 **QUALITY.** A grain dealer shall do all of the following when determining the weight,  
9 grade, or quality of grain:

10 (a) Accurately determine the weight, grade, or quality using accurate weighing,  
11 testing, or grading equipment.

12 (b) Accurately record the determined weight, grade, or quality.

13 **(2) TIMELY PAYMENT TO PRODUCERS.** A grain dealer shall pay for grain when  
14 payment is due. A grain dealer may not make payment by nonnegotiable check or  
15 note or by check drawn on an account containing insufficient funds.

16 **(3) PERMANENT BUSINESS LOCATION.** A grain dealer licensed under s. 126.11 shall  
17 do all of the following:

18 (a) Maintain a permanent business address at which grain producers may  
19 readily contact the grain dealer during business hours.

20 (b) On each day that the Chicago Board of Trade is open for trading, keep  
21 business hours that start no later than 9 a.m. and end no earlier than 2:30 p.m.

22 (c) Prominently post the grain dealer's business hours at each of the grain  
23 dealer's business locations in this state.

24 **(4) PROHIBITED PRACTICES.** No grain dealer may do any of the following:

1 (a) Misrepresent the weight, grade, or quality of grain received from or  
2 delivered to any person.

3 (b) Falsify any record or account, or conspire with any other person to falsify  
4 a record or account.

5 (c) Make any false or misleading representation to the department.

6 (d) If the grain dealer is licensed under s. 126.11, engage in any activity that  
7 is inconsistent with a representation made in the grain dealer's annual license  
8 application.

9 (e) Make any false or misleading representation to a grain producer or producer  
10 agent related to any matters regulated under this chapter.

11 (f) Fail to file the full amount of security required under s. 126.16 (7) by the date  
12 that the department specifies.

13 **126.21 Grain producer obligations. (1) DELIVERY PER CONTRACT.** No grain  
14 producer or producer agent who contracts to sell and deliver grain to a grain dealer  
15 at an agreed price may wrongfully refuse to deliver that grain according to the  
16 contract.

17 **(2) DISCLOSURE OF LIENS AND SECURITY INTERESTS.** A grain dealer procuring grain  
18 from a grain producer or producer agent may require the grain producer or producer  
19 agent to disclose any liens or security interests that apply to the grain. The grain  
20 dealer may require the disclosure in writing. The grain dealer may require the grain  
21 producer or producer agent to specify the nature and amount of each lien or security  
22 interest and the identity of the person holding that lien or security interest. No grain  
23 producer may falsify or fraudulently withhold information required under this  
24 subsection in order to sell grain.



## 1 SUBCHAPTER IV

## 2 GRAIN WAREHOUSE KEEPERS

3 **126.25 Definitions.** In this subchapter:4 (1) “Capacity” means the maximum amount of grain, measured in bushels,  
5 that can be stored in a grain warehouse. The capacity of a grain warehouse is  
6 determined by dividing the cubic volume of all bins, expressed in cubic feet, by 1.244  
7 cubic feet per bushel, and applying a pack factor that the department specifies by  
8 rule.9 (2) “Contributing grain warehouse keeper” means a grain warehouse keeper  
10 who is licensed under s. 126.26, who either has paid one or more quarterly  
11 installments under s. 126.30 (6) or is required to contribute to the fund, but the first  
12 quarterly installment under s. 126.30 (6) is not yet due, and who is not disqualified  
13 under s. 126.29 (2).14 (3) “Current ratio” means the ratio of the value of current assets to the value  
15 of current liabilities, calculated according to s. 126.28 (6) (c) 1.16 (4) “Debt to equity ratio” means the ratio of the value of liabilities to equity,  
17 calculated according to s. 126.28 (6) (c) 2.

18 (5) “Depositor” means any of the following:

19 (a) A person who delivers grain to a grain warehouse keeper for storage,  
20 conditioning, shipping, or handling, without transferring ownership to the  
21 warehouse keeper.22 (b) A person who owns or legally holds a warehouse receipt or other document  
23 that is issued by a grain warehouse keeper and that entitles the person to receive  
24 stored grain.

1           **(6)** “Disqualified grain warehouse keeper” means a grain warehouse keeper  
2 who is disqualified from the fund under s. 126.29 (2).

3           **(8)** “Grain warehouse” means a facility in this state that is used to receive,  
4 store, or condition grain for others or that is used in the shipment of grain for others,  
5 except that “grain warehouse” does not include a transport vehicle.

6           **(9)** “Grain warehouse keeper” means a person who operates one or more grain  
7 warehouses in this state to receive, store, condition, or ship grain for others, except  
8 that “grain warehouse keeper” does not include a person licensed under the United  
9 States Warehouse Act, 7 USC 241 to 271.

10           **(9m)** “License year” means the period beginning on September 1 and ending  
11 on the following August 31.

12           **(11)** “Warehouse receipt” means a receipt for grain, issued by a grain  
13 warehouse keeper, that is also a document of title under s. 401.201 (15).

14           **126.26 Grain warehouse keepers; licensing. (1) LICENSE REQUIRED. (a)**  
15 No grain warehouse keeper may hold at any time more than 50,000 bushels of grain  
16 for others without a current annual license from the department. A grain warehouse  
17 keeper who has grain warehouses with a combined capacity of more than 50,000  
18 bushels shall obtain a license unless the grain warehouse keeper proves to the  
19 department that the grain warehouse keeper holds no more than 50,000 bushels of  
20 grain for others at any time.

21           (b) A license under par. (a) expires on the August 31 following its issuance. No  
22 person may transfer or assign a license issued under par. (a).

23           **(2) LICENSE APPLICATION.** A person shall apply for a grain warehouse keeper  
24 license in writing, on a form provided by the department. The applicant shall provide  
25 all of the following:

1 (a) The applicant's legal name and any trade name under which the applicant  
2 proposes to operate as a grain warehouse keeper.

3 (b) A statement of whether the applicant is an individual, corporation,  
4 partnership, cooperative, limited liability company, trust, or other legal entity. If the  
5 applicant is a corporation or cooperative, the applicant shall identify each officer of  
6 the corporation or cooperative. If the applicant is a partnership, the applicant shall  
7 identify each partner.

8 (c) The mailing address of the applicant's primary business location and the  
9 name of a responsible individual who may be contacted at that location.

10 (d) The street address and capacity of every grain warehouse that the applicant  
11 operates or proposes to operate in this state and the name of a responsible individual  
12 who may be contacted at each warehouse.

13 (e) The combined capacity of all grain warehouses identified under par. (d).

14 (f) All license fees and surcharges required under sub. (3).

15 (g) Proof that the applicant is insured as required under s. 126.27, unless the  
16 applicant has previously filed proof that remains current. The proof may consist of  
17 a certification provided by an insurance company licensed to do business in this  
18 state.

19 (h) A financial statement if required under s. 126.28 (1) and not yet filed.

20 (i) Other relevant information required by the department.

21 **(3) LICENSE FEES AND SURCHARGES.** A person applying for a grain warehouse  
22 keeper license shall pay the following fees and surcharges, unless the department  
23 specifies a different fee or surcharge amount by rule:

24 (a) A nonrefundable license processing fee of \$25 plus \$25 for each grain  
25 warehouse identified under sub. (2) (d). If a grain warehouse keeper operates 2 or

1 more grain warehouses located within 0.5 mile of each other, the grain warehouse  
2 keeper may treat those grain warehouses as a single grain warehouse for purposes  
3 of this paragraph and par. (c).

4 (b) The following inspection fee, less any credit provided under sub. (5):

5 1. A fee of \$500 if the combined capacity of the applicant's grain warehouses  
6 is less than 150,000 bushels.

7 2. A fee of \$550 if the combined capacity of the applicant's grain warehouses  
8 is at least 150,000 bushels but less than 250,000 bushels.

9 3. A fee of \$600 if the combined capacity of the applicant's grain warehouses  
10 is at least 250,000 bushels but less than 500,000 bushels.

11 4. A fee of \$650 if the combined capacity of the applicant's grain warehouses  
12 is at least 500,000 bushels but less than 750,000 bushels.

13 5. A fee of \$700 if the combined capacity of the applicant's grain warehouses  
14 is at least 750,000 bushels but less than 1,000,000 bushels.

15 6. A fee of \$800 if the combined capacity of the applicant's grain warehouses  
16 is at least 1,000,000 bushels but less than 2,000,000 bushels.

17 7. A fee of \$900 if the combined capacity of the applicant's grain warehouses  
18 is at least 2,000,000 bushels but less than 3,000,000 bushels.

19 8. A fee of \$1,000 if the combined capacity of the applicant's grain warehouses  
20 is at least 3,000,000 bushels but less than 4,000,000 bushels.

21 9. A fee of \$1,100 if the combined capacity of the applicant's grain warehouses  
22 is 4,000,000 bushels or more.

23 (c) A supplementary inspection fee of \$275 for each grain warehouse that the  
24 applicant operates in excess of one grain warehouse.

1 (d) A license surcharge of \$500 if the department determines that, within 365  
2 days before submitting the license application, the applicant operated as a grain  
3 warehouse keeper without a license in violation of sub. (1). The applicant shall also  
4 pay any license fees, license surcharges, and fund assessments that are still due for  
5 the license year in which the applicant violated sub. (1).

6 (e) A license surcharge of \$100 if during the preceding 12 months the applicant  
7 failed to file an annual financial statement required under s. 126.28 (1) (b) by the  
8 applicable deadline.

9 (f) A license surcharge of \$100 if a renewal applicant fails to renew a license  
10 by the license expiration date of August 31.

11 **(3m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (3) (d) does not  
12 relieve the applicant of any other civil or criminal liability that results from the  
13 violation of sub. (1), but does not constitute evidence of any law violation.

14 **(4)** LICENSE FOR PART OF YEAR; FEES. A person who applies for an annual grain  
15 warehouse keeper license after the beginning of a license year shall pay the full  
16 annual fee amounts required under sub. (3).

17 **(5)** FEE CREDIT. If the fund balance contributed by grain warehouse keepers  
18 exceeds \$300,000 on June 30 of any license year, the department shall credit 12.5%  
19 of the excess amount against fees charged under sub. (3) (b) to contributing grain  
20 warehouse keepers who file timely license renewal applications for the next license  
21 year. The department shall credit each contributing grain warehouse keeper on a  
22 prorated basis, in proportion to the total fees that the warehouse keeper has paid  
23 under sub. (3) (b) for the 4 preceding license years.

24 **(6)** FEE STATEMENT. The department shall provide, with each license application  
25 form, a written statement of all license fees and surcharges required under sub. (3)

1 or the formula for determining them. The department shall specify any fee credit for  
2 which the applicant may qualify under sub. (5).

3 (7) NO LICENSE WITHOUT FULL PAYMENT. The department may not grant a license  
4 under sub. (1) until the applicant pays all license fees and surcharges identified in  
5 the department's statement under sub. (6). The department shall refund a fee or  
6 surcharge paid under protest if upon review the department determines that the fee  
7 or surcharge is not applicable.

8 (8) ACTION GRANTING OR DENYING APPLICATION. The department shall grant or  
9 deny a license application under sub. (2) within 30 days after the department  
10 receives a complete application. If the department denies a license application, the  
11 department shall give the applicant a written notice stating the reasons for the  
12 denial.

13 (9) LICENSE DISPLAYED. A grain warehouse keeper who is required to hold a  
14 license under sub. (1) shall prominently display a copy of that license at each grain  
15 warehouse.

16 (10) NOTIFICATION. A licensed warehouse keeper shall notify the department,  
17 in writing, before the warehouse keeper adds a grain warehouse or changes the  
18 location or capacity of any grain warehouse. In the notice, the grain warehouse  
19 keeper shall specify any change in the combined capacity of grain warehouses  
20 operated by the grain warehouse keeper resulting from the proposed addition or  
21 change.

22 **126.27 Grain warehouse keepers; insurance. (1) FIRE AND EXTENDED**  
23 **COVERAGE INSURANCE.** A grain warehouse keeper licensed under s. 126.26 (1) shall  
24 maintain fire and extended coverage insurance, issued by an insurance company  
25 authorized to do business in this state, that covers all grain in the custody of the grain

1 warehouse keeper, whether owned by the grain warehouse keeper or held for others,  
2 at the full local market value of the grain.

3 **(2) INSURANCE CANCELLATION; REPLACEMENT.** (a) No person may cancel an  
4 insurance policy required under sub. (1) unless that person serves a written notice  
5 of the intended cancellation on the department at least 30 days before the  
6 cancellation takes effect.

7 (b) Whenever an insurance policy under sub. (1) is canceled, the grain  
8 warehouse keeper shall replace the policy so that there is no lapse in coverage.  
9 Within 20 days after a cancellation notice under par. (a) is served on the department,  
10 and at least 10 days before the cancellation takes effect, the grain warehouse keeper  
11 shall provide the department with proof of the replacement policy. The department  
12 may accept, as proof, a certification provided by an insurance company licensed to  
13 do business in this state.

14 **(3) INSURANCE DEDUCTIBLES.** An insurance policy does not comply with sub. (1)  
15 if it contains any deductible clause that limits the insurer's obligation to pay to each  
16 depositor the full value of the depositor's covered losses under the policy. The grain  
17 warehouse keeper may agree to indemnify the insurer for a portion of each depositor  
18 claim that the insurer pays under the policy if the agreement does not limit the  
19 insurer's obligation to pay each depositor the full amount of the depositor's covered  
20 losses.

21 **(4) INSURANCE DISCLOSURES.** A grain warehouse keeper licensed under s. 126.26  
22 (1) shall disclose all of the following to a depositor if the depositor requests that  
23 information:

24 (a) The material terms of the grain warehouse keeper's fire and extended  
25 coverage insurance policy under sub. (1).

1           (b) Whether the grain warehouse keeper has liability insurance covering the  
2 grain warehouse keeper's grain operations, and the material terms of that liability  
3 insurance policy.

4           **(5) INSURANCE COVERAGE; MISREPRESENTATION.** No grain warehouse keeper may  
5 misrepresent any of the following to the department or a depositor:

6           (a) That the grain warehouse keeper is insured.

7           (b) The nature, coverage, or material terms of the grain warehouse keeper's  
8 insurance policy.

9           **126.28 Grain warehouse keepers; financial statements. (1) REQUIRED**  
10 ANNUAL FINANCIAL STATEMENT. (a) A grain warehouse keeper shall file an annual  
11 financial statement with the department before the department first licenses the  
12 warehouse keeper under s. 126.26 (1), if the warehouse keeper operates grain  
13 warehouses with a combined capacity of more than 300,000 bushels.

14           (b) A grain warehouse keeper licensed under s. 126.26 (1) shall file an annual  
15 financial statement with the department during each license year if the grain  
16 warehouse keeper operates warehouses with a combined capacity of more than  
17 300,000 bushels. The grain warehouse keeper shall file the annual financial  
18 statement by the 15th day of the 4th month following the close of the grain warehouse  
19 keeper's fiscal year, except that the department may extend the annual filing  
20 deadline for up to 30 days if the grain warehouse keeper, or the accountant reviewing  
21 or auditing the financial statement, files a written extension request at least 10 days  
22 before the filing deadline.

23           **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A contributing grain warehouse  
24 keeper who is not required to file an annual financial statement under sub. (1) may



1 file an annual financial statement with the department in order to qualify for a lower  
2 fund assessment under s. 126.30.

3 **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A grain warehouse keeper  
4 filing an annual financial statement under sub. (1) or (2) shall file an audited  
5 financial statement if the warehouse keeper operates grain warehouses with a  
6 combined capacity of more than 500,000 bushels.

7 (b) If par. (a) does not apply, a grain warehouse keeper filing an annual financial  
8 statement under sub. (1) or (2) shall file either a reviewed financial statement or an  
9 audited financial statement.

10 **(4) ACCOUNTING PERIOD.** A grain warehouse keeper filing an annual financial  
11 statement under sub. (1) or (2) shall file a financial statement that covers the grain  
12 warehouse keeper's last completed fiscal year unless the grain warehouse keeper has  
13 been in business for less than one year.

14 **(4m) INTERIM FINANCIAL STATEMENT.** The department may, at any time, require  
15 a grain warehouse keeper licensed under s. 126.26 (1) to file an interim financial  
16 statement with the department. The grain warehouse keeper shall provide, with the  
17 interim financial statement, the warehouse keeper's sworn and notarized statement  
18 that the financial statement is correct. An interim financial statement need not be  
19 a reviewed financial statement or an audited financial statement.

20 **(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par.  
21 (b), a grain warehouse keeper filing an annual financial statement under this section  
22 shall file a financial statement that is prepared according to generally accepted  
23 accounting principles.

1 (b) If a grain warehouse keeper is a sole proprietor and the grain warehouse  
2 keeper's financial statement is not audited, the grain warehouse keeper shall file a  
3 financial statement that is prepared on a historical cost basis.

4 **(6) FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a grain  
5 warehouse keeper filing a financial statement under this section shall file a financial  
6 statement that consists of a balance sheet, income statement, equity statement,  
7 statement of cash flows, notes to those statements, and any other information  
8 required by the department. A grain warehouse keeper who is a sole proprietor shall  
9 file his or her business and personal financial statements.

10 (b) If a grain warehouse keeper has been in business for less than one year, the  
11 grain warehouse keeper may file an annual financial statement under sub. (1) or (2)  
12 that consists of a balance sheet and notes.

13 (c) A grain warehouse keeper filing a financial statement under this section  
14 shall include in the financial statement, or in an attachment to the financial  
15 statement, calculations of all of the following:

16 1. The grain warehouse keeper's current ratio, excluding any assets required  
17 to be excluded under sub. (7).

18 2. The grain warehouse keeper's debt to equity ratio, excluding any assets  
19 required to be excluded under sub. (7).

20 **(7) ASSETS EXCLUDED.** A grain warehouse keeper may not include any of the  
21 following assets in calculating the ratios under sub. (6) (c), unless the department  
22 specifically approves their inclusion:

23 (a) A nontrade note or account receivable from an officer, director, employee,  
24 partner, or stockholder, or from a member of the family of any of those individuals,

1 unless the note or account receivable is secured by a first priority security interest  
2 in real or personal property.

3 (b) A note or account receivable from a parent organization, a subsidiary, or an  
4 affiliate other than an employee.

5 (c) A note or account that has been receivable for more than one year, unless  
6 the grain warehouse keeper has established an equal offsetting reserve for  
7 uncollectible notes and accounts receivable.

8 **(9) ENTITY COVERED.** A person filing a financial statement under this section  
9 may not file, in lieu of that person's financial statement, the financial statement of  
10 the person's parent organization, subsidiary, predecessor, or successor.

11 **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement  
12 submitted under this section and may reject a financial statement that fails to  
13 comply with this section.

14 **126.29 Contributing grain warehouse keepers; disqualification. (1)**  
15 **CONTRIBUTION REQUIRED.** A grain warehouse keeper licensed under s. 126.26 (1) shall  
16 pay fund assessments under s. 126.30 unless the grain warehouse keeper is  
17 disqualified under sub. (2).

18 **(2) DISQUALIFIED WAREHOUSE KEEPER.** (a) A grain warehouse keeper who is  
19 required to file security under s. 126.31 (1) is disqualified from the fund until the  
20 department releases that security under s. 126.31 (8) (a).

21 (b) A grain warehouse keeper is disqualified from the fund if the department  
22 denies, suspends, or revokes the grain warehouse keeper's license.

23 **(3) PAYMENTS BY DISQUALIFIED GRAIN WAREHOUSE KEEPER.** (a) The department  
24 may not return, to a disqualified grain warehouse keeper, any fund assessments that  
25 the warehouse keeper paid as a contributing grain warehouse keeper.

1 (b) A disqualified grain warehouse keeper remains liable for any unpaid fund  
2 installment under s. 126.30 that became due while the grain warehouse keeper was  
3 a contributing grain warehouse keeper. A disqualified grain warehouse keeper is not  
4 liable for any fund installment that becomes due after the grain warehouse keeper  
5 is disqualified under sub. (2).

6 **126.30 Grain warehouse keepers; fund assessments. (1) GENERAL.** A  
7 contributing grain warehouse keeper shall pay an annual fund assessment for each  
8 license year. The assessment equals \$20 or the sum of the following, whichever is  
9 greater, unless the department by rule specifies a different assessment:

10 (a) The grain warehouse keeper's current ratio assessment. The current ratio  
11 assessment for a license year is the amount, expressed as dollars, equal to the grain  
12 warehouse keeper's current ratio assessment rate under sub. (2) multiplied by the  
13 number of bushels that the grain warehouse keeper reports under s. 126.26 (2) (e)  
14 or (10).

15 (b) The warehouse keeper's debt to equity ratio assessment. The debt to equity  
16 ratio assessment for each license year is the amount, expressed as dollars, equal to  
17 the grain warehouse keeper's debt to equity ratio assessment rate under sub. (4)  
18 multiplied by the number of bushels that the warehouse keeper reports under s.  
19 126.26 (2) (e) or (10).

20 **(2) CURRENT RATIO ASSESSMENT RATE.** A grain warehouse keeper's current ratio  
21 assessment rate is calculated, at the beginning of the license year, as follows:

22 (a) If the grain warehouse keeper has filed an annual financial statement  
23 under s. 126.28 and that financial statement shows a current ratio of at least 1.25  
24 to 1.0, the grain warehouse keeper's current ratio assessment rate equals the greater

1 of zero or the current ratio assessment factor in sub. (3) (a) multiplied by an amount  
2 determined as follows:

- 3 1. Subtract one from the current ratio.
- 4 2. Divide the amount determined under subd. 1. by 3.
- 5 3. Multiply the amount determined under subd. 2. by negative one.
- 6 4. Raise the amount determined under subd. 3. to the 3rd power.
- 7 5. Subtract 0.75 from the current ratio.
- 8 6. Divide 0.65 by the amount determined under subd. 5.
- 9 7. Raise the amount determined under subd. 6. to the 5th power.
- 10 8. Add the amount determined under subd. 4. to the amount determined under  
11 subd. 7.
- 12 9. Add 2 to the amount determined under subd. 8.

13 (b) If the grain warehouse keeper has filed an annual financial statement  
14 under s. 126.28 and that financial statement shows a current ratio of less than 1.25  
15 to 1.0, but greater than 1.0 to 1.0, the grain warehouse keeper's current ratio  
16 assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied  
17 by the following amount:

- 18 1. Subtract one from the current ratio.
- 19 2. Divide the amount determined under subd. 1. by 3.
- 20 3. Multiply the amount determined under subd. 2. by negative one.
- 21 4. Raise the amount determined under subd. 3. to the 3rd power.
- 22 5. Subtract 0.75 from the current ratio.
- 23 6. Divide 0.65 by the amount determined under subd. 5.
- 24 7. Raise the amount determined under subd. 6. to the 5th power.

1           8. Add the amount determined under subd. 4. to the amount determined under  
2 subd. 7.

3           9. Add 2 to the amount determined under subd. 8.

4           (c) If the grain warehouse keeper has filed an annual financial statement under  
5 s. 126.28 and that financial statement shows a current ratio of less than or equal to  
6 1.0 to 1.0, the warehouse keeper's current ratio assessment rate equals the current  
7 ratio assessment factor in sub. (3) (b) multiplied by 120.81376.

8           (d) If the grain warehouse keeper has not filed an annual financial statement  
9 under s. 126.28, the warehouse keeper's current ratio assessment rate equals the  
10 current ratio assessment factor in sub. (3) (b) multiplied by 5.71235.

11           **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A grain warehouse keeper's current  
12 ratio assessment factor under sub. (2) (a) is 0.00003 except that, for the grain  
13 warehouse keeper's 5th or higher consecutive full license year as a contributing grain  
14 warehouse keeper, the grain warehouse keeper's current ratio assessment factor is  
15 zero.

16           (b) A grain warehouse keeper's current ratio assessment factor under sub. (2)  
17 (b) to (d) is 0.000045 except that, for the grain warehouse keeper's 5th or higher  
18 consecutive full license year as a contributing grain warehouse keeper, the grain  
19 warehouse keeper's current ratio assessment factor is 0.000036.

20           **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A grain warehouse keeper's debt to  
21 equity ratio assessment rate is calculated, at the beginning of the license year, as  
22 follows:

23           (a) If the grain warehouse keeper has filed an annual financial statement  
24 under s. 126.28 and that financial statement shows positive equity and a debt to  
25 equity ratio of not more than 4.0 to 1.0, the grain warehouse keeper's debt to equity

1 ratio assessment rate equals the greater of zero or the debt to equity ratio assessment  
2 factor in sub. (5) (a) multiplied by the following amount:

- 3 1. Subtract 4 from the debt to equity ratio.
- 4 2. Divide the amount determined under subd. 1. by 3.
- 5 3. Raise the amount determined under subd. 2. to the 3rd power.
- 6 4. Subtract 1.7 from the debt to equity ratio.
- 7 5. Divide the amount determined under subd. 4. by 1.75.
- 8 6. Raise the amount determined under subd. 5. to the 7th power.
- 9 7. Add the amount determined under subd. 3. to the amount determined under  
10 subd. 6.
- 11 8. Add 2 to the amount determined under subd. 7.

12 (b) If the grain warehouse keeper has filed an annual financial statement  
13 under s. 126.28 and that financial statement shows a debt to equity ratio of greater  
14 than 4.0 to 1.0 but less than 5.0 to 1.0, the grain warehouse keeper's debt to equity  
15 ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)  
16 multiplied by the following amount:

- 17 1. Subtract 4 from the debt to equity ratio.
- 18 2. Divide the amount determined under subd. 1. by 3.
- 19 3. Raise the amount determined under subd. 2. to the 3rd power.
- 20 4. Subtract 1.7 from the debt to equity ratio.
- 21 5. Divide the amount determined under subd. 4. by 1.75.
- 22 6. Raise the amount determined under subd. 5. to the 7th power.
- 23 7. Add the amount determined under subd. 3. to the amount determined under  
24 subd. 6.
- 25 8. Add 2 to the amount determined under subd. 7.

1 (c) If the grain warehouse keeper has filed an annual financial statement under  
2 s. 126.28 and that financial statement shows negative equity or a debt to equity ratio  
3 of at least 5.0 to 1.0, the grain warehouse keeper's debt to equity ratio assessment  
4 rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by  
5 86.8244.

6 (d) If the grain warehouse keeper has not filed an annual financial statement  
7 under s. 126.28, the grain warehouse keeper's debt to equity ratio assessment rate  
8 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 8.77374.

9 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A grain warehouse keeper's  
10 debt to equity ratio assessment factor under sub. (4) (a) is 0.0000125, except that it  
11 is zero for the grain warehouse keeper's 5th or higher consecutive full license year  
12 as a contributing grain warehouse keeper.

13 (b) A grain warehouse keeper's debt to equity ratio assessment factor under  
14 sub. (4) (b) to (d) is 0.00001875, except that it is 0.000015 for the grain warehouse  
15 keeper's 5th or higher consecutive full license year as a contributing grain warehouse  
16 keeper.

17 **(6) QUARTERLY INSTALLMENTS.** (a) A contributing grain warehouse keeper shall  
18 pay the grain warehouse keeper's annual fund assessment in equal quarterly  
19 installments that are due as follows:

- 20 1. The first installment is due on October 1 of the license year.
- 21 2. The 2nd installment is due on January 1 of the license year.
- 22 3. The 3rd installment is due on April 1 of the license year.
- 23 4. The 4th installment is due on July 1 of the license year.

24 (b) A contributing grain warehouse keeper may prepay any of the quarterly  
25 installments under par. (a).



1 (c) A contributing grain warehouse keeper who applies for an annual license  
2 after the beginning of a license year shall pay the full annual fund assessment  
3 required under this section. The grain warehouse keeper shall pay, with the first  
4 quarterly installment that becomes due after the day on which the department  
5 issues the license, all of the quarterly installments that were due before that day.

6 (d) A contributing grain warehouse keeper who fails to pay the full amount of  
7 any quarterly installment when due shall pay, in addition to that installment, a late  
8 payment penalty of \$50 or 10% of the overdue installment amount, whichever is  
9 greater.

10 **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the  
11 department issues an annual license to a contributing grain warehouse keeper, the  
12 department shall notify the grain warehouse keeper of all of the following:

13 (a) The amount of the grain warehouse keeper's annual fund assessment under  
14 this section.

15 (b) The amount of each required quarterly installment under sub. (6), and the  
16 date by which the grain warehouse keeper must pay each installment.

17 (c) The penalty that applies under sub. (6) (d) if the grain warehouse keeper  
18 fails to pay any quarterly installment when due.

19 **126.31 Grain warehouse keepers; security. (1) SECURITY REQUIRED.** A  
20 grain warehouse keeper shall file security with the department, and maintain that  
21 security until the department releases it under sub. (8), if all of the following apply  
22 when the department first licenses the grain warehouse keeper under s. 126.26 (1):

23 (a) The grain warehouse keeper operates grain warehouses with a combined  
24 capacity of more than 300,000 bushels.

1 (b) The grain warehouse keeper's annual financial statement under s. 126.28

2 (1) (a) shows negative equity.

3 (2) SECURITY CONTINUED. A grain warehouse keeper who filed security under  
4 ch. 127, 1999 stats., before September 1, 2002, shall maintain that security until the  
5 department releases it under sub. (8).

6 (3) AMOUNT OF SECURITY. A grain warehouse keeper who is required to file or  
7 maintain security under this section shall at all times maintain security equal to at  
8 least 20% of the current local market value of grain that the grain warehouse keeper  
9 holds in this state for others.

10 (4) FORM OF SECURITY. The department shall review, and determine whether  
11 to approve, security filed or maintained under this section. The department may  
12 approve only the following types of security:

13 (a) Currency.

14 (b) A commercial surety bond if all of the following apply:

15 1. The surety bond is made payable to the department for the benefit of  
16 depositors.

17 2. The surety bond is issued by a person authorized to operate a surety business  
18 in this state.

19 3. The surety bond is issued as a continuous term bond that may be canceled  
20 only with the department's written agreement, or upon 90 days' prior written notice  
21 served on the department in person or by certified mail.

22 4. The surety bond is issued in a form, and subject to any terms and conditions,  
23 that the department considers appropriate.

24 (c) A certificate of deposit or money market certificate, if all of the following  
25 apply:

1           1. The certificate is issued or endorsed to the department for the benefit of  
2 depositors.

3           2. The certificate may not be canceled or redeemed without the department's  
4 written permission.

5           3. No person may transfer or withdraw funds represented by the certificate  
6 without the department's written permission.

7           4. The certificate renews automatically without any action by the department.

8           5. The certificate is issued in a form, and subject to any terms and conditions,  
9 that the department considers appropriate.

10           (d) An irrevocable bank letter of credit if all of the following apply:

11           1. The letter of credit is payable to the department for the benefit of depositors.

12           2. The letter of credit is issued on bank letterhead.

13           3. The letter of credit is issued for an initial period of at least one year.

14           4. The letter of credit renews automatically unless at least 90 days before the  
15 scheduled renewal date the issuing bank gives the department written notice, in  
16 person or by certified mail, that the letter of credit will not be renewed.

17           5. The letter of credit is issued in a form, and subject to any terms and  
18 conditions, that the department considers appropriate.

19           (e) Security filed under ch. 127, 1999 stats., before September 1, 2002, except  
20 that on January 1, 2003, the department shall withdraw its approval of any security  
21 that is not approvable under pars. (a) to (d).

22           **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,  
23 all security filed and maintained under this section. The department shall hold the  
24 security for the benefit of depositors.

1           **(6) ADDITIONAL SECURITY.** (a) The department may, at any time during a license  
2 year, demand additional security from a grain warehouse keeper if any of the  
3 following applies:

4           1. The grain warehouse keeper's existing security falls below the amount  
5 required under sub. (3) for any reason, including depreciation in the value of the  
6 security, increased obligations to depositors, or the cancellation of any security filed  
7 with the department.

8           2. The grain warehouse keeper fails to provide required information that is  
9 relevant to a determination of security requirements.

10           (b) The department shall issue a demand under par. (a) in writing. The  
11 department shall indicate why additional security is required, the amount of  
12 security required, and the deadline date for filing security. The department may not  
13 specify a deadline for filing security that is more than 30 days after the date on which  
14 the department issues its demand for security.

15           (c) A grain warehouse keeper may request a hearing, under ch. 227, on a  
16 demand for security under par. (b). A request for hearing does not automatically stay  
17 a security demand.

18           (d) If a grain warehouse keeper fails to comply with the department's demand  
19 for security under this subsection, the grain warehouse keeper shall give written  
20 notice of that fact to all depositors. If the grain warehouse keeper fails to give  
21 accurate notice under this paragraph within 5 days after the deadline for filing  
22 security under par. (b) has passed, the department shall promptly notify depositors  
23 by publishing a class 3 notice under ch. 985. The department may also give  
24 individual notice to depositors of whom the department is aware.

1 (e) If a grain warehouse keeper fails to comply with the department's demand  
2 for security under this subsection, the department may do any of the following:

3 1. Issue an appropriate summary order under s. 126.85 (2).

4 2. Suspend or revoke the grain warehouse keeper's license.

5 **(7) MONTHLY REPORTS.** A grain warehouse keeper who is required to file or  
6 maintain security under this section shall file monthly reports with the department.  
7 The grain warehouse keeper shall file the report by the 10th day of each month, in  
8 a form specified by the department. In a monthly report, the grain warehouse keeper  
9 shall provide information reasonably required by the department, including the  
10 amount of each type of grain stored in each grain warehouse on the last day of the  
11 preceding month.

12 **(8) RELEASING SECURITY.** (a) The department may release security filed under  
13 sub. (1) if any of the following applies:

14 1. The grain warehouse keeper reports grain warehouse capacity under s.  
15 126.26 (2) (e) of less than 300,000 bushels for at least 2 consecutive license years and  
16 the grain warehouse keeper pays the quarterly fund assessment that would have  
17 been required of the grain warehouse keeper if the grain warehouse keeper had been  
18 a contributing grain warehouse keeper on the most recent quarterly installment date  
19 under s. 126.30 (6).

20 2. The grain warehouse keeper's annual financial statement under s. 126.28  
21 shows positive equity for at least 2 consecutive years and the grain warehouse keeper  
22 pays the quarterly fund assessment that would have been required of the grain  
23 warehouse keeper if the grain warehouse keeper had been a contributing grain  
24 warehouse keeper on the most recent quarterly installment date under s. 126.30 (6).

1           (b) On December 1, 2002, the department may release security maintained  
2 under sub. (2), unless the grain warehouse keeper is required to file security under  
3 sub. (1).

4           (c) The department may release security to the extent that the security exceeds  
5 the amount required under sub. (3).

6           (d) The department may release security if the grain warehouse keeper files  
7 alternative security, of equivalent value, that the department approves.

8           (e) The department shall release security if the grain warehouse keeper has  
9 gone out of business and has fulfilled all grain obligations to depositors.

10           **126.32 Grain warehouse keepers; records. (1) RECORDS AND ACCOUNTS;**  
11 GENERAL. A grain warehouse keeper shall maintain current, complete, and accurate  
12 records and accounts of all grain received into and withdrawn from each grain  
13 warehouse, including records required under subs. (2) and (3).

14           **(2) DAILY POSITION RECORDS.** A grain warehouse keeper shall keep daily position  
15 records for each type of grain, so that the grain warehouse keeper and the  
16 department can easily determine all of the following on a daily basis:

17           (a) The total amount of grain held by the warehouse keeper, including grain  
18 under pars. (b) and (c).

19           (b) The total amount of grain that the warehouse keeper holds for others.

20           (c) The total amount of grain held by the warehouse keeper of which the  
21 warehouse keeper claims ownership.

22           (d) The warehouse keeper's total grain obligations to depositors.

23           **(3) DEPOSITOR RECORDS.** A grain warehouse keeper shall keep for each  
24 depositor, in a form that the grain warehouse keeper and the department can easily  
25 retrieve, records of all of the following:

1 (a) The depositor's name and address.

2 (b) The kinds and amounts of grain that the grain warehouse keeper received  
3 from the depositor, the receipt dates, and the terms under which the grain warehouse  
4 keeper received the grain.

5 (c) The kinds and amounts of grain that the grain warehouse keeper has  
6 released to the depositor and the release dates.

7 (d) The kinds and amounts of grain that the grain warehouse keeper holds for  
8 the depositor. The grain warehouse keeper shall update this record on a daily basis.

9 **(4) ADJUSTING RECORDS.** (a) Whenever a grain warehouse keeper alters a record  
10 entry under sub. (2) or (3), the grain warehouse keeper shall clearly identify and  
11 explain the alteration so that the reason for the alteration is clear to a person  
12 reviewing the records.

13 (b) Except as provided in par. (c), a grain warehouse keeper may not alter a  
14 record entry under sub. (2) or (3) without the department's prior approval.

15 (c) A grain warehouse keeper may, without the department's prior approval,  
16 correct a record entry under sub. (2) or (3) for any of the following reasons:

17 1. To account for handling losses, if the warehouse keeper corrects for handling  
18 losses at least monthly.

19 2. To account for errors or omissions related to the receipt or withdrawal of  
20 grain, if the warehouse keeper has documentation to support the correction.

21 **(5) RECORDS RETENTION; AVAILABILITY.** (a) A grain warehouse keeper shall retain  
22 all of the following records for at least 6 years from the date of their creation:

23 1. Records required under this section and s. 126.33 (3).

24 2. Records that the grain warehouse keeper was required to keep under ch. 127,  
25 1999 stats., and department rules, before January 1, 2002.

1 (b) If a grain warehouse keeper keeps records under subs. (2) and (3) in  
2 computerized form, the grain warehouse keeper shall generate a hard copy printout  
3 for each business day unless the grain warehouse keeper retains the ability to  
4 retrieve and print that day's computerized record for at least 6 years.

5 (c) A grain warehouse keeper shall make records required under this section  
6 available to the department for inspection and copying upon request.

7 **(6) REVIEWING RECORDS.** (a) The department shall review the records that a  
8 grain warehouse keeper is required to keep under this section. The department shall  
9 review a grain warehouse keeper's records at least annually, except as provided in  
10 par. (b).

11 (b) The department shall review a grain warehouse keeper's records at least  
12 once every 2 years if the grain warehouse keeper files an annual financial statement  
13 under s. 126.28 and that annual financial statement shows a current ratio of at least  
14 2.0 to 1.0, positive equity, and a debt to equity ratio of not more than 2.0 to 1.0.

15 **126.33 Receipts for grain. (1) REQUIREMENT.** Immediately after a grain  
16 warehouse keeper receives grain from a depositor, the grain warehouse keeper shall  
17 give the depositor a warehouse receipt or other storage receipt that includes all of the  
18 following:

19 (a) The name and permanent address of the grain warehouse keeper, the  
20 location of the grain warehouse, and a statement indicating whether the grain  
21 warehouse keeper is a corporation.

22 (b) A statement identifying the document as a warehouse receipt or other  
23 storage receipt.

24 (c) The date on which the grain warehouse keeper received the grain.

25 (d) The kind of grain received.



1 (e) The net weight of grain received.

2 (f) The grade and quality of grain received, if determined.

3 (g) The word “negotiable” or “nonnegotiable,” conspicuously, if the document is  
4 issued as a warehouse receipt. If a grain warehouse keeper transfers  
5 depositor–owned grain to another warehouse keeper, the receiving grain warehouse  
6 keeper shall issue a receipt that conspicuously bears the word “nonnegotiable.”

7 (h) A statement indicating that the depositor must remove the grain from  
8 storage by a specified date that is not more than 3 years after the date of deposit. This  
9 requirement does not apply to any of the following:

10 1. A warehouse receipt.

11 2. A receipt for grain owned by the federal commodity credit corporation.

12 3. A receipt for grain pledged as collateral for a loan from the federal  
13 department of agriculture.

14 **(2) GRAIN OWNERSHIP.** If a person delivers grain to a recipient who is both a grain  
15 warehouse keeper and a grain dealer, as defined in s. 126.10 (9), the delivery is  
16 considered a deposit for storage unless it is clearly documented as a delivery of  
17 purchased grain. A receipt issued by such a recipient is considered a storage receipt  
18 unless it is clearly designated as a receipt for the delivery of purchased grain.

19 **(3) WAREHOUSE KEEPER'S COPY.** A grain warehouse keeper shall keep a copy of  
20 every warehouse receipt and other document that the grain warehouse keeper issues  
21 under sub. (1). The grain warehouse keeper shall retain a copy of each document for  
22 at least 6 years after the grain warehouse keeper issues the document and shall  
23 make copies available to the department for inspection and copying upon request.

1           **126.34 Grain warehouse keepers; business practices. (1)** GRAIN WEIGHT,  
2 GRADE, AND QUALITY. A grain warehouse keeper shall do all of the following when  
3 determining the weight, grade, or quality of grain:

4           (a) Accurately determine the weight, grade, or quality using accurate weighing,  
5 testing, or grading equipment.

6           (b) Accurately record the determined weight, grade, or quality.

7           **(2) CARE OF GRAIN; FACILITIES.** A grain warehouse keeper shall safeguard grain  
8 held for others and shall protect that grain from loss or abnormal deterioration. A  
9 grain warehouse keeper shall maintain adequate facilities and equipment for that  
10 purpose.

11           **(3) SUFFICIENT INVENTORY.** A grain warehouse keeper shall at all times maintain  
12 grain inventories sufficient in quantity and quality to meet all outstanding  
13 obligations to depositors.

14           **(4) RETURNING GRAIN TO DEPOSITORS.** (a) Except as provided in par. (b), a grain  
15 warehouse keeper shall deliver to a depositor, upon demand, the same grade and  
16 amount of grain as was deposited.

17           (b) If a grain warehouse keeper does not have enough grain of the appropriate  
18 grade to satisfy a depositor's demand under par. (a), the warehouse keeper may  
19 substitute any of the following with the agreement of the depositor:

20           1. A monetary payment sufficient to provide the depositor with equivalent  
21 value, based on current local grain prices.

22           2. A sufficient amount of a higher grade of grain to provide the depositor with  
23 equivalent value, based on current local grain prices.

24           (c) A grain warehouse keeper may not provide grain or payments under par.  
25 (b) whose value exceeds the current value of the grain that was deposited.



1           **(4)** “Dairy plant” has the meaning given in s. 97.20 (1) (a).

2           **(5)** “Dairy plant operator” means a person who holds or is required to hold a  
3 dairy plant license under s. 97.20.

4           **(6)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,  
5 calculated according to s. 126.44 (8) (c) 2.

6           **(7)** “Disqualified milk contractor” means a milk contractor who is disqualified  
7 from the fund under s. 126.45 (3).

8           **(7m)** “License year” means the period beginning on May 1 and ending on the  
9 following April 30.

10           **(8)** “Milk contractor” means a person who buys producer milk or who markets  
11 producer milk as a producer agent. “Milk contractor” does not include any of the  
12 following:

13           (a) A person who merely brokers a contract between a milk producer and a milk  
14 contractor, without becoming a party to the contract, taking control of milk, or  
15 accepting payment on behalf of the milk producer.

16           (b) A person who merely buys or sells milk on a board of trade or commodity  
17 exchange.

18           **(9)** “Milk payroll obligation” means a milk contractor’s gross obligation to a  
19 milk producer or producer agent, whether paid or unpaid, for producer milk that the  
20 milk contractor procures in this state.

21           **(10)** “Milk producer” means a person who produces milk on a dairy farm.

22           **(11)** “Procure producer milk” means to buy producer milk or acquire the right  
23 to market producer milk.

24           **(12)** “Procure producer milk in this state” means any of the following:

25           (a) To buy producer milk for receipt in this state.

1 (b) To receive producer milk directly from a dairy farm in this state.

2 (c) To collect producer milk from a dairy farm in another state, for direct  
3 shipment to a dairy plant that the milk contractor operates in this state.

4 (d) To acquire the right to market producer milk that is produced in this state.

5 **(13)** “Producer agent” means a person who acts on behalf of a milk producer  
6 to market or accept payment for producer milk without taking title to that milk,  
7 including a person who uses a producer trust fund to market or accept payment for  
8 producer milk. “Producer agent” does not include any of the following:

9 (a) A person who merely brokers a contract between a milk producer and a milk  
10 contractor, without becoming a party to the contract, taking control of milk, or  
11 accepting payment on behalf of the milk producer.

12 (b) A person who merely holds or transports milk for a milk producer without  
13 marketing or accepting payment for milk on behalf of the milk producer.

14 **(14)** “Producer milk” means milk that is owned by or held in trust for one or  
15 more milk producers. “Producer milk” includes milk that a producer agent markets  
16 for a producer, without taking title to the milk.

17 **(15)** “Qualified producer agent” means a milk contractor who does all of the  
18 following:

19 (a) Procures milk in this state solely as a producer agent.

20 (b) Complies with the rules promulgated under s. 126.51.

21 **126.41 Milk contractors; licensing. (1) ANNUAL LICENSE.** (a) No milk  
22 contractor may do any of the following without a current annual license from the  
23 department:

24 1. Receive producer milk in this state.

1           2. Collect producer milk from a dairy farm in another state for direct shipment  
2 to a dairy plant that the milk contractor operates in this state.

3           3. Acquire the right to market, as a producer agent, producer milk produced in  
4 this state.

5           (b) A milk contractor who is not engaged in any activities under par. (a) may  
6 volunteer to be licensed if the milk contractor receives, outside this state, direct  
7 shipments of producer milk from dairy farms in this state.

8           (c) The department shall issue annual milk contractor licenses under pars. (a)  
9 and (b). A license expires on the April 30 following its issuance. No person may  
10 transfer or assign a license issued under par. (a) or (b).

11           **(2) LICENSE APPLICATION.** A milk contractor shall apply for a license under sub.  
12 (1) in writing, on a form provided by the department. An applicant shall provide all  
13 of the following:

14           (a) The applicant's legal name and any trade name under which the applicant  
15 proposes to operate as a milk contractor. If the milk contractor is a dairy plant  
16 operator licensed under s. 97.20, the milk contractor shall use the same legal name  
17 in both license applications.

18           (b) A statement of whether the applicant is an individual, corporation,  
19 partnership, cooperative, limited liability company, trust, or other legal entity. If the  
20 applicant is a corporation or cooperative, the applicant shall identify each officer of  
21 the corporation or cooperative. If the applicant is a partnership, the applicant shall  
22 identify each partner.

23           (c) The mailing address of the applicant's primary business location and the  
24 name of a responsible individual who may be contacted at that location.

1 (d) The street address of each business location from which the applicant will  
2 operate under the license and the name of a responsible person who may be contacted  
3 at each location that is staffed.

4 (e) All license fees and surcharges required under sub. (3).

5 (f) The sworn and notarized statement required under sub. (6).

6 (g) A financial statement if required under s. 126.44 (1) and not yet filed.

7 (h) Other relevant information required by the department.

8 **(3) ANNUAL LICENSE FEES AND SURCHARGES.** A milk contractor applying for a  
9 license under sub. (1) shall include the following fees and surcharges with the license  
10 application, unless the department specifies a different fee or surcharge amount by  
11 rule:

12 (a) A nonrefundable license processing fee of \$25, regardless of whether  
13 application is made after the beginning of a license year.

14 (b) A license surcharge of \$500 if the department determines that, within 365  
15 days before submitting the license application, the applicant operated without a  
16 license in violation of sub. (1). The applicant shall also pay any license fees, license  
17 surcharges, and fund assessments that are still due for any license year in which the  
18 applicant violated sub. (1).

19 (c) A license surcharge of \$100 if during the preceding 12 months the applicant  
20 failed to file an annual financial statement required under s. 126.44 (1) (b) by the  
21 applicable deadline.

22 (d) A license surcharge of \$100 if a renewal applicant fails to renew a license  
23 by the license expiration date of April 30.

1           **(3m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (3) (b) does not  
2 relieve the applicant of any other civil or criminal liability that results from the  
3 violation of sub. (1), but does not constitute evidence of any law violation.

4           **(4)** FEE STATEMENT. The department shall provide, with each license application  
5 form, a written statement of all license fees and surcharges required under sub. (3).

6           **(5)** NO LICENSE WITHOUT FULL PAYMENT. The department may not issue a license  
7 under sub. (1) until the applicant pays all license fees and surcharges identified in  
8 the department's statement under sub. (4). The department shall refund a fee or  
9 surcharge paid under protest if upon review the department determines that the fee  
10 or surcharge is not applicable.

11           **(6)** SWORN AND NOTARIZED STATEMENT. As part of a license application under sub.  
12 (2), an applicant shall provide a sworn and notarized statement, signed by the  
13 applicant or an authorized officer of the applicant, that reports all of the following  
14 information:

15           (a) The total milk payroll obligations that the applicant incurred during the  
16 applicant's last completed fiscal year. If the applicant has not yet operated as a milk  
17 contractor, the applicant shall estimate the total milk payroll obligations that the  
18 applicant will incur during the applicant's first complete fiscal year.

19           (b) The largest amount of unpaid milk payroll obligations that the milk  
20 contractor had at any time during the milk contractor's last completed fiscal year.

21           (c) The identity of any producer agents from whom the milk contractor procures  
22 producer milk.

23           (d) Other relevant information required by the department.

24           **(7)** ACTION GRANTING OR DENYING APPLICATION. The department shall grant or  
25 deny a license application under sub. (2) within 30 days after the department



1 receives a complete application. If the department denies a license application, the  
2 department shall give the applicant written notice stating the reasons for the denial.

3 **(8) LICENSE DISPLAYED.** A milk contractor licensed under sub. (1) shall  
4 prominently display a true copy of that license at each business location from which  
5 the milk contractor operates in this state.

6 **(9) NOTIFICATION REQUIRED.** A milk contractor who files security under s. 126.47  
7 shall immediately notify the department if, at any time, the milk contractor's unpaid  
8 milk payroll obligations exceed the amount last reported under sub. (6) (b).

9 **126.42 Milk contractors; monthly license fee. (1) MONTHLY LICENSE FEE**  
10 **PAYMENT.** Except as provided under sub. (5) or (6), a milk contractor licensed under  
11 s. 126.41 (1) shall pay to the department, by the 25th day of each month, a monthly  
12 license fee of 0.15 cent for each 100 pounds of producer milk that the milk contractor  
13 procured in this state during the preceding month. The milk contractor shall submit,  
14 with the fee payment, a report stating the number of pounds of producer milk that  
15 the milk contractor procured in this state during the preceding month.

16 **(2) LATE PAYMENT SURCHARGE.** If a milk contractor fails to pay a monthly fee  
17 under sub. (1) when due, the milk contractor shall pay, in addition to that monthly  
18 fee, a surcharge equal to 20% of the monthly fee. The milk contractor shall pay the  
19 surcharge by the 25th day of the following month.

20 **(3) FEE CREDITS.** If the balance in the fund contributed by milk contractors  
21 exceeds \$4,000,000 on February 28 of any license year, the department shall credit  
22 50% of the excess amount against fees charged under sub. (1) to contributing milk  
23 contractors who file timely renewal applications for the next license year. The  
24 department shall credit each contributing milk contractor on a prorated basis, in  
25 proportion to the total fees that the milk contractor has paid under sub. (1) for the

1 4 preceding license years. Each month that a contributing contractor who qualifies  
2 for a credit under this subsection pays fees under sub. (1), the department shall credit  
3 to the contributing milk contractor one-twelfth of the total annual credit determined  
4 under this subsection.

5 (4) FEE STATEMENT. Whenever the department issues an annual license to a  
6 milk contractor under s. 126.41 (1), the department shall give the milk contractor  
7 notice of the monthly fees required under this section. The department shall specify  
8 all of the following:

9 (a) The method for computing the monthly fee.

10 (b) The date by which the milk contractor must pay the fee each month.

11 (c) The late payment surcharge that may apply under sub. (2).

12 (d) The fee credit, if any, that applies under sub. (3).

13 (5) PRODUCER AGENTS; EXEMPTION. A producer agent is not required to pay the  
14 monthly fee under sub. (1) for producer milk that the producer agent markets to a  
15 milk contractor who is licensed under s. 126.41 (1) and who pays the monthly fee on  
16 the same milk.

17 (6) FEE CHANGES. The department may modify the license fees under sub. (1)  
18 by rule, as provided under s. 126.81 (2).

19 **126.43 Milk contractors; insurance. (1) FIRE AND EXTENDED COVERAGE**  
20 **INSURANCE.** A milk contractor licensed under s. 126.41 (1) shall maintain fire and  
21 extended coverage insurance that covers, at their full value, all milk and milk  
22 products in the possession, custody, or control of the milk contractor. If the milk  
23 contractor is required to be licensed under s. 126.41 (1) (a), the milk contractor shall  
24 maintain insurance issued by an insurance company authorized to do business in  
25 this state.

1           **(2)** INSURANCE CANCELLATION; REPLACEMENT. Whenever an insurance policy  
2 under sub. (1) is canceled, the milk contractor shall replace the policy so that there  
3 is no lapse in coverage.

4           **(3)** INSURANCE COVERAGE; MISREPRESENTATION. No milk contractor may  
5 misrepresent any of the following to the department or to any milk producer or  
6 producer agent:

7           (a) That the milk contractor is insured.

8           (b) The nature, coverage, or material terms of the milk contractor's insurance  
9 policy.

10           **126.44 Milk contractors; financial statements. (1)** REQUIRED ANNUAL  
11 FINANCIAL STATEMENT. (a) A milk contractor shall file an annual financial statement  
12 with the department before the department first licenses the milk contractor under  
13 s. 126.41 (1), unless the milk contractor reports no more than \$1,500,000 in annual  
14 milk payroll obligations under s. 126.41 (6) (a).

15           (b) Except as provided in par. (c), a milk contractor licensed under s. 126.41 (1)  
16 shall file an annual financial statement with the department during each license  
17 year. The milk contractor shall file the annual financial statement by the 15th day  
18 of the 4th month following the close of the milk contractor's fiscal year. The  
19 department may extend the filing deadline for up to 30 days if the milk contractor,  
20 or the accountant preparing the financial statement, files a written extension  
21 request at least 10 days before the filing deadline.

22           (c) Paragraph (b) does not apply to any of the following:

23           1. A contributing milk contractor who reports no more than \$1,500,000 in  
24 annual milk payroll obligations under s. 126.41 (6) (a).

1           2. A contributing milk contractor who procures producer milk in this state  
2 solely as a producer agent.

3           **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A milk contractor licensed under  
4 s. 126.41 (1) who is not required to file a financial statement under sub. (1) may file  
5 an annual financial statement with the department for any of the following reasons:

6           (a) To avoid being required to contribute to the fund under s. 126.45 (1) (a).

7           (b) To qualify for a lower fund assessment under s. 126.46.

8           **(3) QUARTERLY FINANCIAL STATEMENTS.** A milk contractor licensed under s.  
9 126.41 (1) who is not a contributing milk contractor shall file quarterly financial  
10 statements with the department for the first 3 quarters in each of the milk  
11 contractor's fiscal years. The milk contractor shall file each quarterly financial  
12 statement no later than 60 days after the end of the fiscal quarter to which the  
13 financial statement pertains. With each quarterly financial statement, the milk  
14 contractor shall include the milk contractor's sworn and notarized statement that  
15 the financial statement is correct.

16           **(5) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A milk contractor filing an  
17 annual financial statement under sub. (1) or (2) shall file an audited financial  
18 statement if the milk contractor reports more than \$6,000,000 in annual milk payroll  
19 obligations under s. 126.41 (6) (a).

20           (b) If par. (a) does not apply, a milk contractor filing an annual financial  
21 statement under sub. (1) or (2) shall file either a reviewed financial statement or an  
22 audited financial statement.

23           **(6) ACCOUNTING PERIOD.** A milk contractor filing an annual financial statement  
24 under sub. (1) or (2) shall file a financial statement that covers the milk contractor's

1 last completed fiscal year unless the milk contractor has been in business for less  
2 than one year.

3 **(6m)** INTERIM FINANCIAL STATEMENT. The department may, at any time, require  
4 a milk contractor licensed under s. 126.41 (1) to file an interim financial statement  
5 with the department. With the interim financial statement, the milk contractor shall  
6 provide the milk contractor's sworn and notarized statement that the financial  
7 statement is correct. An interim financial statement need not be a reviewed financial  
8 statement or an audited financial statement.

9 **(7)** GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. (a) Except as provided in par.  
10 (b), a milk contractor filing an annual financial statement under this section shall  
11 file a financial statement that is prepared according to generally accepted accounting  
12 principles.

13 (b) If a milk contractor is a sole proprietor and the milk contractor's financial  
14 statement is not audited, the milk contractor shall file a financial statement that is  
15 prepared on a historical cost basis.

16 **(8)** FINANCIAL STATEMENT CONTENTS. (a) Except as provided in par. (b), a milk  
17 contractor filing a financial statement under this section shall file a financial  
18 statement that consists of a balance sheet, income statement, equity statement,  
19 statement of cash flows, notes to those statements, and any other information  
20 required by the department. If the milk contractor is a sole proprietor, the milk  
21 contractor shall file his or her business and personal financial statements.

22 (b) If a milk contractor has been in business for less than one year, the milk  
23 contractor may file an annual financial statement under sub. (1) or (2) consisting of  
24 a balance sheet and notes. A milk contractor may file a quarterly financial statement  
25 under sub. (3) consisting of a balance sheet and income statement.

1 (c) A milk contractor filing a financial statement under this section shall  
2 include in the financial statement, or in an attachment to the financial statement,  
3 calculations of all of the following:

4 1. The milk contractor's current ratio, excluding any assets required to be  
5 excluded under sub. (9).

6 2. The milk contractor's debt to equity ratio, excluding any assets required to  
7 be excluded under sub. (9).

8 **(9) ASSETS EXCLUDED.** A milk contractor may not include any of the following  
9 assets in the calculations under sub. (8) (c), unless the department specifically  
10 approves their inclusion:

11 (a) A nontrade note or account receivable from an officer, director, employee,  
12 partner, or stockholder, or from a member of the family of any of those individuals,  
13 unless the note or account receivable is secured by a first priority security interest  
14 in real or personal property.

15 (b) A note or account receivable from a parent organization, a subsidiary, or an  
16 affiliate other than an employee.

17 (c) A note or account that has been receivable for more than one year, unless  
18 the milk contractor has established an equal offsetting reserve for uncollectible notes  
19 and accounts receivable.

20 **(10) ENTITY COVERED.** A person filing a financial statement under this section  
21 may not file, in lieu of that person's financial statement, the financial statement of  
22 the person's parent organization, subsidiary, predecessor, or successor.

23 **(11) DEPARTMENT REVIEW.** The department may analyze a financial statement  
24 submitted under this section and may reject a financial statement that fails to  
25 comply with this section.

1           **126.45 Contributing milk contractors; disqualification. (1)** REQUIRED  
2           CONTRIBUTORS. (a) Except as provided in sub. (3), a licensed milk contractor shall pay  
3           fund assessments under s. 126.46 if the milk contractor does not file annual and  
4           quarterly financial statements under s. 126.44.

5           (b) Except as provided in sub. (3), a licensed milk contractor shall pay fund  
6           assessments under s. 126.46 if the milk contractor files an annual, quarterly, or  
7           interim financial statement under s. 126.44 that shows a current ratio of less than  
8           1.25 to 1.0, a debt to equity ratio of more than 2.0 to 1.0, or negative equity. The milk  
9           contractor shall continue to pay fund assessments until the milk contractor files 2  
10          consecutive annual financial statements under s. 126.44 that show a current ratio  
11          of at least 1.25 to 1.0, positive equity, and a debt to equity ratio of not more than 2.0  
12          to 1.0.

13          **(2) VOLUNTARY CONTRIBUTORS.** Except as provided in sub. (3), a licensed milk  
14          contractor who is not required to pay fund assessments under s. 126.46 may elect to  
15          do so.

16          **(3) DISQUALIFIED CONTRACTORS.** (a) A milk contractor who is required to file  
17          security under s. 126.47 (1) is disqualified from the fund until the department  
18          releases that security under s. 126.47 (7) (a). This paragraph does not apply, during  
19          the period beginning on May 1, 2002, and ending on April 30, 2007, to a qualified  
20          producer agent who files security under s. 126.47 (3) (c).

21          (b) A milk contractor is disqualified from the fund if the department denies,  
22          suspends, or revokes the milk contractor's license.

23          (c) The department may, by written notice, disqualify a milk contractor for any  
24          of the following reasons:

25                 1. Failure to pay fund assessments under s. 126.46 when due.

1           2. Failure to file a financial statement under s. 126.44 when due.

2           3. Failure to reimburse the department, within 60 days after the department  
3 issues a reimbursement demand under s. 126.73 (1), for the full amount that the  
4 department pays to claimants under s. 126.72 (1) because of that milk contractor's  
5 default.

6           4. Failure to reimburse a bond surety, within 60 days after the bond surety  
7 issues a reimbursement demand under s. 126.73 (2), for the full amount that the  
8 surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants  
9 affected by that milk contractor's default.

10           **(4) EFFECT OF DISQUALIFICATION.** (a) A milk contractor disqualified under sub.  
11 (3) (c) may not engage in any activities for which a license is required under s. 126.41  
12 (1) (a) if the milk contractor files an annual, quarterly, or interim financial statement  
13 under s. 126.44 that shows a current ratio of less than 1.25 to 1.0, a debt to equity  
14 ratio of more than 2.0 to 1.0, or negative equity.

15           (b) The department may not return, to a disqualified milk contractor, any fund  
16 assessments that the milk contractor paid as a contributing milk contractor.

17           (c) A disqualified milk contractor remains liable for any unpaid fund  
18 installment under s. 126.46 that became due while the milk contractor was a  
19 contributing milk contractor. A disqualified milk contractor is not liable for any fund  
20 installment that becomes due after the milk contractor is disqualified under sub. (3).

21           **126.46 Contributing milk contractors; fund assessments. (1) GENERAL.**  
22 A contributing milk contractor shall pay an annual fund assessment for each license  
23 year. The assessment equals \$20 or the sum of the following, whichever is greater,  
24 unless the department by rule specifies a different assessment:



1           (a) The milk contractor's current ratio assessment. The current ratio  
2 assessment for a license year equals the milk contractor's current ratio assessment  
3 rate under sub. (2) multiplied by the annual milk payroll obligations reported under  
4 s. 126.41 (6) (a) in the milk contractor's license application for that license year.

5           (b) The milk contractor's debt to equity ratio assessment. The debt to equity  
6 ratio assessment for a license year equals the milk contractor's debt to equity ratio  
7 assessment rate under sub. (4) multiplied by the annual milk payroll obligations  
8 reported under s. 126.41 (6) (a) in the milk contractor's license application for that  
9 license year.

10           **(2) CURRENT RATIO ASSESSMENT RATE.** A milk contractor's current ratio  
11 assessment rate is calculated, at the beginning of the license year, as follows:

12           (a) If the milk contractor has filed an annual financial statement under s.  
13 126.44 and that financial statement shows a current ratio of at least 1.25 to 1.0, the  
14 milk contractor's current ratio assessment rate equals the greater of zero or the  
15 current ratio assessment factor in sub. (3) (a) multiplied by the following amount:

- 16           1. Subtract 3 from the current ratio.
- 17           2. Divide the amount determined under subd. 1. by 6.
- 18           3. Multiply the amount determined under subd. 2. by negative one.
- 19           4. Raise the amount determined under subd. 3. to the 3rd power.
- 20           5. Divide 0.55 by the current ratio.
- 21           6. Raise the amount determined under subd. 5. to the 7th power.
- 22           7. Add the amount determined under subd. 4. to the amount determined under  
23 subd. 6.
- 24           8. Add 0.075 to the amount determined under subd. 7.

1 (b) If the milk contractor has filed an annual financial statement under s.  
2 126.44 and that financial statement shows a current ratio of less than 1.25 to 1.0, but  
3 greater than 1.05 to 1.0, the milk contractor's current ratio assessment rate equals  
4 the current ratio assessment factor in sub. (3) (b) multiplied by the following amount:

- 5 1. Subtract 3 from the current ratio.
- 6 2. Divide the amount determined under subd. 1. by 6.
- 7 3. Multiply the amount determined under subd. 2. by negative one.
- 8 4. Raise the amount determined under subd. 3. to the 3rd power.
- 9 5. Divide 0.55 by the current ratio.
- 10 6. Raise the amount determined under subd. 5. to the 7th power.
- 11 7. Add the amount determined under subd. 4. to the amount determined under  
12 subd. 6.
- 13 8. Add 0.075 to the amount determined under subd. 7.

14 (c) If the milk contractor has filed an annual financial statement under s.  
15 126.44 and that financial statement shows a current ratio of less than or equal to 1.05  
16 to 1.0, the milk contractor's current ratio assessment rate equals the current ratio  
17 assessment factor in sub. (3) (b) multiplied by 0.1201478.

18 (d) Except as provided in par. (e), if the milk contractor has not filed an annual  
19 financial statement under s. 126.44, the milk contractor's current ratio assessment  
20 rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 0.103005.

21 (e) If the milk contractor has not filed an annual financial statement under s.  
22 126.44 and the milk contractor procures producer milk in this state solely as a  
23 producer agent, the milk contractor's current ratio assessment rate is 0.00025,  
24 except that, for the milk contractor's 5th or higher consecutive full license year of

1 participation in the fund, the milk contractor's current ratio assessment rate is  
2 0.000175.

3 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A milk contractor's current ratio  
4 assessment factor under sub. (2) (a) is 0.001, except as follows:

5 1. For the milk contractor's 3rd consecutive full license year as a contributing  
6 milk contractor, the milk contractor's current ratio assessment factor is 0.0007.

7 2. For the milk contractor's 4th consecutive full license year as a contributing  
8 milk contractor, the milk contractor's current ratio assessment factor is 0.0003.

9 3. For the milk contractor's 5th or higher consecutive full license year as a  
10 contributing milk contractor, the milk contractor's current ratio assessment factor  
11 is zero.

12 (b) A milk contractor's current ratio assessment factor under sub. (2) (b) to (d)  
13 is 0.0015, except that, for the milk contractor's 5th or higher consecutive full license  
14 year of participation in the fund, the milk contractor's current ratio assessment  
15 factor is 0.000675.

16 **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A milk contractor's debt to equity  
17 ratio assessment rate is calculated, at the beginning of the license year, as follows:

18 (a) If the milk contractor has filed an annual financial statement under s.  
19 126.44 and that financial statement shows positive equity and a debt to equity ratio  
20 of not more than 2.0 to 1.0, the milk contractor's debt to equity ratio assessment rate  
21 equals the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a)  
22 multiplied by the following amount:

23 1. Subtract 2 from the debt to equity ratio.

24 2. Divide the amount determined under subd. 1. by 3.

25 3. Raise the amount determined under subd. 2. to the 9th power.

1           4. Divide the debt to equity ratio by 3.25.

2           5. Raise the amount determined under subd. 4. to the 5th power.

3           6. Add the amount determined under subd. 3. to the amount determined under  
4 subd. 5.

5           7. Add 0.025 to the amount determined under subd. 6.

6           (b) If the milk contractor files an annual financial statement under s. 126.44  
7 and that financial statement shows a debt to equity ratio of greater than 2.0 to 1.0  
8 but less than 3.1 to 1.0, the milk contractor's debt to equity ratio assessment rate  
9 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the  
10 following amount:

11           1. Subtract 2 from the debt to equity ratio.

12           2. Divide the amount determined under subd. 1. by 3.

13           3. Raise the amount determined under subd. 2. to the 9th power.

14           4. Divide the debt to equity ratio by 3.25.

15           5. Raise the amount determined under subd. 4. to the 5th power.

16           6. Add the amount determined under subd. 3. to the amount determined under  
17 subd. 5.

18           7. Add 0.025 to the amount determined under subd. 6.

19           (c) If the milk contractor has filed an annual financial statement under s.  
20 126.44 and that financial statement shows negative equity or a debt to equity ratio  
21 of at least 3.1 to 1.0, the milk contractor's debt to equity ratio assessment rate equals  
22 the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 0.8146917.

23           (d) Except as provided in par. (e), if the milk contractor has not filed an annual  
24 financial statement under s. 126.44, the milk contractor's debt to equity ratio

1 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)  
2 multiplied by 0.11325375.

3 (e) If the milk contractor has not filed an annual financial statement under s.  
4 126.44 and the milk contractor procures producer milk in this state solely as a  
5 producer agent, the milk contractor's debt to equity ratio assessment rate is 0.00025,  
6 except that, for the milk contractor's 5th or higher consecutive full license year of  
7 participation in the fund, the milk contractor's debt to equity ratio assessment rate  
8 is 0.000175.

9 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A milk contractor's debt to  
10 equity ratio assessment factor under sub. (4) (a) is 0.0015, except as follows:

11 1. For the milk contractor's 3rd consecutive full license year as a contributing  
12 milk contractor, the milk contractor's current ratio assessment factor is 0.001.

13 2. For the milk contractor's 4th consecutive full license year as a contributing  
14 milk contractor, the milk contractor's current ratio assessment factor is 0.0005.

15 3. For the milk contractor's 5th or higher consecutive full license year as a  
16 contributing milk contractor, the milk contractor's current ratio assessment factor  
17 is zero.

18 (b) A milk contractor's debt to equity ratio assessment factor under sub. (4) (b)  
19 to (d) is 0.00225, except that, for the milk contractor's 5th or higher consecutive full  
20 license year as a contributing milk contractor, the milk contractor's debt to equity  
21 ratio assessment factor is 0.001.

22 **(6) QUARTERLY INSTALLMENTS.** (a) A contributing milk contractor shall pay the  
23 milk contractor's annual fund assessment in equal quarterly installments that are  
24 due as follows:

25 1. The first installment is due on June 1 of the license year.

1           2. The 2nd installment is due on September 1 of the license year.

2           3. The 3rd installment is due on December 1 of the license year.

3           4. The 4th installment is due on March 1 of the license year.

4           (b) A contributing milk contractor may prepay any of the quarterly  
5 installments under par. (a).

6           (c) A contributing milk contractor who applies for an annual license after the  
7 beginning of a license year shall pay the full annual fund assessment required under  
8 this section. The milk contractor shall pay, with the first quarterly installment that  
9 becomes due after the day on which the department issues the license, all of the  
10 quarterly installments for that license year that were due before that day.

11           (d) If s. 126.45 (1) (b) requires a licensed milk contractor to become a  
12 contributing milk contractor during the license year, the milk contractor shall pay  
13 only those quarterly installments that become due after the requirement takes  
14 effect.

15           (e) A contributing milk contractor who fails to pay the full amount of any  
16 quarterly installment when due shall pay, in addition to that installment, a late  
17 payment penalty of \$50 or 10% of the overdue installment amount, whichever is  
18 greater.

19           **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the  
20 department issues an annual license to a contributing milk contractor, the  
21 department shall notify the milk contractor of all of the following:

22           (a) The amount of the milk contractor's annual fund assessment under this  
23 section.

24           (b) The amount of each required quarterly installment under sub. (6) and the  
25 date by which the milk contractor must pay each installment.

1 (c) The penalty that applies under sub. (6) (e) if the milk contractor fails to pay  
2 any quarterly installment when due.

3 **126.47 Milk contractors; security. (1) SECURITY REQUIRED.** A milk  
4 contractor shall file security with the department, and maintain that security until  
5 the department releases it under sub. (7), if all of the following apply when the  
6 department first licenses the milk contractor under s. 126.41 (1):

7 (a) The milk contractor reports more than \$1,500,000 in annual milk payroll  
8 obligations under s. 126.41 (6) (a).

9 (b) The milk contractor files an annual financial statement under s. 126.44 (1)  
10 and that financial statement shows negative equity.

11 **(2) SECURITY CONTINUED.** A milk contractor who filed security under s. 100.06,  
12 1999 stats., before May 1, 2002, shall maintain that security until the department  
13 releases it under sub. (7).

14 **(3) AMOUNT OF SECURITY.** A milk contractor who is required to file or maintain  
15 security under this section shall at all times maintain the following amount of  
16 security:

17 (a) Except as provided in par. (b) or (c), security equal to at least 75% of the  
18 amount last reported under s. 126.41 (6) (b) or (9).

19 (b) Except as provided in par. (c), for a milk contractor who procures milk in this  
20 state solely as a qualified producer agent, security equal to at least the following  
21 amounts:

22 1. For the license year beginning on May 1, 2002, 15% of the amount last  
23 reported under s. 126.41 (6) (b) or (9).

24 2. For the license year beginning on May 1, 2003, 30% of the amount last  
25 reported under s. 126.41 (6) (b) or (9).

1           3. For the license year beginning on May 1, 2004, 45% of the amount last  
2 reported under s. 126.41 (6) (b) or (9).

3           4. For the license year beginning on May 1, 2005, 60% of the amount last  
4 reported under s. 126.41 (6) (b) or (9).

5           5. For a license year beginning after May 1, 2005, 75% of the amount last  
6 reported under s. 126.41 (6) (b) or (9).

7           (c) For a contributing milk contractor who procures milk in this state solely as  
8 a qualified producer agent, for the period beginning on May 1, 2002, and ending on  
9 April 30, 2007, security equal to at least 7.5% of the amount last reported under s.  
10 126.41 (6) (b) or (9), but not more than \$500,000.

11           **(4) FORM OF SECURITY.** The department shall review, and determine whether  
12 to approve, security filed under this section. The department may approve only the  
13 following types of security:

14           (a) Currency.

15           (b) A commercial surety bond if all of the following apply:

16           1. The surety bond is made payable to the department for the benefit of milk  
17 producers and producer agents.

18           2. The surety bond is issued by a person authorized to operate a surety business  
19 in this state.

20           3. The surety bond is issued as a continuous term bond that may be canceled  
21 only with the department's written agreement or upon 90 days' prior written notice  
22 served on the department in person or by certified mail.

23           4. The surety bond is issued in a form, and subject to any terms and conditions,  
24 that the department considers appropriate.



1 (c) A certificate of deposit or money market certificate, if all of the following  
2 apply:

3 1. The certificate is issued or endorsed to the department for the benefit of milk  
4 producers and producer agents.

5 2. The certificate may not be canceled or redeemed without the department's  
6 written permission.

7 3. No person may transfer or withdraw funds represented by the certificate  
8 without the department's written permission.

9 4. The certificate renews automatically without any action by the department.

10 5. The certificate is issued in a form, and subject to any terms and conditions,  
11 that the department considers appropriate.

12 (d) An irrevocable bank letter of credit if all of the following apply:

13 1. The letter of credit is payable to the department for the benefit of milk  
14 producers or producer agents.

15 2. The letter of credit is issued on bank letterhead.

16 3. The letter of credit is issued for an initial period of at least one year.

17 4. The letter of credit renews automatically unless, at least 90 days before the  
18 scheduled renewal date, the issuing bank gives the department written notice, in  
19 person or by certified mail, that the letter of credit will not be renewed.

20 5. The letter of credit is issued in a form, and subject to any terms and  
21 conditions, that the department considers appropriate.

22 (e) Security filed with the department under s. 100.06, 1999 stats., before May  
23 1, 2002, except that on January 1, 2003, the department shall withdraw its approval  
24 of any security that is not approvable under pars. (a) to (d).

1 (f) A dairy plant trusteeship created before May 1, 2002, under s. 100.06, 1999  
2 stats. This paragraph does not apply after January 1, 2003.

3 (5) DEPARTMENT CUSTODY OF SECURITY. The department shall hold, in its custody,  
4 all security filed and maintained under this section. The department shall hold the  
5 security for the benefit of milk producers and producer agents.

6 (6) ADDITIONAL SECURITY. (a) The department may, at any time, demand  
7 additional security from a milk contractor if any of the following applies:

8 1. The milk contractor's existing security falls below the amount required  
9 under sub. (3) for any reason, including depreciation in the value of the security,  
10 increased obligations to milk producers or producer agents, or the cancellation of any  
11 security filed with the department.

12 2. The milk contractor fails to provide required information that is relevant to  
13 a determination of security requirements.

14 (b) The department shall issue a demand under par. (a) in writing. The  
15 department shall indicate why additional security is required, the amount of  
16 security required, and the deadline date for filing security. The department may not  
17 specify a deadline for filing security that is more than 30 days after the date on which  
18 the department issues its demand for security.

19 (c) A milk contractor may request a hearing, under ch. 227, on a demand for  
20 security under par. (b). A request for hearing does not automatically stay a security  
21 demand.

22 (d) If a milk contractor fails to comply with the department's demand for  
23 security under this subsection, the milk contractor shall give written notice of that  
24 fact to all milk producers and producer agents from whom the contractor procures  
25 producer milk in this state. If the milk contractor fails to give accurate notice under

1 this paragraph within 5 days after the deadline for filing security under par. (b) has  
2 passed, the department shall promptly notify milk producers and producer agents  
3 by publishing a class 3 notice under ch. 985. The department may also give  
4 individual notice to those milk producers or producer agents of whom the department  
5 is aware.

6 (e) If a milk contractor fails to comply with the department's demand for  
7 security under this subsection, the department may do any of the following:

- 8 1. Issue a summary order under s. 126.85 (2).
- 9 2. Suspend or revoke the milk contractor's license.

10 **(7) RELEASING SECURITY.** (a) The department may release security filed under  
11 sub. (1) if any of the following applies:

12 1. The milk contractor reports not more than \$1,500,000 in milk payroll  
13 obligations under s. 126.41 (6) (a) for at least 2 consecutive years and the milk  
14 contractor pays the quarterly fund assessment that would have been required of the  
15 milk contractor if the milk contractor had been a contributing milk contractor on the  
16 most recent quarterly installment date under s. 126.46 (6).

17 2. The milk contractor's annual financial statement under s. 126.44 shows  
18 positive equity for at least 2 consecutive years and the milk contractor pays the  
19 quarterly fund assessment that would have been required of the milk contractor if  
20 the milk contractor had been a contributing milk contractor on the most recent  
21 quarterly installment date under s. 126.46 (6).

22 (b) On August 1, 2002, the department may release security maintained under  
23 sub. (2), unless the milk contractor is required to file security under sub. (1).

24 (c) The department may release security to the extent that the security exceeds  
25 the amount required under sub. (3).

1 (d) The department may release security if the milk contractor files alternative  
2 security, of equivalent value, that the department approves.

3 (e) The department shall release security if the milk contractor has gone out  
4 of business and paid all milk payroll obligations in full.

5 **126.48 Milk contractors; payments to producers. (1) FIRST MONTHLY**  
6 **PAYMENT.** By the 4th day of each month, a milk contractor shall pay for producer milk  
7 received during the first 15 days of the preceding month. The milk contractor shall  
8 base the payment on an estimated price that is at least 80% of the class III price  
9 published by the regional federal milk market administrator for the month  
10 preceding the month in which the milk is received, or 80% of the contract price,  
11 whichever is greater. This subsection does not apply to a qualified producer agent  
12 who complies with sub. (4).

13 **(2) SECOND MONTHLY PAYMENT.** By the 19th day of each month, a milk contractor  
14 shall pay the balance due for producer milk received during the preceding month.  
15 This subsection does not apply to a qualified producer agent who complies with sub.  
16 (4).

17 **(3) PAYMENT EXPLANATION.** The department may, by rule, require a milk  
18 contractor to provide a milk producer or producer agent with a written explanation  
19 of each payment under this section. The department may specify the content of the  
20 explanation, including information related to any of the following:

21 (a) Milk contractor identification.

22 (b) Milk producer or producer agent identification.

23 (c) Pay period.

24 (d) Volume of milk received.

25 (e) Grade of milk.

- 1 (f) Milk test results.
- 2 (g) Milk price and adjustments.
- 3 (h) Gross amount due.
- 4 (i) Average gross pay per hundredweight less hauling charges.
- 5 (j) Net amount due.
- 6 (k) Deductions and assignments.

7 **(4) QUALIFIED PRODUCER AGENTS.** (a) By the last day of each month, a qualified  
8 producer agent shall pay for producer milk received during the first 10 days of that  
9 month. The qualified producer agent shall base the payment on an estimated price  
10 that is at least 80% of the class III price published by the regional federal milk market  
11 administrator for the month preceding the month in which the milk is received, or  
12 80% of the contract price, whichever is greater.

13 (b) By the 10th day of each month, a qualified producer agent shall pay for  
14 producer milk received from the 11th day to the 20th day of the preceding month.  
15 The qualified producer agent shall base the payment on an estimated price that is  
16 at least 80% of the class III price published by the regional federal milk market  
17 administrator for the month preceding the month in which the milk is received, or  
18 80% of the contract price, whichever is greater.

19 (c) By the 20th day of each month, a qualified producer agent shall pay the  
20 balance due for producer milk received during the preceding month.

21 **126.49 Milk contractors; records and reports. (1) REQUIRED RECORDS.** A  
22 milk contractor shall keep accurate records and accounts of milk receipts, payments  
23 for milk received, and amounts owed to milk producers. The department may, by  
24 rule, specify records that a milk contractor must keep.

1           **(2) REQUIRED REPORTS.** The department may, by rule, require a milk contractor  
2 to file with the department periodic reports of information needed for the  
3 administration of this chapter.

4           **(3) RECORDS RETENTION; INSPECTION.** A milk contractor shall retain records  
5 required under sub. (1) for at least 6 years after the records are created. A milk  
6 contractor shall make the records available to the department for inspection and  
7 copying upon request.

8           **126.50 Milk contractors; prohibited practices.** No milk contractor may  
9 do any of the following:

10           **(1)** Falsify any record or account, or conspire with any other person to falsify  
11 a record or account.

12           **(2)** Make any false or misleading representation to the department.

13           **(3)** If the milk contractor is licensed under s. 126.41 (1), engage in any activity  
14 that is inconsistent with representations made in the milk contractor's annual  
15 license application.

16           **(4)** Make any false or misleading representation to a milk producer or producer  
17 agent related to matters regulated under this chapter.

18           **(5)** Fail to file the full amount of security required under s. 126.47 (6) by the  
19 date that the department specifies.

20           **126.51 Rules for qualified producer agents.** The department shall  
21 promulgate rules specifying requirements for qualified producer agents, including  
22 a requirement that a qualified producer agent have a written contract with each milk  
23 producer from whom the qualified producer agent procures milk in this state and  
24 that the contract disclose all of the following:

25           **(1)** That the producer agent does not take title to the milk producer's milk.



1           **(6)** “Current ratio” means the ratio of the value of current assets to the value  
2 of current liabilities, calculated according to s. 126.58 (6) (c) 1.

3           **(7)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,  
4 calculated according to s. 126.58 (6) (c) 2.

5           **(8)** “Deferred payment contract” means a vegetable procurement contract in  
6 which the vegetable producer or a producer agent agrees to accept payment after  
7 January 31 for processing vegetables harvested during the previous calendar year.

8           **(9)** “Disqualified vegetable contractor” means a vegetable contractor who is  
9 disqualified from the fund under s. 126.59 (2).

10          **(10)** “Food processing” has the meaning given in s. 97.29 (1) (g).

11          **(10m)** “License year” means the period beginning on February 1 and ending  
12 on the following January 31.

13          **(11)** “Processing vegetables” means vegetables grown or sold for use in food  
14 processing, regardless of whether those vegetables are actually harvested or  
15 processed as food. “Processing vegetables” includes sweet corn grown or sold for use  
16 in food processing, but does not include grain.

17          **(12)** “Producer agent” means a person who, without taking title to vegetables,  
18 acts on behalf of a vegetable producer to market or accept payment for processing  
19 vegetables that the vegetable producer grows in this state. “Producer agent” does not  
20 include any of the following:

21           (a) A person who merely brokers a contract between a vegetable producer and  
22 a vegetable contractor, without becoming a party to the contract or accepting  
23 payment on behalf of the vegetable producer.



1           (b) A person who merely holds or transports processing vegetables for a  
2 vegetable producer, without marketing the vegetables or accepting payment on  
3 behalf of the vegetable producer.

4           **(13)** “Time of delivery” under a vegetable procurement contract means the time  
5 at which one of the following occurs:

6           (a) The vegetable contractor harvests the vegetables.

7           (b) The vegetable producer delivers harvested vegetables to the custody or  
8 control of the vegetable contractor.

9           (c) The vegetable contractor notifies the vegetable producer of the vegetable  
10 contractor’s refusal to harvest or accept delivery of vegetables.

11           **(14)** “Vegetable contractor” means a person who does any of the following:

12           (a) Contracts with a vegetable producer or a producer agent to procure  
13 processing vegetables that a vegetable producer grows in this state.

14           (b) Contracts with a vegetable producer to market, as a producer agent,  
15 processing vegetables that the vegetable producer grows in this state.

16           **(15)** “Vegetable procurement contract” means an oral or written agreement  
17 under which a vegetable contractor does any of the following:

18           (a) Contracts with a vegetable producer or a producer agent to procure  
19 processing vegetables that a vegetable producer grows in this state.

20           (b) Contracts with a vegetable producer to market, as a producer agent,  
21 processing vegetables that the vegetable producer grows in this state.

22           **(16)** “Vegetable producer” means a person who grows processing vegetables in  
23 this state.

1           **(17)** “Unharvested acreage” means land on which vegetables are grown, under  
2 a vegetable procurement contract, that a vegetable contractor leaves unharvested for  
3 any reason. “Unharvested acreage” includes all of the following:

4           (a) Land on which the vegetables are suitable for processing, but are not  
5 harvested.

6           (b) Land on which the vegetables are abandoned as being unsuitable for  
7 processing.

8           **126.56 Vegetable contractors; licensing. (1) LICENSE REQUIRED.** (a) Except  
9 as provided in sub. (2), no person may operate as a vegetable contractor without a  
10 current annual license from the department.

11           (b) A license under par. (a) expires on the January 31 following its issuance.  
12 No person may transfer or assign a license issued under par. (a).

13           **(2) EXEMPT CONTRACTORS.** The following vegetable contractors are exempt from  
14 licensing under sub. (1):

15           (a) A vegetable contractor who procures vegetables primarily for unprocessed,  
16 fresh market use and is licensed under the federal Perishable Agricultural  
17 Commodities Act, 7 USC 499a to 499t.

18           (b) A restaurant or retail food establishment that procures processing  
19 vegetables solely for retail sale at the restaurant or retail food establishment.

20           **(3) LICENSE APPLICATION.** A vegetable contractor shall apply for a license under  
21 sub. (1) in writing, on a form provided by the department. The applicant shall  
22 provide all of the following:

23           (a) The applicant’s legal name and any trade name under which the applicant  
24 proposes to operate as a vegetable contractor.

1           (b) A statement of whether the applicant is an individual, corporation,  
2           partnership, cooperative, limited liability company, trust, or other legal entity. If the  
3           applicant is a corporation or cooperative, the application shall identify each officer  
4           of the corporation or cooperative. If the applicant is a partnership, the application  
5           shall identify each partner.

6           (c) The mailing address of the applicant's principal business location and the  
7           name of a responsible individual who may be contacted at that address.

8           (d) The street address of each business location from which the applicant  
9           operates as a vegetable contractor in this state and the name of a responsible  
10          individual who may be contacted at each location that is staffed.

11          (e) All license fees and surcharges required under sub. (4).

12          (f) The sworn and notarized statement required under sub. (9).

13          (g) A financial statement if required under s. 126.58 (1) and not yet filed.

14          (h) Other relevant information required by the department.

15          **(4) LICENSE FEES AND SURCHARGES.** A vegetable contractor applying for a license  
16          under sub. (1) shall pay the following fees and surcharges, unless the department  
17          specifies a different fee or surcharge amount by rule:

18          (a) A nonrefundable license processing fee of \$25.

19          (b) A fee of \$25 plus 5.75 cents for each \$100 in contract obligations reported  
20          under sub. (9) (a), less any credit provided under sub. (6).

21          (c) A license surcharge of \$500 if the department determines that, within 365  
22          days before submitting the license application, the applicant operated as a vegetable  
23          contractor without a license in violation of sub. (1). The applicant shall also pay any  
24          license fees, license surcharges, and fund assessments that are still due for the  
25          license year in which the applicant violated sub. (1).

1 (d) A license surcharge of \$100 if during the preceding 12 months the applicant  
2 failed to file an annual financial statement required under s. 126.58 (1) (b) by the  
3 applicable deadline.

4 (e) A license surcharge of \$100 if a renewal applicant fails to renew a license  
5 by the license expiration date of January 31.

6 **(4m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (3) (c) does not  
7 relieve the applicant of any other civil or criminal liability that results from the  
8 violation of sub. (1), but does not constitute evidence of any law violation.

9 **(5)** LICENSE FOR PART OF YEAR; FEES. A person who applies for an annual  
10 vegetable contractor license after the beginning of a license year shall pay the full  
11 annual fee amounts required under sub. (4).

12 **(6)** FEE CREDITS. (a) If the balance in the fund contributed by vegetable  
13 contractors exceeds \$1,000,000 on November 30 of any license year, the department  
14 shall credit 50% of the excess amount against fees charged under sub. (4) (b) to  
15 contributing vegetable contractors who file timely license renewal applications for  
16 the next license year. The department shall credit each contributing vegetable  
17 contractor on a prorated basis, in proportion to the total fees that the vegetable  
18 contractor has paid under sub. (4) (b) for the 4 preceding license years.

19 (b) The fee under sub. (4) (b) is reduced by one cent for each \$100 in contract  
20 obligations reported under sub. (9) (a) if the department, under a contract with the  
21 applicant, grades all of the graded vegetables that the applicant procures from  
22 vegetable producers or producer agents.

23 **(7)** FEE STATEMENT. The department shall provide, with each license application  
24 form, a written statement of all license fees and surcharges required under sub. (4).

1 The department shall specify any fee credits for which the applicant may qualify  
2 under sub. (6).

3 **(8) NO LICENSE WITHOUT FULL PAYMENT.** The department may not issue a license  
4 under sub. (1) until the applicant pays all license fees and surcharges identified in  
5 the department's statement under sub. (7). The department shall refund a fee or  
6 surcharge paid under protest if upon review the department determines that the fee  
7 or surcharge is not applicable.

8 **(9) SWORN AND NOTARIZED STATEMENT.** As part of a license application under sub.  
9 (3), an applicant shall provide a sworn and notarized statement, signed by the  
10 applicant or an officer of the applicant, that reports all of the following:

11 (a) The total amount of contract obligations that the applicant incurred during  
12 the applicant's last completed fiscal year. If the applicant has not yet operated as a  
13 vegetable contractor, the applicant shall estimate the amount of contract obligations  
14 that the applicant will incur during the applicant's first complete fiscal year.

15 (b) The largest amount of unpaid contract obligations that the vegetable  
16 contractor had at any time during the vegetable contractor's last completed fiscal  
17 year.

18 (c) The amount of unpaid contract obligations that the vegetable contractor has  
19 at the time of application.

20 (d) The amount of unpaid contract obligations under par. (c) that are due for  
21 payment before the license year for which the applicant is applying.

22 (e) The amount of unpaid obligations under par. (c) that the contractor has  
23 under deferred payment contracts.

24 (f) Whether the applicant and the applicant's affiliates and subsidiaries will  
25 collectively grow more than 10% of the total acreage of any vegetable species grown

1 or procured by the applicant during the license year for which the applicant is  
2 applying.

3 (g) Whether the applicant will pay cash on delivery under all vegetable  
4 procurement contracts during the license year for which the applicant is applying.

5 (h) Whether the applicant is a producer-owned cooperative or organization  
6 that procures vegetables solely from its producer owners on the basis of a cooperative  
7 marketing method under which the producer-owned cooperative or organization  
8 pays its producer owners a prorated share of sales proceeds for the marketing year  
9 after a final accounting and the deduction of marketing expenses.

10 **(10) ACTION GRANTING OR DENYING APPLICATION.** (a) The department shall grant  
11 or deny a license application under sub. (3) within 30 days after the department  
12 receives a complete application. If the department denies a license application, the  
13 department shall give the applicant a written notice stating the reasons for the  
14 denial.

15 (b) A license becomes invalid after February 5 of the license year for which it  
16 is issued unless the license holder has by February 5 paid all producer obligations  
17 that were due and payable during the preceding license year.

18 **(11) LICENSE DISPLAYED.** A vegetable contractor licensed under sub. (1) shall  
19 prominently display a copy of that license at each business location from which the  
20 vegetable contractor operates in this state.

21 **(12) NOTICE REQUIRED.** (a) A vegetable contractor who files security under s.  
22 126.61 shall immediately notify the department if, at any time, the vegetable  
23 contractor's unpaid contract obligations exceed the amount last reported under sub.  
24 (9) (b).

1 (b) A vegetable contractor shall immediately notify the department if the  
2 amount of unpaid obligations under deferred payment contracts exceeds the amount  
3 last reported under sub. (9) (e).

4 **126.57 Vegetable contractors; insurance. (1) FIRE AND EXTENDED COVERAGE**  
5 **INSURANCE.** (a) Except as provided in par. (b), a vegetable contractor who is required  
6 to be licensed under s. 126.56 (1) shall maintain fire and extended coverage  
7 insurance, issued by an insurance company authorized to do business in this state,  
8 that covers all vegetables in the custody of the vegetable contractor, whether owned  
9 by the vegetable contractor or held for others, at the full local market value of the  
10 vegetables.

11 (b) Paragraph (a) does not apply to a vegetable contractor if any of the following  
12 applies:

13 1. The vegetable contractor pays cash on delivery under all vegetable  
14 procurement contracts.

15 2. The vegetable contractor is a producer-owned cooperative or organization  
16 that procures processing vegetables only from its producer owners.

17 **(2) INSURANCE CANCELLATION; REPLACEMENT.** Whenever an insurance policy  
18 under sub. (1) is canceled, the vegetable contractor shall replace the policy so that  
19 there is no lapse in coverage.

20 **(3) INSURANCE COVERAGE; MISREPRESENTATION.** No vegetable contractor may  
21 misrepresent any of the following to the department or to any vegetable producer or  
22 producer agent:

23 (a) That the vegetable contractor is insured.

24 (b) The nature, coverage, or material terms of the vegetable contractor's  
25 insurance policy.

1           **126.58 Vegetable contractors; financial statements. (1) REQUIRED**

2 ANNUAL FINANCIAL STATEMENT. (a) Except as provided in par. (c), a vegetable  
3 contractor shall file an annual financial statement with the department, before the  
4 department first licenses the vegetable contractor under s. 126.56 (1), if the  
5 vegetable contractor reports more than \$500,000 in contract obligations under s.  
6 126.56 (9) (a).

7           (b) Except as provided in par. (c), a vegetable contractor licensed under s.  
8 126.56 (1) shall file an annual financial statement with the department during each  
9 license year if the vegetable contractor's license application for that year reports  
10 more than \$500,000 in contract obligations under s. 126.56 (9) (a). The vegetable  
11 contractor shall file the annual financial statement by the 15th day of the 4th month  
12 following the close of the vegetable contractor's fiscal year, except that the  
13 department may extend the filing deadline for up to 30 days if the vegetable  
14 contractor, or the accountant reviewing or auditing the financial statement, files a  
15 written extension request at least 10 days before the filing deadline.

16           (c) A vegetable contractor is not required to file a financial statement under par.  
17 (a) or (b) if any of the following applies:

18           1. The vegetable contractor pays cash on delivery under all vegetable  
19 procurement contracts.

20           2. The vegetable contractor is a producer-owned cooperative that procures  
21 processing vegetables only from its producer owners.

22           **(2) VOLUNTARY FINANCIAL STATEMENT.** A contributing vegetable contractor who  
23 is not required to file a financial statement under sub. (1) may file an annual  
24 financial statement with the department for any of the following reasons:

25           (a) To qualify for a lower fund assessment under s. 126.60.



1 (b) To avoid filing security under s. 126.61 (1) (b).

2 **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A vegetable contractor filing  
3 an annual financial statement under sub. (1) or (2) shall file an audited financial  
4 statement if the vegetable contractor's latest annual license application reported  
5 more than \$4,000,000 in annual contract obligations under s. 126.56 (9) (a).

6 (b) If par. (a) does not apply, a vegetable contractor filing an annual financial  
7 statement under sub. (1) or (2) shall file either a reviewed financial statement or an  
8 audited financial statement.

9 **(4) ACCOUNTING PERIOD.** A vegetable contractor filing an annual financial  
10 statement under sub. (1) or (2) shall file a financial statement that covers the  
11 vegetable contractor's last completed fiscal year unless the vegetable contractor has  
12 been in business for less than one year.

13 **(4m) INTERIM FINANCIAL STATEMENT.** The department may, at any time, require  
14 a vegetable contractor licensed under s. 126.56 (1) to file an interim financial  
15 statement with the department. The vegetable contractor shall provide, with the  
16 interim financial statement, the vegetable contractor's sworn and notarized  
17 statement that the financial statement is correct. An interim financial statement  
18 need not be a reviewed or audited financial statement.

19 **(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par.  
20 (b), a vegetable contractor filing a financial statement under this section shall file a  
21 financial statement that is prepared according to generally accepted accounting  
22 principles.

23 (b) If a vegetable contractor is a sole proprietor and the vegetable contractor's  
24 financial statement is not audited, the vegetable contractor shall file a financial  
25 statement that is prepared on a historical cost basis.

1           **(6) FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a  
2 vegetable contractor filing a financial statement under this section shall file a  
3 financial statement that consists of a balance sheet, income statement, equity  
4 statement, statement of cash flows, notes to those statements, and any other  
5 information required by the department. If the vegetable contractor is a sole  
6 proprietor, the vegetable contractor shall file his or her business and personal  
7 financial statements.

8           (b) If a vegetable contractor has been in business for less than one year, the  
9 vegetable contractor may file an annual financial statement under sub. (1) or (2)  
10 consisting of a balance sheet and notes.

11           (c) A vegetable contractor filing a financial statement under this section shall  
12 include in the financial statement, or in an attachment to the financial statement,  
13 calculations of all of the following:

14           1. The vegetable contractor's current ratio, excluding any assets required to be  
15 excluded under sub. (7).

16           2. The vegetable contractor's debt to equity ratio, excluding any assets  
17 required to be excluded under sub. (7).

18           **(7) ASSETS EXCLUDED.** A vegetable contractor may not include any of the  
19 following assets in the calculations under sub. (6) (c), unless the department  
20 specifically approves their inclusion:

21           (a) A nontrade note or account receivable from an officer, director, employee,  
22 partner, or stockholder, or from a member of the family of any of those individuals,  
23 unless the note or account receivable is secured by a first priority security interest  
24 in real or personal property.

1 (b) A note or account receivable from a parent organization, a subsidiary, or an  
2 affiliate other than an employee.

3 (c) A note or account that has been receivable for more than one year, unless  
4 the vegetable contractor has established an equal offsetting reserve for uncollectible  
5 notes and accounts receivable.

6 **(9) ENTITY COVERED.** A person filing a financial statement under this section  
7 may not file, in lieu of that person's financial statement, the financial statement of  
8 the person's parent organization, subsidiary, predecessor, or successor.

9 **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement  
10 filed under this section and may reject a financial statement that fails to comply with  
11 this section.

12 **126.59 Contributing vegetable contractors; disqualification. (1)**  
13 **CONTRIBUTION REQUIRED.** A vegetable contractor licensed under s. 126.56 (1) shall pay  
14 fund assessments under s. 126.60 unless one of the following applies:

15 (a) The vegetable contractor is disqualified under sub. (2).

16 (b) The vegetable contractor pays cash on delivery under all vegetable  
17 procurement contracts.

18 (c) The vegetable contractor is a producer-owned cooperative that procures  
19 processing vegetables only from its producer owners.

20 **(1m) VOLUNTARY CONTRIBUTION.** A vegetable contractor who is exempt under  
21 sub. (1) (b) or (c) may volunteer to pay fund assessments under s. 126.60.

22 **(2) DISQUALIFIED CONTRACTOR.** (a) A vegetable contractor who is required to file  
23 security under s. 126.61 (1) (a) is disqualified from the fund until the department  
24 determines that one of the conditions in s. 126.61 (7) (a) 1. or 2. is satisfied.

1 (b) A vegetable contractor is disqualified from the fund if the department  
2 denies, suspends, or revokes the vegetable contractor's license.

3 (c) A vegetable contractor is disqualified from the fund, and required to pay  
4 cash on delivery under vegetable procurement contracts, if the department issues a  
5 written notice disqualifying the vegetable contractor for cause. Cause may include  
6 any of the following:

7 1. Failure to pay fund assessments under s. 126.60 when due.

8 2. Failure to file a financial statement under s. 126.58 when due.

9 3. Failure to reimburse the department, within 60 days after the department  
10 issues a reimbursement demand under s. 126.73 (1), for the full amount that the  
11 department pays to claimants under s. 126.72 (1) because of that vegetable  
12 contractor's default.

13 4. Failure to reimburse a bond surety, within 60 days after the bond surety  
14 issues a reimbursement demand under s. 126.73 (2), for the full amount that the  
15 surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants  
16 affected by that vegetable contractor's default.

17 **(3) PAYMENTS BY DISQUALIFIED VEGETABLE CONTRACTOR.** (a) The department may  
18 not return, to a disqualified vegetable contractor, any fund assessments that the  
19 vegetable contractor paid as a contributing vegetable contractor.

20 (b) A disqualified vegetable contractor remains liable for any unpaid fund  
21 installment under s. 126.60 that became due while the vegetable contractor was a  
22 contributing vegetable contractor. A disqualified vegetable contractor is not liable  
23 for any fund installment that becomes due after the vegetable contractor is  
24 disqualified under sub. (2).

1           **126.60 Contributing vegetable contractors; fund assessments. (1)**

2           GENERAL. A contributing vegetable contractor shall pay an annual fund assessment  
3           for each license year. The assessment equals \$20 or the sum of the following,  
4           whichever is greater, unless the department by rule specifies a different assessment:

5           (a) The vegetable contractor's current ratio assessment. The current ratio  
6           assessment for a license year equals the vegetable contractor's current ratio  
7           assessment rate under sub. (2) multiplied by the amount reported under s. 126.56  
8           (9) (a) in the vegetable contractor's license application for that license year.

9           (b) The vegetable contractor's debt to equity ratio assessment. The debt to  
10          equity ratio assessment for a license year equals the vegetable contractor's debt to  
11          equity ratio assessment rate under sub. (4) multiplied by the amount reported under  
12          s. 126.56 (9) (a) in the vegetable contractor's license application for that license year.

13          (c) The vegetable contractor's deferred contract assessment. The deferred  
14          contract assessment for a license year equals the amount, if any, reported under s.  
15          126.56 (9) (e) in the vegetable contractor's license application for that license year,  
16          multiplied by a deferred vegetable contract assessment rate of 0.0025.

17          **(2) CURRENT RATIO ASSESSMENT RATE.** A vegetable contractor's current ratio  
18          assessment rate is calculated, at the beginning of the license year, as follows:

19          (a) If the vegetable contractor has filed an annual financial statement under  
20          s. 126.58 and that financial statement shows a current ratio of at least 1.25 to 1.0,  
21          the vegetable contractor's current ratio assessment rate equals the greater of zero  
22          or the current ratio assessment factor in sub. (3) (a) multiplied by the following  
23          amount:

24                1. Subtract 4 from the current ratio.

25                2. Divide the amount determined under subd. 1. by 2.

- 1           3. Multiply the amount determined under subd. 2. by negative one.
- 2           4. Raise the amount determined under subd. 3. to the 3rd power.
- 3           5. Subtract 0.65 from the current ratio.
- 4           6. Divide 0.60 by the amount determined under subd. 5.
- 5           7. Raise the amount determined under subd. 6. to the 5th power.
- 6           8. Add the amount determined under subd. 4. to the amount determined under
- 7           subd. 7.

- 8           9. Add 0.25 to the amount determined under subd. 8.

9           (b) If the vegetable contractor has filed an annual financial statement under  
10           s. 126.58 and that financial statement shows a current ratio of less than 1.25 to 1.0,  
11           but greater than 1.1 to 1.0, the vegetable contractor's current ratio assessment rate  
12           equals the current ratio assessment factor in sub. (3) (b) multiplied by the following  
13           amount:

- 14           1. Subtract 4 from the current ratio.
- 15           2. Divide the amount determined under subd. 1. by 2.
- 16           3. Multiply the amount determined under subd. 2. by negative one.
- 17           4. Raise the amount determined under subd. 3. to the 3rd power.
- 18           5. Subtract 0.65 from the current ratio.
- 19           6. Divide 0.60 by the amount determined under subd. 5.
- 20           7. Raise the amount determined under subd. 6. to the 5th power.
- 21           8. Add the amount determined under subd. 4. to the amount determined under
- 22           subd. 7.
- 23           9. Add 0.25 to the amount determined under subd. 8.

24           (c) If the vegetable contractor has filed an annual financial statement under  
25           s. 126.58 and that financial statement shows a current ratio of less than or equal to

1 1.1 to 1.0, the vegetable contractor's current ratio assessment rate equals the current  
2 ratio assessment factor in sub. (3) (b) multiplied by 7.512617.

3 (d) If the vegetable contractor has not filed an annual financial statement  
4 under s. 126.58, the vegetable contractor's current ratio assessment rate equals the  
5 current ratio assessment factor in sub. (3) (b) multiplied by 3.84961.

6 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A vegetable contractor's current  
7 ratio assessment factor under sub. (2) (a) is 0.00048, except as follows:

8 1. For the vegetable contractor's 4th and 5th consecutive full license years as  
9 a contributing vegetable contractor, the vegetable contractor's current ratio  
10 assessment factor is 0.00029.

11 2. For the vegetable contractor's 6th or higher consecutive full license year as  
12 a contributing vegetable contractor, the vegetable contractor's current ratio  
13 assessment factor is zero.

14 (b) A vegetable contractor's current ratio assessment factor under sub. (2) (b)  
15 to (d) is 0.00072, except as follows:

16 1. For the vegetable contractor's 4th and 5th consecutive full license years as  
17 a contributing vegetable contractor, the vegetable contractor's current ratio  
18 assessment factor is 0.00058.

19 2. For the vegetable contractor's 6th or higher consecutive full license year as  
20 a contributing vegetable contractor, the vegetable contractor's current ratio  
21 assessment factor is 0.00035.

22 **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A vegetable contractor's debt to  
23 equity ratio assessment rate for a license year is calculated, at the beginning of the  
24 license year, as follows:

1 (a) If the vegetable contractor has filed an annual financial statement under  
2 s. 126.58 and that financial statement shows positive equity and a debt to equity  
3 ratio of not more than 4.0 to 1.0, the vegetable contractor's debt to equity ratio  
4 assessment rate equals the greater of zero or the debt to equity ratio assessment  
5 factor in sub. (5) (a) multiplied by the following amount:

6 1. Subtract 4 from the debt to equity ratio.

7 2. Divide the amount determined under subd. 1. by 4.

8 3. Raise the amount determined under subd. 2. to the 3rd power.

9 4. Subtract 1.85 from the debt to equity ratio.

10 5. Divide the amount determined under subd. 4. by 2.5.

11 6. Raise the amount determined under subd. 5. to the 7th power.

12 7. Add the amount determined under subd. 3. to the amount determined under  
13 subd. 6.

14 8. Add one to the amount determined under subd. 7.

15 (b) If the vegetable contractor has filed an annual financial statement under  
16 s. 126.58 and that financial statement shows a debt to equity ratio of greater than  
17 4.0 to 1.0 but less than 6.0 to 1.0, the vegetable contractor's debt to equity ratio  
18 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)  
19 multiplied by the following amount:

20 1. Subtract 4 from the debt to equity ratio.

21 2. Divide the amount determined under subd. 1. by 4.

22 3. Raise the amount determined under subd. 2. to the 3rd power.

23 4. Subtract 1.85 from the debt to equity ratio.

24 5. Divide the amount determined under subd. 4. by 2.5.

25 6. Raise the amount determined under subd. 5. to the 7th power.



1           7. Add the amount determined under subd. 3. to the amount determined under  
2 subd. 6.

3           8. Add one to the amount determined under subd. 7.

4           (c) If the vegetable contractor has filed an annual financial statement under  
5 s. 126.58 and that financial statement shows negative equity or a debt to equity ratio  
6 of at least 6.0 to 1.0, the vegetable contractor's debt to equity ratio assessment rate  
7 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by  
8 35.859145.

9           (d) If the vegetable contractor has not filed an annual financial statement  
10 under s. 126.58, the vegetable contractor's debt to equity ratio assessment rate  
11 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 1.34793.

12           **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A vegetable contractor's debt  
13 to equity ratio assessment factor under sub. (4) (a) is 0.000135, except as follows:

14           1. For the vegetable contractor's 4th and 5th consecutive full license years as  
15 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio  
16 assessment factor is 0.00008.

17           2. For the vegetable contractor's 6th or higher consecutive full license year as  
18 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio  
19 assessment factor is zero.

20           (b) A vegetable contractor's debt to equity ratio assessment factor under sub.  
21 (4) (b) to (d) is 0.000203, except as follows:

22           1. For the vegetable contractor's 4th and 5th consecutive full license years as  
23 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio  
24 assessment factor is 0.00016.

1           2. For the vegetable contractor's 6th or higher consecutive full license year as  
2 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio  
3 assessment factor is 0.0001.

4           **(6) QUARTERLY INSTALLMENTS.** (a) A contributing vegetable contractor shall pay  
5 the vegetable contractor's annual fund assessment in equal quarterly installments  
6 that are due as follows:

7           1. The first installment is due on March 1 of the license year.

8           2. The 2nd installment is due on June 1 of the license year.

9           3. The 3rd installment is due on September 1 of the license year.

10          4. The 4th installment is due on December 1 of the license year.

11          (b) A contributing vegetable contractor may prepay any of the quarterly  
12 installments under par. (a).

13          (c) A contributing vegetable contractor who applies for an annual license after  
14 the beginning of a license year shall pay the full annual fund assessment required  
15 under this section. The vegetable contractor shall pay, with the first quarterly  
16 installment that becomes due after the day on which the department issues the  
17 license, all of that year's quarterly installments that were due before that day.

18          (d) A contributing vegetable contractor who fails to pay the full amount of any  
19 quarterly installment when due shall pay, in addition to that installment, a late  
20 payment penalty of \$50 or 10% of the overdue installment amount, whichever is  
21 greater.

22          **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the  
23 department issues an annual license to a contributing vegetable contractor, the  
24 department shall notify the vegetable contractor of all of the following:

1           (a) The amount of the vegetable contractor's annual fund assessment under  
2 this section.

3           (b) The amount of each required quarterly installment under sub. (6) and the  
4 date by which the vegetable contractor must pay each installment.

5           (c) The penalty that applies under sub. (6) (d) if the vegetable contractor fails  
6 to pay any quarterly installment when due.

7           **126.61 Vegetable contractors; security. (1) SECURITY REQUIRED.** (a) Except  
8 as provided in par. (c), a vegetable contractor shall file security with the department,  
9 and maintain that security until the department releases it under sub. (7), if all of  
10 the following apply when the department first licenses the vegetable contractor  
11 under s. 126.56 (1):

12           1. The vegetable contractor reports more than \$1,000,000 in annual contract  
13 obligations under s. 126.56 (9) (a).

14           2. The vegetable contractor files a financial statement under s. 126.58 (1) and  
15 that financial statement shows negative equity.

16           (b) Except as provided in par. (c), a vegetable contractor shall file security with  
17 the department to cover the full amount of the unpaid deferred contract obligations  
18 last reported under s. 126.56 (9) (e) or (12) (b), and maintain that security until it is  
19 released under sub. (7), unless the vegetable contractor files an annual financial  
20 statement under s. 126.58 and that financial statement shows positive equity, a  
21 current ratio of at least 1.25 to 1.0, and a debt to equity ratio of not more than 4.0 to  
22 1.0.

23           (c) A vegetable contractor is not required to file security under par. (a) or (b) if  
24 any of the following applies:

1           1. The vegetable contractor pays cash on delivery under all vegetable  
2 procurement contracts.

3           2. The vegetable contractor is a producer–owned cooperative that procures  
4 processing vegetables only from its producer members.

5           **(2) SECURITY CONTINUED.** A vegetable contractor who filed security under s.  
6 100.03, 1999 stats., before February 1, 2002, shall maintain that security until the  
7 department releases it under sub. (7).

8           **(3) AMOUNT OF SECURITY.** A vegetable contractor who is required to file or  
9 maintain security under this section shall, at all times, maintain security that is at  
10 least equal to the sum of the following:

11           (a) Seventy–five percent of the amount last reported under s. 126.56 (9) (b) or  
12 (12) (a), except that this amount is not required of a contributing vegetable contractor  
13 after May 1, 2002.

14           (b) The amount required under sub. (1) (b), if any.

15           **(4) FORM OF SECURITY.** The department shall review, and determine whether  
16 to approve, security filed under this section. The department may approve only the  
17 following types of security:

18           (a) Currency.

19           (b) A commercial surety bond if all of the following apply:

20           1. The surety bond is made payable to the department for the benefit of  
21 vegetable producers and producer agents.

22           2. The surety bond is issued by a person authorized to operate a surety business  
23 in this state.

1           3. The surety bond is issued as a continuous term bond that may be canceled  
2 only with the department's written agreement, or upon 90 days' prior written notice  
3 served on the department in person or by certified mail.

4           4. The surety bond is issued in a form, and subject to any terms and conditions,  
5 that the department considers appropriate.

6           (c) A certificate of deposit or money market certificate, if all of the following  
7 apply:

8           1. The certificate is issued or endorsed to the department for the benefit of  
9 vegetable producers and producer agents.

10          2. The certificate may not be canceled or redeemed without the department's  
11 written permission.

12          3. No person may transfer or withdraw funds represented by the certificate  
13 without the department's written permission.

14          4. The certificate renews automatically without any action by the department.

15          5. The certificate is issued in a form, and subject to any terms and conditions,  
16 that the department considers appropriate.

17          (d) An irrevocable bank letter of credit if all of the following apply:

18          1. The letter of credit is payable to the department for the benefit of vegetable  
19 producers and producer agents.

20          2. The letter of credit is issued on bank letterhead.

21          3. The letter of credit is issued for an initial period of at least one year.

22          4. The letter of credit renews automatically unless, at least 90 days before the  
23 scheduled renewal date, the issuing bank gives the department written notice, in  
24 person or by certified mail, that the letter of credit will not be renewed.

1           5. The letter of credit is issued in a form, and subject to any terms and  
2 conditions, that the department considers appropriate.

3           (e) Security filed with the department under s. 100.03, 1999 stats., before  
4 February 1, 2002, except that on January 1, 2003, the department shall withdraw  
5 its approval of any security that is not approvable under pars. (a) to (d).

6           **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,  
7 all security filed and maintained under this section. The department shall hold the  
8 security for the benefit of vegetable producers and producer agents.

9           **(6) ADDITIONAL SECURITY.** (a) The department may, at any time, demand  
10 additional security from a vegetable contractor if any of the following applies:

11           1. The vegetable contractor's existing security falls below the amount required  
12 under sub. (3) for any reason, including a depreciation in the value of the security  
13 filed with the department, increased obligations to vegetable producers or producer  
14 agents, or the cancellation of any security filed with the department.

15           2. The vegetable contractor fails to provide required information that is  
16 relevant to a determination of security requirements.

17           (b) The department shall issue a demand under par. (a) in writing. The  
18 department shall indicate why additional security is required, the amount of  
19 security required, and the deadline date for filing security. The department may not  
20 specify a deadline for filing security that is more than 30 days after the date on which  
21 the department issues its demand for security.

22           (c) A vegetable contractor may request a hearing, under ch. 227, on a security  
23 demand under par. (b). A request for hearing does not automatically stay a security  
24 demand.

1 (d) If a vegetable contractor fails to comply with the department's security  
2 demand under this subsection, the vegetable contractor shall give written notice of  
3 that fact to all vegetable producers and producer agents from whom the vegetable  
4 contractor procures processing vegetables. If the vegetable contractor fails to give  
5 accurate notice under this paragraph within 5 days after the security filing deadline  
6 under par. (b) has passed, the department shall promptly notify vegetable producers  
7 and producer agents by publishing a class 3 notice under ch. 985. The department  
8 may also give individual notice to vegetable producers or producer agents of whom  
9 the department is aware.

10 (e) If a vegetable contractor fails to comply with the department's demand for  
11 security under this subsection, the department may do any of the following:

12 1. Issue a summary order under s. 126.85 (2) that prohibits the vegetable  
13 contractor from procuring processing vegetables from vegetable producers or  
14 producer agents, or requires the vegetable contractor to pay cash on delivery under  
15 all vegetable procurement contracts.

16 2. Suspend or revoke the vegetable contractor's license.

17 **(7) RELEASING SECURITY.** (a) The department may release security filed under  
18 sub. (1) (a), except for any amount of security that the vegetable contractor is  
19 required to file because sub. (1) (b) applies to the vegetable contractor, if any of the  
20 following applies:

21 1. The vegetable contractor reports less than \$1,000,000 in annual contract  
22 obligations under s. 126.56 (9) (a) for at least 2 consecutive years and the vegetable  
23 contractor pays the quarterly fund assessment that would have been required of the  
24 vegetable contractor if the vegetable contractor had been a contributing vegetable  
25 contractor on the most recent quarterly installment date under s. 126.60 (6).

1           2. The vegetable contractor's annual financial statement under s. 126.58 shows  
2 positive equity for at least 2 consecutive years and the vegetable contractor pays the  
3 quarterly fund assessment that would have been required of the vegetable contractor  
4 if the vegetable contractor had been a contributing vegetable contractor on the most  
5 recent quarterly installment date under s. 126.60 (6).

6           (b) The department may release security filed under sub. (1) (b), except for any  
7 amount of security that the vegetable contractor is required to file because sub. (1)  
8 (a) applies to the vegetable contractor, if any of the following applies:

9           1. The vegetable contractor has no unpaid obligations under deferred payment  
10 contracts, and will not use deferred payment contracts in the current license year.

11           2. The vegetable contractor files 2 consecutive annual financial statements  
12 under s. 126.58 that show a current ratio of at least 1.25 to 1.0, positive equity, and  
13 a debt to equity ratio of not more than 4.0 to 1.0.

14           (c) On May 1, 2002, the department may release security maintained under  
15 sub. (2), unless the vegetable contractor is required to file security under sub. (1).

16           (d) The department may release security to the extent that the security exceeds  
17 the amount required under sub. (3).

18           (e) The department may release security if the vegetable contractor files  
19 alternative security, of equivalent value, that the department approves.

20           (f) The department shall release security if the vegetable contractor has gone  
21 out of business and paid all contract obligations in full.

22           **126.62 Vegetable contractors; records. (1) RECORDS REQUIRED.** A vegetable  
23 contractor shall keep all of the following:

24           (a) Copies of all written vegetable procurement contracts.



1 (b) A current record of all vegetable contract obligations, payments, and unpaid  
2 balances.

3 **(2) RECORDS RETENTION.** A vegetable contractor shall keep all of the following  
4 records for at least 6 years from the date of their creation:

5 1. Records required under sub. (1).

6 2. Records that the vegetable contractor was required to keep, under s. 100.03,  
7 1999 stats., and department rules, before February 1, 2002.

8 **(3) RECORDS INSPECTION.** A vegetable contractor shall make records required  
9 under this section available to the department for inspection and copying upon  
10 request.

11 **126.63 Vegetable contractors; business practices. (1) VEGETABLE GRADING**  
12 **AND TARE.** (a) A vegetable contractor shall grade vegetables according to the following  
13 standards if the vegetable grade may affect the amount received by the vegetable  
14 producer:

15 1. Standard grading procedures that the department establishes by rule.

16 2. Uniform grade standards that the department establishes by rule, unless the  
17 vegetable procurement contract clearly specifies alternative grade standards.

18 (b) If a vegetable contractor makes any deduction for tare, the vegetable  
19 contractor shall determine tare according to procedures that the department  
20 establishes by rule.

21 (c) The department shall establish grade standards for vegetables that conform  
22 to grade standards adopted by the federal department of agriculture under 7 USC  
23 1621 to 1632.

24 **(2) PROHIBITED DEDUCTIONS.** No vegetable purchaser may deduct, from the  
25 amount payable under a vegetable procurement contract, an amount designated for

1 the payment of any vegetable contractor license fee, surcharge, or fund assessment  
2 under this subchapter.

3 **(3) TIMELY PAYMENT.** A vegetable contractor shall pay a vegetable producer or  
4 producer agent according to the vegetable procurement contract. The vegetable  
5 contractor shall make the following payments by the following dates, unless the  
6 contract specifies a different payment date in writing:

7 (a) The 15th day of the month immediately following the month in which the  
8 vegetable contractor harvests or accepts delivery of processing vegetables, the full  
9 amount owed under the contract for those vegetables.

10 (b) The 15th day of the month immediately following the month in which the  
11 vegetable contractor rejects or fails to harvest processing vegetables tendered under  
12 the vegetable procurement contract, the full amount owed under the contract for  
13 those vegetables.

14 **(4) ANNUAL PAYMENT DEADLINE.** (a) Except as provided in par. (b) or (c), a  
15 vegetable contractor shall pay all outstanding obligations to vegetable producers by  
16 January 31 of each license year.

17 (b) For processing vegetables tendered or delivered in January of any license  
18 year, a vegetable contractor shall pay the full amount owed under the vegetable  
19 procurement contract by February 15 or by the 30th day after the date of delivery,  
20 whichever date is later.

21 (c) A vegetable contractor may pay outstanding producer obligations in  
22 accordance with a deferred payment contract that complies with sub. (5) and  
23 specifies a payment date after January 31 for processing vegetables delivered on or  
24 before December 31.

1           **(5) DEFERRED PAYMENT CONTRACT.** (a) Before a vegetable contractor offers a  
2 deferred payment contract to any vegetable producer, the vegetable contractor shall  
3 put the deferred payment contract to a vote of vegetable producers, as provided in  
4 par. (b), obtain the approval of a majority of the voting vegetable producers, and  
5 comply with par. (c).

6           (b) To put a deferred payment contract to a vote of vegetable producers, the  
7 vegetable contractor shall give written notice to all vegetable producers in this state  
8 from whom the vegetable contractor procured the same type of processing vegetables  
9 during the preceding license year. In the notice, the vegetable contractor shall  
10 include a copy of the proposed contract, shall announce a meeting at which the  
11 vegetable producers will be asked to vote on the proposed contract, and shall include  
12 a mail ballot by which a vegetable producer may vote without attending the meeting.  
13 The vegetable contractor shall conduct the voting by secret ballot.

14           (c) To comply with this paragraph, a vegetable contractor shall file all of the  
15 following with the department:

16           1. A sworn statement certifying that the contract was approved in a vote of  
17 vegetable producers under this subsection.

18           2. Any additional security required under s. 126.61 (3).

19           **(6) CASH ON DELIVERY.** A vegetable contractor shall pay cash on delivery under  
20 all vegetable procurement contracts if any of the following applies:

21           (a) The vegetable contractor stated, in the vegetable contractor's last annual  
22 statement under s. 126.56 (9) (g), that the vegetable contractor would pay cash on  
23 delivery.

1 (b) The department disqualifies the vegetable contractor, under s. 126.59 (2)  
2 (c), or requires the vegetable contractor to pay cash on delivery under s. 126.61 (6)  
3 (e).

4 **126.64 Vegetable contractors; prohibited practices.** No vegetable  
5 contractor may do any of the following:

6 (1) Misrepresent the weight, grade, or quality of processing vegetables under  
7 a vegetable procurement contract.

8 (2) Falsify any record or account, or conspire with any other person to falsify  
9 a record or account.

10 (3) Make any false or misleading representation to the department.

11 (4) If the vegetable contractor is licensed under s. 126.56, engage in any activity  
12 that is inconsistent with representations made in the vegetable contractor's annual  
13 license application.

14 (5) Make any false or misleading representation to a vegetable producer or  
15 producer agent related to matters regulated under this chapter.

16 (6) Fail to file the full amount of security required under s. 126.61 (6) by the  
17 date that the department specifies.

## 18 SUBCHAPTER VII

### 19 RECOVERY PROCEEDINGS

20 **126.68 Definitions.** In this subchapter:

21 (1) "Contributing contractor" means any of the following:

22 (a) A contributing grain dealer, as defined in s. 126.10 (3).

23 (b) A contributing grain warehouse keeper, as defined in s. 126.25 (2).

24 (c) A contributing milk contractor, as defined in s. 126.40 (1).

25 (d) A contributing vegetable contractor, as defined in s. 126.55 (4).

- 1           **(2)** “Depositor” has the meaning given in s. 126.25 (5).
- 2           **(3)** “Grain dealer” has the meaning given in s. 126.10 (9).
- 3           **(4)** “Grain producer” has the meaning given in s. 126.10 (10).
- 4           **(5)** “Grain warehouse keeper” has the meaning given in s. 126.25 (9).
- 5           **(6)** “Milk contractor” has the meaning given in s. 126.40 (8).
- 6           **(7)** “Milk producer” has the meaning given in s. 126.40 (10).
- 7           **(8)** “Producer grain” has the meaning given in s. 126.10 (14).
- 8           **(9)** “Producer milk” has the meaning given s. 126.40 (14).
- 9           **(10)** “Vegetable contractor” has the meaning given in s. 126.55 (14).
- 10          **(11)** “Vegetable procurement contract” has the meaning given in s. 126.55 (15).
- 11          **(12)** “Vegetable producer” has the meaning given in s. 126.55 (16).

12           **126.70 Recovery proceedings. (1) DEFAULT CLAIMS.** Any of the following  
13 persons may file a default claim with the department against a contractor who is  
14 licensed, or required to be licensed, under this chapter:

15           (a) A grain producer or producer agent, as defined in s. 126.10 (13), who claims  
16 that a grain dealer has failed to pay, when due, for producer grain that the grain  
17 dealer procured in this state.

18           (b) A depositor who is either a grain producer or a producer agent, as defined  
19 in s. 126.10 (13), and who claims that a grain warehouse keeper has failed to return  
20 stored grain or its equivalent upon demand.

21           (c) A milk producer or producer agent, as defined in s. 126.40 (13), who claims  
22 that a milk contractor has failed to pay, when due, for producer milk procured in this  
23 state.

1 (d) A vegetable producer or producer agent, as defined in s. 126.55 (12), who  
2 claims that a vegetable contractor has failed to make payment when due under a  
3 vegetable procurement contract.

4 **(2) FILING DEFAULT CLAIMS.** A claimant shall file a default claim under sub. (1)  
5 within 30 days after the claimant first learns of the default, subject to sub. (3). The  
6 claimant shall specify the nature and amount of the default. The department may  
7 investigate the alleged default and may require the claimant to provide supporting  
8 documentation.

9 **(3) INITIATING A RECOVERY PROCEEDING.** (a) The department may initiate a  
10 recovery proceeding in response to one or more default claims under sub. (1). The  
11 department shall issue a written notice announcing the recovery proceeding. The  
12 department shall mail or deliver a copy of the notice to the contractor and each  
13 claimant in the proceeding.

14 (b) If the department has reason to believe that other persons may have default  
15 claims under sub. (1) against the same contractor, the department may invite those  
16 persons to file their claims in the recovery proceeding. The department may publish  
17 the invitation in any of the following ways:

- 18 1. By posting it at the contractor's place of business.
- 19 2. By publishing it as a class 3 notice under ch. 985.
- 20 3. By mailing or delivering it to prospective claimants known to the  
21 department.
- 22 4. By other means that the department considers appropriate.

23 (c) In its invitation under par. (b), the department may specify a deadline date  
24 and a procedure for filing default claims. An invitation may indicate the amount of

1 a prospective claimant's apparent claim and may ask the prospective claimant to  
2 verify or correct that amount.

3 (d) The department may initiate separate recovery proceedings for default  
4 claims that comply with sub. (2) but are filed after the deadline date under par. (c).

5 **(4) AUDITING CLAIMS.** The department shall audit each claim included in a  
6 recovery proceeding. The department shall disallow a claim if the department finds  
7 any of the following:

8 (a) That the claim is false or not adequately documented.

9 (b) That the claimant filed the claim more than 30 days after the claimant first  
10 learned of the contractor's default, unless the department specifies a later  
11 claim-filing deadline under sub. (3) (c).

12 (c) That the claimant, without any contractual obligation to do so, continued  
13 to deliver grain, milk, or vegetables to the defaulting contractor more than 10 days  
14 after the claimant first learned of the contractor's default.

15 (d) That the claimant failed to comply with claim-filing deadlines or  
16 procedures specified under sub. (3) (c).

17 (e) That the person filing the claim is not an authorized claimant under sub.  
18 (1).

19 **(5) ALLOWED CLAIM AMOUNTS.** (a) The department shall determine the amount  
20 of an allowed claim based on the contract between the parties. If the contract terms  
21 are unclear, the department may determine the allowed claim amount based on local  
22 market prices, applicable milk marketing order prices, customs in the trade, or other  
23 evidence that the department considers appropriate.

24 (b) Notwithstanding par. (a), if the default involves a grain warehouse keeper's  
25 failure to return stored grain to a depositor upon demand, the department shall

1 calculate the value of the grain based on local market prices on the day on which the  
2 depositor made the demand.

3 (c) The department shall subtract from the allowed claim amount any  
4 offsetting payments made by the contractor and any obligations for which the  
5 claimant is liable to the contractor.

6 **(6) PROPOSED DECISION.** After the department completes its audit under sub. (4),  
7 the department shall issue a proposed decision. The department shall mail or deliver  
8 a copy of the proposed decision to the contractor and each claimant. The department  
9 shall do all of the following in the proposed decision:

10 (a) Specify proposed findings of fact, proposed conclusions of law, and a  
11 proposed order.

12 (b) Allow or disallow each default claim and specify the amount of each allowed  
13 claim. The department may disallow part of a claim.

14 (c) Specify, for each allowed claim, the amount that the department is  
15 authorized to pay under s. 126.71.

16 (d) Specify the method, under s. 126.71, by which the department will pay the  
17 authorized amounts under par. (c).

18 (e) Explain a claimant's right under s. 126.87 (4) to seek court recovery of that  
19 portion of an allowed claim that is not paid by the department.

20 (f) Specify a date by which the contractor or claimant may file written  
21 objections to the proposed decision.

22 **(7) FINAL DECISION IF NO OBJECTIONS.** If no contractor or claimant files a timely  
23 written objection to the proposed decision under sub. (6), the department may issue  
24 the proposed decision as the department's final decision in the recovery proceeding,



1 without further notice or hearing. The department shall mail or deliver a copy of the  
2 final decision to the contractor and each claimant.

3 **(8) OBJECTIONS TO PROPOSED DECISION; NOTICE, HEARING, AND FINAL DECISION.** (a)  
4 If a contractor or claimant files a timely written objection to the proposed decision  
5 under sub. (6), the department shall hold a public hearing on the objection. The  
6 department shall follow applicable contested case procedures under ch. 227. The  
7 department may hear all objections in a single proceeding. At the conclusion of the  
8 contested case proceeding, the department shall issue a final decision affirming or  
9 modifying the proposed decision under sub. (6).

10 (b) The department may issue a final decision under sub. (7) related to default  
11 claims that are not affected by objections under par. (a), regardless of whether the  
12 department has completed the contested case proceeding under par. (a).

13 **126.71 Paying default claims. (1) CLAIMS AGAINST CONTRIBUTING**  
14 **CONTRACTOR.** Except as provided in sub. (2) or (3), the department shall pay from the  
15 appropriate sources under s. 126.72 the following default claim amounts:

16 (a) Except as provided in par. (d) or (e), for each default claim allowed under  
17 s. 126.70 against a grain dealer or milk contractor who was a contributing contractor  
18 when the default occurred:

- 19 1. Eighty percent of the first \$60,000 allowed.
- 20 2. Seventy-five percent of any amount allowed in excess of \$60,000.

21 (b) For each default claim allowed under s. 126.70 against a grain warehouse  
22 keeper who was a contributing contractor when the default occurred, 100% of the  
23 first \$100,000 allowed.

24 (c) For each default claim allowed under s. 126.70 against a vegetable  
25 contractor who was a contributing contractor when the default occurred:

- 1           1. Ninety percent of the first \$40,000 allowed.
- 2           2. Eighty–five percent of the next \$40,000 allowed.
- 3           3. Eighty percent of the next \$40,000 allowed.
- 4           4. Seventy–five percent of any amount allowed in excess of \$120,000.

5           (d) For each default claim allowed under s. 126.70 against a qualified producer  
6 agent who, at the time of the default, was a contributing contractor and maintained  
7 security under s. 126.47 (3) (c), if the default occurs after April 30, 2002, and before  
8 May 1, 2004, 15% of the amount allowed.

9           (e) For each default claim allowed under s. 126.70 against a qualified producer  
10 agent who, at the time of the default, was a contributing contractor and maintained  
11 security under s. 126.47 (3) (c), if the default occurs after April 30, 2004, and before  
12 May 1, 2007, 20% of the amount allowed.

13           **(1m)** WHEN DEFAULT OCCURS. For the purposes of this chapter, a default occurs  
14 on the date on which payment or delivery becomes overdue.

15           **(2)** CLAIMS AGAINST CONTRACTOR WHO HAS FILED SECURITY. If the department  
16 allows default claims under s. 126.70 against a contractor who has security on file  
17 with the department, the department shall convert that security and use the  
18 proceeds as follows:

19           (a) If the contractor was not a contributing contractor when the default  
20 occurred, the department shall use the security proceeds to pay the full amount of  
21 the allowed claims, except that, if the security is not adequate to pay the full amount  
22 of the allowed claims, the department shall pay claimants on a prorated basis in  
23 proportion to their allowed claims.

24           (b) If the contractor was a contributing contractor when the default occurred,  
25 the department shall use the security proceeds to reimburse the sources under s.

1 126.72 from which the department makes any claim payment under sub. (1). If the  
2 security amount exceeds the amount payable under sub. (1) from the sources under  
3 s. 126.72, the department shall use the remaining security proceeds to pay the  
4 balance of the allowed claims. If the security amount is not adequate to pay the full  
5 remaining balance, the department shall pay claimants on a prorated basis in  
6 proportion to their allowed claims.

7 (c) Notwithstanding par. (b), if the contractor was a contributing contractor  
8 when the default occurred, the department may, at its discretion, pay claims directly  
9 from security proceeds rather than from a fund source under s. 126.72. If the  
10 department acts under this paragraph, the department shall first pay claims in the  
11 amounts provided in sub. (1). If the security amount exceeds the amount payable  
12 under sub. (1) from the sources under s. 126.72, the department shall use the  
13 remaining security proceeds to pay the balance of the allowed claims. If the security  
14 amount is not adequate to pay the full remaining balance, the department shall pay  
15 claimants on a prorated basis in proportion to their allowed claims.

16 **(3) PAYMENT RESTRICTIONS.** (a) The department may not pay any portion of the  
17 following from any source identified in s. 126.72:

18 1. A default claim related to a default by a grain dealer or grain warehouse  
19 keeper that occurs before September 1, 2002.

20 2. A default claim related to a default by a milk contractor that occurs before  
21 May 1, 2002.

22 3. A default claim related to a default by a vegetable contractor that occurs  
23 before February 1, 2002.

24 4. A default claim allowed against a contractor who was not a contributing  
25 contractor when the default occurred.

1 (b) The department may not pay any default claim under this chapter, except  
2 as provided in sub. (1) or (2).

3 (c) If the total amount of default claims exceeds the amount available under s.  
4 126.72, the department shall prorate the available amount among the eligible  
5 claimants in proportion to the amount of their allowed claims.

6 **(4) EFFECT OF PAYMENT.** A claimant who accepts payment under sub. (1) or (2)  
7 releases his or her claim against the contractor to the extent of the payment. A  
8 payment under sub. (1) or (2) does not prevent a claimant from recovering the  
9 balance of an allowed claim directly from the contractor.

10 **126.72 Claims against contributing contractor; payment sources. (1)**  
11 **PRODUCER SECURITY FUND.** From the appropriation under s. 20.115 (1) (w), the  
12 department shall make payments authorized under s. 126.71 (1), up to the deductible  
13 amount in sub. (4).

14 **(2) INDUSTRY BOND PROCEEDS.** The department shall make a demand against the  
15 appropriate industry bond under s. 126.06 and shall use the proceeds of that bond  
16 to make payments authorized under s. 126.71 (1), to the extent that those payments  
17 exceed the deductible amount in sub. (4).

18 **(3) BLANKET BOND PROCEEDS.** The department shall make a demand against the  
19 blanket bond under s. 126.07 and shall use the bond proceeds to pay any remaining  
20 amounts authorized under s. 126.71 (1) after the department makes payments under  
21 subs. (1) and (2).

22 **(4) DEDUCTIBLE AMOUNT.** The deductible amount, for purposes of subs. (1) and  
23 (2), is as follows:

24 (a) For default claims against a grain dealer or grain warehouse keeper who  
25 was a contributing contractor when the default occurred:

1           1. If the department allows the claims on or after September 1, 2002, but before  
2           September 1, 2004, \$500,000.

3           2. If the department allows the claims on or after September 1, 2004, but before  
4           September 1, 2006, \$750,000.

5           3. If the department allows the claims on or after September 1, 2006,  
6           \$1,000,000.

7           (b) For default claims against a milk contractor who was a contributing  
8           contractor when the default occurred:

9           1. If the department allows the claims on or after May 1, 2002, but before May  
10          1, 2004, \$1,000,000.

11          2. If the department allows the claims on or after May 1, 2004, but before May  
12          1, 2006, \$1,500,000.

13          3. If the department allows the claims on or after May 1, 2006, \$2,000,000.

14          (c) For claims against a vegetable contractor who was a contributing contractor  
15          when the default occurred:

16          1. If the department allows the claims on or after February 1, 2002, but before  
17          February 1, 2004, \$500,000.

18          2. If the department allows the claims on or after February 1, 2004, but before  
19          February 1, 2006, \$750,000.

20          3. If the department allows the claims on or after February 1, 2006, \$1,000,000.

21          **126.73 Reimbursing payments. (1) PAYMENTS FROM THE FUND.** The  
22          department may demand and collect, from a contractor, any claim amounts that the  
23          department pays under s. 126.72 (1) because of the contractor's default.

24          **(2) BOND PAYMENTS.** A bond surety may demand and collect, from a contractor,  
25          any claim amounts that the bond surety pays to the department under s. 126.72 (2)

1 or (3) because of the contractor's default. The bond surety shall provide the  
2 department with a copy of each demand under this subsection.

### 3 SUBCHAPTER VIII

#### 4 ADMINISTRATION AND ENFORCEMENT

5 **126.78 Definitions.** In this subchapter:

6 (1) "Contributing contractor" has the meaning given in s. 126.68 (1).

7 (2) "Depositor" has the meaning given in s. 126.25 (5).

8 (3) "Grain dealer" has the meaning given in s. 126.10 (9).

9 (4) "Grain warehouse keeper" has the meaning given in s. 126.25 (9).

10 (5) "Milk contractor" has the meaning given in s. 126.40 (8).

11 (6) "Producer agent" means a person who is a producer agent, as defined in s.  
12 126.10 (13), 126.40 (13), or 126.55 (12).

13 (7) "Vegetable contractor" has the meaning given in s. 126.55 (14).

14 (8) "Vegetable producer" has the meaning given in s. 126.55 (16).

15 **126.80 Department authority; general.** The department shall administer  
16 this chapter.

17 **126.81 Rule-making.** The department may promulgate rules to do any of the  
18 following:

19 (1) Interpret and implement this chapter.

20 (2) Modify the license fees and surcharges provided in s. 126.11 (4), 126.26 (3),  
21 126.41 (3), 126.42, or 126.56 (4).

22 (3) Modify the fund assessments provided under s. 126.15, 126.30, 126.46, or  
23 126.60, as provided in s. 126.88.

24 (4) Require a contractor to notify producers and producer agents of the  
25 contractor's license, security, or fund contribution status under this chapter.

1           **126.82 Investigations.** The department may conduct investigations that it  
2 considers necessary for the administration of this chapter, including investigations  
3 to determine any of the following:

4           **(1)** Whether a contractor complies with this chapter.

5           **(2)** Whether a contractor is able to honor contract obligations when due.

6           **(3)** Whether a contractor has failed to honor contract obligations when due.

7           **(4)** Whether a grain warehouse keeper has sufficient grain on hand to meet the  
8 grain warehouse keeper's obligations to depositors.

9           **(5)** The nature and amount of a contractor's storage obligations or other  
10 contract obligations.

11           **126.83 Information.** The department may require a contractor to provide  
12 information that is relevant to the administration and enforcement of this chapter.

13           **126.84 Records; confidentiality. (1) PUBLIC RECORDS EXEMPTION.** The  
14 following records obtained by the department under this chapter are not open to  
15 public inspection under s. 19.35:

16           **(a)** Contractor financial statements.

17           **(b)** A contractor's purchase, storage, or procurement records.

18           **(2) USE OF RECORDS IN COURT OR ADMINISTRATIVE PROCEEDINGS.** Notwithstanding  
19 sub. (1), the department may introduce any information obtained under this chapter  
20 in a court proceeding or administrative contested case, subject to any protective  
21 order that the court or administrative tribunal determines to be appropriate.

22           **126.85 Remedial orders. (1) GENERAL.** The department may, by special  
23 order, require a contractor to remedy a violation of this chapter or a rule promulgated  
24 under this chapter. The department may order the contractor to take specific  
25 remedial actions, including actions to remedy deficiencies or to prevent losses to

1 persons protected under this chapter. Except as provided in sub. (2), the department  
2 shall give the contractor notice and an opportunity for hearing before the department  
3 issues an order.

4 **(2) SUMMARY ORDER.** The department may issue an order under sub. (1) without  
5 prior notice or hearing if the department finds that the order is necessary to prevent  
6 a clear and imminent threat of harm to persons protected under this chapter.  
7 Conditions indicating a clear and imminent threat of harm include the following:

8 (a) A contractor fails to pay producers according to this chapter or according  
9 to the contractor's contracts with producers.

10 (b) A contractor fails to file replacement insurance within the time required  
11 under this chapter.

12 (c) A contractor fails to file security according to this chapter, or in response to  
13 the department's demand under this chapter.

14 (d) A contractor fails to pay a fund assessment when due.

15 (e) A vegetable contractor fails to pay vegetable producers by January 31 for  
16 vegetables delivered by December 31 of the previous year, except as authorized in a  
17 deferred payment contract.

18 (f) A grain warehouse keeper fails to return grain to depositors upon demand,  
19 as required under s. 126.34 (4).

20 (g) A grain warehouse keeper fails to maintain adequate grain inventory as  
21 required under s. 126.34 (3), and at least one of the following applies:

22 1. The amount of the deficiency exceeds 10,000 bushels or 10% of the grain  
23 warehouse keeper's obligations to depositors, whichever amount is less.

24 2. The grain warehouse keeper fails to correct the deficiency within 15 days  
25 after receiving the department's written notice that a deficiency exists.



1           **(3) HEARING ON SUMMARY ORDER.** (a) A contractor named in a summary order  
2 under sub. (2) may, within 10 days after receiving the order, request a hearing on the  
3 order. The department shall hold an informal hearing as soon as possible after  
4 receiving a hearing request, but not later than 10 days after receiving the hearing  
5 request, unless the contractor waives the informal hearing or agrees to hold it at a  
6 later date. If the matter is not resolved at the informal hearing, the department shall  
7 hold a contested case hearing under ch. 227 as soon as reasonably possible.

8           (b) A hearing request under par. (a) does not automatically stay a summary  
9 order. The department may stay a summary order pending hearing.

10           **126.86 License actions. (1) GENERAL.** The department may for cause deny,  
11 suspend, revoke, or impose conditions on a contractor's license, as provided in s.  
12 93.06 (7) and (8). Cause may include any of the following:

13           (a) The contractor fails to comply with this chapter or a rule promulgated under  
14 this chapter.

15           (b) The contractor fails to comply with an order that the department issues  
16 under this chapter.

17           (c) The contractor fails to provide relevant information that the department  
18 requests under this chapter or falsifies information provided to the department.

19           (d) The contractor fails to file a financial statement, security, fees, or  
20 assessments required under this chapter, or fails to meet other requirements for  
21 licensing.

22           (e) The contractor fails to honor contract obligations to persons who are  
23 authorized to file default claims under s. 126.70 (1).

24           (f) The contractor fails to reimburse the department, within 60 days after the  
25 department issues a reimbursement demand under s. 126.73 (1), for the full amount

1 that the department pays to claimants under s. 126.72 (1) because of the contractor's  
2 default.

3 (g) The contractor fails to reimburse a bond surety, within 60 days after the  
4 bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount  
5 that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of  
6 claimants affected by the contractor's default.

7 (2) HEARING ON LICENSE ACTION; GENERAL. Except as provided in sub. (3), the  
8 department shall give a contractor notice and an opportunity for hearing before the  
9 department suspends, revokes, or imposes conditions on a license held by the  
10 contractor.

11 (3) SUMMARY ACTION. (a) The department may, without prior notice or hearing,  
12 summarily suspend, revoke, or impose conditions on a license held by a contractor  
13 if the department finds that summary action is necessary to prevent a clear and  
14 imminent threat of harm to persons protected under this chapter. Conditions  
15 indicating a clear and imminent threat of harm include those identified in s. 126.85  
16 (2).

17 (b) A contractor who is the subject of a summary action under par. (a) may,  
18 within 10 days after receiving notice of that action, request a hearing on the action.  
19 The department shall hold an informal hearing as soon as possible after receiving a  
20 hearing request, but not later than 10 days after receiving the hearing request,  
21 unless the contractor waives the informal hearing or agrees to hold it at a later date.  
22 If the matter is not resolved at the informal hearing, the department shall hold a  
23 contested case hearing under ch. 227 as soon as reasonably possible.

24 (c) A request for hearing under par. (b) does not automatically stay a summary  
25 action under par. (a). The department may stay a summary action pending hearing.

1           **126.87 Court actions. (1) INJUNCTION.** The department may petition the  
2 circuit court for an ex parte temporary restraining order, a temporary injunction, or  
3 a permanent injunction to prevent, restrain, or enjoin any person from violating this  
4 chapter, any rule promulgated under this chapter, or any order issued under this  
5 chapter. The department may seek this remedy in addition to any other penalty or  
6 remedy provided under this chapter.

7           **(2) PENALTIES.** (a) A person who violates this chapter, a rule promulgated under  
8 this chapter, or an order issued under this chapter is subject to a forfeiture of not less  
9 than \$250 nor more than \$5,000 for each violation.

10           (b) A person who intentionally violates this chapter, a rule promulgated under  
11 this chapter, or an order issued under this chapter may be fined not more than  
12 \$10,000 or imprisoned for not more than one year in the county jail or both.

13           **(4) PRIVATE REMEDY.** (a) A person whose claim is allowed under s. 126.70 may  
14 bring an action against the contractor to recover the amount of the allowed claim, less  
15 any recovery amount that the department pays to the claimant under s. 126.71. In  
16 any court action under this subsection, the claimant may recover costs including all  
17 reasonable attorney fees, notwithstanding s. 814.04 (1). This subsection does not  
18 limit any other legal cause of action that the claimant may have against the  
19 contractor.

20           (b) A claim allowed under s. 126.70 has the same priority in an insolvency  
21 proceeding or creditor's action as a claim for wages, except as otherwise provided by  
22 federal law.

23           **(5) COLLECTIONS.** The department may bring an action in court to recover any  
24 unpaid amount that a contractor owes the department under this chapter, including  
25 any unpaid fund assessment or reimbursement.

1           **126.88 Modifying fund assessments.** The department may by rule modify  
2 the fund assessments provided under s. 126.15, 126.30, 126.46, or 126.60. The  
3 department shall modify fund assessments as necessary to do all of the following:

4           **(1)** Maintain an overall fund balance of at least \$5,000,000 after January 1,  
5 2006, but not more than \$22,000,000 at any time.

6           **(2)** Maintain a fund balance attributable to grain dealers of at least \$1,000,000  
7 after January 1, 2006, but not more than \$6,000,000 at any time.

8           **(3)** Maintain a fund balance attributable to grain warehouse keepers of at least  
9 \$200,000 after January 1, 2006, but not more than \$1,000,000 at any time.

10           **(4)** Maintain a fund balance attributable to milk contractors of at least  
11 \$3,000,000 after January 1, 2006, but not more than \$12,000,000 at any time.

12           **(5)** Maintain a fund balance attributable to vegetable contractors of at least  
13 \$800,000 after January 1, 2006, but not more than \$3,000,000 at any time.

14           **126.89 Calculations.** If a number used in or resulting from a calculation made  
15 to determine the amount of an assessment under s. 126.15, 126.30, 126.46, or 126.60,  
16 other than a number that appears in one of those sections, extends more than 6  
17 decimal places to the right of the decimal point, a person making the calculation shall  
18 round the number to the nearest whole digit in the 6th decimal place to the right of  
19 the decimal point. The amount of an assessment may be rounded to the nearest  
20 whole dollar.

21           **126.90 Agricultural producer security council.** The agricultural producer  
22 security council shall advise the department on the administration and enforcement  
23 of this chapter. The council shall meet as often as the department considers  
24 necessary, but at least once annually. The department shall inform the council of

1 fund balances and payments, and shall consult with the council before modifying any  
2 license fee, license surcharge, or fund assessment under this chapter.

3 **SECTION 2814.** Chapter 127 of the statutes is repealed.”.

4 **1482.** Page 939, line 16: after that line insert:

5 “**SECTION 2812k.** 125.52 (2) of the statutes is amended to read:

6 125.52 (2) LIMITED MANUFACTURER'S PERMIT. The department shall issue a  
7 limited manufacturer's permit which authorizes the use or sale of the intoxicating  
8 liquor produced only if it is rendered unfit for use as a beverage and is used or sold  
9 for use as fuel. The department shall notify the department of ~~natural resources~~  
10 environmental management of the name and address of any person to whom a  
11 limited manufacturer's permit is issued.

12 **SECTION 2814e.** 134.60 of the statutes is amended to read:

13 **134.60 Cutting or transportation of evergreens.** No person may cut for  
14 sale in its natural condition and untrimmed, with or without roots, any evergreen or  
15 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another  
16 without the written consent of the owner, whether such land is publicly or privately  
17 owned. The written consent shall contain the legal description of the land where the  
18 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal  
19 owner. The written consent or a certified copy of the consent shall be carried by every  
20 person in charge of the cutting or removing of the trees, branches, boughs, bushes,  
21 saplings or shrubs, and shall be exhibited to any officer of the law, forest ranger,  
22 forest patrol officer, conservation warden, or other officer of the department of  
23 ~~natural resources~~ fish, wildlife, parks, and forestry at the officer's request at any  
24 time. The officer may inspect the trees, branches, boughs, bushes, saplings or shrubs

1 when being transported in any vehicle or other means of conveyance and may  
2 investigate to determine whether or not this section has been complied with. The  
3 officer may stop any vehicle or means of conveyance found carrying any trees,  
4 branches, boughs, bushes, saplings or shrubs upon any public highway of this state  
5 for the purpose of making such inspection and investigation, and may seize and hold,  
6 subject to the order of the court, any such trees, bushes, saplings or shrubs found  
7 being cut, removed or transported in violation of this section. No person may ship  
8 or transport any such trees, bushes, saplings or shrubs outside the county where they  
9 were cut unless the person attaches to the outside of each package, box, bale,  
10 truckload or carload shipped a tag or label on which appears the person's name and  
11 address. No common carrier or truck hauler may receive for shipment or  
12 transportation any such trees, bushes, saplings or shrubs unless the tag or label is  
13 attached. Any person who violates this section shall be fined not less than \$10 nor  
14 more than \$100. Any person who signs any such written consent or certified copy  
15 under this section who is not authorized to do so, and any person who lends or  
16 transfers or offers to lend or transfer any such written consent or certified copy to  
17 another person who is not entitled to use it, and any person not entitled to use any  
18 such written consent or certified copy, or who borrows, receives or solicits from  
19 another any such written consent or certified copy thereof shall be fined not less than  
20 \$100 nor more than \$500.”.

21 **1483.** Page 939, line 16: after that line insert:

22 “**SECTION 2814dd.** 127.01 (1r) of the statutes is amended to read:

23 127.01 (1r) “Audited financial statement” means a financial statement on  
24 which an independent certified public accountant, ~~or an independent public~~

1 accountant holding a certificate of authority licensed or certified under ch. 442, has  
2 expressed an opinion according to generally accepted accounting principles and has  
3 conducted an audit according to generally accepted auditing standards.

4 **SECTION 2814dh.** 127.01 (25m) (b) of the statutes is amended to read:

5 127.01 **(25m)** (b) The financial statement is reviewed according to generally  
6 accepted accounting principles by an independent certified public accountant ~~or an~~  
7 ~~independent public accountant who holds a certificate of authority~~ licensed or  
8 certified under ch. 442.

9 **SECTION 2814dp.** 127.06 (1) (e) of the statutes is amended to read:

10 127.06 **(1)** (e) The department may extend the filing deadline under par. (a) 2.  
11 by up to 30 days in response to a written request from a warehouse keeper or an  
12 independent certified public accountant, ~~or an independent public accountant~~  
13 ~~holding a certificate of authority~~ licensed or certified under ch. 442, that is auditing  
14 or reviewing the financial statement for a warehouse keeper if the department  
15 receives the request on or before the 5th day of the 4th month beginning after the  
16 close of the warehouse keeper's fiscal year and if the request states the reason for the  
17 extension.

18 **SECTION 2814dt.** 127.06 (1m) (e) of the statutes is amended to read:

19 127.06 **(1m)** (e) The department may extend the filing deadline under par. (b)  
20 2. by up to 30 days in response to a written request from a grain dealer or an  
21 independent certified public accountant, ~~or an independent public accountant who~~  
22 ~~holds a certificate of authority~~ licensed or certified under ch. 442, that is auditing or  
23 reviewing the financial statement for a grain dealer, if the department receives the  
24 written request on or before the 5th day of the 4th month beginning after the close  
25 of the grain dealer's fiscal year and if the request states the reason for the extension.”.







1           **SECTION 2836.** 137.05 (title) of the statutes is renumbered 137.25 (title) and  
2 amended to read:

3           **137.25 (title) Submission of written documents records to**  
4 **governmental units.**

5           **SECTION 2837.** 137.05 of the statutes is renumbered 137.25 (1) and amended  
6 to read:

7           137.25 (1) Unless otherwise ~~prohibited~~ provided by law, with the consent of a  
8 governmental unit of this state that is to receive a record, any ~~document~~ record that  
9 is required by law to be submitted in writing to a that governmental unit and that  
10 requires a written signature may be submitted ~~by transforming the document into~~  
11 as an electronic format, ~~but only with the consent of the governmental unit that is~~  
12 ~~to receive the document~~ record, and if submitted as an electronic record may  
13 incorporate an electronic signature.

14           **SECTION 2838.** 137.06 of the statutes is repealed.

15           **SECTION 2839.** 137.11 to 137.24 of the statutes are created to read:

16           **137.11 Definitions.** In this subchapter:

17           **(1)** “Agreement” means the bargain of the parties in fact, as found in their  
18 language or inferred from other circumstances and from rules, regulations, and  
19 procedures given the effect of agreements under laws otherwise applicable to a  
20 particular transaction.

21           **(2)** “Automated transaction” means a transaction conducted or performed, in  
22 whole or in part, by electronic means or by the use of electronic records, in which the  
23 acts or records of one or both parties are not reviewed by an individual in the ordinary  
24 course in forming a contract, performing under an existing contract, or fulfilling an  
25 obligation required by the transaction.

1           **(3)** “Computer program” means a set of statements or instructions to be used  
2 directly or indirectly in an information processing system in order to bring about a  
3 certain result.

4           **(4)** “Contract” means the total legal obligation resulting from the parties’  
5 agreement as affected by this subchapter and other applicable law.

6           **(5)** “Electronic” means relating to technology having electrical, digital,  
7 magnetic, wireless, optical, electromagnetic, or similar capabilities.

8           **(6)** “Electronic agent” means a computer program or an electronic or other  
9 automated means used independently to initiate an action or respond to electronic  
10 records or performances in whole or in part, without review or action by an  
11 individual.

12           **(7)** “Electronic record” means a record that is created, generated, sent,  
13 communicated, received, or stored by electronic means.

14           **(8)** “Electronic signature” means an electronic sound, symbol, or process  
15 attached to or logically associated with a record and executed or adopted by a person  
16 with the intent to sign the record.

17           **(9)** “Governmental unit” means:

18           (a) An agency, department, board, commission, office, authority, institution, or  
19 instrumentality of the federal government or of a state or of a political subdivision  
20 of a state or special purpose district within a state, regardless of the branch or  
21 branches of government in which it is located.

22           (b) A political subdivision of a state or special purpose district within a state.

23           (c) An association or society to which appropriations are made by law.

1           (d) Any body within one or more of the entities specified in pars. (a) to (c) that  
2 is created or authorized to be created by the constitution, by law, or by action of one  
3 or more of the entities specified in pars. (a) to (c).

4           (e) Any combination of any of the entities specified in pars. (a) to (d).

5           **(10)** “Information” means data, text, images, sounds, codes, computer  
6 programs, software, databases, or the like.

7           **(11)** “Information processing system” means an electronic system for creating,  
8 generating, sending, receiving, storing, displaying, or processing information.

9           **(12)** “Record” means information that is inscribed on a tangible medium or that  
10 is stored in an electronic or other medium and is retrievable in perceivable form.

11           **(13)** “Security procedure” means a procedure employed for the purpose of  
12 verifying that an electronic signature, record, or performance is that of a specific  
13 person or for detecting changes or errors in the information in an electronic record.  
14 The term includes a procedure that requires the use of algorithms or other codes,  
15 identifying words or numbers, encryption, callback, or other acknowledgment  
16 procedures.

17           **(14)** “State” means a state of the United States, the District of Columbia,  
18 Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject  
19 to the jurisdiction of the United States. The term includes an Indian tribe or band,  
20 or Alaskan native village, which is recognized by federal law or formally  
21 acknowledged by a state.

22           **(15)** “Transaction” means an action or set of actions occurring between 2 or  
23 more persons relating to the conduct of business, commercial, or governmental  
24 affairs.

1           **137.12 Application. (1)** Except as otherwise provided in sub. (2) and except  
2 in ss. 137.25 and 137.26, this subchapter applies to electronic records and electronic  
3 signatures relating to a transaction.

4           **(2)** Except as otherwise provided in sub. (3), this subchapter does not apply to  
5 a transaction to the extent it is governed by:

6           (a) Any law governing the execution of wills or the creation of testamentary  
7 trusts; or

8           (b) Chapters 401 and 403 to 410, other than ss. 401.107 and 401.206.

9           **(3)** This subchapter applies to an electronic record or electronic signature  
10 otherwise excluded from the application of this subchapter under sub. (2) to the  
11 extent it is governed by a law other than those specified in sub. (2).

12           **(4)** A transaction subject to this subchapter is also subject to other applicable  
13 substantive law.

14           **(5)** This subchapter applies to the state of Wisconsin, unless otherwise  
15 expressly provided.

16           **137.13 Use of electronic records and electronic signatures; variation**  
17 **by agreement. (1)** This subchapter does not require a record or signature to be  
18 created, generated, sent, communicated, received, stored, or otherwise processed or  
19 used by electronic means or in electronic form.

20           **(2)** This subchapter applies only to transactions between parties each of which  
21 has agreed to conduct transactions by electronic means. Whether the parties agree  
22 to conduct a transaction by electronic means is determined from the context and  
23 surrounding circumstances, including the parties' conduct.

1           **(3)** A party that agrees to conduct a transaction by electronic means may refuse  
2 to conduct other transactions by electronic means. The right granted by this  
3 subsection may not be waived by agreement.

4           **(4)** Except as otherwise provided in this subchapter, the effect of any provision  
5 of this subchapter may be varied by agreement. Use of the words “unless otherwise  
6 agreed,” or words of similar import, in this subchapter shall not be interpreted to  
7 preclude other provisions of this subchapter from being varied by agreement.

8           **(5)** Whether an electronic record or electronic signature has legal consequences  
9 is determined by this subchapter and other applicable law.

10           **137.14 Construction.** This subchapter shall be construed and applied:

11           **(1)** To facilitate electronic transactions consistent with other applicable law;

12           **(2)** To be consistent with reasonable practices concerning electronic  
13 transactions and with the continued expansion of those practices; and

14           **(3)** To effectuate its general purpose to make uniform the law with respect to  
15 the subject of this subchapter among states enacting laws substantially similar to  
16 the Uniform Electronic Transactions Act as approved and recommended by the  
17 National Conference of Commissioners on Uniform State Laws in 1999.

18           **137.15 Legal recognition of electronic records, electronic signatures,**  
19 **and electronic contracts.** **(1)** A record or signature may not be denied legal effect  
20 or enforceability solely because it is in electronic form.

21           **(2)** A contract may not be denied legal effect or enforceability solely because an  
22 electronic record was used in its formation.

23           **(3)** If a law requires a record to be in writing, an electronic record satisfies that  
24 requirement in that law.

1           **(4)** If a law requires a signature, an electronic signature satisfies that  
2 requirement in that law.

3           **137.16 Provision of information in writing; presentation of records.**

4           **(1)** If parties have agreed to conduct a transaction by electronic means and a law  
5 requires a person to provide, send, or deliver information in writing to another  
6 person, a party may satisfy the requirement with respect to that transaction if the  
7 information is provided, sent, or delivered, as the case may be, in an electronic record  
8 capable of retention by the recipient at the time of receipt. An electronic record is not  
9 capable of retention by the recipient if the sender or its information processing  
10 system inhibits the ability of the recipient to print or store the electronic record.

11           **(2)** If a law other than this subchapter requires a record to be posted or  
12 displayed in a certain manner, to be sent, communicated, or transmitted by a  
13 specified method, or to contain information that is formatted in a certain manner,  
14 then:

15           (a) The record shall be posted or displayed in the manner specified in the other  
16 law.

17           (b) Except as otherwise provided in sub. (4) (b), the record shall be sent,  
18 communicated, or transmitted by the method specified in the other law.

19           (c) The record shall contain the information formatted in the manner specified  
20 in the other law.

21           **(3)** If a sender inhibits the ability of a recipient to store or print an electronic  
22 record, the electronic record is not enforceable against the recipient.

23           **(4)** The requirements of this section may not be varied by agreement, but:

24           (a) To the extent a law other than this subchapter requires information to be  
25 provided, sent, or delivered in writing but permits that requirement to be varied by

1 agreement, the requirement under sub. (1) that the information be in the form of an  
2 electronic record capable of retention may also be varied by agreement; and

3 (b) A requirement under a law other than this subchapter to send,  
4 communicate, or transmit a record by 1st-class or regular mail or with postage  
5 prepaid may be varied by agreement to the extent permitted by the other law.

6 **137.17 Attribution and effect of electronic records and electronic**  
7 **signatures. (1)** An electronic record or electronic signature is attributable to a  
8 person if the electronic record or electronic signature was created by the act of the  
9 person. The act of the person may be shown in any manner, including a showing of  
10 the efficacy of any security procedure applied to determine the person to which the  
11 electronic record or electronic signature was attributable.

12 (2) The effect of an electronic record or electronic signature that is attributed  
13 to a person under sub. (1) is determined from the context and surrounding  
14 circumstances at the time of its creation, execution, or adoption, including the  
15 parties' agreement, if any, and otherwise as provided by law.

16 **137.18 Effect of change or error. (1)** If a change or error in an electronic  
17 record occurs in a transmission between parties to a transaction, then:

18 (a) If the parties have agreed to use a security procedure to detect changes or  
19 errors and one party has conformed to the procedure, but the other party has not, and  
20 the nonconforming party would have detected the change or error had that party also  
21 conformed, the conforming party may avoid the effect of the changed or erroneous  
22 electronic record.

23 (b) In an automated transaction involving an individual, the individual may  
24 avoid the effect of an electronic record that resulted from an error made by the  
25 individual in dealing with the electronic agent of another person if the electronic



1 agent did not provide an opportunity for the prevention or correction of the error and,  
2 at the time the individual learns of the error, the individual:

3 1. Promptly notifies the other person of the error and that the individual did  
4 not intend to be bound by the electronic record received by the other person;

5 2. Takes reasonable steps, including steps that conform to the other person's  
6 reasonable instructions, to return to the other person or, if instructed by the other  
7 person, to destroy the consideration received, if any, as a result of the erroneous  
8 electronic record; and

9 3. Has not used or received any benefit or value from the consideration, if any,  
10 received from the other person.

11 **(2)** If neither sub. (1) (a) nor (b) applies, the change or error has the effect  
12 provided by other law, including the law of mistake, and the parties' contract, if any.

13 **(3)** Subsections (1) (b) and (2) may not be varied by agreement.

14 **137.19 Notarization and acknowledgement.** If a law requires a signature  
15 or record to be notarized, acknowledged, verified, or made under oath, the  
16 requirement is satisfied if the electronic signature of the person authorized to  
17 administer the oath or to make the notarization, acknowledgment, or verification,  
18 together with all other information required to be included by other applicable law,  
19 is attached to or logically associated with the signature or record.

20 **137.20 Retention of electronic records; originals.** **(1)** If a law requires  
21 that a record be retained, the requirement is satisfied by retaining the information  
22 set forth in the record as an electronic record which:

23 (a) Accurately reflects the information set forth in the record after it was first  
24 generated in its final form as an electronic record or otherwise; and

25 (b) Remains accessible for later reference.

1           **(2)** A requirement to retain a record in accordance with sub. (1) does not apply  
2 to any information the sole purpose of which is to enable the record to be sent,  
3 communicated, or received.

4           **(3)** A person may comply with sub. (1) by using the services of another person  
5 if the requirements of that subsection are satisfied.

6           **(4)** Except as provided in sub. (6), if a law requires a record to be presented or  
7 retained in its original form, or provides consequences if the record is not presented  
8 or retained in its original form, a person may comply with that law by using an  
9 electronic record that is retained in accordance with sub. (1).

10           **(5)** If a law requires retention of a check, that requirement is satisfied by  
11 retention of an electronic record containing the information on the front and back of  
12 the check in accordance with sub. (1).

13           **(6)** A record retained as an electronic record in accordance with sub. (1)  
14 satisfies a law requiring a person to retain a record for evidentiary, audit, or like  
15 purposes, unless a law enacted after the effective date of this subsection .... [revisor  
16 inserts date], specifically prohibits the use of an electronic record for the specified  
17 purpose.

18           **(7)** This section does not preclude a governmental unit of this state from  
19 specifying additional requirements for the retention of any record subject to the  
20 jurisdiction of that governmental unit.

21           **137.21 Admissibility in evidence.** In a proceeding, a record or signature  
22 may not be excluded as evidence solely because it is in electronic form.

23           **137.22 Automated transactions.** In an automated transaction:

1           **(1)** A contract may be formed by the interaction of electronic agents of the  
2 parties, even if no individual was aware of or reviewed the electronic agent's actions  
3 or the resulting terms and agreements.

4           **(2)** A contract may be formed by the interaction of an electronic agent and an  
5 individual, acting on the individual's own behalf or for another person, including by  
6 an interaction in which the individual performs actions that the individual is free to  
7 refuse to perform and which the individual knows or has reason to know will cause  
8 the electronic agent to complete the transaction or performance.

9           **(3)** The terms of a contract under sub. (1) or (2) are governed by the substantive  
10 law applicable to the contract.

11           **137.23 Time and place of sending and receipt. (1)** Unless otherwise  
12 agreed between the sender and the recipient, an electronic record is sent when it:

13           (a) Is addressed properly or otherwise directed properly to an information  
14 processing system that the recipient has designated or uses for the purpose of  
15 receiving electronic records or information of the type sent and from which the  
16 recipient is able to retrieve the electronic record;

17           (b) Is in a form capable of being processed by that system; and

18           (c) Enters an information processing system outside the control of the sender  
19 or of a person that sent the electronic record on behalf of the sender or enters a region  
20 of the information processing system designated or used by the recipient which is  
21 under the control of the recipient.

22           **(2)** Unless otherwise agreed between a sender and the recipient, an electronic  
23 record is received when:

24           (a) It enters an information processing system that the recipient has  
25 designated or uses for the purpose of receiving electronic records or information of

1 the type sent and from which the recipient is able to retrieve the electronic record;  
2 and

3 (b) It is in a form capable of being processed by that system.

4 (3) Subsection (2) applies even if the place where the information processing  
5 system is located is different from the place where the electronic record is deemed  
6 to be received under sub. (4).

7 (4) Unless otherwise expressly provided in the electronic record or agreed  
8 between the sender and the recipient, an electronic record is deemed to be sent from  
9 the sender's place of business and to be received at the recipient's place of business.  
10 For purposes of this subsection:

11 (a) If the sender or recipient has more than one place of business, the place of  
12 business of that person is the place having the closest relationship to the underlying  
13 transaction.

14 (b) If the sender or the recipient does not have a place of business, the place of  
15 business is the sender's or recipient's residence, as the case may be.

16 (5) An electronic record is received under sub. (2) even if no individual is aware  
17 of its receipt.

18 (6) Receipt of an electronic acknowledgment from an information processing  
19 system described in sub. (2) establishes that a record was received but, by itself, does  
20 not establish that the content sent corresponds to the content received.

21 (7) If a person is aware that an electronic record purportedly sent under sub.  
22 (1), or purportedly received under sub. (2), was not actually sent or received, the legal  
23 effect of the sending or receipt is determined by other applicable law. Except to the  
24 extent permitted by the other law, the requirements of this subsection may not be  
25 varied by agreement.

1           **137.24 Transferable records. (1)** In this section, “transferable record”  
2 means an electronic record that would be a note under ch. 403 or a record under ch.  
3 407 if the electronic record were in writing.

4           **(1m)** An electronic record qualifies as a transferable record under this section  
5 only if the issuer of the electronic record expressly has agreed that the electronic  
6 record is a transferable record.

7           **(2)** A person has control of a transferable record if a system employed for  
8 evidencing the transfer of interests in the transferable record reliably establishes  
9 that person as the person to which the transferable record was issued or transferred.

10           **(3)** A system satisfies the requirements of sub. (2), and a person is deemed to  
11 have control of a transferable record, if the transferable record is created, stored, and  
12 assigned in such a manner that:

13           (a) A single authoritative copy of the transferable record exists which is unique,  
14 identifiable, and, except as otherwise provided in pars. (d) to (f), unalterable;

15           (b) The authoritative copy identifies the person asserting control as the person  
16 to which the transferable record was issued or, if the authoritative copy indicates  
17 that the transferable record has been transferred, the person to which the  
18 transferable record was most recently transferred;

19           (c) The authoritative copy is communicated to and maintained by the person  
20 asserting control or its designated custodian;

21           (d) Copies or revisions that add or change an identified assignee of the  
22 authoritative copy can be made only with the consent of the person asserting control;

23           (e) Each copy of the authoritative copy and any copy of a copy is readily  
24 identifiable as a copy that is not the authoritative copy; and

1 (f) Any revision of the authoritative copy is readily identifiable as authorized  
2 or unauthorized.

3 (4) Except as otherwise agreed, a person having control of a transferable record  
4 is the holder, as defined in s. 401.201 (20), of the transferable record and has the same  
5 rights and defenses as a holder of an equivalent record or writing under chs. 401 to  
6 411, including, if the applicable statutory requirements under s. 403.302 (1),  
7 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course,  
8 a holder to which a negotiable record of title has been duly negotiated, or a purchaser,  
9 respectively. Delivery, possession, and endorsement are not required to obtain or  
10 exercise any of the rights under this subsection.

11 (5) Except as otherwise agreed, an obligor under a transferable record has the  
12 same rights and defenses as an equivalent obligor under equivalent records or  
13 writings under chs. 401 to 411.

14 (6) If requested by a person against which enforcement is sought, the person  
15 seeking to enforce the transferable record shall provide reasonable proof that the  
16 person is in control of the transferable record. Proof may include access to the  
17 authoritative copy of the transferable record and related business records sufficient  
18 to review the terms of the transferable record and to establish the identity of the  
19 person having control of the transferable record.

20 **SECTION 2840.** 137.25 (2) of the statutes is created to read:

21 137.25 (2) (a) The department of administration shall promulgate rules  
22 concerning the use of electronic records and electronic signatures by governmental  
23 units, which shall govern the use of electronic records or signatures by governmental  
24 units, unless otherwise provided by law.

1 (b) The department of administration and the secretary of state shall jointly  
2 promulgate rules establishing requirements that, unless otherwise provided by law,  
3 a notary public must satisfy in order to use an electronic signature for any  
4 attestation. The joint rules shall be numbered as rules of each agency in the  
5 Wisconsin Administrative Code.

6 **SECTION 2841.** 137.26 of the statutes is created to read:

7 **137.26 Interoperability.** If a governmental unit of this state adopts  
8 standards regarding its receipt of electronic records or electronic signatures under  
9 s. 137.25, the governmental unit shall promote consistency and interoperability with  
10 similar standards adopted by other governmental units of this state and other states  
11 and the federal government and nongovernmental persons interacting with  
12 governmental units of this state. Any standards so adopted may include alternative  
13 provisions if warranted to meet particular applications.”.

14 **1488.** Page 942, line 9: after that line insert:

15 “**SECTION 2841m.** 139.03 (5) (b) 2. of the statutes is amended to read:

16 139.03 (5) (b) 2. A person who is a member of the national guard, the U. S.  
17 armed forces or a reserve component of the U. S. armed forces; who is a state resident;  
18 and who leaves a foreign country, after spending at least 48 hours in that foreign  
19 country on duty or for training, with the purpose of entering into this state may bring  
20 into the state, in sealed original containers and in the person’s immediate possession,  
21 intoxicating liquor and wine in an aggregate amount not exceeding 6 16 liters  
22 without paying the tax imposed under this subchapter on that amount.”.

23 **1489.** Page 942, line 14: delete lines 14 to 19.

24 **1490.** Page 943, line 24: after that line insert:

1           “**SECTION 2845p.** 139.32 (5) of the statutes is amended to read:

2           139.32 (5) Manufacturers and distributors having a permit from the secretary  
3 shall receive a discount of 1.6% of the tax, except that, for a tax rate greater than 29.5  
4 mills under s. 139.31 (1) (a) or greater than 59 mills under s. 139.31 (1) (b),  
5 manufacturers and distributors having a permit from the secretary shall receive a  
6 discount of 2% of the tax.”.

7           **1491.** Page 944, line 15: delete the material beginning with that line and  
8 ending on page 945, line 8.

9           **1492.** Page 945, line 8: after that line insert:

10          “**SECTION 2848q.** 145.245 (3) of the statutes is amended to read:

11          145.245 (3) MAINTENANCE. The department shall establish a maintenance  
12 program to be administered by governmental units. The maintenance program is  
13 applicable to all new or replacement private sewage systems constructed in a  
14 governmental unit after the date on which the governmental unit adopts this  
15 program. The maintenance program shall include a requirement of inspection or  
16 pumping of the private sewage system at least once every 3 years. Inspections may  
17 be conducted by a master plumber, journeyman plumber or restricted plumber  
18 licensed under this chapter, a person licensed under s. 281.48 or by an employee of  
19 the state or governmental unit designated by the department. The department of  
20 ~~natural resources~~ environmental management may suspend or revoke a license  
21 issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the operator of a  
22 septage servicing vehicle if the department of ~~natural resources~~ environmental  
23 management finds that the licensee or operator falsified information on inspection  
24 forms. The department of commerce may suspend or revoke the license of a plumber



1 licensed under this chapter if the department finds that the plumber falsified  
2 information on inspection forms.”.

3 **1493.** Page 945, line 25: after that line insert:

4 “SECTION **2848sb.** 146.343 of the statutes is created to read:

5 **146.343 Use of human fetal body part, embryos, embryonic stem cells**  
6 **and embryonic stem cell lines for research prohibited. (1)** In this section:

7 (a) “Embryo” means a human being from the point of fertilization, including the  
8 single–cell state, until approximately the end of the 2nd month.

9 (b) “Embryonic stem cell” means a totipotent or pluripotent cell of the human  
10 body that is derived from an embryo.

11 (c) “Embryonic stem cell line” means embryonic stem cells that are capable of  
12 prolonged proliferation in culture as totipotent or pluripotent embryonic stem cells.

13 (d) “Fetal body part” means a cell, tissue, organ, or other part of a human being  
14 after fertilization who is aborted by an induced abortion.

15 (e) “Pluripotent” means capable of giving rise to most tissues of a human  
16 organism.

17 (f) “Totipotent” means having the capacity to specialize into human  
18 extraembryonic membranes and tissues, the human embryo, and all postembryonic  
19 human tissues and organs.

20 **(2)** Except as provided in sub. (3), no person may knowingly use a fetal body  
21 part, an embryo, an embryonic stem cell, or an embryonic stem cell line for purposes  
22 of research.

1           **(3)** A person may, at any time, use, for research purposes, an embryonic stem  
2 cell or an embryonic stem cell line that exists before January 1, 2002, or an embryonic  
3 stem cell line derived from an embryonic stem cell that exists before January 1, 2002.

4           **(4)** Any person who violates this section may be fined not more than \$50,000  
5 or imprisoned for not more than 7 years and 6 months, or both.”.

6           **1494.** Page 946, line 6: after that line insert:

7           “**SECTION 2850ag.** 146.60 (1) (c) of the statutes is amended to read:

8           146.60 **(1)** (c) “Departments” means the department of agriculture, trade and  
9 consumer protection and the department of ~~natural resources~~ environmental  
10 management.

11           **SECTION 2850ah.** 146.60 (2) (a) of the statutes is amended to read:

12           146.60 **(2)** (a) The department of ~~natural resources~~ environmental  
13 management shall be the reviewing department for any regulated release subject to  
14 15 USC 2601 to 2629.

15           **SECTION 2850ai.** 146.60 (3) (c) 1. of the statutes is amended to read:

16           146.60 **(3)** (c) 1. If the department of ~~natural resources~~ environmental  
17 management receives information under this subsection or sub. (4) (c), it shall  
18 provide the department of agriculture, trade and consumer protection with a copy of  
19 the information.

20           **SECTION 2850aj.** 146.60 (3) (c) 2. of the statutes is amended to read:

21           146.60 **(3)** (c) 2. If the department of agriculture, trade and consumer  
22 protection receives information under this subsection or sub. (4) (c), it shall provide  
23 the department of ~~natural resources~~ environmental management with a copy of the  
24 information.

1           **SECTION 2850ak.** 146.60 (5) of the statutes is amended to read:

2           146.60 (5) MEMORANDUM OF UNDERSTANDING. Within 6 months after June 13,  
3           1989, the department of ~~natural resources~~ environmental management shall enter  
4           into a memorandum of understanding with the department of agriculture, trade and  
5           consumer protection setting forth the procedures and responsibilities of the  
6           departments in the administration of this section. The memorandum shall establish  
7           procedures that minimize the duplication of effort between the departments and for  
8           the person providing information under sub. (3).”.

9           **1495.** Page 946, line 6: after that line insert:

10           “**SECTION 2850ag.** 146.56 (1) of the statutes is amended to read:

11           146.56 (1) Not later than July 1, 2002, the department shall develop and  
12           implement a statewide trauma care system. The department shall seek the advice  
13           of the statewide trauma advisory council under s. 15.197 (25) in developing and  
14           implementing the system, and, as part of the system, shall develop regional trauma  
15           advisory councils.

16           **SECTION 2850ah.** 146.56 (2) of the statutes is amended to read:

17           146.56 (2) The department shall promulgate rules to develop and implement  
18           the system. The rules shall include a method by which to classify all hospitals as to  
19           their respective emergency care capabilities. The classification rule shall be based  
20           on standards developed by the American College of Surgeons. Within 180 days after  
21           promulgation of the classification rule, and every ~~4~~ 3 years thereafter, each hospital  
22           shall certify to the department the classification level of trauma care services that  
23           is provided by the hospital, based on the rule. The department may require a hospital  
24           to document the basis for its certification. The department may not direct a hospital

1 to establish a certain level of certification. Confidential injury data that is collected  
2 under this subsection shall be used for confidential review relating to performance  
3 improvements in the trauma care system, and may be used for no other purpose.”.

4 **1496.** Page 946, line 7: delete lines 7 to 13.

5 **1497.** Page 946, line 13: after that line insert:

6 “**SECTION 2850bm.** 148.19 (2) of the statutes is amended to read:

7 148.19 (2) Legal counsel, certified public accountants licensed or certified  
8 under ch. 442, or other persons as to matters the director or officer believes in good  
9 faith are within the person’s professional or expert competence.”.

10 **1498.** Page 957, line 3: after that line insert:

11 “**SECTION 2852ag.** 154.03 (1) (intro.) of the statutes is amended to read:

12 154.03 (1) Any person of sound mind and 18 years of age or older may at any  
13 time voluntarily execute a declaration, which shall take effect on the date of  
14 execution, authorizing the withholding or withdrawal of life–sustaining procedures  
15 or of feeding tubes when the person is in a terminal condition or is in a persistent  
16 vegetative state. A declarant may not authorize the withholding or withdrawal of  
17 any medication, life–sustaining procedure, or feeding tube if the declarant’s  
18 attending physician advises that, in his or her professional judgment, the  
19 withholding or withdrawal will cause the declarant pain or reduce the declarant’s  
20 comfort and the pain or discomfort cannot be alleviated through pain relief  
21 measures. A declarant may not authorize the withholding or withdrawal of nutrition  
22 or hydration that is administered or otherwise received by the declarant through  
23 means other than a feeding tube unless the declarant’s attending physician advises  
24 that, in his or her professional judgment, the administration is medically

1       contraindicated. A declaration must be signed by the declarant in the presence of 2  
2       witnesses. If the declarant is physically unable to sign a declaration, the declaration  
3       must be signed in the declarant’s name by one of the witnesses or some other person  
4       at the declarant’s express direction and in his or her presence; such a proxy signing  
5       shall either take place or be acknowledged by the declarant in the presence of 2  
6       witnesses. The declarant is responsible for notifying his or her attending physician  
7       of the existence of the declaration. An attending physician who is so notified shall  
8       review the declaration and, if the physician intends to invoke his or her rights under  
9       s. 253.09, inform the declarant orally and in writing of that intent and of the  
10      physician’s concerns, if any, about the declaration. An attending physician who is so  
11      notified shall also make the declaration a part of the declarant’s medical records. No  
12      witness to the execution of the declaration may, at the time of the execution, be any  
13      of the following:

14           **SECTION 2852aj.** 155.60 (3) of the statutes is amended to read:

15           155.60 **(3)** Upon receipt of a power of attorney for health care instrument or a  
16      statement of incapacity under s. 155.05 (2), a health care facility or health care  
17      provider shall acknowledge this receipt in writing and, if the principal is a patient  
18      of the health care provider, the health care provider shall include the instrument or  
19      the statement in the medical record of the principal. In addition, if the health care  
20      provider is a physician and the principal is a patient of the physician, the physician  
21      shall review the instrument or statement and, if the physician intends to invoke his  
22      or her rights under s. 253.09, inform the principal orally and in writing of that intent  
23      and of the physician’s concerns, if any, about the instrument or statement.”.

1           **1499.** Page 957, line 4: delete the material beginning with that line and  
2 ending with page 958, line 19.

3           **1500.** Page 958, line 24: after that line insert:

4           “**SECTION 2853r.** 165.017 (1) of the statutes is repealed.

5           **SECTION 2853s.** 165.017 (2) of the statutes is amended to read:

6           165.017 (2) The attorney general or his or her designee shall review and  
7 approve or disapprove all proposed petitions ~~or petitions~~ for commitment of  
8 individuals as specified under s. 51.20 (1) (ad) 1.

9           **SECTION 2853t.** 165.017 (3) of the statutes is repealed.

10          **SECTION 2853u.** 165.017 (5) of the statutes is repealed.”.

11          **1501.** Page 958, line 24: after that line insert:

12          “**SECTION 2853g.** 160.001 (6) of the statutes is amended to read:

13          160.001 (6) Where necessary to comply with federal statutes or regulations, the  
14 department of natural resources environmental management may adopt rules in  
15 regulatory programs administered by it which are more stringent than the  
16 enforcement standards and preventive action limits adopted under this chapter.

17          **SECTION 2853h.** 160.001 (7) of the statutes is amended to read:

18          160.001 (7) A regulatory agency may take any actions within the context of  
19 regulatory programs established in statutes outside of this chapter, if those actions  
20 are necessary to protect public health and welfare or prevent a significant damaging  
21 effect on groundwater or surface water quality for present or future consumptive or  
22 nonconsumptive uses, whether or not an enforcement standard and preventive  
23 action limit for a substance has been adopted under this chapter. Nothing in this  
24 chapter requires the department of health and family services or the department of

1 ~~natural resources~~ environmental management to establish an enforcement  
2 standard for a substance if a federal number or state drinking water standard has  
3 not been adopted for the substance and if there is not sufficient scientific information  
4 to establish the standard.

5 **SECTION 2853i.** 160.01 (1) of the statutes is amended to read:

6 160.01 (1) “~~Department~~”, “Department.” when used without qualification,  
7 means the department of ~~natural resources~~ environmental management.

8 **SECTION 2853j.** 160.01 (7) of the statutes is amended to read:

9 160.01 (7) “Regulatory agency” means the department of agriculture, trade and  
10 consumer protection, the department of commerce, the department of environmental  
11 management, the department of transportation, the department of ~~natural~~  
12 ~~resources~~ fish, wildlife, parks, and forestry and other state agencies which that  
13 regulate activities, facilities, or practices which that are related to substances which  
14 that have been detected in or have a reasonable probability of entering the  
15 groundwater resources of the state.

16 **SECTION 2853L.** 160.07 (5) of the statutes is amended to read:

17 160.07 (5) Within 9 months after transmitting the name of a substance to the  
18 department of health and family services under sub. (2), the department of ~~natural~~  
19 ~~resources~~ environmental management shall propose rules establishing the  
20 recommendation of the department of health and family services as the enforcement  
21 standard for that substance and publish the notice required under s. 227.16 (2) (e),  
22 227.17, or 227.24 (3).

23 **SECTION 2853n.** 160.07 (6) of the statutes is amended to read:

24 160.07 (6) If a federal number is established or changed for a substance after  
25 an enforcement standard is recommended by the department of health and family

1 services, and if any person or regulatory agency submits a request, the department  
2 of ~~natural resources~~ environmental management shall determine whether the  
3 enforcement standard needs revision based on recommendations under sub. (4).

4 **SECTION 2853q.** 160.13 (2) (b) 4. of the statutes is amended to read:

5 160.13 (2) (b) 4. If no acceptable daily intake or equivalent value for an oncogen  
6 is established by the federal environmental protection agency, or if an acceptable  
7 daily intake is established but oncogenic potential at the established acceptable daily  
8 intake presents an unacceptable probability of risk, the department shall provide the  
9 department of ~~natural resources~~ environmental management with an evaluation of  
10 the oncogenic potential of the substance. This evaluation of oncogenic potential shall  
11 indicate an acceptable daily intake for the substance which, if ingested daily over an  
12 entire human lifetime, appears to present an acceptable probability of risk which  
13 that is presumed to be a risk level equal to a ratio of one to 1,000,000. A risk level  
14 equal to a ratio of one to 1,000,000 is the expectation that no more than one excess  
15 death will occur in a population of 1,000,000 over a 70–year period. The department  
16 shall base the evaluation of oncogenic potential on a review of the most recent and  
17 scientifically valid information available.”.

18 **1502.** Page 959, line 1: delete lines 1 to 7.

19 **1503.** Page 959, line 7: after that line insert:

20 **SECTION 2854w.** 165.25 (4) (a) of the statutes is amended to read:

21 165.25 (4) (a) The department of justice shall furnish all legal services required  
22 by the investment board, the lottery division in the department of revenue, the public  
23 service commission, the department of transportation, the department of natural  
24 resources, the department of environmental management, the department of



1 tourism and the department of employee trust funds, together with any other  
2 services, including stenographic and investigational, as are necessarily connected  
3 with the legal work.”.

4 **1504.** Page 959, line 9: delete lines 9 and 10 and substitute:

5 “165.25 (4) (ar) The At the request of the department of agriculture, trade and  
6 consumer protection, the department of justice ~~shall~~ may furnish all legal services  
7 required ~~by~~ to the department of agriculture, trade and consumer protection  
8 relating”.

9 **1505.** Page 959, line 14: after that line insert:

10 “**SECTION 2856b.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin  
11 Act .... (this act), is amended to read:

12 165.25 (4) (ar) The department of justice shall furnish all legal services  
13 required by the department of agriculture, trade and consumer protection relating  
14 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
15 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50  
16 and 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services  
17 as are necessarily connected to the legal services.”.

18 **1506.** Page 959, line 14: after that line insert:

19 “**SECTION 2856c.** 165.25 (6) (e) of the statutes is amended to read:

20 165.25 (6) (e) The department of justice may appear for and defend the state  
21 or any state department, agency, official or employee in any civil action arising out  
22 of or relating to the assessment or collection of costs concerning environmental  
23 cleanup or natural resources damages including actions brought under 42 USC 9607.  
24 The action may be compromised and settled in the same manner as provided in par.

1 (a). At the request of the department of ~~natural resources~~ environmental  
2 management, the department of justice may provide legal representation to the state  
3 or to the department of ~~natural resources~~ environmental management in the same  
4 matter in which the department of justice provides defense counsel, if the attorneys  
5 representing those interests are assigned from different organizational units within  
6 the department of justice. This paragraph may not be construed as a consent to sue  
7 the state or any department, agency, official or employee of the state or as a waiver  
8 of sovereign immunity.”.

9 **1507.** Page 959, line 24: after that line insert:

10 “SECTION **2857g.** 165.72 (title) of the statutes is amended to read:

11 **165.72** (title) **Controlled Dangerous weapons in public schools and**  
12 **controlled substances hotline and rewards for controlled substances tips.**

13 SECTION **2857h.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

14 SECTION **2857i.** 165.72 (1) (ad) of the statutes is created to read:

15 165.72 (1) (ad) “Dangerous weapon” has the meaning given in s. 939.22 (10).

16 SECTION **2857j.** 165.72 (2) (intro.) of the statutes is amended to read:

17 165.72 (2) HOTLINE. (intro.) The department of justice shall maintain a single  
18 toll-free telephone number during normal retail business hours, as determined by  
19 departmental rule, for ~~both~~ all of the following:

20 SECTION **2857k.** 165.72 (2) (c) of the statutes is created to read:

21 165.72 (2) (c) For persons to provide information anonymously regarding  
22 dangerous weapons in public schools.

23 SECTION **2857L.** 165.72 (2g) of the statutes is created to read:

1           **165.72 (2g)** AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS  
2           IN PUBLIC SCHOOLS. If a call is made after normal retail business hours to the  
3           telephone number maintained under sub. (2), the department of justice shall provide  
4           for the call to be received by a telephone answering system or service. The telephone  
5           answering system or service shall provide a message that requests the person calling  
6           to call the telephone number “911” or a local law enforcement agency, if the person  
7           is calling to provide information regarding dangerous weapons in a public school.

8           **SECTION 2857m.** 165.72 (2m) of the statutes is created to read:

9           **165.72 (2m)** TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN  
10          PUBLIC SCHOOLS. Immediately upon receiving any information under sub. (2) (c)  
11          regarding dangerous weapons in a public school, or immediately at the beginning of  
12          the next retail business day if the information is not received during normal retail  
13          business hours, the department of justice shall provide the information to all of the  
14          following:

15               (a) The administration of the public school.

16               (b) The appropriate law enforcement agency, as defined in s. 165.83 (1) (b), for  
17          the municipality in which the public school is located.”.

18          **1508.** Page 960, line 10: after that line insert:

19          **“SECTION 2858p.** 165.85 (4) (b) 1. of the statutes is amended to read:

20               **165.85 (4) (b) 1.** No person may be appointed as a law enforcement or tribal law  
21          enforcement officer, except on a temporary or probationary basis, unless the person  
22          has satisfactorily completed a preparatory program of law enforcement training  
23          approved by the board and has been certified by the board as being qualified to be  
24          a law enforcement or tribal law enforcement officer. The program shall include 400

1 hours of training, except the program for law enforcement officers who serve as  
2 rangers for the department of ~~natural resources~~ fish, wildlife, parks, and forestry  
3 includes 240 hours of training. The board shall promulgate a rule under ch. 227  
4 providing a specific curriculum for a 400-hour conventional program and a 240-hour  
5 ranger program. The rule shall ensure that there is an adequate amount of training  
6 for each program to enable the person to deal effectively with domestic abuse  
7 incidents. The training under this subdivision shall include training on emergency  
8 detention standards and procedures under s. 51.15, emergency protective placement  
9 standards and procedures under s. 55.06 (11) and information on mental health and  
10 developmental disabilities agencies and other resources that may be available to  
11 assist the officer in interpreting the emergency detention and emergency protective  
12 placement standards, making emergency detentions and emergency protective  
13 placements and locating appropriate facilities for the emergency detentions and  
14 emergency protective placements of persons. The training under this subdivision  
15 shall include training on police pursuit standards, guidelines and driving techniques  
16 established under par. (cm) 2. b. The period of temporary or probationary  
17 employment established at the time of initial employment shall not be extended by  
18 more than one year for an officer lacking the training qualifications required by the  
19 board. The total period during which a person may serve as a law enforcement and  
20 tribal law enforcement officer on a temporary or probationary basis without  
21 completing a preparatory program of law enforcement training approved by the  
22 board shall not exceed 2 years, except that the board shall permit part-time law  
23 enforcement and tribal law enforcement officers to serve on a temporary or  
24 probationary basis without completing a program of law enforcement training  
25 approved by the board to a period not exceeding 3 years. For purposes of this section,

1 a part-time law enforcement or tribal law enforcement officer is a law enforcement  
2 or tribal law enforcement officer who routinely works not more than one-half the  
3 normal annual work hours of a full-time employee of the employing agency or unit  
4 of government. Law enforcement training programs including municipal, county  
5 and state programs meeting standards of the board are acceptable as meeting these  
6 training requirements.”.

7 **1509.** Page 960, line 10: after that line insert:

8 “**SECTION 2858p.** 165.85 (4) (b) 1. of the statutes is amended to read:

9 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law  
10 enforcement officer, except on a temporary or probationary basis, unless the person  
11 has satisfactorily completed a preparatory program of law enforcement training  
12 approved by the board and has been certified by the board as being qualified to be  
13 a law enforcement or tribal law enforcement officer. The program shall include 400  
14 hours of training, except the program for law enforcement officers who serve as  
15 rangers for the department of natural resources includes 240 hours of training. The  
16 board shall promulgate a rule under ch. 227 providing a specific curriculum for a  
17 400-hour conventional program and a 240-hour ranger program. The rule shall  
18 ensure that there is an adequate amount of training for each program to enable the  
19 person to deal effectively with domestic abuse incidents, including training that  
20 addresses the emotional and psychological effect that domestic abuse has on victims.

21 The training under this subdivision shall include training on emergency detention  
22 standards and procedures under s. 51.15, emergency protective placement  
23 standards and procedures under s. 55.06 (11), and information on mental health and  
24 developmental disabilities agencies and other resources that may be available to

1 assist the officer in interpreting the emergency detention and emergency protective  
2 placement standards, making emergency detentions and emergency protective  
3 placements, and locating appropriate facilities for the emergency detentions and  
4 emergency protective placements of persons. The training under this subdivision  
5 shall include training on police pursuit standards, guidelines, and driving  
6 techniques established under par. (cm) 2. b. The period of temporary or probationary  
7 employment established at the time of initial employment shall not be extended by  
8 more than one year for an officer lacking the training qualifications required by the  
9 board. The total period during which a person may serve as a law enforcement and  
10 tribal law enforcement officer on a temporary or probationary basis without  
11 completing a preparatory program of law enforcement training approved by the  
12 board shall not exceed 2 years, except that the board shall permit part-time law  
13 enforcement and tribal law enforcement officers to serve on a temporary or  
14 probationary basis without completing a program of law enforcement training  
15 approved by the board to a period not exceeding 3 years. For purposes of this section,  
16 a part-time law enforcement or tribal law enforcement officer is a law enforcement  
17 or tribal law enforcement officer who routinely works not more than one-half the  
18 normal annual work hours of a full-time employee of the employing agency or unit  
19 of government. Law enforcement training programs including municipal, county,  
20 and state programs meeting standards of the board are acceptable as meeting these  
21 training requirements.”.

22 **1510.** Page 960, line 10: after that line insert:

23 “**SECTION 2861g.** 166.03 (1) (b) 7. of the statutes is repealed.

24 **SECTION 2861m.** 166.03 (2) (b) 9. of the statutes is repealed.”.

1           **1511.** Page 961, line 11: after that line insert:

2           “**SECTION 2867d.** 166.20 (4) (title) and (intro.) of the statutes are amended to  
3 read:

4           166.20 **(4)** (title) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES  
5 ENVIRONMENTAL MANAGEMENT. (intro.) The department of ~~natural resources~~  
6 environmental quality shall:

7           **SECTION 2867f.** 166.20 (4) (b) of the statutes is amended to read:

8           166.20 **(4)** (b) Have the same powers and duties at the time of a release of a  
9 hazardous substance as are given to it under s. 292.11, including the investigation  
10 of releases of hazardous substances, the repair of any environmental damage which  
11 results from the release and the recovery of costs from responsible parties. The  
12 department of ~~natural resources~~ environmental management may also, at the time  
13 of a release of a hazardous substance, identify and recommend to the division and  
14 the committee measures to lessen or mitigate anticipated environmental damage  
15 resulting from the release.

16           **SECTION 2867h.** 166.20 (5) (a) 2. of the statutes is amended to read:

17           166.20 **(5)** (a) 2. All facilities in this state covered under 42 USC 11004 shall  
18 comply with the notification requirements of 42 USC 11004. Notification of the  
19 department of ~~natural resources~~ environmental management of the discharge of a  
20 hazardous substance under s. 292.11 (2) shall constitute the notification of the  
21 division required under 42 USC 11004 if the notification contains the information  
22 specified in 42 USC 11004 (b) (2) or (c).

23           **SECTION 2867j.** 166.20 (5) (a) 4. (intro.) of the statutes is amended to read:

1           166.20 (5) (a) 4. (intro.) The following facilities shall comply with the toxic  
2 chemical release form requirements under 42 USC 11023 and shall submit copies of  
3 all toxic chemical release forms to the department of ~~natural resources~~  
4 environmental management.”.

5           **1512.** Page 963, line 18: after that line insert:

6           “**SECTION 2877b.** 166.22 (3) of the statutes, as affected by 2001 Wisconsin Act  
7 .... (this act), is amended to read:

8           166.22 (3) If action required under sub. (2) is not being adequately taken or the  
9 identity of the person responsible for an emergency involving a release or potential  
10 release of a hazardous substance is unknown and the emergency involving a release  
11 or potential release threatens public health or safety or damage to property, a local  
12 agency may take any emergency action that is consistent with the contingency plan  
13 for the undertaking of emergency actions in response to the release or potential  
14 release of hazardous substances established by the department of ~~natural resources~~  
15 environmental management under s. 292.11 (5) and that it considers appropriate  
16 under the circumstances.”.

17           **1513.** Page 965, line 4: after that line insert:

18           “**SECTION 2881ad.** 167.10 (3) (b) 3. of the statutes is amended to read:

19           167.10 (3) (b) 3. The disposal of hazardous substances in accordance with rules  
20 adopted by the department of ~~natural resources~~ environmental management.

21           **SECTION 2881ah.** 167.31 (4m) of the statutes is amended to read:

22           167.31 (4m) RULES. The department of ~~natural resources~~ fish, wildlife, parks,  
23 and forestry may further restrict hunting from stationary vehicles on county or town  
24 highways by promulgating rules designating certain county and town highways, or



1 portions thereof, upon which a holder of a Class A or Class B permit issued under s.  
2 29.193 (2) may not discharge a firearm or shoot a bolt or an arrow from a bow or  
3 crossbow under sub. (4) (cg). For each restriction of hunting from a county or town  
4 highway contained in a rule to be promulgated under this subsection, the  
5 department shall submit a specific justification for the restriction with the rule  
6 submitted to legislative council staff for review under s. 227.15 (1).

7 **SECTION 2881ai.** 167.31 (5) (d) of the statutes is amended to read:

8 167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the  
9 county treasurer the weapons assessment as required under s. 59.40 (2) (m). The  
10 county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2.  
11 The state treasurer shall deposit all amounts received under this paragraph ~~in~~ into  
12 the conservation fund to be appropriated under s. 20.370 (3) ~~(mu)~~ (1) (pu).

13 **SECTION 2881aL.** 170.12 (4) (intro.) of the statutes is amended to read:

14 170.12 (4) REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application  
15 under sub. (3), the board shall immediately transmit copies of the application to the  
16 department of ~~natural resources~~ fish, wildlife, parks, and forestry, the department  
17 of environmental management, and to the historical society for review. The  
18 department of natural resources and the historical society shall, as appropriate,  
19 within 30 days after their receipt of the application, notify the board whether any of  
20 the following apply:

21 **SECTION 2881am.** 170.12 (4) (c) of the statutes is amended to read:

22 170.12 (4) (c) The proposed project may affect public rights in navigable waters.  
23 The department of ~~natural resources~~ fish, wildlife, parks, and forestry, and the  
24 department of environmental management shall recommend to the board

1 requirements and conditions to be attached to the permit which shall protect those  
2 rights.

3 **SECTION 2881ap.** 170.12 (5) of the statutes is amended to read:

4 170.12 (5) RESERVATION OF VALUE. The state reserves to itself 30% of the  
5 stumpage value, established by the department of ~~natural resources~~ fish, wildlife,  
6 parks, and forestry by rule promulgated under s. 77.91 (1), of any log raised pursuant  
7 to a permit issued under this section.”.

8 **1514.** Page 972, line 7: after that line insert:

9 “**SECTION 2882f.** 175.35 (2i) of the statutes is amended to read:

10 175.35 (2i) The department shall may not charge a ~~firearms dealer an \$8 fee~~  
11 for each a ~~firearms restrictions record search that the firearms dealer requests~~  
12 requested under sub. (2) (c). ~~The firearms dealer may collect the fee from the~~  
13 ~~transferee. The department may refuse to conduct firearms restrictions record~~  
14 ~~searches for any firearms dealer who fails to pay any fee under this subsection within~~  
15 ~~30 days after billing by the department.~~

16 **SECTION 2882g.** 175.35 (2L) of the statutes is renumbered 175.35 (2L) (a) and  
17 amended to read:

18 175.35 (2L) (a) The department of justice shall promulgate rules providing for  
19 the review of nonapprovals under sub. (2g) (c) 4. a. and for the correction of inaccurate  
20 information under par. (b). Any person who is denied the right to purchase a  
21 handgun because the firearms dealer received a nonapproval number under sub. (2g)  
22 (c) 4. a. may request a firearms restrictions record search review under those rules.  
23 If the person disagrees with the results of that review, the person may file an appeal  
24 under rules promulgated by the department.

1           **SECTION 2882h.** 175.35 (2L) (b) of the statutes is created to read:

2           175.35 **(2L)** (b) If, upon review or appeal under par. (a), the department of  
3 justice determines that a person was incorrectly denied approval under sub. (2g) (c)  
4 4. a. based on incorrect information in a criminal history record or incorrect  
5 information received in a firearms restrictions record search, the department of  
6 justice shall immediately do all of the following:

7           1. Update any relevant department of justice records to reflect the correct  
8 information.

9           2. Notify the agency that provided the incorrect information to the department  
10 of justice that the information provided is incorrect and request that the agency  
11 update its records to reflect the correct information.

12           3. Notify any agency or person to which the department of justice provided  
13 notice of the nonapproval under sub. (2g) (c) 4. a. that the nonapproval was based on  
14 incorrect information and that it has been reversed.”.

15           **1515.** Page 983, line 3: after that line insert:

16           “**SECTION 2917c.** 180.0121 (1) (a) 4. of the statutes is created to read:

17           180.0121 **(1)** (a) 4. An application for a certificate of conversion under s.  
18 180.1161 (5).

19           **SECTION 2917r.** 180.0122 (1) (yr) of the statutes is created to read:

20           180.0122 **(1)** (yr) A certificate of conversion, \$150.”.

21           **1516.** Page 983, line 18: after that line insert:

22           “**SECTION 2920c.** 180.0701 (4) (c) of the statutes is amended to read:

23           180.0701 **(4)** (c) Ratification of the selection of independent certified public  
24 accountants licensed or certified under ch. 442.

1           **SECTION 2920g.** 180.0826 (2) of the statutes is amended to read:

2           180.0826 (2) Legal counsel, certified public accountants licensed or certified  
3 under ch. 442, or other persons as to matters that the director or officer believes in  
4 good faith are within the person's professional or expert competence.

5           **SECTION 2920n.** 180.1903 (1) of the statutes is amended to read:

6           180.1903 (1) ~~One~~ Except as provided in sub. (1m), one or more natural persons  
7 licensed, certified, or registered pursuant to any provisions of the statutes, if all have  
8 the same license, certificate, or registration or if all are health care professionals,  
9 may organize and own shares in a service corporation. A service corporation may  
10 own, operate, and maintain an establishment and otherwise serve the convenience  
11 of its shareholders in carrying on the particular profession, calling, or trade for which  
12 the licensure, certification, or registration of its organizers is required.

13           **SECTION 2920r.** 180.1903 (1m) of the statutes is created to read:

14           180.1903 (1m) A service corporation for carrying on the profession of certified  
15 public accounting may be organized under sub. (1) if more than 50% of the  
16 shareholders are certified public accountants.

17           **SECTION 2920w.** 180.1921 (2) of the statutes is amended to read:

18           180.1921 (2) The report shall show the address of this service corporation's  
19 principal office and the name and post-office address of each shareholder, director,  
20 and officer of the service corporation and shall certify that, with the exceptions  
21 permitted in ~~s.~~ ss. 180.1903 (1m) and 180.1913, each shareholder, director, and  
22 officer is licensed, certified, registered, or otherwise legally authorized to render the  
23 same professional or other personal service in this state or is a health care  
24 professional. The service corporation shall prepare the report on forms prescribed  
25 and furnished by the department, and the report shall contain no fiscal or other

1 information except that expressly called for by this section. The department shall  
2 forward report blanks by 1st class mail to every service corporation in good standing,  
3 at least 60 days before the date on which the service corporation is required by this  
4 section to file an annual report.”.

5 **1517.** Page 983, line 18: after that line insert:

6 “**SECTION 2920e.** Subchapter XI (title) of chapter 180 [precedes 180.1100] of the  
7 statutes is amended to read:

8 **CHAPTER 180**

9 **SUBCHAPTER XI**

10 **MERGER AND, SHARE**

11 **EXCHANGE, AND CONVERSION**

12 **SECTION 2920h.** 180.1100 of the statutes is created to read:

13 **180.1100 Definitions.** In this subchapter:

14 **(1)** “Business entity” means a domestic business entity and a foreign business  
15 entity.

16 **(2)** “Domestic business entity” includes a corporation, limited liability  
17 company, as defined in s. 183.0102 (10), a limited partnership, as defined in s. 179.01  
18 (7), or a nonstock corporation, as defined in s. 181.0103 (18).

19 **(3)** “Foreign business entity” includes a foreign limited liability company, as  
20 defined in s. 183.0102 (8), a foreign limited partnership, as defined in s. 179.01 (4),  
21 a foreign corporation, as defined in s. 180.0103 (9), or a foreign corporation, as  
22 defined in s. 181.0103 (13).

23 **SECTION 2920r.** 180.1161 of the statutes is created to read:

1           **180.1161 Conversion. (1)** (a) A domestic corporation may convert to another  
2 form of business entity if it satisfies the requirements under this section and if the  
3 conversion is permitted under the applicable law of the jurisdiction that governs the  
4 organization of the business entity into which the domestic corporation is converting.

5           (b) In addition to satisfying any applicable legal requirements of the  
6 jurisdiction that governs the organization of the business entity into which the  
7 domestic corporation is converting and that relate to the submission and approval  
8 of a plan of conversion, the domestic corporation shall use the procedures that govern  
9 a plan of merger under s. 180.1103 for the submission and approval of a plan of  
10 conversion.

11           **(2)** (a) A business entity other than a domestic corporation may convert to a  
12 domestic corporation if it satisfies the requirements under this section and if the  
13 conversion is permitted under the applicable law of the jurisdiction that governs the  
14 business entity.

15           (b) A business entity other than a domestic corporation shall use the procedures  
16 that govern the submission and approval of a plan of conversion of the jurisdiction  
17 that governs the business entity.

18           **(3)** A plan of conversion shall set forth all of the following:

19           (a) The name, form of business entity, and the identity of the jurisdiction  
20 governing the business entity that is to be converted.

21           (b) The name, form of business entity, and the identity of the jurisdiction that  
22 will govern the new business entity.

23           (c) The terms and conditions of the conversion.

1           (d) The manner and basis of converting the shares or other ownership interests  
2 of the business entity that are to be converted into the shares or other ownership  
3 interests of the new business entity.

4           (e) The delayed effective date of the conversion under s. 180.0123 (2), if  
5 applicable.

6           (f) If a business entity other than a domestic corporation is converting to a  
7 domestic corporation, a copy of the articles of incorporation of the new domestic  
8 corporation.

9           (g) Other provisions relating to the conversion.

10          **(4)** A conversion is effective when all of the following occur:

11           (a) Except with respect to taxation laws of each jurisdiction that are applicable  
12 upon the conversion of the business entity, the business entity that is to be converted  
13 is no longer subject to the applicable law of the jurisdiction that governed the  
14 organization of the business entity and is subject to the applicable law of the  
15 jurisdiction that governs the new business entity.

16           (b) The new business entity has assumed all liabilities of the business entity  
17 that is to be converted.

18           (c) The new business entity is vested with title to all property owned by the  
19 business entity that is to be converted without reversions or impairment.

20           (d) The articles of incorporation, articles of organization, bylaws, operating  
21 agreement, certificate of limited partnership, or other similar governing document,  
22 whichever is applicable, of the new business entity are amended as provided in the  
23 plan of conversion.

24           (e) All other provisions of the plan of conversion apply.

1           **(5)** After a plan of conversion is submitted and approved, the business entity  
2 that is to be converted shall deliver to the department for filing a certificate of  
3 conversion that includes all of the following:

4           (a) The plan of conversion.

5           (b) A statement that the plan of conversion was approved in accordance with  
6 the applicable law of the jurisdiction that governs the organization of the business  
7 entity.

8           (c) The delayed effective date of the conversion under s. 180.0123 (2), if  
9 applicable.

10           (d) If a business entity other than a domestic corporation is converting to a  
11 domestic corporation, a copy of the articles of incorporation of the new domestic  
12 corporation.

13           (e) If a domestic corporation is to be converted to another form of business  
14 entity, a copy of the articles of incorporation, articles of organization, bylaws,  
15 operating agreement, certificate of limited partnership, or other similar governing  
16 document, whichever is applicable, of the new business entity.

17           **(6)** Any civil, criminal, administrative, or investigatory proceeding that is  
18 pending against a business entity that is to be converted may be continued against  
19 the business entity after the effective date of conversion or against the new business  
20 entity.”.

21           **1518.** Page 984, line 10: after that line insert:

22           “**SECTION 2923g.** 181.0850 (2) of the statutes is amended to read:

23           181.0850 **(2)** PROFESSIONALS AND EXPERTS. Legal counsel, certified public  
24 accountants licensed or certified under ch. 442, or other persons as to matters the



1 director or officer believes in good faith are within the person's professional or expert  
2 competence.

3 **SECTION 2923r.** 181.1620 (2) (intro.) of the statutes is amended to read:

4 181.1620 (2) (intro.) ACCOUNTANT'S CERTIFIED PUBLIC ACCOUNTANT'S REPORT OR  
5 OFFICER'S STATEMENT. If annual financial statements are reported upon by a certified  
6 public accountant licensed or certified under ch. 442, the certified public  
7 accountant's report must accompany them. If not, the statements must be  
8 accompanied by a statement of the president or the person responsible for the  
9 corporation's financial accounting records that includes all of the following:".

10 **1519.** Page 985, line 2: after that line insert:

11 "SECTION 2924p. 182.70 (1) (d) of the statutes is amended to read:

12 182.70 (1) (d) "Department" means the department of ~~natural resources~~  
13 environmental management.

14 **SECTION 2924r.** 182.70 (3) (a) 1. of the statutes is amended to read:

15 182.70 (3) (a) 1. The company may create, acquire or lease an entire reservoir  
16 project or otherwise maintain, operate or control a system of water reservoirs located  
17 in or along the Wisconsin river River. These reservoirs shall be located north of  
18 township 37 north in or along the Wisconsin River, and in or along any tributary of  
19 the Wisconsin River that discharges into the river at any point north of the south line  
20 of township 23 north. The company may create, acquire, maintain and operate  
21 waterways to divert flood waters from or to the Wisconsin River to or from reservoirs  
22 on other rivers. Diversion of flood waters shall be subject to approval by the  
23 department, in consultation with the department of fish, wildlife, parks, and  
24 forestry. The company may construct, acquire and maintain dams, booms and other

1 structures in, along or across this portion of the Wisconsin River and its tributaries  
2 to accomplish the purposes of this section. The company may clean out, straighten,  
3 deepen or otherwise improve any tributary to improve navigation of the tributary or  
4 of the Wisconsin River, or to prevent injury to property bordering on the rivers.

5 **SECTION 2924t.** 182.71 (1) (c) of the statutes is amended to read:

6 182.71 (1) (c) “Department” means the department of ~~natural resources~~  
7 environmental management.

8 **SECTION 2924v.** 182.71 (7) of the statutes is amended to read:

9 182.71 (7) (a) The commission shall appraise and fix the price of any dam, land  
10 or flowage rights to be purchased by the company under this section. The  
11 commission shall approve any lease of property by the company prior to the payment  
12 of rent. The commission may require the department or the department of fish,  
13 wildlife, parks, and forestry to aid in appraising the value of the land.

14 (b) If the company intends to acquire and overflow property, the commission  
15 shall approve the need to overflow the property. The department, in consultation  
16 with the department of fish, wildlife, parks, and forestry shall mark the height to  
17 which any dam may raise the water level by permanent monuments and bench  
18 marks, shall supervise and control the time and extent of the drawing of water from  
19 the reservoirs, and may compel the maintenance of all reservoirs established. The  
20 commission and the department may employ, at the expense of the company,  
21 hydraulic engineers and other persons to assist in obtaining information necessary  
22 to enforce this section. The cost of hiring the engineers shall be included as a part  
23 of the cost of construction or maintenance and operation of the reservoir system.”.

24 **1520.** Page 985, line 2: after that line insert:

1           “**SECTION 2925c.** 183.0109 (1) (a) 5. of the statutes is created to read:  
2           183.0109 **(1)** (a) 5. An application for a certificate of conversion under s.  
3           183.1207 (5).

4           **SECTION 2925r.** 183.0114 (1) (mp) of the statutes is created to read:  
5           183.0114 **(1)** (mp) A certificate of conversion filed under s. 183.1207 (5), \$150.”.

6           **1521.** Page 985, line 9: after that line insert:

7           “**SECTION 2932h.** 185.61 (1) of the statutes is amended to read:  
8           185.61 **(1)** (a) If otherwise lawful, any 2 or more associations may merge or  
9           consolidate under this chapter or under the law of the state where the surviving or  
10          new association will exist.

11          (b) Before a cooperative may merge or consolidate with any other association,  
12          a written plan of merger or consolidation shall be prepared by the board or by a  
13          committee selected by the board or the members for that purpose. The plan shall set  
14          forth all the terms of the merger or consolidation, including any provisions for  
15          abandonment of the plan, and the proposed effect of the plan on all members and  
16          stockholders of the cooperative, including the treatment of the equity interest of the  
17          members upon merger or consolidation.

18          (c) In case of consolidation, the plan of consolidation shall also contain the  
19          articles of the new association.

20          **SECTION 2932r.** 185.62 (5) of the statutes is created to read:

21          185.62 **(5)** The surviving association, in the case of a merger, or the new  
22          association, in the case of consolidation, shall prepare an annual report on the  
23          implementation of any provision in the plan of merger or consolidation to retire or  
24          repurchase the equity interest of any member that was affected by the merger or

1 consolidation. The report shall be kept in the principal office of the surviving  
2 association, in the case of a merger, or in the principal office of the new association,  
3 in the case of consolidation, and shall be available for inspection by any member  
4 whose equity interest was affected by the merger or consolidation. The surviving  
5 association, in the case of a merger, or the new association, in the case of  
6 consolidation, shall prepare the report until such time that the implementation of  
7 any provision in the plan of merger or consolidation to retire or repurchase the equity  
8 interest of any member that was affected by the merger or consolidation is  
9 complete.”.

10 **1522.** Page 985, line 9: after that line insert:

11 “**SECTION 2932m.** 185.363 (2) of the statutes is amended to read:

12 185.363 (2) Legal counsel, certified public accountants licensed or certified  
13 under ch. 442, or other persons as to matters the director or officer believes in good  
14 faith are within the person’s professional or expert competence.”.

15 **1523.** Page 985, line 9: after that line insert:

16 “**SECTION 2928L.** 183.0204 of the statutes is repealed and recreated to read:

17 **183.0204 Effect of delivery or filing of articles of organization and**  
18 **other documents. (1)** (a) A limited liability company is formed when the articles  
19 of organization become effective under s. 183.0111.

20 (b) The department’s filing of the articles of organization is conclusive proof  
21 that the limited liability company is organized and formed under this chapter.

22 (c) The status of a limited liability company as a limited liability company or  
23 as a foreign limited liability company registered to transact business in this state and  
24 the liability of any member of any such limited liability company is not adversely

1 affected by errors or subsequent changes in any information stated in any filing  
2 made under this chapter.

3 (2) The department's filing of the articles of organization of a foreign limited  
4 liability company under s. 183.1004 shall be considered the certificate of authority  
5 for that foreign limited liability company to transact business in this state and is  
6 notice of all other facts set forth in the registration statement.

7 (3) (a) If a limited liability company or a foreign limited liability company that  
8 is registered to transact business in this state dissolves, but its business continues  
9 without winding up and without liquidating the company, the status of the limited  
10 liability company or foreign limited liability company before dissolution shall  
11 continue to be applicable to the company as it continues its business, and the  
12 company shall not be required to make any new filings under this chapter. Any  
13 filings made by such a limited liability company or foreign limited liability company  
14 before dissolution shall be considered to have been filed by the company while it  
15 continues its business.

16 (b) If a limited liability company or a foreign limited liability company that is  
17 registered to transact business in this state dissolves, any filings made by the  
18 company before dissolution remain in effect as to the company and its members  
19 during the period of winding up and to the members during the period after the  
20 company's liquidation or termination with respect to the liabilities of the company.

21 **SECTION 2928n.** 183.0404 (2) (fm) of the statutes is created to read:

22 183.0404 (2) (fm) Convert to a new form of business entity under s. 183.1207.

23 **SECTION 2929b.** 183.0504 of the statutes is created to read:

24 **183.0504 Series of members, managers, or limited liability company**  
25 **interests.** An operating agreement may establish, or provide for the establishment

1 of, designated series or classes of members, managers, or limited liability company  
2 interests that have separate or different preferences, limitations, rights, or duties,  
3 with respect to profits, losses, distributions, voting, property, or other incidents  
4 associated with the limited liability company.

5 **SECTION 2929bm.** 183.0802 (3) of the statutes is amended to read:

6 183.0802 (3) (a) Except as provided in par. (b), ~~unless an operating agreement~~  
7 ~~provides that a member does not have the power to withdraw by voluntary act from~~  
8 ~~a limited liability company, the a member may do so~~ voluntarily withdraw from a  
9 limited liability company at any time by giving written notice to the other members,  
10 or on any other terms as are provided in an operating agreement. ~~If the member has~~  
11 ~~the power to withdraw but the withdrawal is a breach of an operating agreement or~~  
12 ~~the withdrawal occurs as a result of otherwise wrongful conduct of the member, the~~  
13 ~~limited liability company may recover from the withdrawing member damages for~~  
14 ~~breach of the operating agreement or as a result of the wrongful conduct and may~~  
15 ~~offset the damages against the amount otherwise distributable to the member, in~~  
16 ~~addition to pursuing any remedies provided for in an operating agreement or~~  
17 ~~otherwise available under applicable law. Unless otherwise provided in an operating~~  
18 ~~agreement, in the case of a limited liability company for a definite term or particular~~  
19 ~~undertaking, a withdrawal by a member before the expiration of that term or~~  
20 ~~completion of that undertaking is a breach of the operating agreement.~~

21 (b) If a member acquired an interest in a limited liability company for no or  
22 nominal consideration or owns an interest as to which the power to withdraw is  
23 restricted in the operating agreement, the member may withdraw from the limited  
24 liability company, or with respect to the interest, only in accordance with the  
25 operating agreement and only at the time or upon the occurrence of an event

1 specified in the operating agreement. If the operating agreement does not specify the  
2 time or the event upon the occurrence of which the member may withdraw, a member  
3 who acquired an interest in the limited liability company for no or nominal  
4 consideration may not withdraw prior to the time for the dissolution and  
5 commencement of winding up of the limited liability company without the written  
6 consent of all members of the limited liability company. Unless otherwise provided  
7 in an operating agreement, in the case of a limited liability company that is organized  
8 for a definite term or particular undertaking, the operating agreement shall be  
9 considered to provide that a member may not withdraw before the expiration of that  
10 term or completion of that undertaking.

11 **SECTION 2929c.** 183.0901 (4) (intro.) of the statutes is amended to read:

12 183.0901 **(4)** (intro.) An For a limited liability company organized before the  
13 effective date of this subsection .... [revisor inserts date], an event of dissociation of  
14 a member, unless any of the following applies:

15 **SECTION 2929d.** 183.1001 (1) of the statutes is amended to read:

16 183.1001 **(1)** The laws of the state or other jurisdiction under which a foreign  
17 limited liability company is organized shall govern its organization and internal  
18 affairs and the liability and authority of its managers and members, regardless of  
19 whether the foreign limited liability company obtained or should have obtained a  
20 certificate of registration under this chapter, except that a foreign limited liability  
21 company that has filed a certificate of conversion under s. 183.1207 (5) to become a  
22 domestic limited liability company shall be subject to the requirements of this  
23 chapter governing domestic limited liability companies on the effective date of the  
24 conversion and shall not be subject to the requirements of this chapter governing  
25 foreign limited liability companies.





1 the procedures that govern a plan of merger under s. 183.1202 for the submission and  
2 approval of a plan of conversion.

3 **(2)** (a) A business entity other than a domestic limited liability company may  
4 convert to a domestic limited liability company if it satisfies the requirements under  
5 this section and if the conversion is permitted under the applicable law of the  
6 jurisdiction that governs the business entity.

7 (b) A business entity other than a domestic limited liability company shall use  
8 the procedures that govern the submission and approval of a plan of conversion of  
9 the jurisdiction that governs the business entity.

10 **(3)** A plan of conversion shall set forth all of the following:

11 (a) The name, form of business entity, and the identity of the jurisdiction  
12 governing the business entity that is to be converted.

13 (b) The name, form of business entity, and the identity of the jurisdiction that  
14 will govern the new business entity.

15 (c) The terms and conditions of the conversion.

16 (d) The manner and basis of converting the shares or other ownership interests  
17 of the business entity that are to be converted into the shares or other ownership  
18 interests of the new business entity.

19 (e) The delayed effective date of the conversion under s. 183.0111 (2), if  
20 applicable.

21 (f) If a business entity other than a domestic limited liability company is  
22 converting to a domestic limited liability company, a copy of the articles of  
23 organization of the new domestic limited liability company.

24 (g) Other provisions relating to the conversion.

25 **(4)** A conversion is effective when all of the following occur:

1           (a) Except with respect to taxation laws of each jurisdiction that are applicable  
2 upon the conversion of the business entity, the business entity that is to be converted  
3 is no longer subject to the applicable law of the jurisdiction that governed the  
4 organization of the business entity and is subject to the applicable law of the  
5 jurisdiction that governs the new business entity.

6           (b) The new business entity has assumed all liabilities of the business entity  
7 that is to be converted.

8           (c) The new business entity is vested with title to all property owned by the  
9 business entity that is to be converted without reversions or impairment.

10          (d) The articles of incorporation, articles of organization, bylaws, operating  
11 agreement, certificate of limited partnership, or other similar governing document,  
12 whichever is applicable, of the new business entity are amended as provided in the  
13 plan of conversion.

14          (e) All other provisions of the plan of conversion apply.

15          **(5)** After a plan of conversion is submitted and approved, the business entity  
16 that is to be converted shall deliver to the department for filing a certificate of  
17 conversion that includes all of the following:

18           (a) The plan of conversion.

19           (b) A statement that the plan of conversion was approved in accordance with  
20 the applicable law of the jurisdiction that governs the organization of the business  
21 entity.

22           (c) The delayed effective date of the conversion under s. 183.0111 (2), if  
23 applicable.

1 (d) If a business entity other than a domestic limited liability company is  
2 converting to a domestic limited liability company, a copy of the articles of  
3 organization of the new domestic limited liability company.

4 (e) If a domestic limited liability company is to be converted to another form of  
5 business entity, a copy of the articles of incorporation, articles of organization,  
6 bylaws, operating agreement, certificate of limited partnership, or other similar  
7 governing document, whichever is applicable, of the new business entity.

8 (6) Any civil, criminal, administrative, or investigatory proceeding that is  
9 pending against a business entity that is to be converted may be continued against  
10 the business entity after the effective date of conversion or against the new business  
11 entity.”.

12 **1524.** Page 985, line 20: after that line insert:

13 “SECTION 2972k. 194.01 (7) of the statutes is amended to read:

14 194.01 (7) “Motor vehicle” means any automobile, truck, trailer, semitrailer,  
15 tractor, motor bus or any self-propelled or motor driven vehicle, except a low-speed  
16 vehicle, motorcycle, moped, motor bicycle or a vehicle operated on rails.”.

17 **1525.** Page 985, line 20: after that line insert:

18 “SECTION 2972g. 192.25 (1) of the statutes is repealed.

19 SECTION 2972h. 192.25 (2) of the statutes is amended to read:

20 192.25 (2) No person operating or controlling any railroad, as defined in s.  
21 85.01 (5), may allow the operation of any railroad train or locomotive in this state  
22 unless the railroad train or locomotive has a crew of at least 2 individuals. One of  
23 the individuals shall be ~~–a certified railroad locomotive engineer. The other~~  
24 ~~individual shall be either a certified railroad locomotive engineer or a qualified~~

1 ~~railroad trainman. A certified railroad locomotive engineer shall present in the cab~~  
2 ~~and shall operate the lead control locomotive at all times that the railroad train or~~  
3 ~~locomotive is in motion. The other crew member shall be present in the cab of the~~  
4 ~~lead control locomotive at all times that the railroad train or locomotive is in motion,~~  
5 ~~except when the railroad train or locomotive is in motion for the purpose of switching.~~  
6 When the railroad train or locomotive is not in motion, the other crew member may  
7 dismount the railroad train or locomotive when necessary to perform switching  
8 activities and other duties in the course of his or her job.

9 **SECTION 2972i.** 192.25 (3) (am) of the statutes is created to read:

10 192.25 (3) (am) Subsection (2) does not apply to a railroad train or locomotive,  
11 other than a railroad train or locomotive carrying freight only, that is being operated  
12 as part of any commuter rail service operated by the state or any local governmental  
13 unit, as defined in s. 85.055 (1).

14 **SECTION 2972j.** 192.25 (3) (b) of the statutes is amended to read:

15 192.25 (3) (b) ~~Subsection (2)~~ This section does not apply to the extent that it  
16 is contrary to or inconsistent with a regulation or order of the federal railroad  
17 administration.”.

18 **1526.** Page 985, line 20: after that line insert:

19 “**SECTION 2936n.** 185.981 (4t) of the statutes is amended to read:

20 185.981 (4t) A sickness care plan operated by a cooperative association is  
21 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,  
22 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.872, 632.895 (10) to (14), and  
23 632.897 (10) and chs. 149 and 155.

24 **SECTION 2936m.** 185.983 (1) (intro.) of the statutes is amended to read:

1           185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
2 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
3 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,  
4 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,  
5 632.855, 632.87 (2m), (3), (4), and (5), 632.872, 632.895 (5) and (9) to (14), 632.896,  
6 and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association  
7 shall:”.

8           **1527.** Page 985, line 20: after that line insert:

9           “**SECTION 2972m.** 194.04 (6) of the statutes is amended to read:

10           194.04 (6) DISPOSITION OF FEES COLLECTED. All moneys received under this  
11 section shall be paid into the state and local highways account in the transportation  
12 fund.

13           **SECTION 2972n.** 194.51 of the statutes is amended to read:

14           **194.51 Suit to recover protested tax.** No suit shall be maintained in any  
15 court to restrain or delay the collection or payment of the taxes levied in this chapter.  
16 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,  
17 may at any time within 90 days from the date of such payment, sue the state in an  
18 action at law to recover the tax so paid. If it is finally determined that said tax, or  
19 any part thereof, was wrongfully collected for any reason, it shall be the duty of the  
20 department of administration to issue a warrant on the state treasurer for the  
21 amount of such tax so adjudged to have been wrongfully collected, and the treasurer  
22 shall pay the same out of the state and local highways account in the transportation  
23 fund. A separate suit need not be filed for each separate payment made by any  
24 taxpayer, but a recovery may be had in one suit for as many payments as may have

1 been made within any 90–day period preceding the commencement of such an action.  
2 Such suits shall be commenced as provided in s. 775.01.”.

3 **1528.** Page 985, line 20: after that line insert:

4 “**SECTION 2943m.** 186.094 (2) of the statutes is amended to read:

5 186.094 (2) Legal counsel, certified public accountants licensed or certified  
6 under ch. 442. or other persons as to matters the director or officer believes in good  
7 faith are within the person’s professional or expert competence.

8 **SECTION 2952m.** 186.15 (1) of the statutes is amended to read:

9 186.15 (1) ANNUAL AUDIT. Except as provided in sub. (2), the board of directors  
10 shall hire a ~~licensed~~ certified public accountant licensed or certified under ch. 442 or  
11 other qualified person to conduct a comprehensive annual audit of the records,  
12 accounts and affairs of the credit union.

13 **SECTION 2972d.** 187.31 (2) of the statutes is amended to read:

14 187.31 (2) Legal counsel, certified public accountants licensed or certified  
15 under ch. 442. or other professional persons or experts employed by the incorporated  
16 Roman Catholic church, as to matters the director or officer believes in good faith are  
17 within the person’s professional or expert competence.

18 **SECTION 2972g.** 187.41 (2) of the statutes is amended to read:

19 187.41 (2) Legal counsel, certified public accountants licensed or certified  
20 under ch. 442. or other professional persons or experts employed by the religious  
21 organization, as to matters the director or officer believes in good faith are within the  
22 person’s professional or expert competence.”.

23 **1529.** Page 985, line 20: after that line insert:

24 “**SECTION 2937.** 186.01 (2) of the statutes is amended to read:

1           186.01 (2) “Credit union” means, except as specifically provided under ss.  
2           186.41 (1) and 186.45 (1), a cooperative, nonprofit corporation, incorporated under  
3           this chapter to encourage thrift among its members, create a source of credit at a fair  
4           and reasonable cost, and provide an opportunity for its members to improve their  
5           economic and social conditions.

6           **SECTION 2938.** 186.02 (2) (a) 1. of the statutes is amended to read:

7           186.02 (2) (a) 1. ~~The conditions of residence or occupation which qualify persons~~  
8           that determine eligibility for membership.

9           **SECTION 2939.** 186.02 (2) (b) 2. of the statutes is amended to read:

10          186.02 (2) (b) 2. ~~Residents~~ Except as otherwise provided in this subdivision,  
11          individuals who reside or are employed within a well-defined neighborhood,  
12          ~~community or rural district~~ and contiguous neighborhoods and communities. ~~If the~~  
13          ~~office of credit unions, subsequent to a credit union merger, determines that it would~~  
14          be inappropriate under the circumstances to require members of the credit union  
15          that results from the merger to reside or be employed in contiguous neighborhoods  
16          and communities, the requirement that these neighborhoods and communities be  
17          contiguous does not apply.

18          **SECTION 2940.** 186.02 (2) (b) 2m. of the statutes is created to read:

19          186.02 (2) (b) 2m. Individuals who reside or are employed within well-defined  
20          and contiguous rural districts or multicounty regions.

21          **SECTION 2941.** 186.02 (2) (c) of the statutes is amended to read:

22          186.02 (2) (c) Members of the immediate family of all qualified persons are  
23          eligible for membership. ~~In this paragraph, “members of the immediate family”~~  
24          ~~include the wife, husband, parents, stepchildren and children of a member whether~~

1 ~~living together in the same household or not and any other relatives of the member~~  
2 ~~or spouse of a member living together in the same household as the member.~~

3 **SECTION 2942.** 186.02 (2) (d) of the statutes is renumbered 186.02 (2) (d) 1. and  
4 amended to read:

5 186.02 (2) (d) 1. ~~Organizations and associations~~ An organization or association  
6 of individuals, the majority of whom the directors, owners, or members of which are  
7 eligible for membership, may be admitted to membership in the same manner and  
8 under the same conditions as individuals.

9 **SECTION 2943.** 186.02 (2) (d) 2. of the statutes is created to read:

10 186.02 (2) (d) 2. An organization or association that has its principal business  
11 location within any geographic limits of the credit union's field of membership may  
12 be admitted to membership.

13 **SECTION 2994.** 186.11 (4) (title) of the statutes is amended to read:

14 186.11 (4) (title) INVESTMENT IN CREDIT UNION SERVICE CORPORATIONS  
15 ORGANIZATIONS.

16 **SECTION 2945.** 186.11 (4) (a) of the statutes is renumbered 186.11 (4) (a) (intro.)  
17 and amended to read:

18 186.11 (4) (a) (intro.) ~~A~~ Unless the office of credit unions approves a higher  
19 percentage, a credit union may invest not more than 1.5% of its total assets in the  
20 capital shares or obligations of a credit union service corporation organizations that  
21 satisfy all of the following:

22 2. Are organized primarily to provide goods and services to credit unions, credit  
23 union organizations, and credit union members.

24 **SECTION 2946.** 186.11 (4) (a) 1. of the statutes is created to read:



1           186.11 (4) (a) 1. Are corporations, limited partnerships, limited liability  
2 companies, or other entities that are permitted under the laws of this state and that  
3 are approved by the office of credit unions.

4           **SECTION 2947.** 186.11 (4) (b) (intro.) and 1. of the statutes are amended to read:

5           186.11 (4) (b) (intro.) A credit union service corporation organization under par.  
6 (a) may provide goods and services including any of the following:

7           1. Credit union operations services, including service centers, credit and debit  
8 card services, automated teller and remote terminal services, electronic transaction  
9 services, accounting systems, data processing, management training and support,  
10 payment item processing, record retention and storage, locator services, research,  
11 debt collection, credit analysis and loan servicing, coin and currency services, and  
12 marketing and advertising services.

13           **SECTION 2948.** 186.11 (4) (c) of the statutes is amended to read:

14           186.11 (4) (c) A credit union service corporation organization may be subject  
15 to audit by the office of credit unions.

16           **SECTION 2949.** 186.113 (1) of the statutes is amended to read:

17           186.113 (1) BRANCH OFFICES. ~~If the need and necessity exist and with~~ With the  
18 approval of the office of credit unions, establish branch offices inside ~~this state or no~~  
19 ~~more than 25 miles~~ or outside of this state. Permanent records may be maintained  
20 at branch offices established under this subsection. In this subsection, the term  
21 “branch office” does not include a remote terminal, a limited services office, or a  
22 service center.

23           **SECTION 2950.** 186.113 (1m) (a) (intro.) of the statutes is amended to read:

1           186.113 **(1m)** (a) (intro.) ~~Establish~~ Before the effective date of this paragraph  
2 ... [revisor inserts date], establish limited services offices outside this state to serve  
3 any member of the credit union if all of the following requirements are met:

4           **SECTION 2951.** 186.113 (6) (b) and (c) of the statutes are amended to read:

5           186.113 **(6)** (b) Act as trustees or custodians of member tax deferred retirement  
6 funds, individual retirement accounts, medical savings accounts, or other employee  
7 benefit accounts or funds permitted by federal law to be deposited in a credit union.

8           (c) Act as a depository for ~~member-deferred~~ member qualified and  
9 nonqualified deferred compensation funds as permitted by federal law.

10          **SECTION 2952.** 186.113 (24) of the statutes is created to read:

11          186.113 **(24)** FUNERAL TRUSTS. Accept deposits made by members for the  
12 purpose of funding burial agreements by trusts created pursuant to s. 445.125.

13          **SECTION 2953.** 186.20 of the statutes is created to read:

14          **186.20 Financial privacy.** A credit union shall comply with any applicable  
15 requirements under 15 USC 6801 to 6803 and any applicable regulations prescribed  
16 by the national credit union administration under 15 USC 6804.

17          **SECTION 2954.** 186.235 (7) (a) (intro.) of the statutes is amended to read:

18          186.235 **(7)** (a) (intro.) Employees of the office of credit unions and members  
19 of the review board shall keep secret all the facts and information obtained in the  
20 course of examinations, ~~except~~ or contained in any report provided by a credit union  
21 other than any semiannual or quarterly financial report that is regularly filed with  
22 the office of credit unions. This requirement does not apply in any of the following  
23 situations:

24          **SECTION 2955.** 186.235 (7) (c) of the statutes is created to read:

1           186.235 (7) (c) If any person mentioned in par. (a) discloses any information  
2 about the private account or transactions of a credit union or any information  
3 obtained in the course of an examination of a credit union, except as provided in pars.  
4 (a) and (b), that person may be required to forfeit his or her office or position and may  
5 be fined not less than \$100 nor more than \$1,000, or imprisoned for not less than 6  
6 months nor more than 3 years, or both.

7           **SECTION 2956.** 186.235 (7m) of the statutes is created to read:

8           186.235 (7m) RETURN OF EXAMINATION REPORTS. Examination reports possessed  
9 by a credit union are confidential, remain the property of the office of credit unions,  
10 and shall be returned to the office of credit unions immediately upon request.

11           **SECTION 2957.** 186.235 (16) (a) of the statutes is renumbered 186.235 (16).

12           **SECTION 2958.** 186.235 (16) (b) of the statutes is repealed.

13           **SECTION 2959.** 186.235 (16m) of the statutes is created to read:

14           186.235 (16m) FINANCIAL PRIVACY EXAMINATION. The office of credit unions shall  
15 examine a credit union to determine the credit union's compliance with s. 186.20.

16           **SECTION 2960.** 186.36 of the statutes is amended to read:

17           **186.36 Sale of insurance in credit unions.** Any officer or employee of a  
18 credit union, when acting as an agent for the sale of insurance on behalf of the credit  
19 union, shall pay all commissions received from the sale of ~~credit life insurance or~~  
20 ~~credit accident and sickness insurance~~ to the credit union.

21           **SECTION 2961.** 186.41 (title) of the statutes is amended to read:

22           **186.41 (title) Interstate acquisition acquisitions and merger mergers**  
23 **of credit unions.**

24           **SECTION 2962.** 186.41 (1) (a) of the statutes is renumbered 186.41 (1) (bm) and  
25 amended to read:

1           186.41 (1) (bm) “~~In-state~~ Wisconsin credit union” means a credit union having  
2 its principal office located in this state.

3           **SECTION 2963.** 186.41 (1) (c) of the statutes is renumbered 186.41 (1) (am) and  
4 amended to read:

5           186.41 (1) (am) “~~Regional Out-of-state~~ credit union” means a state or federal  
6 credit union that has its, the principal office of which is located in ~~one of the regional~~  
7 states a state other than this state.

8           **SECTION 2964.** 186.41 (1) (d) of the statutes is repealed.

9           **SECTION 2965.** 186.41 (2) and (3) of the statutes are amended to read:

10          186.41 (2) ~~IN-STATE~~ WISCONSIN CREDIT UNION. (a) ~~An in-state~~ A Wisconsin credit  
11 union may do any of the following:

12           1. Acquire an interest in, or some or all of the assets and liabilities of, one or  
13 more ~~regional out-of-state~~ credit unions.

14           2. Merge with one or more ~~regional out-of-state~~ credit unions.

15           (b) ~~An in-state~~ A Wisconsin credit union proposing any action under par. (a)  
16 shall provide the office of credit unions a copy of any original application seeking  
17 approval by a federal agency or by an agency of ~~the regional~~ another state and of any  
18 supplemental material or amendments filed in connection with any application.

19          **(3) REGIONAL OUT-OF-STATE** CREDIT UNIONS. Except as provided in sub. (4), a  
20 ~~regional~~ an out-of-state credit union may do any of the following:

21           (a) Acquire an interest in, or some or all of the assets of, one or more ~~in-state~~  
22 Wisconsin credit unions.

23           (b) Merge with one or more ~~in-state~~ Wisconsin credit unions.

24          **SECTION 2966.** 186.41 (4) (intro.), (a) to (d) and (f) of the statutes are amended  
25 to read:

1           186.41 (4) LIMITATIONS. (intro.) ~~A regional~~ An out-of-state credit union may  
2 not take any action under sub. (3) until all of the following conditions have been met:

3           (a) The office of credit unions finds that the statutes of the ~~regional~~ state in  
4 which the ~~regional~~ out-of-state credit union has its principal office permit ~~in-state~~  
5 Wisconsin credit unions to both acquire ~~regional~~ out-of-state credit union assets and  
6 merge with one or more ~~regional~~ out-of-state credit unions in the ~~regional~~ that state.

7           (b) The office of credit unions has not disapproved the acquisition of ~~in-state~~  
8 Wisconsin credit union assets or the merger with the ~~in-state~~ Wisconsin credit union  
9 under sub. (5).

10           (c) The office of credit unions gives a class 3 notice, under ch. 985, in the official  
11 state newspaper, of the application to take an action under sub. (3) and of the  
12 opportunity for a hearing and, if at least 25 residents of this state petition for a  
13 hearing within 30 days of the final notice or if the office of credit unions on its own  
14 motion calls for a hearing within 30 days of the final notice, the office of credit unions  
15 holds a public hearing on the application, except that a hearing is not required if the  
16 office of credit unions finds that an emergency exists and that the proposed action  
17 under sub. (3) is necessary and appropriate to prevent the probable failure of an  
18 ~~in-state~~ a Wisconsin credit union that is closed or in danger of closing.

19           (d) The office of credit unions is provided a copy of any original application  
20 seeking approval by a federal agency of the acquisition of ~~in-state~~ Wisconsin credit  
21 union assets or of the merger with an ~~in-state~~ a Wisconsin credit union and of any  
22 supplemental material or amendments filed with the application.

23           (f) With regard to an acquisition of assets of an ~~in-state~~ a Wisconsin credit  
24 union that is chartered on or after May 9, 1986, the ~~in-state~~ Wisconsin credit union  
25 has been in existence for at least 5 years before the date of acquisition.

1           **SECTION 2967.** 186.41 (5) (a), (b), (c) and (cr) of the statutes are amended to  
2 read:

3           186.41 (5) (a) Considering the financial and managerial resources and future  
4 prospects of the applicant and of the ~~in-state~~ Wisconsin credit union concerned, the  
5 action would be contrary to the best interests of the members of the ~~in-state~~  
6 Wisconsin credit union.

7           (b) The action would be detrimental to the safety and soundness of the  
8 applicant or of the ~~in-state~~ Wisconsin credit union concerned, or to a subsidiary or  
9 affiliate of the applicant or of the ~~in-state~~ Wisconsin credit union.

10           (c) Because the applicant, its executive officers, or directors have not  
11 established a record of sound performance, efficient management, financial  
12 responsibility, and integrity, the action would be contrary to the best interests of the  
13 creditors, ~~the members or, the~~ other customers of the applicant ~~or of the in-state,~~ the  
14 Wisconsin credit union, ~~or contrary to the best interests of the public.~~

15           (cr) The applicant has failed to propose to provide adequate and appropriate  
16 services of the type contemplated by the community reinvestment act of 1977 in the  
17 community in which the ~~in-state~~ Wisconsin credit union which the applicant  
18 proposes to acquire or merge with is located.

19           **SECTION 2968.** 186.41 (6) (a) of the statutes is renumbered 186.41 (6).

20           **SECTION 2969.** 186.41 (6) (b) of the statutes is repealed.

21           **SECTION 2970.** 186.41 (8) of the statutes is repealed.

22           **SECTION 2971.** 186.45 of the statutes is created to read:

23           **186.45 Non-Wisconsin credit union, Wisconsin offices. (1) DEFINITIONS.**

24           In this section:

1 (a) “Non–Wisconsin credit union” means a credit union organized under the  
2 laws of and with its principal office located in a state other than this state.

3 (b) “Wisconsin credit union” has the meaning given in s. 186.41 (1) (bm).

4 **(2) APPROVAL.** A non–Wisconsin credit union may open an office and conduct  
5 business as a credit union in this state if the office of credit unions finds that  
6 Wisconsin credit unions are allowed to do business in the other state under  
7 conditions similar to those contained in this section and that all of the following apply  
8 to the non–Wisconsin credit union:

9 (a) It is a credit union organized under laws similar to the credit union laws of  
10 this state.

11 (b) It is financially solvent based upon national board ratings.

12 (c) It has member savings insured with federal share insurance.

13 (d) It is effectively examined and supervised by the credit union authorities of  
14 the state in which it is organized.

15 (e) It has received approval from the credit union authorities of the state in  
16 which it is organized.

17 (f) It has a need to place an office in this state to adequately serve its members  
18 in this state.

19 (g) It meets all other relevant standards or qualifications established by the  
20 office of credit unions.

21 **(3) REQUIREMENTS.** A non–Wisconsin credit union shall agree to do all of the  
22 following:

23 (a) Grant loans at rates not in excess of the rates permitted for Wisconsin credit  
24 unions.

25 (b) Comply with this state’s laws.

1 (c) Designate and maintain an agent for the service of process in this state.

2 **(4) RECORDS.** As a condition of a non-Wisconsin credit union doing business in  
3 this state under this section, the office of credit unions may require copies of  
4 examination reports and related correspondence regarding the non-Wisconsin  
5 credit union.

6 **SECTION 2972.** 186.80 of the statutes is created to read:

7 **186.80 False statements.** (a) No officer, director, or employee of a credit  
8 union may do any of the following:

9 1. Willfully and knowingly subscribe to or make, or cause to be made, a false  
10 statement or entry in the books of the credit union.

11 2. Knowingly subscribe to or exhibit false information with the intent to deceive  
12 any person authorized to examine the affairs of the credit union.

13 3. Knowingly make, state, or publish any false report or statement of the credit  
14 union.

15 (b) Any person who violates par. (a) may be fined not less than \$1,000 nor more  
16 than \$5,000, or imprisoned for not less than one year nor more than 15 years, or  
17 both.”.

18 **1530.** Page 987, line 25: after that line insert:

19 “(bm) “Public utility” means a public utility that in 2000, based on data  
20 provided by the public utility to the commission, provided retail electric service to  
21 customers that had an aggregate load of 1,200 megawatts or more.”.

22 **1531.** Page 989, line 6: after that line insert:

23 **SECTION 2981m.** 196.218 (3) (e) of the statutes is amended to read:



1           196.218 (3) (e) ~~Except as provided in s. 196.196 (2) (d), a~~ A telecommunications  
2 provider or other person may not establish a surcharge on customers' bills to collect  
3 from customers contributions required under this subsection.”.

4           **1532.** Page 989, line 6: after that line insert:

5           “SECTION **2981Lm.** 196.202 (2) of the statutes is amended to read:

6           196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider  
7 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that  
8 a commercial mobile radio service provider is subject to s. 196.218 (3) ~~to the extent~~  
9 ~~not preempted by federal law. If the application of s. 196.218 (3) to a commercial~~  
10 ~~mobile radio service provider is not preempted~~ if the commission promulgates rules  
11 that designate commercial mobile radio service providers as eligible to receive  
12 universal service funding under both the federal and state universal service fund  
13 programs. If the commission promulgates such rules, a commercial mobile radio  
14 service provider shall respond, subject to the protection of the commercial mobile  
15 radio service provider's competitive information, to all reasonable requests for  
16 information about its operations in this state from the commission necessary to  
17 administer the universal service fund.”.

18           **1533.** Page 989, line 6: after that line insert:

19           “SECTION **2981r.** 196.218 (3) (a) 3. of the statutes is renumbered 196.218 (3) (a)  
20 3. (intro.) and amended to read:

21           196.218 (3) (a) 3. (intro.) The commission shall designate the method by which  
22 the contributions under this paragraph shall be calculated and collected. The  
23 method shall ensure that the contributions are sufficient to generate the following  
24 amounts:

1           a. The amount appropriated under ss. s. 20.155 (1) (q), except that beginning  
2 in fiscal year 2003–04 the total amount of contributions in a fiscal year under this  
3 subd. 3. a. may not exceed \$4,000,000.

4           b. The amounts appropriated under ss. 20.255 (3) (q), 20.275 (1) (s), (t) and (tm)  
5 and 20.285 (1) (q).

6           3m. Contributions under this paragraph may be based only on the gross  
7 operating revenues from the provision of broadcast services identified by the  
8 commission under subd. 2. and on intrastate telecommunications services in this  
9 state of the telecommunications providers subject to the contribution.”.

10           **1534.** Page 990, line 6: after that line insert:

11           “**SECTION 2984q.** 196.219 (3m) of the statutes is created to read:

12           196.219 (**3m**) REAL ESTATE DEVELOPMENT. (a) In this subsection, “real estate  
13 development” means the act of dividing or subdividing any parcel of land for  
14 construction or making improvements to facilitate or allow construction.

15           (b) Except for compensation included in rates for basic local exchange service  
16 and business access line and usage service, a telecommunications utility may not  
17 require any person to compensate the telecommunications utility for the  
18 construction of any facility for the distribution of telecommunications services that  
19 is related to any real estate development in the telecommunications utility’s service  
20 territory.”.

21           **1535.** Page 992, line 12: after that line insert:

22           “**SECTION 2996.** 196.374 (1) (b) of the statutes is repealed.

23           **SECTION 2997.** 196.374 (3) of the statutes is amended to read:

1           196.374 (3) ~~In~~ Except as provided in sub. (3m), in 2000, 2001 and 2002, the  
2 commission shall require each utility to spend a decreasing portion of the amount  
3 determined under sub. (2) on programs specified in sub. (2) and contribute the  
4 remaining portion of the amount to the commission for deposit in the utility public  
5 benefits fund. ~~In~~ Except as provided in sub. (3m), in each year after 2002, each utility  
6 shall contribute the entire amount determined under sub. (2) to the commission for  
7 deposit in the utility public benefits fund. The commission shall ensure in  
8 rate-making orders that a utility recovers from its ratepayers the amounts spent on  
9 programs or contributed to the utility public benefits fund under this subsection or  
10 deposited into the farm rewiring fund under sub. (3m). The commission shall allow  
11 each utility the option of continuing to use, until January 1, 2002, the moneys that  
12 it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that  
13 it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility  
14 to spend additional moneys on the programs specified in sub. (2) if the utility  
15 otherwise complies with the requirements of this section and s. 16.957 (4).

16           **SECTION 2998.** 196.374 (3m) of the statutes is created to read:

17           196.374 (3m) In fiscal year 2001–02, the first \$1,500,000 that is contributed  
18 under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In  
19 fiscal year 2002–03, the first \$2,500,000 that is contributed under sub. (3) in that  
20 fiscal year shall be deposited in the farm rewiring fund.

21           **SECTION 2999.** 196.374 (4) of the statutes is amended to read:

22           196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)  
23 2. that the department has reduced funding for energy conservation and efficiency  
24 and renewable resource programs by an amount that is greater than the portion of  
25 the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the

1 amount that utilities are required to spend on programs or contribute to the utility  
2 public benefits fund under sub. (3) by the portion of the reduction that exceeds the  
3 amount of public benefits fees specified in s. 16.957 (4) (c) 2.”.

4 **1536.** Page 992, line 12: after that line insert:

5 “SECTION 3001j. 196.491 (1) (c) of the statutes is amended to read:

6 196.491 (1) (c) “Department” means the department of ~~natural resources~~  
7 environmental management.

8 SECTION 13001k. 196.491 (2) (b) 5. of the statutes is amended to read:

9 196.491 (2) (b) 5. Department of ~~natural resources~~ environmental  
10 management.”.

11 **1537.** Page 992, line 12: after that line insert:

12 “SECTION 2994g. 196.31 (1) (intro.) of the statutes is amended to read:

13 196.31 (1) (intro.) In any proceeding before the commission, the commission  
14 shall may compensate any participant in the proceeding who is not a public utility,  
15 for some or all of the reasonable costs of participation in the proceeding if the  
16 commission finds that:

17 SECTION 2994i. 196.31 (1) (a) of the statutes is amended to read:

18 196.31 (1) (a) The participation is necessary to provide for the record an  
19 adequate presentation of a significant position in which the participant has a  
20 substantial interest, and that an adequate presentation would not occur be possible  
21 without a grant of compensation; or”.

22 **1538.** Page 992, line 12: after that line insert:

23 “SECTION 3001d. 196.491 (3) (a) 3. a. of the statutes is amended to read:

1           196.491 (3) (a) 3. a. At least 60 days before a person files an application under  
2           subd. 1. for construction of a large electric generating facility, the person shall  
3           provide the department with an engineering plan showing the location of the large  
4           electric generating facility, a description of the large electric generating facility,  
5           including the major components of the large electric generating facility that have a  
6           significant air, water or solid waste pollution potential, and a description of the  
7           anticipated effects of the large electric generating facility on air and water quality.  
8           Within 30 days after a person provides an engineering plan, the department shall  
9           provide the person with a listing of each department permit or approval which, on  
10          the basis of the information contained in the engineering plan, appears to be required  
11          for the construction or operation of the large electric generating facility.”.

12           **1539.** Page 992, line 12: after that line insert:

13           “**SECTION 3001d.** 196.491 (3) (a) 3. a. of the statutes is amended to read:

14           196.491 (3) (a) 3. a. At least 60 days before a person files an application under  
15          subd. 1., the person shall provide the department with an engineering plan showing  
16          the location of the facility, a description of the facility, including the major  
17          components of the facility that have a significant air, water, or solid waste pollution  
18          potential, and a description of the anticipated effects of the facility on air and water  
19          quality and on residential wells. Within 30 days after a person provides an  
20          engineering plan, the department shall provide the person with a listing of each  
21          department permit or approval which, on the basis of the information contained in  
22          the engineering plan, appears to be required for the construction or operation of the  
23          facility.

24           **SECTION 3001db.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

1           196.491 (3) (a) 3. b. Within 20 days after the department provides a listing  
2 specified in subd. 3. a. to a person, the person shall apply for the permits and  
3 approvals identified in the listing. The department shall determine whether an  
4 application under this subd. 3. b. is complete and, no later than 30 days after the  
5 application is filed, notify the applicant about the determination. If the department  
6 determines that the application is incomplete, the notice shall state the reason for  
7 the determination. An applicant may supplement and refile an application that the  
8 department has determined to be incomplete. There is no limit on the number of  
9 times that an applicant may refile an application under this subd. 3. b. If the  
10 department fails to determine whether an application is complete within 30 days  
11 after the application is filed, the application shall be considered to be complete. The  
12 ~~department shall complete action on an application under this subd. 3. b. for any~~  
13 ~~permit or approval that is required prior to construction of a facility within~~ Within  
14 120 days after the date on which the application is determined or considered to be  
15 complete, the department shall complete action on the application for any permit or  
16 approval that is required prior to construction of the large electric generating facility  
17 and shall determine whether the facility will reduce the availability of water to a  
18 residential well or cause a preventive action limit established under s. 160.15 to be  
19 exceeded in water produced by a residential well.

20           **SECTION 3001p.** 196.491 (3) (e) of the statutes is renumbered 196.491 (3) (e)  
21 (intro.) and amended to read:

22           196.491 (3) (e) (intro.) If the application does not meet the criteria under par.  
23 (d), the commission shall reject the application or approve the application with such  
24 modifications as are necessary for an affirmative finding under par. (d). The

1 commission may not issue a certificate of public convenience and necessity ~~until the~~  
2 for a large electric generating facility unless each of the following is satisfied:

3 1. The department has issued all permits and approvals identified in the listing  
4 specified in par. (a) 3. a. that are required prior to construction.

5 **SECTION 3001pt.** 196.491 (3) (e) 2. of the statutes is created to read:

6 196.491 (3) (e) 2. The department has determined under par. (a) 3. b. that the  
7 facility will not reduce the availability of water to a residential well and will not cause  
8 a preventive action limit established under s. 160.15 to be exceeded in water  
9 produced by a residential well.”.

10 **1540.** Page 992, line 12: after that line insert:

11 “**SECTION 2997m.** 196.374 (3) of the statutes is amended to read:

12 196.374 (3) ~~In 2000, 2001 and 2002, the commission shall require each utility~~  
13 ~~to spend a decreasing portion of the amount determined under sub. (2) on programs~~  
14 ~~specified in sub. (2) and contribute the remaining portion of the amount to the~~  
15 ~~commission for deposit in the fund. In each year after 2002, each Each utility shall~~  
16 ~~contribute the entire amount determined under sub. (2) to the commission for deposit~~  
17 ~~in the fund. The commission shall ensure in rate-making orders that a utility~~  
18 ~~recovers from its ratepayers the amounts spent on programs or contributed to the~~  
19 ~~fund under this subsection. The commission shall allow each utility the option of~~  
20 ~~continuing to use, until January 1, 2002, the moneys that it has recovered under s.~~  
21 ~~196.374 (3), 1997 stats., to administer the programs that it has funded under s.~~  
22 ~~196.374 (1), 1997 stats. The commission may allow each utility to spend additional~~  
23 ~~moneys on the programs specified in sub. (2) if the utility otherwise complies with~~  
24 ~~the requirements of this section and s. 16.957 (4).~~

1           **SECTION 2999m.** 196.374 (4) of the statutes is amended to read:

2           196.374 **(4)** If the department notifies the commission under s. 16.957 (2) (b)  
3           2. that the department has reduced funding for energy conservation and efficiency  
4           and renewable resource programs ~~by an amount that is greater than the portion of~~  
5           ~~the public benefits fee specified in s. 16.957 (4) (c) 2.,~~ the commission shall reduce  
6           make a corresponding reduction in the amount that utilities are required to spend  
7           on programs or contribute to the fund under sub. (3) ~~by the portion of the reduction~~  
8           ~~that exceeds the amount of public benefits fees specified in s. 16.957 (4) (c) 2.”.~~

9           **1541.** Page 1003, line 6: after that line insert:

10           “**SECTION 3020e.** 218.0101 (19m) of the statutes is created to read:

11           218.0101 **(19m)** “Low-speed vehicle” has the meaning given in s. 340.01 (27m).

12           **SECTION 3020j.** 218.0101 (23) (a) 2. of the statutes is amended to read:

13           218.0101 **(23)** (a) 2. Is engaged wholly or in part in the business of selling or  
14           leasing motor vehicles, including motorcycles and low-speed vehicles, whether or  
15           not the motor vehicles are owned by that person, firm or corporation.

16           **SECTION 3020n.** 218.0114 (5) (a) of the statutes is amended to read:

17           218.0114 **(5)** (a) A motor vehicle dealer or an applicant for a motor vehicle  
18           dealer license shall provide and maintain in force a bond or irrevocable letter of credit  
19           of not less than \$25,000 or, if the dealer or applicant sells or proposes to sell  
20           motorcycles or low-speed vehicles, or both, and not other types of motor vehicles, a  
21           bond or irrevocable letter of credit of not less than \$5,000. The bond or letter of credit  
22           shall be executed in the name of the department of transportation for the benefit of  
23           any person who sustains a loss because of an act of a motor vehicle dealer that



1 constitutes grounds for the suspension or revocation of a license under ss. 218.0101  
2 to 218.0163.

3 **SECTION 3020q.** 218.0122 (3) of the statutes is amended to read:

4 218.0122 (3) This section does not apply to motorcycles or low-speed vehicles  
5 that are delivered in a crated, disassembled condition to the dealer or the dealer's  
6 agent.

7 **SECTION 3020t.** 218.0171 (2) (b) 2. b. of the statutes is amended to read:

8 218.0171 (2) (b) 2. b. Accept return of the motor vehicle and refund to the  
9 consumer and to any holder of a perfected security interest in the consumer's motor  
10 vehicle, as their interest may appear, the full purchase price plus any sales tax,  
11 finance charge, amount paid by the consumer at the point of sale and collateral costs,  
12 less a reasonable allowance for use. Under this subdivision, a reasonable allowance  
13 for use may not exceed the amount obtained by multiplying the full purchase price  
14 of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a  
15 motorcycle or low-speed vehicle, 20,000, and the numerator of which is the number  
16 of miles the motor vehicle was driven before the consumer first reported the  
17 nonconformity to the motor vehicle dealer.”.

18 **1542.** Page 1003, line 6: after that line insert:

19 “**SECTION 3023.** 221.0320 (2) (a) (intro.) of the statutes is amended to read:

20 221.0320 (2) (a) (intro.) A liability secured by warehouse receipts issued by  
21 warehouse keepers licensed and bonded in this state under ss. 99.02 and 99.03 or  
22 under the federal bonded warehouse act or holding a ~~registration certificate~~ license  
23 under ~~ch. 127 s. 126.26~~, if all of the following requirements are met:”.

24 **1543.** Page 1003, line 6: after that line insert:

1           “**SECTION 3020m.** 218.22 (2m) of the statutes is amended to read:

2           218.22 **(2m)** License fees collected under this subchapter shall be deposited in  
3 the state and local highways account in the transportation fund.”.

4           **1544.** Page 1003, line 6: after that line insert:

5           “**SECTION 3019d.** 196.86 (1) (a) of the statutes is amended to read:

6           196.86 **(1)** (a) “Department” means the department of ~~natural resources~~  
7 environmental management.

8           **SECTION 3019f.** 196.86 (1) (d) of the statutes is amended to read:

9           196.86 **(1)** (d) “Initial compliance date” means the date specified in a notice by  
10 the department of ~~natural resources~~ environmental management under s. 285.48 (2)  
11 by which electric generating facilities in the midcontinent area of this state are  
12 required to comply with initial nitrogen oxide emission reduction requirements.

13           **SECTION 3019h.** 196.86 (2) of the statutes is amended to read:

14           196.86 **(2)** If the department of ~~natural resources~~ environmental management  
15 makes a notification to the commission under s. 285.48 (2), the commission shall  
16 assess against electric public utility affiliates a total of \$2,400,000, or a decreased  
17 amount specified in a notice by the department of ~~natural resources~~ environmental  
18 management under s. 285.48 (3) (d) 3., in each fiscal year of the 10–year period that  
19 commences on July 1 of the fiscal year ending before the initial compliance date. An  
20 assessment in a fiscal year against an electric public utility affiliate under this  
21 subsection shall be in an amount that is proportionate to the electric public utility  
22 affiliate’s heat throughput ratio for the prior fiscal year.

23           **SECTION 3019k.** 196.98 of the statutes is amended to read:

1           **196.98 Water reporting required.** The commission shall ensure that each  
2 public utility to which s. 281.35 applies shall comply with the requirements of that  
3 section and shall report its volume and rate of withdrawal, as defined under s. 281.35  
4 (1) (m), and its volume and rate of water loss, as defined under s. 281.35 (1) (L), if any,  
5 to the commission in the form and at the times specified by the department of ~~natural~~  
6 resources environmental management. The commission shall provide the  
7 information reported under this section to the department of ~~natural resources~~  
8 environmental management.

9           **SECTION 3020c.** 198.22 (7) of the statutes is amended to read:

10           **198.22 (7) BOUNDARIES.** Immediately upon the organization of the board of  
11 directors the clerk shall cause to be recorded in the office of the register of deeds of  
12 each county in which any part of said district is located, and shall file with the  
13 secretary of state, the department of ~~natural resources~~ environmental management,  
14 the governor and the clerk of each town, city or village, wholly or partly within the  
15 district, a certified copy of the boundaries of the district as set forth in the notice of  
16 election pursuant to sub. (3) or as thereafter amended. Thereafter, in any proceeding  
17 wherein the boundaries of the district are concerned, it shall be sufficient in  
18 describing said boundaries to refer to such record of such description.

19           **SECTION 3020d.** 198.22 (13) of the statutes is amended to read:

20           **198.22 (13) DISTRIBUTION SYSTEM STANDARDS IN MILWAUKEE COUNTY.** When any  
21 such district is established in any county having a population of 500,000 or more and  
22 containing a city of the 1st class, no municipality in such district shall construct any  
23 part of its distribution system except according to the standard of sizes and grades  
24 of materials as used by such city of the 1st class, or the standards of the American

1 waterworks association and the department of ~~natural resources~~ environmental  
2 management.

3 **SECTION 3020e.** 200.01 (2) of the statutes is amended to read:

4 200.01 **(2)** “Department” means the department of ~~natural resources~~  
5 environmental management.

6 **SECTION 3020f.** 200.11 (1) (e) of the statutes is amended to read:

7 200.11 **(1)** (e) *Annual report.* The commission shall prepare annually a full and  
8 detailed report of its official transactions and expenses and of all presently planned  
9 additions and major changes in district facilities and services and shall file a copy  
10 of such report with the department of ~~natural resources~~ environmental  
11 management, the department of health and family services and the governing bodies  
12 of all cities, villages and towns having territory in such district.

13 **SECTION 3020g.** 200.27 (9) of the statutes is amended to read:

14 200.27 **(9)** ANNUAL REPORT. The commission shall prepare annually a full report  
15 of its official transactions and expenditures and shall mail the report to the governor,  
16 to the secretary of ~~natural resources~~ environmental management and to the  
17 governing body of each municipality.

18 **SECTION 3020h.** 200.29 (1) (c) 4. b. of the statutes is amended to read:

19 200.29 **(1)** (c) 4. b. Any area not included within the redefined boundary under  
20 subd. 1. or 2. ceases to be a part of the district for all purposes upon the filing of a  
21 certified copy of the resolution describing the area not within the district with the  
22 clerk of each county in which the district is located. The commission shall also record  
23 the resolution with the register of deeds for each county in which the district is  
24 located, and file a certified copy of the resolution with the clerk of each city, village

1 and town in the district and with the department of ~~natural resources~~ environmental  
2 management.

3 **SECTION 3020i.** 200.29 (1) (d) 3. of the statutes is amended to read:

4 200.29 (1) (d) 3. Any area added to the district under this paragraph becomes  
5 a part of the district for all purposes upon the filing of a certified copy of the resolution  
6 describing the area being added with the clerk of each county in which the district  
7 is located. The commission shall also record the resolution with the register of deeds  
8 for each county in which the district is located, and file certified copies with the clerk  
9 of each city, village and town in the district and with the department of ~~natural~~  
10 ~~resources~~ environmental management.

11 **SECTION 3020j.** 200.35 (4) of the statutes is amended to read:

12 200.35 (4) DELIVERY OF DEEDS; ~~DNR~~ STATE PERMITS. Upon application of the  
13 commission the proper officers of this state shall execute, acknowledge and deliver  
14 to the proper officers of the district any deed or other instrument as may be proper  
15 for the purpose of fully confirming the grants under subs. (2) and (3).  
16 Notwithstanding s. 30.05, the district may not commence an action under sub. (2) or  
17 (3) without obtaining all of the necessary permits from the department of ~~natural~~  
18 ~~resources~~ environmental management under ch. 30.

19 **SECTION 3020k.** 200.35 (8) (a) of the statutes is amended to read:

20 200.35 (8) (a) Subject to s. 30.20 and to any applicable rule of the department  
21 of ~~natural resources~~ environmental management, the commission may improve any  
22 river or stream within the district by deepening, widening or otherwise changing it  
23 as the commission finds necessary ~~in order~~ to carry off surface or drainage water.

24 **SECTION 3020L.** 200.35 (9) (b) of the statutes is amended to read:

1           200.35 (9) (b) The commission shall apply to the department of natural  
2 resources environmental management for a permit for the diversion. Upon receipt  
3 of an application for a permit, the department shall fix a time, not more than 8 weeks  
4 after receiving the application, and a convenient place for a public hearing on the  
5 application. The department shall notify the commission of the time and place and  
6 the commission shall publish a notice of the time and place of the hearing once each  
7 week for 3 successive weeks before the hearing in at least one newspaper designated  
8 by the department of ~~natural resources~~ environmental management and published  
9 in the district.

10           **SECTION 3020n.** 200.35 (9) (c) of the statutes is amended to read:

11           200.35 (9) (c) In addition to the publication required under par. (b) the  
12 commission, not less than 20 days prior to the hearing, shall mail a notice of the  
13 hearing to every person who has recorded an interest in any lands that are likely to  
14 be affected by the proposed diversion and whose post-office address can be  
15 ascertained by due diligence. The notice shall specify the time and place of the  
16 hearing, shall be accompanied by a general statement of the nature of the application  
17 and shall be forwarded to these persons by registered mail in a sealed and postpaid  
18 envelope properly addressed. The commission shall file proof of the publication and  
19 mailing of notice with the department of ~~natural resources~~ environmental  
20 management. At the hearing or any adjournment thereof, the department of ~~natural~~  
21 ~~resources~~ environmental management shall consider the application and shall take  
22 evidence offered by the commission and other persons in support of or in opposition  
23 to the application. The department may require that the application be amended.  
24 If the department finds after the hearing that the application is in the public interest,

1 will not violate public rights and will not pose an unreasonable risk to life, health or  
2 property, the department shall issue a permit to the commission.

3 **SECTION 3020p.** 200.35 (12) of the statutes is amended to read:

4 200.35 (12) DISPOSAL OF TREATED SEWAGE. Subject to any applicable rule of the  
5 department of ~~natural resources~~ environmental management, the commission may  
6 dispose of treated sewage by commercial or charitable means and may expend an  
7 amount reasonably necessary for this purpose.

8 **SECTION 3020q.** 200.35 (14) (d) 1. of the statutes is amended to read:

9 200.35 (14) (d) 1. The commission shall pay for the portion of the cost of a project  
10 constructed by the commission under this subsection which equals the difference  
11 between the cost of disposing of the waste rock at a disposal site which is approved  
12 by the department of ~~natural resources~~ environmental management and which is  
13 outside of the district's service area and the cost of disposing of the waste rock in the  
14 project.

15 **SECTION 3020r.** 200.47 (2) (a) of the statutes is amended to read:

16 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases  
17 of supplies and materials by the commission shall be by contract awarded to the  
18 lowest responsible bidder complying with the invitation to bid, if the work or  
19 purchase involves an expenditure of \$20,000 or more. If the commission decides to  
20 proceed with construction of any sewer after plans and specifications for the sewer  
21 are completed and approved by the commission and by the department of ~~natural~~  
22 ~~resources~~ environmental management under ch. 281, the commission shall  
23 advertise by a class 2 notice under ch. 985 for construction bids. All contracts and  
24 the awarding of contracts are subject to s. 66.0901.

25 **SECTION 3020s.** 200.49 (7) (b) of the statutes is amended to read:

1           200.49 (7) (b) The executive director shall submit the plan to the secretary of  
2   ~~natural resources~~ environmental management for review and comment. The  
3   secretary of ~~natural resources~~ environmental management shall provide the  
4   executive director with comments or recommendations for changes in the plan, if any,  
5   within 30 days after the plan is submitted. No contracts may be awarded under sub.  
6   (5) until 30 days after the date the plan is submitted to the secretary of ~~natural~~  
7   ~~resources~~ environmental management or until the date the executive director  
8   receives the secretary's comments or recommendations, whichever is earlier.”.

9           **1545.** Page 1003, line 6: after that line insert:

10          “**SECTION 3020d.** 198.167 of the statutes is amended to read:

11          **198.167 Certified public accountant; annual report.** The directors of the  
12   district shall employ annually the commission or a certified public accountant  
13   licensed or certified under ch. 442 approved by said commission who shall be  
14   qualified to, and who shall with all due diligence, examine and report upon the  
15   system of accounts kept by the district, all the contracts of whatsoever kind made and  
16   entered into by the board of directors within the year immediately preceding, and the  
17   properties and investments of the district. ~~Said~~ The certified public accountant shall  
18   in the report make such recommendations and suggestions as to the certified public  
19   accountant shall seem proper and required for the good of the district, and the  
20   efficient and economical or advantageous management and operation of the public  
21   utility or utilities of the district; and the certified public accountant shall in the  
22   report make such recommendations and suggestions as to the system of accounts  
23   kept, or in the certified public accountant's judgment to be kept, by the district, in  
24   connection with each public utility, the classification of the public utilities of the



1 district and the establishment of a system of accounts for each class, the manner in  
2 which such accounts shall be kept, the form of accounts, records, and memoranda  
3 kept or to be kept, including accounts, records, and memoranda of receipts and  
4 expenditures of money, and depreciation and sinking fund accounts, as in the  
5 certified public accountant's judgment may be proper and necessary, and shall not  
6 conflict with the requirements of the commission.

7 **SECTION 3020h.** 214.76 (2) and (4) of the statutes are amended to read:

8 214.76 (2) The certified public accountant shall deliver the audit report to a  
9 committee composed of 3 or more members of the board of directors, none of whom  
10 may be an officer, employee or agent of the savings bank. The committee shall  
11 present the nature, extent and conclusions of the report at the next meeting of the  
12 board of directors. A written summary of the committee's presentation, together  
13 with a copy of the audit report and a list of all criticisms made by the certified public  
14 accountant conducting the audit and any response of any member of the board of  
15 directors or any officer of the savings bank, shall be personally served or sent by  
16 certified mail to all members of the board of directors.

17 (4) The audit report filed with the division shall be certified by the certified  
18 public accountant conducting the audit. If a savings bank fails to cause an audit to  
19 be made, the division shall order an audit to be made by an independent certified  
20 public accountant at the savings bank's expense. Instead of the audit required under  
21 sub. (1), the division may accept an audit or portion of an audit made exclusively for  
22 a deposit insurance corporation or for a financial regulator of another state if the  
23 home office of the savings bank is located in that state.

24 **SECTION 3020p.** 215.523 (2) of the statutes is amended to read:

1           215.523 (2) Legal counsel, certified public accountants licensed or certified  
2 under ch. 442, or other persons as to matters the director or officer believes in good  
3 faith are within the person’s professional or expert competence.

4           **SECTION 3020t.** 217.08 (2) of the statutes is amended to read:

5           **217.08 (2) ANNUAL LICENSE FEE; ADDITIONS AND DELETIONS OF LOCATIONS.** Each  
6 licensee shall file with the division on or before December 1 of each year a statement  
7 listing the locations of the offices of the licensee and the names and locations of the  
8 agents authorized by the licensee. Every licensee shall also on or before December  
9 1 of each year file a financial statement of its assets and liabilities as of a date not  
10 earlier than the preceding August 31 or, if the licensee is audited annually by an  
11 independent certified public accountant licensed or certified under ch. 442 at the end  
12 of each fiscal year, the licensee may submit financial statements certified by ~~said~~ the  
13 certified public accountant for the licensee’s latest fiscal year. Such statement shall  
14 be accompanied by the annual licensee fee for the calendar year beginning the  
15 following January 1 in an amount determined under s. 217.05. The amount of the  
16 surety bond or deposit of securities required by s. 217.06 shall be adjusted to reflect  
17 the number of such locations. Licensees which do not pay the maximum license fee  
18 under s. 217.05 and which do not maintain a bond or deposit of securities in the  
19 maximum sum of \$300,000 as provided in s. 217.06 shall also file a supplemental  
20 statement setting forth any changes in the list of offices and agents with the division  
21 on or before April 1, July 1 and October 1 of each year, and the principal sum of the  
22 corporate surety bond or deposit of securities required by s. 217.06 shall be adjusted  
23 to reflect any increase or decrease in the number of such locations. Any additional  
24 license fees which may become due under s. 217.05 shall be paid to the division.”.



1           **(1)** “Division” means the division of banking in the department of financial  
2 institutions.

3           **(2)** “Lessee” means an individual who rents personal property under a  
4 rent-to-own agreement.

5           **(3)** “Licensee” means a rental-purchase company holding a license issued by  
6 the division under this subchapter.

7           **(4)** “Rental property” means personal property rented under a rent-to-own  
8 agreement.

9           **(5)** “Rental-purchase company” means a person engaged in the business of  
10 entering into rent-to-own agreements in this state or acquiring or servicing  
11 rent-to-own agreements that are entered into in this state.

12           **(6)** “Rent-to-own agreement” means an agreement between a  
13 rental-purchase company and a lessee for the use of personal property if all of the  
14 following conditions are met:

15           (a) The personal property that is rented under the agreement is to be used  
16 primarily for personal, family, or household purposes.

17           (b) The agreement has an initial term of 4 months or less and is automatically  
18 renewable with each payment after the initial term.

19           (c) The agreement does not obligate or require the lessee to renew the  
20 agreement beyond the initial term.

21           (d) The agreement permits, but does not obligate, the lessee to acquire  
22 ownership of the personal property.

23           **218.612 Scope. (1) INAPPLICABILITY OF OTHER LAWS.** A rent-to-own agreement  
24 under this subchapter is not governed by the laws relating to a security interest, as

1 defined in s. 401.201 (37), or a lease, as defined in s. 411.103 (1) (j), and is not  
2 governed by chs. 421 to 427 and 429.

3 **(2) EXCLUSIONS.** This subchapter does not apply to any of the following:

4 (a) A lease or bailment of personal property that is incidental to the lease of real  
5 property.

6 (b) A lease of a motor vehicle, as defined in s. 218.0101 (22).

7 (c) A credit sale, as defined in 15 USC 1602 (g) and in the regulations  
8 promulgated under that section.

9 **218.614 Territorial application.** For the purposes of this subchapter, a  
10 rent-to-own agreement is entered into in this state if any of the following applies:

11 **(1)** A writing signed by a lessee and evidencing the obligation under the  
12 rent-to-own agreement or an offer of a lessee is received by a rental-purchase  
13 company in this state.

14 **(2)** The rental-purchase company induces a lessee who is a resident of this  
15 state to enter into the rent-to-own agreement by face-to-face solicitation or by mail  
16 or telephone solicitation directed to the particular lessee in this state.

17 **218.616 Obligation of good faith.** Every agreement or duty under this  
18 subchapter imposes an obligation of good faith in its performance or enforcement.  
19 In this section, “good faith” means honesty in fact in the conduct or transaction  
20 concerned and the observance of reasonable commercial standards of fair dealing.

21 **218.617 License required.** No person may operate as a rental-purchase  
22 company without a valid license issued by the division under this subchapter.

23 **218.618 Application for license; fees; bond. (1) APPLICATION.** (a) An  
24 application for a license under this subchapter shall be made to the division, in

1 writing, in the form prescribed by the division. An application for a license under this  
2 subchapter shall include all of the following:

3 1. If the applicant is an individual, the applicant's social security number.

4 2. If the applicant is not an individual, the applicant's federal employer  
5 identification number.

6 (b) The division may not disclose any information received under par. (a) 1. or  
7 2. to any person except as follows:

8 1. The division may disclose information received under par. (a) 1. or 2. to the  
9 department of revenue for the sole purpose of requesting certifications under s.  
10 73.0301.

11 2. The division may disclose information received under par. (a) 1. to the  
12 department of workforce development in accordance with a memorandum of  
13 understanding entered into under s. 49.857.

14 **(2) APPLICATION FEES.** At the time of applying to the division for a license under  
15 this subchapter, the applicant shall pay any applicable fee specified in the rules  
16 promulgated under s. 218.63 (3).

17 **(3) BOND.** The division may require any applicant or licensee to file with the  
18 division and maintain in force a bond, in a form prescribed by and acceptable to the  
19 division, and in an amount determined by the division.

20 **218.62 Issuance or denial of license. (1) INVESTIGATION.** Upon the filing  
21 of an application under s. 218.618 (1) and the payment of any applicable fee, the  
22 division shall perform an investigation. Except as provided in sub. (3), if the division  
23 finds that the character, general fitness, and financial responsibility of the applicant;  
24 the members of the applicant, if the applicant is a partnership, limited liability  
25 company, or association; and the officers and directors of the applicant, if the

1 applicant is a corporation warrant the belief that the business will be operated in  
2 compliance with this subchapter, the division shall issue a license to the applicant.

3 **(2) DENIAL; NOTICE; HEARING.** Except as provided in sub. (3), the division may  
4 deny an application made under s. 218.618 (1) by providing written notice to the  
5 applicant stating the grounds for the denial. Except as provided in sub. (3), a person  
6 whose application is denied may request a hearing under s. 227.44 within 30 days  
7 after the date of denial. The division may appoint a hearing examiner under s. 227.46  
8 to conduct the hearing.

9 **(3) DENIAL; CHILD OR FAMILY SUPPORT OR TAX DELINQUENCY.** The division may not  
10 issue a license under this subchapter if any of the following applies:

11 (a) The applicant fails to provide the information required under s. 218.618 (1)  
12 (a).

13 (b) The department of revenue certifies under s. 73.0301 that the applicant is  
14 liable for delinquent taxes. An applicant for whom a license is not issued under this  
15 paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and  
16 a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing  
17 under this section.

18 (c) The applicant fails to comply, after appropriate notice, with a subpoena or  
19 warrant issued by the department of workforce development or a county child  
20 support agency under s. 59.53 (5) and related to paternity or child support  
21 proceedings or is delinquent in making court-ordered payments of child or family  
22 support, maintenance, birth expenses, medical expenses, or other expenses related  
23 to the support of a child or former spouse, as provided in a memorandum of  
24 understanding entered into under s. 49.857. An applicant whose application is  
25 denied under this paragraph for delinquent payments is entitled to a notice and

1 hearing under s. 49.857 but is not entitled to any other notice or hearing under this  
2 section.

3 **218.622 License; other business. (1)** LICENSED LOCATIONS. A license issued  
4 under this subchapter shall specify the location at which the licensee is permitted  
5 to conduct business. A separate license shall be required for each place of business  
6 maintained by the licensee.

7 **(2)** ASSIGNMENT. A license issued under this subchapter is not assignable.

8 **(3)** POSTING. A licensee shall post its license in a conspicuous place at the  
9 location specified in the license.

10 **(4)** TERM OF LICENSE; FEE. Every license shall remain in force until suspended  
11 or revoked in accordance with this subchapter or surrendered by the licensee. Every  
12 licensee shall, on or before June 1 of each year, pay to the division the annual license  
13 fee specified in rules promulgated under s. 218.63 (3) and, if required by the division,  
14 provide a rider or endorsement to increase the amount of any bond required under  
15 s. 218.618 (3).

16 **(5)** OTHER BUSINESS PROHIBITED. No licensee may conduct business as a  
17 rental–purchase company within any office, room, or place of business in which any  
18 other business is solicited or engaged in, unless the licensee is authorized to do so,  
19 in writing, by the division.

20 **218.624 Revocation, suspension, and restriction of license. (1)**  
21 DISCRETIONARY SUSPENSION OR REVOCATION. The division may issue an order  
22 suspending or revoking any license issued under this subchapter if the division finds  
23 that any of the following applies:



1 (a) The licensee has violated any of the provisions of this subchapter, any rules  
2 promulgated under s. 218.63 (3), or any lawful order of the division under s. 218.63  
3 (1).

4 (b) A fact or condition exists that, if it had existed at the time of the original  
5 application for the license, would have warranted the division in refusing to issue the  
6 license.

7 (c) The licensee has made a material misstatement in an application for a  
8 license or in information furnished to the division.

9 (d) The licensee has failed to pay the annual license fee required under s.  
10 218.622 (4) or has failed to maintain in effect any bond required under s. 218.618 (3).

11 (e) The licensee has failed to provide any additional information, data, and  
12 records required by the division, within the time period prescribed under s. 218.626  
13 (2).

14 (f) The licensee has failed to pay any penalties due under s. 218.682 (1) or (2)  
15 within 30 days after receiving notice, by certified mail, that the penalties are due.

16 **(2) MANDATORY RESTRICTION OR SUSPENSION; CHILD OR FAMILY SUPPORT.** The  
17 division shall restrict or suspend a license issued under this subchapter if the  
18 division finds that the licensee is an individual who fails to comply, after appropriate  
19 notice, with a subpoena or warrant issued by the department of workforce  
20 development or a county child support agency under s. 59.53 (5) and related to  
21 paternity or child support proceedings or who is delinquent in making court-ordered  
22 payments of child or family support, maintenance, birth expenses, medical expenses,  
23 or other expenses related to the support of a child or former spouse, as provided in  
24 a memorandum of understanding entered into under s. 49.857. A licensee whose  
25 license is restricted or suspended under this subsection is entitled to a notice and

1 hearing only as provided in a memorandum of understanding entered into under s.  
2 49.857 and is not entitled to any other notice or hearing under this section.

3 **(3) MANDATORY REVOCATION; DELINQUENT TAXES.** The division shall revoke a  
4 license issued under this subchapter if the department of revenue certifies under s.  
5 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is  
6 revoked under this subsection for delinquent taxes is entitled to a notice under s.  
7 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any  
8 other notice or hearing under this section.

9 **(4) REVOCATION AND SUSPENSION PROCEDURE.** Except as provided in subs. (2) and  
10 (3), the following procedure applies to every order of the division that suspends or  
11 revokes a license issued under this subchapter:

12 (a) The division shall provide a written notice to the licensee of the division's  
13 intent to issue an order suspending or revoking the licensee's license. The notice  
14 shall specify the grounds for and the effective date of the proposed order.

15 (b) The licensee may file with the division a written response to the allegations  
16 contained in the notice within 20 days after receiving the notice. The licensee's  
17 written response may contain a request for a contested case hearing under s. 227.42.  
18 If the written response does not contain a request for a contested case hearing under  
19 s. 227.42, the right to a contested case hearing is waived.

20 (c) If a written response containing a request for a contested case hearing under  
21 s. 227.42 is received by the division within the time provided under par. (b) and if,  
22 in the opinion of the division, the matter satisfies all of the conditions specified in s.  
23 227.42 (l) (a) to (d), the matter shall be scheduled for a contested case hearing to  
24 commence within 60 days after the date on which the division receives the written  
25 response.

1 (d) If the licensee fails to file a written response within the time provided under  
2 par. (b), files a timely written response but fails to request a contested case hearing  
3 under s. 227.42 or files a timely written response requesting a contested case hearing  
4 but, in the opinion of the division, the matter fails to satisfy all of the conditions  
5 specified in s. 227.42 (l) (a) to (d), the division may issue an order suspending or  
6 revoking the license. If the licensee files a timely written response containing a  
7 proper request for a contested case hearing under s. 227.42, any order of the division  
8 suspending or revoking the licensee's license shall be stayed pending completion of  
9 proceedings under ch. 227.

10 **218.626 Modification of license. (1)** CHANGE IN PLACE OF BUSINESS. No  
11 licensee may change its place of business to another location without the prior  
12 approval of the division. A licensee shall provide the division with at least 15 days'  
13 prior written notice of a proposed change under this subsection and shall pay any  
14 applicable fees specified in the rules promulgated under s. 218.63 (3). Upon approval  
15 by the division of the new location, the division shall issue an amended license,  
16 specifying the date on which the amended license is issued and the new location.

17 **(2)** OTHER CHANGES. Except as provided in sub. (1), a licensee shall notify the  
18 division of any material change to the information provided in the licensee's original  
19 application for a license under this subchapter or provided in a previous notice of  
20 change filed by the licensee with the division under this subsection. A licensee shall  
21 provide the notice required under this subsection within 10 days after the change.  
22 The licensee shall provide any additional information, data, and records about the  
23 change to the division within 20 days after the division requests the information,  
24 data, or records. The division shall determine the cost of investigating and

1 processing the change. The licensee shall pay the division's cost within 30 days after  
2 the division demands payment.

3 **(3) DIVISION APPROVAL OF OTHER CHANGES.** Any change that is subject to the  
4 notice requirement under sub. (2) is subject to the approval of the division. In  
5 reviewing the change, the division shall apply the same criteria as the criteria for  
6 approval of an original license application.

7 **218.628 Annual report; records. (1) ANNUAL REPORT.** On or before March  
8 31 of each year, a licensee shall file a report with the division giving such reasonable  
9 and relevant information as the division may require concerning the business and  
10 operations conducted by the licensee. The licensee shall make the report in the form  
11 prescribed by the division.

12 **(2) BOOKS AND RECORDS.** A licensee shall keep such books and records in the  
13 licensed location as, in the opinion of the division, will enable the division to  
14 determine whether the provisions of this subchapter are being observed. Every  
15 licensee shall preserve its records of a rent-to-own agreement for at least 3 years  
16 after making the final entry with respect to the rent-to-own agreement.

17 **218.63 Powers and duties of division; administration. (1) ORDERS.** The  
18 division may issue any general order, as defined in s. 217.02 (3), or special order, as  
19 defined in s. 217.02 (10), in execution of or supplementary to this subchapter, except  
20 that the division may not issue a general order or special order that conflicts with this  
21 subchapter.

22 **(2) INVESTIGATIONS AND EXAMINATIONS.** For the purpose of discovering violations  
23 of this subchapter, the division may cause an investigation or examination to be  
24 made of the business of a licensee transacted under this subchapter. The place of  
25 business, books of accounts, papers, records, safes, and vaults of the licensee shall

1 be open to the division for the purpose of an investigation or examination, and the  
2 division has authority to examine under oath all persons whose testimony is required  
3 for an investigation or examination. The division shall determine the cost of an  
4 investigation or examination. The licensee shall pay the cost of an investigation or  
5 examination. The licensee shall pay the cost of any hearing held for the purpose of  
6 this subsection, including witness fees, unless the division or a court finds that the  
7 licensee has not violated any provision of this subchapter. The licensee shall pay all  
8 costs owing under this subsection within 30 days after the division demands  
9 payment. The state may maintain an action for the recovery of any costs owing under  
10 this subsection.

11 (3) RULES. The division may promulgate rules for the administration of this  
12 subchapter.

13 (4) TESTIMONIAL POWERS AND POWERS TO SECURE EVIDENCE. The division has the  
14 same power to conduct hearings, take testimony, and secure evidence as is provided  
15 in ss. 217.17 and 217.18.

16 (5) ENFORCEMENT. The division has the duty, power, jurisdiction, and authority  
17 to investigate, ascertain, and determine whether this subchapter or any lawful  
18 orders issued under sub. (1) are being violated. The division may report violations  
19 of this subchapter to the attorney general or the district attorney of the proper county  
20 for prosecution.

21 **218.632 General requirements of disclosure. (1) FORM, LOCATION, SIZE, AND**  
22 **TIME OF DISCLOSURE.** The information required under s. 218.634 to be included in a  
23 rent-to-own agreement shall satisfy all of the following requirements:

24 (a) The information shall be clearly and conspicuously disclosed.

25 (b) The information shall be disclosed in writing.

1 (c) The information shall be disclosed on the face of the rent-to-own agreement  
2 above the line for the lessee's signature.

3 (d) The information shall be disclosed in not less than 8-point standard type.

4 (e) The information shall be disclosed before the time that the lessee becomes  
5 legally obligated under the rent-to-own agreement.

6 **(2) ACCURACY OF DISCLOSURE.** The information required under s. 218.634 must  
7 be accurate as of the time that it is disclosed to the lessee. If any information  
8 subsequently becomes inaccurate as a result of any act, occurrence, or agreement by  
9 the lessee, the resulting inaccuracy is not a violation of this subchapter.

10 **(3) COPY OF RENT-TO-OWN AGREEMENT.** The rental-purchase company shall  
11 provide the lessee with a copy of the completed rent-to-own agreement signed by the  
12 lessee. If more than one lessee is legally obligated under the same rent-to-own  
13 agreement, delivery of a copy of the completed rent-to-own agreement to one of the  
14 lessees shall satisfy this subsection.

15 **(4) SINGLE INSTRUMENT.** In a rent-to-own agreement, the lessee's payment  
16 obligations shall be evidenced by a single instrument, which shall include the  
17 signature of the rental-purchase company, the signature of the lessee, and the date  
18 on which the instrument is signed.

19 **218.634 Required provisions of rent-to-own agreement.** A  
20 rental-purchase company shall include all of the following information, to the extent  
21 applicable, in every rent-to-own agreement:

22 **(1) DESCRIPTION.** A brief description of the rental property, sufficient to identify  
23 the rental property to the lessee and the rental-purchase company, including any  
24 identification number, and a statement indicating whether the rental property is

1 new or used. A statement that incorrectly indicates that new rental property is used  
2 is not a violation of this subchapter.

3 **(2) CASH PRICE.** The price at which the rental–purchase company would sell the  
4 rental property to the lessee if the lessee were to pay for the rental property in full  
5 on the date on which the rent–to–own agreement is executed, along with a statement  
6 that, if the lessee intends to acquire ownership of the rental property and is able to  
7 pay for the property in full or is able to obtain credit to finance the purchase, the  
8 lessee may be able to purchase similar property from a retailer at a lower cost.

9 **(3) RENTAL PAYMENT.** The periodic rental payment for the rental property.

10 **(4) UP–FRONT PAYMENT.** Any payment required of the lessee at the time that the  
11 agreement is executed or at the time that the rental property is delivered, including  
12 the initial rental payment, any application or processing charge, any delivery fee, the  
13 applicable tax, and any charge for a liability damage waiver or for other optional  
14 services agreed to by the lessee.

15 **(5) PERIODIC RENTAL PAYMENTS TO ACQUIRE OWNERSHIP.** The total number, total  
16 dollar amount, and timing of all periodic rental payments necessary to acquire  
17 ownership of the rental property.

18 **(6) OTHER CHARGES AND FEES TO ACQUIRE OWNERSHIP.** The dollar amount, both  
19 itemized and in total, of all taxes, liability damage waiver fees, fees for optional  
20 services, processing fees, application fees, and delivery charges that the lessee would  
21 incur if the lessee were to rent the rental property until the lessee acquires  
22 ownership, assuming that the lessee does not add or decline the liability damage  
23 waiver or optional services after signing the rent–to–own agreement.

24 **(7) TOTAL PAYMENTS TO ACQUIRE OWNERSHIP.** The total of all charges to be paid  
25 by the lessee to acquire ownership of the rental property, which shall consist of the

1 sum of the total dollar amount of all periodic rental payments disclosed under sub.  
2 (5) and the total dollar amount of all other charges and fees disclosed under sub. (6),  
3 along with a statement that this is the amount a lessee will pay to acquire ownership  
4 of the rental property if the tax rates do not change and if the lessee does not add or  
5 decline the liability damage waiver or optional services after signing the  
6 rent-to-own agreement.

7 **(8) OTHER CHARGES.** An itemized description of any other charges or fees that  
8 the rental-purchase company may charge the lessee.

9 **(9) SUMMARY OF EARLY-PURCHASE OPTION.** A statement summarizing the terms  
10 of the lessee's option to acquire ownership of the rental property, including a  
11 statement indicating that the lessee has the right to acquire ownership of the rental  
12 property at any time after the first payment by paying all past-due payments and  
13 fees and an amount not to exceed an amount equal to the cash price of the rental  
14 property multiplied by a fraction that has as its numerator the number of periodic  
15 rental payments remaining under the rent-to-own agreement and that has as its  
16 denominator the total number of periodic rental payments.

17 **(10) RESPONSIBILITY FOR THEFT OR DAMAGE.** A statement that, unless otherwise  
18 agreed, the lessee is responsible for the fair market value of the rental property,  
19 determined according to the early-purchase option formula under sub. (9), if the  
20 rental property is stolen, damaged, or destroyed while in the possession of or subject  
21 to the control of the lessee. The statement shall indicate that the fair market value  
22 will be determined as of the date on which the rental property is stolen, damaged,  
23 or destroyed.

24 **(11) SERVICE AND WARRANTY.** A statement that during the term of the  
25 rent-to-own agreement, the rental-purchase company is required to service the



1 rental property to maintain it in good working condition, as long as no other person  
2 has serviced the rental property. In lieu of servicing the rental property, the  
3 rental–purchase company may, at its option, replace the rental property. The  
4 rental–purchase company’s obligation to provide service is limited to defects in the  
5 property not caused by improper use or neglect by the lessee or harmful conditions  
6 outside the control of the rental–purchase company or manufacturer.

7 **(12) TERMINATION AT OPTION OF LESSEE.** A statement that the lessee may  
8 terminate the agreement at any time without penalty by voluntarily surrendering  
9 or returning the rental property in good repair.

10 **(13) RIGHT TO REINSTATE.** A brief explanation of the lessee’s right to reinstate  
11 a rent–to–own agreement under s. 218.654.

12 **(14) RENTAL, NOT PURCHASE.** A statement that the lessee will not own the rental  
13 property until the lessee has made all payments necessary to acquire ownership or  
14 has exercised the lessee’s early–purchase option. The rental–purchase company  
15 shall also include a notice reading substantially as follows: “You are renting this  
16 property. You will not own the property until you make all payments necessary to  
17 acquire ownership or until you exercise your early–purchase option. If you do not  
18 make your payments as scheduled or exercise your early–purchase option, the lessor  
19 may repossess the property.”

20 **(15) INFORMATION ABOUT RENTAL–PURCHASE COMPANY AND LESSEE.** The names of  
21 the rental–purchase company and the lessee, the rental–purchase company’s  
22 business address and telephone number, the lessee’s address, and the date on which  
23 the rent–to–own agreement is executed.

1           **218.636 Prohibited provisions of rent-to-own agreement.** A  
2 rental-purchase company may not include any of the following provisions in a  
3 rent-to-own agreement:

4           **(1) CONFESSION.** A confession of judgment.

5           **(2) SECURITY.** A provision granting the rental-purchase company a security  
6 interest in any property except the rental property delivered by the rental-purchase  
7 company under the rent-to-own agreement.

8           **(3) REPOSSESSION.** A provision authorizing the rental-purchase company or an  
9 agent of the rental-purchase company to enter the lessee's premises or to commit a  
10 breach of the peace in the repossession of rental property provided by the  
11 rental-purchase company under the rent-to-own agreement.

12           **(4) WAIVER.** A waiver of a defense or counterclaim, a waiver of any right to  
13 assert any claim that the lessee may have against the rental-purchase company or  
14 against an agent of the rental-purchase company, or a waiver of any provision of this  
15 subchapter.

16           **(5) OVERPAYMENT.** A provision requiring periodic rental payments totaling more  
17 than the total dollar amount of all periodic rental payments necessary to acquire  
18 ownership, as disclosed in the rental-purchase agreement.

19           **(6) INSURANCE.** A provision requiring the lessee to purchase insurance from the  
20 rental-purchase company to insure the rental property.

21           **(7) ATTORNEY FEES.** A provision requiring the lessee to pay attorney fees.

22           **218.638 Liability waiver.** A rental-purchase company may offer a liability  
23 waiver to the lessee. The terms of the waiver shall be provided to the lessee in  
24 writing, and the face of the writing shall clearly disclose that the lessee is not  
25 required to purchase the waiver. The fee for the waiver may not exceed 10% of the

1 periodic rental payment due under the rent-to-own agreement. The lessee shall be  
2 entitled to cancel the waiver at the end of any rental term.

3 **218.64 Early-purchase option.** An early-purchase option under a  
4 rent-to-own agreement shall permit the lessee to purchase the rental property at  
5 any time after the initial periodic rental payment for an amount determined  
6 according to the early-purchase option formula under s. 218.634 (9). As a condition  
7 of exercising the early-purchase option, the rental-purchase company may require  
8 the lessee to be current on the payments under the lessee's rent-to-own agreement  
9 or to pay any past-due rental charges and other outstanding fees that are owed.

10 **218.642 Receipts and statements. (1) RECEIPTS.** A rental-purchase  
11 company shall provide a written receipt to a lessee for any payment made by the  
12 lessee in cash, or upon the request of the lessee, for any other type of payment.

13 **(2) STATEMENT DUE TO LESSEE.** Subject to sub. (4), upon the request of a lessee,  
14 a rental-purchase company shall provide a written statement to the lessee showing  
15 the lessee's payment history under each rent-to-own agreement between the lessee  
16 and the rental-purchase company. A rental-purchase company is not required to  
17 provide a statement covering any rent-to-own agreement that terminated more  
18 than one year prior to the date of the lessee's request. A rental-purchase company  
19 may provide a single statement covering all rent-to-own agreements or separate  
20 statements for each rent-to-own agreement, at the rental-purchase company's  
21 option.

22 **(3) STATEMENT DUE TO 3RD PARTY.** Subject to sub. (4), upon the written request  
23 of a lessee, made during the term of or no later than one year after the termination  
24 of a rent-to-own agreement, a rental-purchase company shall provide a written

1 statement to any person designated by the lessee, showing the lessee's payment  
2 history under the rent-to-own agreement.

3 **(4) FEE FOR STATEMENT.** A lessee or, if appropriate, a lessee's designee is entitled  
4 to receive one statement under subs. (2) and (3) without charge once every 12  
5 months. A rental-purchase company shall provide an additional statement if the  
6 lessee pays the rental-purchase company's reasonable costs of preparing and  
7 furnishing the statement.

8 **218.644 Price cards displayed. (1) PRICE CARDS; GENERALLY.** Except as  
9 provided under sub. (2), a rental-purchase company shall display a card or tag that  
10 clearly and conspicuously states all of the following information on or next to any  
11 property displayed or offered by the rental-purchase company for rent under a  
12 rent-to-own agreement:

13 (a) The cash price that an individual would pay to purchase the property.

14 (b) The amount of the periodic rental payment and the term over which the  
15 payment must be made.

16 (c) The total number and total dollar amount of all periodic rental payments  
17 necessary to acquire ownership of the property under a rent-to-own agreement.

18 (d) Whether the property is new or used.

19 **(2) EXCEPTIONS.** If property is offered for rent under a rent-to-own agreement  
20 through a catalog, or if the size of the property is such that displaying a card or tag  
21 on or next to the property is impractical, a rental-purchase company may make the  
22 disclosures required under sub. (1) in a catalog or list that is readily available to  
23 prospective lessees.

24 **218.646 Advertising. (1) DISCLOSURE REQUIRED.** Except as provided under  
25 sub. (2), if an advertisement for a rent-to-own agreement refers to or states the

1 amount of a payment for a specific item of property, the rental–purchase company  
2 shall ensure that the advertisement clearly and conspicuously states all of the  
3 following:

4 (a) That the transaction advertised is a rent–to–own agreement.

5 (b) The total number and total dollar amount of all periodic rental payments  
6 necessary to acquire ownership of the property.

7 (c) That the lessee does not acquire ownership of the property if the lessee fails  
8 to make all periodic rental payments or other payments necessary to acquire  
9 ownership of the property.

10 (2) EXCEPTION. Subsection (1) does not apply to an in–store display or to an  
11 advertisement that is published in the yellow pages of a telephone directory or in a  
12 similar directory of businesses.

13 **218.648 Referral transactions. (1) PROHIBITED REFERRAL TRANSACTIONS.** No  
14 rental–purchase company may induce any individual to enter into a rent–to–own  
15 agreement by giving or offering to give a rebate or discount to the individual in  
16 consideration of the individual giving to the rental–purchase company the names of  
17 prospective lessees if the earning of the rebate or discount is contingent on the  
18 occurrence of any event that takes place after the time that the individual enters into  
19 the rent–to–own agreement.

20 (2) AUTHORIZED REFERRAL TRANSACTIONS. After entering into a rent–to–own  
21 agreement, a rental–purchase company may give or offer to give a rebate or discount  
22 to the lessee under the rent–to–own agreement in consideration of the lessee giving  
23 to the rental–purchase company the names of prospective lessees. A rebate or  
24 discount under this subsection may be contingent on the occurrence of any event that  
25 takes place after the time that the names are given to the rental–purchase company.

1           **218.65 Termination of rent-to-own agreement.** The termination date of  
2 a rent-to-own agreement is the earlier of the following:

3           **(1)** The day specified in the rent-to-own agreement as the day on which the  
4 rental term ends, unless a different day has been established pursuant to the terms  
5 of the rent-to-own agreement.

6           **(2)** The date on which the lessee voluntarily surrenders the rental property.

7           **218.652 Late payment, grace period, and late fees. (1) LATE FEE;**  
8 **GENERALLY.** If a lessee fails to make a periodic rental payment when due under a  
9 rent-to-own agreement or if, at the end of any rental term, the lessee fails to return  
10 the rental property or to renew the rent-to-own agreement for an additional term,  
11 the rental-purchase company may require the lessee to pay a late fee. Except as  
12 provided under sub. (4), this subsection does not apply if the lessee's failure to return  
13 the rental property or failure to renew the rent-to-own agreement at the end of the  
14 rental term is due to the lessee's exercise of an early-purchase option under the  
15 rent-to-own agreement or is due to the lessee making all periodic rental payments  
16 necessary to acquire ownership of the rental property.

17           **(2) GRACE PERIODS.** The following grace periods shall apply to periodic rental  
18 payments made with respect to a rental-purchase agreement:

19           **(a)** For an agreement that is renewed on a weekly basis, no late fee may be  
20 assessed for a periodic rental payment that is made within 2 days after the date on  
21 which the payment is due.

22           **(b)** For an agreement that is renewed for a term that is longer than one week,  
23 no late fee may be assessed for a periodic rental payment that is made within 5 days  
24 after the date on which the payment is due.

1           **(3) COLLECTION, RECORDING, AND LIMITATION OF LATE FEES.** Late fees are subject  
2 to all of the following limitations:

3           (a) A late fee may not exceed \$5 for each past–due periodic rental payment.

4           (b) A late fee may be collected only once on each periodic rental payment due,  
5 regardless of how long the payment remains past due.

6           (c) Payments received shall be applied first to the payment of any rent that is  
7 due and then to late fees and any other charges.

8           (d) A late fee may be collected at the time that the late fee accrues or at any time  
9 afterward.

10           **(4) EFFECT OF OUTSTANDING LATE FEE ON TRANSFER OF OWNERSHIP.** A  
11 rental–purchase company may require payment of any outstanding late fees before  
12 transferring ownership of rental property to a lessee.

13           **218.654 Reinstatement of terminated rent–to–own agreement. (1)**  
14 REINSTATEMENT, GENERALLY. A lessee may reinstate a terminated rent–to–own  
15 agreement without losing any rights or options previously acquired if all of the  
16 following conditions apply:

17           (a) The lessee returned or surrendered the rental property within 5 days after  
18 the termination of the rent–to–own agreement.

19           (b) Not more than 21 days have passed after the date on which the rental  
20 property was returned to the rental–purchase company or, if the lessee has paid  
21 two–thirds or more of the total number of periodic rental payments necessary to  
22 acquire ownership of the rental property, not more than 45 days have passed since  
23 the date on which the rental property was returned to the rental–purchase company.

24           **(2) AUTHORIZED CONDITIONS ON REINSTATEMENT.** As a condition of reinstatement  
25 under this section, the rental–purchase company may require the payment of all

1 past-due rental charges, any applicable late fees, a reinstatement fee not to exceed  
2 \$5, and the periodic rental payment for the next term.

3 (3) EFFECT OF REPOSSESSION ON REINSTATEMENT. Nothing in this section prohibits  
4 a rental-purchase company from attempting to repossess rental property upon  
5 termination of a rent-to-own agreement, but repossession efforts do not affect the  
6 lessee's right to reinstate the rent-to-own agreement as long as the rental property  
7 is voluntarily returned or surrendered within 5 days after the termination of the  
8 rent-to-own agreement.

9 (4) PROPERTY AVAILABLE UPON REINSTATEMENT. Upon reinstatement, the  
10 rental-purchase company shall provide the lessee with the same rental property, if  
11 the property is available and is in the same condition as when it was returned to the  
12 rental-purchase company, or with substitute rental property of comparable quality  
13 and condition.

14 **218.656 Reduced periodic rental payment due to reduced income. (1)**  
15 REDUCTION IN AMOUNT OF PERIODIC RENTAL PAYMENTS; REQUIRED EVIDENCE. (a)  
16 *Reduction in amount of periodic rental payments.* If a lessee's monthly income is  
17 reduced by 25% or more due to pregnancy, disability, involuntary job loss, or  
18 involuntary reduction in the amount of hours worked or wages earned, the  
19 rental-purchase company shall reduce the amount of each periodic rental payment  
20 due under the rent-to-own agreement by the same percentage that the lessee's  
21 monthly income is reduced or by 50%, whichever is less, for the period of time during  
22 which the lessee's income is reduced. This paragraph applies only if all of the  
23 following conditions are satisfied:



1           1. The total dollar amount of periodic rental payments made by the lessee  
2 under the rent-to-own agreement equals more than 50% of the total dollar amount  
3 of periodic rental payments necessary to acquire ownership of the rental property.

4           2. The lessee has provided the rental-purchase company with reasonable  
5 evidence of the amount and cause of the reduction in the lessee's monthly income.

6           (b) *Evidence of continued reduction in income.* At reasonable intervals after  
7 reducing the amount of a periodic rental payment under par. (a), a rental-purchase  
8 company may require the lessee to provide evidence of the lessee's monthly income  
9 and evidence that the cause of the reduction in the lessee's monthly income has not  
10 abated.

11           **(2) INCREASE IN NUMBER OF PERIODIC RENTAL PAYMENTS.** Except as provided in  
12 sub. (4), if a rental-purchase company reduces the amount of a periodic rental  
13 payment under sub. (1) (a), the rental-purchase company may increase the total  
14 number of periodic rental payments necessary to acquire ownership of the rental  
15 property.

16           **(3) INCREASE IN AMOUNT OF PERIODIC RENTAL PAYMENTS.** Except as provided in  
17 sub. (4), if a rental-purchase company reduces the amount of a periodic rental  
18 payment under sub. (1) (a) and if, subsequently, the lessee's monthly income is  
19 increased, the rental-purchase company may increase, by the same percentage that  
20 the lessee's monthly income is increased, the amount of each periodic rental payment  
21 due after the date on which the lessee's monthly income is increased.

22           **(4) LIMITATION ON INCREASES.** If a rental-purchase company, under sub. (2) or  
23 (3), increases the amount or number of periodic rental payments due under a  
24 rent-to-own agreement, the increase affects only the rights or duties of the lessee  
25 to the extent authorized in sub. (2) or (3). No rental-purchase company, acting under

1 sub. (2) or (3), may increase the total dollar amount of periodic rental payments  
2 necessary to acquire ownership of the rental property, or the amount of a periodic  
3 rental payment, to greater than the amount disclosed in the rent-to-own agreement.

4 **218.658 Default and right to cure. (1)** DEFAULT; GENERALLY. A lessee is in  
5 default under a rent-to-own agreement if any of the following occurs:

6 (a) The lessee fails to return the rental property within 7 days after the date  
7 on which the last term for which a periodic rental payment was made expires, unless  
8 the lessee has exercised an early-purchase option or has made all periodic rental  
9 payments necessary to acquire ownership of the rental property.

10 (b) The lessee materially breaches any other provision of the rent-to-own  
11 agreement.

12 **(2)** DEFAULT; NECESSARY FOR LESSEE LIABILITY. No cause of action shall accrue  
13 against a lessee with respect to the lessee's obligations under a rent-to-own  
14 agreement except upon default and the expiration of any applicable period of time  
15 allowed for cure of the default.

16 **(3)** NOTICE OF DEFAULT; GENERAL REQUIREMENT. Except as provided in sub. (4),  
17 as a condition precedent to bringing an action against a lessee arising out of the  
18 lessee's default, a rental-purchase company shall provide a written notice of the  
19 default and of the right to cure the default to the lessee. The notice shall specify the  
20 default and the action required to cure the default and shall inform the lessee that,  
21 if the default is not cured within 15 days after the notice is given, the rental-purchase  
22 company will have the right to bring an action against the lessee.

23 **(4)** NOTICE OF DEFAULT; EXCEPTION. A rental-purchase company is not required  
24 to provide a notice of default and right to cure as a condition precedent to bringing  
25 an action against a lessee if each of the following occurred twice during the 12 months

1 before the date of the current default with respect to the same rent-to-own  
2 agreement:

3 (a) The lessee was in default.

4 (b) The rental-purchase company gave the lessee written notice of the default  
5 and of the lessee's right to cure under sub. (3).

6 (c) The lessee cured the default.

7 **(5) REQUEST FOR VOLUNTARY SURRENDER OF PROPERTY.** A rental-purchase  
8 company may request the voluntary return or surrender of rental property prior to  
9 the declaration of a default and the sending of written notice of default and right to  
10 cure. A request under this subsection is subject to the requirements of s. 218.66.

11 **218.66 Rental-purchase company collection practices.** In attempting to  
12 recover possession of rental property or to collect past-due periodic rental payments  
13 or other charges owed under a rent-to-own agreement, a rental-purchase company  
14 may not do any of the following:

15 **(1) USE OF FORCE.** Use or threaten to use force or violence to cause physical harm  
16 to the lessee or the lessee's property or to a person related to the lessee.

17 **(2) CRIMINAL PROSECUTION.** Threaten criminal prosecution. It is not a violation  
18 of this subsection for a rental-purchase company to inform a lessee of the existence  
19 of s. 943.20 (1) (e) and the consequences of violating that section.

20 **(3) DISCLOSURE OF FALSE INFORMATION.** Disclose or threaten to disclose  
21 information adversely affecting the lessee's reputation for creditworthiness with  
22 knowledge or reason to know that the information is false.

23 **(4) COMMUNICATION WITH LESSEE'S EMPLOYER.** Initiate or threaten to initiate  
24 communication with the lessee's employer prior to obtaining final judgment against  
25 the lessee, except for the purpose of enforcing an assignment of earnings authorized

1 under s. 218.68. This subsection does not prohibit a rental–purchase company from  
2 communicating with a lessee’s employer solely to verify employment status or  
3 earnings or to determine if the employer has an established debt counseling service  
4 or procedure.

5 **(5) DISCLOSURE OF INFORMATION RELATING TO LESSEE’S REPUTATION.** Disclose or  
6 threaten to disclose to a person other than the lessee or the lessee’s spouse  
7 information affecting the lessee’s reputation, whether or not for creditworthiness,  
8 with knowledge or reason to know that the other person does not have a legitimate  
9 business need for the information, except that this subsection does not prohibit any  
10 of the following:

11 (a) The disclosure to another person of information permitted to be disclosed  
12 to that person by statute.

13 (b) An inquiry solely for the purpose of determining the location of the lessee  
14 or the rental property.

15 **(6) DISCLOSURE OF INFORMATION REGARDING A DISPUTED DEBT.** Disclose or threaten  
16 to disclose information concerning the existence of a debt known to be reasonably  
17 disputed by the lessee without disclosing the fact that the lessee disputes the debt.

18 **(7) HARASSMENT.** Communicate with the lessee or a person related to the lessee  
19 with such frequency, at such unusual hours, or in such a manner as can reasonably  
20 be expected to threaten or harass the lessee or a person related to the lessee, or  
21 engage in any other conduct that can reasonably be expected to threaten or harass  
22 the lessee or a person related to the lessee.

23 **(8) USE OF OBSCENE OR THREATENING LANGUAGE.** Use obscene or threatening  
24 language in communicating with the lessee or a person related to the lessee.

1           **(9) USE OF THREAT TO ENFORCE FALSE RIGHT.** Threaten to enforce a right with  
2 knowledge that the right does not exist.

3           **(10) USE OF FALSE PROCESS.** Use a communication that simulates legal or  
4 judicial process or that gives the appearance of being authorized, issued, or approved  
5 by a government, government agency, or attorney-at-law when it is not.

6           **(11) USE OF THREAT TO SUE.** Threaten to file a civil action against the lessee  
7 unless the civil action is of a type that the rental-purchase company files in the  
8 regular course of business or unless the rental-purchase company intends to file the  
9 civil action against the lessee.

10           **218.68 Assignment of earnings.** No rental-purchase company may take or  
11 arrange for an assignment of earnings of an individual for payment or as security for  
12 payment of an obligation arising out of a rent-to-own agreement unless the  
13 assignment is revocable at will by the individual.

14           **218.682 Penalties. (1) FAILURE TO PAY FEES AND PROVIDE REPORTS, INFORMATION,**  
15 **AND NOTICES; GENERALLY.** A licensee that fails to file its annual report by the date  
16 specified in s. 218.628 (1), fails to pay the annual license fee by the date specified in  
17 s. 218.622 (4), fails to provide any required rider or endorsement to increase the  
18 amount of its bond by the date specified in s. 218.622 (4), fails to provide examination  
19 records by the date required by the division, fails to notify the division in writing of  
20 a relocation of the licensee's place of business by the date specified in s. 218.626 (1),  
21 or fails to provide notice to the division of other changes as required under s. 218.626  
22 (2) by the date specified in s. 218.626 (2) may be required to forfeit not more than \$50.  
23 Each day that a failure described in this subsection continues constitutes a separate  
24 offense.

1           **(2) FAILURE TO PROVIDE CERTAIN INFORMATION.** A licensee that fails to provide any  
2 additional information, data, or records requested by the division under s. 218.626  
3 **(2)** by the date specified in s. 218.626 **(2)** may be required to forfeit not more than  
4 \$100. Each day that a failure described in this subsection continues constitutes a  
5 separate offense.

6           **(3) MISDEMEANORS.** Any person who violates s. 218.63 **(2)** or any provision of  
7 ss. 218.617 to 218.628 other than those provisions described in subs. **(1)** and **(2)** may  
8 be fined not more than \$1,000, imprisoned for not more than 6 months, or both.

9           **218.684 Civil actions and defenses. (1) LIABILITY; GENERALLY.** Except as  
10 provided under subs. **(2)** to **(6)**, a rental–purchase company that violates any  
11 provision of this subchapter is liable to a lessee damaged as a result of that violation  
12 for the costs of the action and, notwithstanding s. 814.04 **(1)**, for reasonable attorney  
13 fees as determined by the court, plus an amount equal to the greater of the following:

14           **(a)** The actual damages, including any incidental and consequential damages,  
15 sustained by the lessee as a result of the violation.

16           **(b)** An amount equal to 25% of the total amount of payments due in one month  
17 under the lessee’s rent–to–own agreement, except that liability under this  
18 paragraph may not be less than \$100 nor more than \$1,000.

19           **(2) LIABILITY; CERTAIN VIOLATIONS.** Except as provided in subs. **(4)** and **(5)**, if a  
20 rental–purchase company violates s. 218.636, the lessee may retain the rental  
21 property under the rent–to–own agreement without obligation to pay any amount  
22 and may recover any amounts paid to the rental–purchase company under the  
23 rent–to–own agreement.

24           **(3) CLASS ACTION.** In the case of a class action, a rental–purchase company that  
25 violates this subchapter is liable to the members of the class in an amount

1 determined by the court, except that the total recovery for all lessees whose recovery  
2 is computed under sub. (1) (b) may not exceed \$100,000 plus the costs of the action  
3 and, notwithstanding s. 814.04 (1), reasonable attorney fees as determined by the  
4 court. In determining the amount to award under this subsection, the court shall  
5 consider, among other relevant factors, the amount of actual damages sustained by  
6 the members of the class, the frequency and persistence of the violations by the  
7 rental–purchase company, the resources of the rental–purchase company, the  
8 number of persons damaged by the violation, the presence or absence of good faith  
9 on the part of the rental–purchase company, and the extent to which the violation  
10 was intentional.

11 **(4) DEFENSE; ERROR NOTIFICATION AND CORRECTION.** A rental–purchase company  
12 is not liable for a violation of this subchapter resulting from an error by the  
13 rental–purchase company if, within 60 days after discovering the error, the  
14 rental–purchase company notifies the lessee of the error and makes any adjustments  
15 necessary to correct the error.

16 **(5) DEFENSE; UNINTENTIONAL ERROR.** A rental–purchase company is not liable  
17 for a violation of this subchapter if the rental–purchase company shows by a  
18 preponderance of the evidence that the violation was not intentional, that the  
19 violation resulted from a bona fide error notwithstanding the maintenance of  
20 procedures reasonably adopted to avoid the error, and that the rental–purchase  
21 company has acted to correct the error. A bona fide error under this subsection  
22 includes a clerical error, an error in making calculations, an error due to computer  
23 malfunction or to computer programming, or a printing error.

24 **(6) LIABILITY FOR MULTIPLE VIOLATIONS.** Multiple violations of this subchapter  
25 in connection with the same rent–to–own agreement shall entitle the lessee to only

1 a single recovery under sub. (1), except that a violation of s. 218.66 that occurs after  
2 recovery has been granted with respect to that rent-to-own agreement may entitle  
3 the lessee to an additional recovery under sub. (1).

4 (7) NECESSARY PARTIES. If more than one lessee is a party to the same  
5 rent-to-own agreement, all of the lessees that are parties to the rent-to-own  
6 agreement shall be joined as plaintiffs in any action under sub. (1), and the lessees  
7 are entitled to only a single recovery under sub. (1).

8 **218.686 Limitation on actions.** An action brought by a lessee under this  
9 subchapter shall be commenced within one year after the date on which the alleged  
10 violation occurred, 2 years after the date on which the rent-to-own agreement was  
11 entered into, or one year after the date on which the last payment was made under  
12 the rent-to-own agreement, whichever is later.

13 **218.688 Venue. (1) GENERALLY.** The venue for a claim arising out of a  
14 rent-to-own agreement is any of the following counties:

15 (a) Where the lessee resides or is personally served.

16 (b) Where the rental property is located.

17 (c) Where the lessee sought or acquired the rental property or signed the  
18 document evidencing his or her obligation under the terms of the rent-to-own  
19 agreement.

20 (2) CHANGE IN VENUE. When it appears from the return of service of a summons  
21 or otherwise that the county in which an action is pending under sub. (1) is not a  
22 proper place of trial for the action, unless the defendant appears and waives the  
23 improper venue, the court shall transfer the action to any county that is a proper  
24 place of trial.



1           **(3) MULTIPLE DEFENDANTS.** If there are several defendants in an action arising  
2 out of a rent-to-own agreement, and if venue is based on residence, venue may be  
3 in the county of residence of any of the defendants.

4           **SECTION 3021v.** 220.02 (2) (b) of the statutes is amended to read:

5           220.02 **(2)** (b) The lending of money under s. 138.09 or those relating to finance  
6 companies, motor vehicle dealers, adjustment service companies, community  
7 currency exchanges, rental-purchase companies, and collection agencies under ch.  
8 218.

9           **SECTION 3021w.** 220.02 (3) of the statutes is amended to read:

10           220.02 **(3)** It is the intent of sub. (2) to give the division jurisdiction to enforce  
11 and carry out all laws relating to banks or banking in this state, including those  
12 relating to state banks, trust company banks, and also all laws relating to small loan  
13 companies or other loan companies or agencies, finance companies, motor vehicle  
14 dealers, adjustment service companies, community currency exchanges,  
15 rental-purchase companies, and collection agencies, and those relating to sellers of  
16 checks under ch. 217, whether doing business as corporations, individuals, or  
17 otherwise, but to exclude laws relating to credit unions.”.

18           **1548.** Page 1003, line 6: after that line insert:

19           **“SECTION 3019m.** 197.04 (1) (b) and (2) of the statutes are amended to read:

20           197.04 **(1)** (b) If within either of the 90-day periods described in par. (a) a  
21 petition conforming to the requirements of s. 8.40 is filed with the clerk of the  
22 municipality as provided in s. 8.37 and the petition has been signed by 5% of the  
23 electors of a 1st class city or by 10% of the electors of all other municipalities  
24 requesting that the question of discontinuing the proceeding to acquire the plant or

1 equipment of the public utility be submitted to the electors of the municipality, the  
2 applicable question under par. (c) shall be submitted to the electors at any general  
3 ~~or regular municipal~~ the succeeding election authorized under s. 8.065 (2) or an  
4 election authorized under s. 8.065 (3) that is held not less than 42 and not more than  
5 47 days from the date of the filing of the petition. ~~If no general election or regular~~  
6 ~~municipal election is to be held within the stated periods, the governing body of the~~  
7 ~~municipality shall order the holding of a special election, to be held not less than 42~~  
8 ~~days from the date of filing of the petition, for the purpose of submitting the question~~  
9 ~~to the electors.~~

10 (2) The governing body of the municipality may provide for notice of, the  
11 manner of holding, the method of voting on, the method of making returns of, and  
12 the method of canvassing and determining the result of, the election required under  
13 sub. (1). Notice of the election to the electors shall be given by a brief notice of that  
14 fact once a week for 3 weeks in some newspaper of general circulation published in  
15 the municipality. If no newspaper of general circulation is published in the  
16 municipality, publication may be made in any newspaper of general circulation in the  
17 county seat of the county in which the municipality is located. ~~The notice of holding~~  
18 ~~any special election shall be incorporated as a part of the notice given under this~~  
19 ~~subsection.~~

20 **SECTION 3019p.** 197.10 (2) of the statutes is amended to read:

21 197.10 (2) Such contract when adopted by the common council of said city and  
22 accepted by the owner or owners of such public utility shall be submitted to the public  
23 service commission for its approval and upon such approval the same shall be filed  
24 as provided in s. 8.37 and submitted in such manner as the common council shall  
25 determine to a vote of the electors of such city at the next ~~regular municipal~~ election

1     ~~or at a special election called for that purpose~~ authorized under s. 8.065 (2) or an  
2     election authorized under s. 8.065 (3) to be held not sooner than 45 days after  
3     approval of the commission, and such contract shall not become binding upon such  
4     city until approved by a majority vote of the qualified electors of such city voting  
5     thereon. No bonds shall in any case be issued by said city under the contract or  
6     contracts mentioned in sub. (1), until the proposition of their issue shall have been  
7     submitted to the people of such city and adopted by a majority of the electors voting  
8     thereon.

9             **SECTION 3020m.** 198.19 (1) of the statutes is amended to read:

10            198.19 (1) Any territory, constituting one or more municipalities contiguous to  
11            a district may be annexed to and become a part of such district to all intents and  
12            purposes and with like effect as though originally included therein upon such terms  
13            and conditions as the board of directors of the district shall fix by ordinance adopted  
14            by the affirmative vote of two-thirds of the directors-elect, provided that before such  
15            ordinance becomes effective the same shall be accepted and ratified by the  
16            affirmative vote of a majority of the qualified electors entitled to vote and voting in  
17            a ~~special election~~ referendum called and held for that purpose, in accordance with  
18            s. 8.065, in each municipality proposed in such ordinance to be annexed to the  
19            district. Such ordinance shall be published and such election shall be noticed, held  
20            and conducted, as nearly as may be, in the manner provided by this chapter for the  
21            noticing, holding and conduct of elections upon the organization of a municipal power  
22            district, except that the returns of such election and the ballots therein shall be  
23            delivered to the clerk of the district. The results of said election shall be canvassed  
24            publicly by the directors of the district.”.



1 approved by the division, other forms of capital designated as capital by the division,  
2 and other forms of capital considered to be qualifying capital by a deposit insurance  
3 corporation.

4 (2) “Deposit insurance corporation” means the Federal Deposit Insurance  
5 Corporation or other instrumentality of, or corporation chartered by, the United  
6 States that insures deposits of financial institutions and that is supported by the full  
7 faith and credit of the U.S. government as stated in a congressional resolution.

8 (3) “Division” means the division of banking.

9 (4) “Financial institution” means a state savings bank organized under ch. 214,  
10 state savings and loan association organized under ch. 215, or state bank chartered  
11 under ch. 221.

12 (5) “Universal bank” means a financial institution that has been issued a  
13 certificate of authority under s. 222.0205.

14 (6) “Well-capitalized” has the meaning given in 12 USC 1831o (b) (1) (A).

15 **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings  
16 bank organized under ch. 214 remains subject to all of the requirements, duties, and  
17 liabilities, and may exercise all of the powers, of a savings bank, except that, in the  
18 event of a conflict between this chapter and those requirements, duties, liabilities,  
19 or powers, this chapter shall control.

20 (2) **SAVINGS AND LOAN ASSOCIATIONS.** A universal bank that is a savings and loan  
21 association organized under ch. 215 remains subject to all of the requirements,  
22 duties, and liabilities, and may exercise all of the powers, of a savings and loan  
23 association, except that, in the event of a conflict between this chapter and those  
24 requirements, duties, liabilities, or powers, this chapter shall control.



1 period for an additional period of 60 days. The division shall approve an application  
2 if all of the applicable requirements under s. 222.0203 (1) are met.

3 **222.0203 Eligibility. (1) REQUIREMENTS.** The division may approve an  
4 application from a financial institution for certification as a universal bank only if  
5 all of the following requirements are met:

6 (a) The financial institution is chartered or organized, and regulated, under ch.  
7 214, 215, or 221 and has been in existence and continuous operation for a minimum  
8 of 3 years before the date of the application.

9 (b) The financial institution is well-capitalized.

10 (c) The financial institution does not exhibit a combination of financial,  
11 managerial, operational, and compliance weaknesses that is moderately severe or  
12 unsatisfactory, as determined by the division based upon the division's assessment  
13 of the financial institution's capital adequacy, asset quality, management capability,  
14 earnings quantity and quality, adequacy of liquidity, and sensitivity to market risk.

15 (d) During the 12-month period before the date of the application, the financial  
16 institution has not been the subject of an enforcement action, and there is no  
17 enforcement action pending against the financial institution by any state or federal  
18 financial institution regulatory agency, including the division.

19 (e) The most current evaluation prepared under 12 USC 2906 that the financial  
20 institution has received rates the financial institution as "outstanding" or  
21 "satisfactory" in helping to meet the credit needs of its entire community, including  
22 low-income and moderate-income neighborhoods, consistent with the safe and  
23 sound operation of the financial institution.

24 (f) If the financial institution has received from its federal functional regulator,  
25 as defined in 15 USC 6809 (2), a consumer compliance examination that contains

1 information regarding the financial institution's compliance with 15 USC 6801 to  
2 6803 and any applicable regulations prescribed under 15 USC 6804, the most recent  
3 such examination indicates, in the opinion of the division, that the financial  
4 institution is in substantial compliance with those statutes or regulations.

5 **(2) FAILURE TO MAINTAIN ELIGIBILITY; LIMITATION OF AUTHORITY AND**  
6 **DECERTIFICATION.** For any period during which a universal bank fails to meet the  
7 requirements under sub. (1), the division shall by order limit or restrict the exercise  
8 of the powers of the universal bank under this chapter. In addition to or lieu of  
9 limiting or restricting the universal bank's authority under this subsection, the  
10 division may by order revoke the universal bank's certificate of authority issued  
11 under s. 222.0205.

12 **222.0205 Certificate of authority.** Upon approval of an application for  
13 certification as a universal bank, the division shall issue to the applicant a certificate  
14 of authority stating that the financial institution is certified as a universal bank  
15 under this chapter.

16 **222.0207 Voluntary termination of certification.** A financial institution  
17 that is certified as a universal bank under this chapter may elect to terminate its  
18 certification by giving 60 days' prior written notice of the termination to the division.  
19 A termination under this section is effective only with the written approval of the  
20 division. A financial institution shall, as a condition to a termination under this  
21 section, terminate its exercise of all powers granted under this chapter before the  
22 termination of the certification. The division's written approval of a financial  
23 institution's termination under this section is void if the financial institution fails to  
24 satisfy the precondition to termination under this section.



## 1 SUBCHAPTER III

## 2 ORGANIZATION

3 **222.0301 Articles of incorporation and bylaws.** A universal bank shall  
4 continue to operate under its articles of incorporation and bylaws as in effect prior  
5 to certification as a universal bank or as such articles or bylaws may be subsequently  
6 amended in accordance with the provisions of the chapter under which the universal  
7 bank was organized or chartered.

8 **222.0303 Name. (1) USE OF “BANK.”** Notwithstanding ss. 214.035, 215.40 (1),  
9 and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank may use the word  
10 “bank” in its name, without having to include the word “savings.” Notwithstanding  
11 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank that  
12 is organized under ch. 215 and that uses the word “bank” in its name in accordance  
13 with this section need not include the words “savings and loan association” or  
14 “savings association” in its name.

15 **(2) DISTINGUISHABILITY.** Except as provided in sub. (3), the name of the  
16 universal bank shall be distinguishable upon the records of the division from all of  
17 the following names:

18 (a) The name of every other financial institution organized under the laws of  
19 this state.

20 (b) The name of every national bank or foreign bank authorized to transact  
21 business in this state.

22 **(3) EXCEPTIONS.** (a) A universal bank may apply to the division for authority  
23 to use a name that does not meet the requirements under sub. (2). The division may  
24 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)  
25 is met.

1 (b) A universal bank may use a name that is used in this state by another  
2 financial institution or by an institution authorized to transact business in this state,  
3 if the universal bank has done any of the following:

4 1. Merged with the other institution.

5 2. Been formed by reorganization of the other institution.

6 3. Acquired all or substantially all of the assets, including the name, of the  
7 other institution.

8 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding  
9 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the  
10 minimum capital requirements of universal banks.

11 **(2) CERTAIN ASSET REQUIREMENTS.** Section 214.045 does not apply to universal  
12 banks.

13 **222.0307 Acquisitions, mergers, and asset purchases. (1) IN GENERAL.**  
14 A universal bank may, with the approval of the division, purchase the assets of,  
15 merge with, acquire, or be acquired by any other financial institution, universal  
16 bank, national bank, federally chartered savings bank, or savings and loan  
17 association, or by a holding company of any of these entities. Notwithstanding subch.  
18 III of ch. 214 and ss. 214.09 and 215.36, the approval of the division of savings and  
19 loan is not required.

20 **(2) APPLICATIONS FOR APPROVAL.** An application for approval under sub. (1) shall  
21 be submitted on a form prescribed by the division and accompanied by a fee  
22 determined by the division. In processing and acting on applications under this  
23 section the division shall apply the following standards:

24 (a) For universal banks organized under ch. 214, ss. 214.09, 214.62 to 214.64,  
25 and 214.665, and subch. III of ch. 214.

1 (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53, and  
2 215.73.

3 (c) For universal banks chartered under ch. 221, subchs. VII and IX of ch. 221.

#### 4 SUBCHAPTER IV

#### 5 POWERS

6 **222.0401 Federal financial institution powers. (1) IN GENERAL. (a)**  
7 *Powers exercised by universal bank.* A universal bank, with the approval of the  
8 division, may exercise any power that may be directly exercised by a federally  
9 chartered savings bank, a federally chartered savings and loan association, or a  
10 federally chartered national bank.

11 (b) *Powers exercised by subsidiary of universal bank.* A universal bank,  
12 through a subsidiary and with the approval of the division, may exercise any power  
13 that a federally chartered savings bank, a federally chartered savings and loan  
14 association, or a federally chartered national bank may exercise through a  
15 subsidiary.

16 **(2) APPROVAL REQUIRED FOR EXERCISE OF FEDERAL POWER.** A universal bank shall  
17 file with the division a written request to exercise a power under sub. (1). The  
18 division shall determine whether the requested power is permitted under sub. (1).  
19 Within 60 days after receiving a request under this subsection, the division shall  
20 approve the request, if the power is permitted under sub. (1), or shall disapprove the  
21 request if the power is not permitted under sub. (1). The division and the universal  
22 bank may mutually agree to extend this 60–day period for an additional period of 60  
23 days.

24 **(3) EXERCISE OF FEDERAL POWERS THROUGH A SUBSIDIARY.** The division may  
25 require that certain powers exercisable by a universal bank under sub. (1) (a) be

1 exercised through a subsidiary of the universal bank with appropriate safeguards to  
2 limit the risk exposure of the universal bank.

3 **222.0403 Loan powers. (1) PERMITTED PURPOSES.** A universal bank may  
4 make, sell, purchase, arrange, participate in, invest in, or otherwise deal in loans or  
5 extensions of credit for any purpose.

6 **(2) IN GENERAL.** Except as provided in subs. (3) to (8), the total liabilities of any  
7 person, other than a municipal corporation, to a universal bank for a loan or  
8 extension of credit may not exceed 20% of the capital of the universal bank at any  
9 time. In determining compliance with this section, liabilities of a partnership  
10 include the liabilities of the general partners, computed individually as to each  
11 general partner on the basis of his or her direct liability.

12 **(3) CERTAIN SECURED LIABILITIES.** The percentage limitation under sub. (2) is  
13 50% of the universal bank's capital, if the liabilities under sub. (2) are limited to the  
14 following types of liabilities:

15 (a) *Warehouse receipts.* A liability secured by warehouse receipts issued by  
16 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and  
17 99.03 or under the federal Bonded Warehouse Act or who hold a registration  
18 certificate under ch. 127, if all of the following requirements are met:

- 19 1. The receipts cover readily marketable nonperishable staples.
- 20 2. The staples are insured, if it is customary to insure the staples.
- 21 3. The market value of the staples is not, at any time, less than 140% of the face  
22 amount of the obligation.

23 (b) *Certain bonds or notes.* A liability in the form of a note or bond that meets  
24 any of the following qualifications:

1           1. The note or bond is secured by not less than a like amount of bonds or notes  
2 of the United States issued since April 24, 1917, or certificates of indebtedness of the  
3 United States.

4           2. The note or bond is secured or covered by guarantees or by commitments or  
5 agreements to take over, or to purchase, the bonds or notes, and the guarantee,  
6 commitment, or agreement is made by a federal reserve bank, the federal small  
7 business administration, the federal department of defense, or the federal maritime  
8 commission.

9           3. The note or bond is secured by mortgages or trust deeds insured by the  
10 federal housing administration.

11           **(4) OBLIGATIONS OF LOCAL GOVERNMENTAL UNITS.** (a) *Definition.* In this  
12 subsection, “local governmental unit” has the meaning given in s. 22.01 (7).

13           (b) *General limitation.* Except as otherwise provided in this subsection, the  
14 total liabilities of a local governmental unit to a universal bank for money borrowed  
15 may not, at any time, exceed 25% of the capital of the universal bank.

16           (c) *Revenue obligations.* Liabilities in the form of revenue obligations of a local  
17 governmental unit are subject to the limitations provided in par. (b). In addition, a  
18 universal bank is permitted to invest in a general obligation of that local  
19 governmental unit in an amount that will bring the combined total of the general  
20 obligations and revenue obligations of a single local governmental unit to a sum not  
21 in excess of 50% of the capital of the universal bank.

22           (d) *General obligations.* If the liabilities of the local governmental unit are in  
23 the form of bonds, notes, or other evidences of indebtedness that are a general  
24 obligation of a local governmental unit, the total liability of the local governmental  
25 unit may not exceed 50% of the capital of the universal bank.

1           (e) *Temporary borrowings.* The total amount of temporary borrowings of any  
2 local governmental unit maturing within one year after the date of issue may not  
3 exceed 60% of the capital of the universal bank. Temporary borrowings and  
4 longer-term general obligation borrowings of a single local governmental unit may  
5 be considered separately in determining compliance with this subsection.

6           **(5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.**

7 A universal bank may purchase bonds offered for sale by the International Bank for  
8 Reconstruction and Development and the Inter-American Development Bank or  
9 any other foreign bonds approved under rules established by the division. The  
10 aggregate investment in any of these bonds issued by a single issuer may not exceed  
11 10% of the capital of the universal bank.

12           **(6) FOREIGN NATIONAL GOVERNMENT BONDS.** A universal bank may purchase

13 general obligation bonds issued by any foreign national government if the bonds are  
14 payable in United States funds. The aggregate investment in these foreign bonds  
15 may not exceed 3% of the capital of the universal bank, except that this limitation  
16 does not apply to bonds of the Canadian government and Canadian provinces that  
17 are payable in United States funds.

18           **(7) LIMITS ESTABLISHED BY BOARD.** (a) *When financial statements required.* A

19 universal bank may not make or renew a loan or loans, the aggregate total of which  
20 exceeds the level established by the board of directors without being supported by a  
21 signed financial statement of the borrower, unless the loan is secured by collateral  
22 having a value in excess of the amount of the loan. A signed financial statement  
23 furnished by the borrower to a universal bank in compliance with this paragraph  
24 must be renewed annually as long as the loan or any renewal of the loan remains  
25 unpaid and is subject to this paragraph.

1           (b) *Treatment of loans complying with limits.* A loan or a renewal of a loan made  
2 by a universal bank in compliance with par. (a), without a signed financial statement,  
3 may be treated by the universal bank as entirely independent of any secured loan  
4 made to the same borrower if the loan does not exceed the applicable limitations  
5 provided in this section.

6           **(8) EXCEPTIONS.** This section does not apply to any of the following:

7           (a) *Liabilities secured by certain short-term federal obligations.* A liability that  
8 is secured by not less than a like amount of direct obligations of the United States  
9 which will mature not more than 18 months after the date on which such liabilities  
10 to the universal bank are entered into.

11           (b) *Certain federal and state obligations or guaranteed obligations.* A liability  
12 that is a direct obligation of the United States or this state, or an obligation of any  
13 governmental agency of the United States or this state, that is fully and  
14 unconditionally guaranteed by the United States or this state.

15           (c) *Commodity Credit Corporation liabilities.* A liability in the form of a note,  
16 debenture, or certificate of interest of the Commodity Credit Corporation.

17           (d) *Discounting bills of exchange or business or commercial paper.* A liability  
18 created by the discounting of bills of exchange drawn in good faith against actually  
19 existing values or the discounting of commercial or business paper actually owned  
20 by the person negotiating the same.

21           (e) *Certain other federal or federally guaranteed obligations.* Obligations of, or  
22 obligations that are fully guaranteed by, the United States and obligations of any  
23 federal reserve bank, federal home loan bank, the Student Loan Marketing  
24 Association, the Government National Mortgage Association, the Federal National

1 Mortgage Association, the Federal Home Loan Mortgage Corporation, the  
2 Export–Import Bank of Washington, or the Federal Deposit Insurance Corporation.

3       **(9) ADDITIONAL AUTHORITY.** (a) *In general.* In addition to the authority  
4 granted under subs. (1) to (8), and except as provided in par. (b), a universal bank may  
5 lend under this subsection, through the universal bank or subsidiary of the universal  
6 bank, to all borrowers from the universal bank and all of its subsidiaries, an  
7 aggregate amount not to exceed 20% of the universal bank’s capital. Neither a  
8 universal bank nor any subsidiary of the universal bank may lend to any borrower,  
9 under this subsection and any other law or rule, an amount that would result in an  
10 aggregate amount for all loans to that borrower that exceeds 20% of the universal  
11 bank’s capital. A universal bank or its subsidiary may take an equity position or  
12 other form of interest as security in a project funded through loans made under this  
13 paragraph. Every transaction by a universal bank or its subsidiary under this  
14 paragraph requires prior approval by the governing board of the universal bank or  
15 its subsidiary, respectively. Loans made under this paragraph are not subject to s.  
16 221.0326 or to classification as losses, for a period of 2 years from the date of each loan  
17 except as provided in par. (b).

18       (b) *Suspension of additional authority.* The division may suspend authority  
19 established under par. (a) and, in such case, may specify how an outstanding loan  
20 shall be treated by the universal bank or its subsidiary. Among the factors that the  
21 division may consider in suspending authority under par. (a) are the universal bank’s  
22 capital adequacy, asset quality, earnings quantity, earnings quality, adequacy of  
23 liquidity, and sensitivity to market risk and the ability of the universal bank’s  
24 management.



1           **(10) EXERCISE OF LOAN POWERS; PROHIBITED CONSIDERATIONS.** In determining  
2 whether to make a loan or extension of credit, no universal bank may consider any  
3 health information obtained from the records of an affiliate of the universal bank  
4 that is engaged in the business of insurance, unless the person to whom the health  
5 information relates consents.

6           **222.0405 Investment powers. (1) INVESTMENT SECURITIES.** Except as  
7 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite, and hold  
8 investment securities, consistent with safe and sound banking practices, up to 100%  
9 of the universal bank’s capital. A universal bank may not invest greater than 20%  
10 of the universal bank’s capital in the investment securities of one obligor or issuer.  
11 In this subsection, “investment securities” includes commercial paper, banker’s  
12 acceptances, marketable securities in the form of bonds, notes, debentures, and  
13 similar instruments that are regarded as investment securities.

14           **(2) EQUITY SECURITIES.** Except as provided in subs. (3) to (8), a universal bank  
15 may purchase, sell, underwrite, and hold equity securities, consistent with safe and  
16 sound banking practices, up to 20% of capital or, if approved by the division in  
17 writing, a greater percentage of capital.

18           **(3) HOUSING ACTIVITIES.** With the prior written consent of the division, a  
19 universal bank may invest in the initial purchase and development, or the purchase  
20 or commitment to purchase after completion, of home sites and housing for sale or  
21 rental, including projects for the reconstruction, rehabilitation, or rebuilding of  
22 residential properties to meet the minimum standards of health and occupancy  
23 prescribed for a local governmental unit, the provision of accommodations for retail  
24 stores, shops, and other community services that are reasonably incident to that  
25 housing, or in the stock of a corporation that owns one or more of those projects and

1 that is wholly owned by one or more financial institutions. The total investment in  
2 any one project may not exceed 15% of the universal bank's capital, nor may the  
3 aggregate investment under this subsection exceed 50% of capital. A universal bank  
4 may not make an investment under this subsection unless it is in compliance with  
5 the capital requirements set by the division under s. 222.0305 (1) and with the capital  
6 maintenance requirements of its deposit insurance corporation.

7 **(4) PROFIT-PARTICIPATION PROJECTS.** A universal bank may take equity positions  
8 in profit-participation projects, including projects funded through loans from the  
9 universal bank, in an aggregate amount not to exceed 20% of capital. The division  
10 may suspend the investment authority under this subsection. If the division  
11 suspends the investment authority under this subsection, the division may specify  
12 how outstanding investments under this subsection shall be treated by the universal  
13 bank or its subsidiary. Among the factors that the division may consider in  
14 suspending authority under this subsection are the universal bank's capital  
15 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity,  
16 and sensitivity to market risk and the ability of the universal bank's management.  
17 This subsection does not authorize a universal bank, directly or indirectly through  
18 a subsidiary, to engage in the business of underwriting insurance.

19 **(5) DEBT INVESTMENTS.** A universal bank may invest in bonds, notes,  
20 obligations, and liabilities described under s. 222.0403 (3) to (7), subject to the  
21 limitations under those subsections.

22 **(6) CERTAIN LIABILITIES.** This section does not limit investment in the  
23 liabilities described in s. 222.0403 (8).

24 **(7) CERTAIN INVESTMENTS.** A universal bank may invest without limitation in  
25 any of the following:

1           (a) *Business development corporations.* Stocks or obligations of a corporation  
2 organized for business development by this state or by the United States or by an  
3 agency of this state or the United States.

4           (b) *Urban renewal investment corporations.* Obligations of an urban renewal  
5 investment corporation organized under the laws of this state or of the United States.

6           (c) *Certain bank insurance companies.* An equity interest in an insurance  
7 company or an insurance holding company organized to provide insurance for  
8 universal banks and for persons affiliated with universal banks, solely to the extent  
9 that this ownership is a prerequisite to obtaining directors' and officers' insurance  
10 or blanket bond insurance for the universal bank through the company.

11           (d) *Certain remote service unit corporations.* Shares of stock, whether  
12 purchased or otherwise acquired, in a corporation acquiring, placing, and operating  
13 remote service units under s. 214.04 (21) or 215.13 (46) or bank communications  
14 terminals under s. 221.0303 (2).

15           (e) *Service corporations.* Equity or debt securities or instruments of a service  
16 corporation subsidiary of the universal bank.

17           (f) *Federal funds.* Advances of federal funds.

18           (g) *Certain risk management financial products.* With the prior written  
19 approval of the division, financial futures transactions, financial options  
20 transactions, forward commitments, or other financial products for the purpose of  
21 reducing, hedging, or otherwise managing its interest rate risk exposure.

22           (h) *Certain fiduciaries.* A subsidiary organized to exercise corporate fiduciary  
23 powers under ch. 112.

24           (i) *Agricultural credit corporations.* An agricultural credit corporation. Unless  
25 a universal bank owns at least 80% of the stock of the agricultural credit corporation,

1 a universal bank may not invest more than 20% of the universal bank's capital in the  
2 agricultural credit corporation.

3 (j) *Deposit accounts and insured obligations.* Deposit accounts or insured  
4 obligations of any financial institution, the accounts of which are insured by a deposit  
5 insurance corporation.

6 (k) *Certain federal obligations.* Obligations of, or obligations that are fully  
7 guaranteed by, the United States and stocks or obligations of any federal reserve  
8 bank, federal home loan bank, the Student Loan Marketing Association, the  
9 Government National Mortgage Association, the Federal National Mortgage  
10 Association, the Federal Home Loan Mortgage Corporation, or the Federal Deposit  
11 Insurance Corporation.

12 (L) *Other investments.* Any other investment authorized by the division.

13 **(8) INVESTMENTS IN OTHER FINANCIAL INSTITUTIONS.** In addition to the authority  
14 granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2),  
15 a universal bank may invest in other financial institutions.

16 **(9) INVESTMENTS THROUGH SUBSIDIARIES.** A universal bank may make  
17 investments under this section, directly or indirectly through a subsidiary, unless  
18 the division determines that an investment shall be made through a subsidiary with  
19 appropriate safeguards to limit the risk exposure of the universal bank.

20 **222.0407 Universal bank purchase of its own stock. (1) IN GENERAL.** A  
21 universal bank may hold or purchase not more than 10% of its capital stock, notes,  
22 or debentures, except as provided in sub. (2) or (3).

23 **(2) DIVISION APPROVAL.** A universal bank may hold or purchase more than 10%  
24 of its capital stock, notes, or debentures, if approved by the division.

1           **(3) ADDITIONAL AUTHORITY.** A universal bank may hold or purchase more than  
2           10% of its capital stock, notes, or debentures if the purchase is necessary to prevent  
3           loss upon a debt previously contracted in good faith. Stock, notes, or debentures held  
4           or purchased under this subsection may not be held by the universal bank for more  
5           than 6 months if the stock, notes, or debentures can be sold for the amount of the  
6           claim of the universal bank against the holder of the debt previously contracted. The  
7           universal bank shall either sell the stock, notes, or debentures within 12 months of  
8           acquisition under this subsection or shall cancel the stock, notes, or debentures.  
9           Cancellation of the stock, notes, or debentures reduces the amount of the universal  
10          bank's capital stock, notes, or debentures. If the reduction reduces the universal  
11          bank's capital below the minimum level required by the division, the universal bank  
12          shall increase its capital to the amount required by the division.

13          **(4) LOANS SECURED BY CAPITAL, SURPLUS, OR DEPOSITS.** A universal bank may not  
14          loan any part of its capital, surplus, or deposits on its own capital stock, notes, or  
15          debentures as collateral security, except that a universal bank may make a loan  
16          secured by its own capital stock, notes, or debentures to the same extent that the  
17          universal bank may make a loan secured by the capital stock, notes, and debentures  
18          of a holding company for the universal bank.

19          **222.0409 Stock in bank-owned banks.** With the approval of the division,  
20          a universal bank may acquire and hold stock in one or more banks chartered under  
21          s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more  
22          holding companies wholly owning such a bank. Aggregate investments under this  
23          section may not exceed 10% of the universal bank's capital.

24          **222.0411 General deposit powers. (1) IN GENERAL.** A universal bank may  
25          set eligibility requirements for, and establish the types and terms of, deposits that

1 the universal bank solicits and accepts. The terms set under this subsection may  
2 include minimum and maximum amounts that the universal bank may accept and  
3 the frequency and computation method of paying interest.

4 (2) PLEDGE OF SECURITY FOR DEPOSITS. Subject to the limitations of s. 221.0324  
5 that are applicable to banks, a universal bank may pledge its assets as security for  
6 deposits.

7 (3) SECURITIZATION OF ASSETS. With the approval of the division, a universal  
8 bank may securitize its assets for sale to the public. The division may establish  
9 procedures governing the exercise of authority granted under this subsection.

10 (4) SAFE DEPOSIT POWERS. A universal bank may take and receive, from any  
11 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,  
12 money, stocks, securities, and other valuables or personal property, and may rent out  
13 the use of safes or other receptacles upon its premises for such compensation as may  
14 be agreed upon. A universal bank has a lien for its charges on any property taken  
15 or received by it for safekeeping. If the lien is not paid within 2 years from the date  
16 the lien accrues, or if property is not called for by the person depositing the property,  
17 or by his or her representative or assignee, within 2 years from the date the lien  
18 accrues, the universal bank may sell the property at public auction. A universal bank  
19 shall provide the same notice for a sale under this subsection that is required by law  
20 for sales of personal property on execution. After retaining from the proceeds of the  
21 sale all of the liens and charges due the bank and the reasonable expenses of the sale,  
22 the universal bank shall pay the balance to the person depositing the property, or to  
23 his or her representative or assignee.

24 **222.0413 Necessary or convenient powers, reasonably related or**  
25 **incidental activities, and other approved activities. (1) NECESSARY OR**

1 CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a  
2 universal bank may exercise all powers necessary or convenient to effect the  
3 purposes for which the universal bank is organized or to further the businesses in  
4 which the universal bank is lawfully engaged.

5 **(2) REASONABLY RELATED AND INCIDENTAL ACTIVITIES.** (a) Subject to any  
6 applicable state or federal regulatory or licensing requirements, a universal bank  
7 may engage, directly or indirectly through a subsidiary, in activities reasonably  
8 related or incident to the purposes of the universal bank. Activities reasonably  
9 related or incident to the purposes of the universal bank are those activities that are  
10 part of the business of financial institutions, or closely related to the business of  
11 financial institutions, or convenient and useful to the business of financial  
12 institutions, or reasonably related or incident to the operation of financial  
13 institutions, or financial in nature. Activities that are reasonably related or incident  
14 to the purposes of a universal bank include the following:

- 15 1. Business and professional services.
- 16 2. Data processing.
- 17 3. Courier and messenger services.
- 18 4. Credit-related activities.
- 19 5. Consumer services.
- 20 6. Real estate-related services, including real estate brokerage services.
- 21 7. Insurance and related services, other than insurance underwriting.
- 22 8. Securities brokerage.
- 23 9. Investment advice.
- 24 10. Securities and bond underwriting.
- 25 11. Mutual fund activities.

1           12. Financial consulting.

2           13. Tax planning and preparation.

3           14. Community development and charitable activities.

4           15. Debt cancellation contracts.

5           16. Any activities that are reasonably related or incident to activities under  
6 subds. 1. to 15., as determined by rule of the division under par. (b).

7           (b) An activity that is authorized by statute or regulation for financial  
8 institutions to engage in as of the effective date of this paragraph .... [revisor inserts  
9 date], is an activity that is reasonably related to or incident to the purposes of a  
10 universal bank. An activity permitted under the Bank Holding Company Act is an  
11 activity that is reasonably related to or incident to the purposes of a universal bank.  
12 The division may, by rule, expand the list of activities under par. (a) 1. to 15. that are  
13 reasonably related or incident to the purposes of a universal bank and, by rule, may  
14 establish which activities under par. (a) 16. are reasonably related or incident to the  
15 activities under par. (a) 1. to 15. Any activity approved by rule of the division under  
16 this paragraph shall be authorized for all universal banks.

17           **(3) NOTICE REQUIREMENT.** A universal bank shall give 60 days' prior written  
18 notice to the division of the universal bank's intention to engage in an activity under  
19 this section.

20           **(4) STANDARDS FOR DENIAL.** The division may deny the authority of a universal  
21 bank to engage in an activity under this section, other than those activities described  
22 in sub. (2) (a) 1. to 15., if the division determines that the activity is not an activity  
23 reasonably related or incident to the purposes of a universal bank. The division may  
24 deny the authority of a universal bank to engage in an activity under this section if  
25 the division determines that the universal bank is not well-capitalized, that the



1 universal bank is the subject of an enforcement action, or that the universal bank  
2 does not have satisfactory management expertise for the proposed activity.

3 (5) INSURANCE INTERMEDIATION. A universal bank, or an officer or salaried  
4 employee of a universal bank, may obtain a license as an insurance intermediary, if  
5 otherwise qualified. A universal bank may not, directly or indirectly through a  
6 subsidiary, engage in the business of underwriting insurance.

7 (6) OTHER ACTIVITIES APPROVED BY THE DIVISION. A universal bank may engage  
8 in any other activity that is approved by rule of the division.

9 (7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY. A universal bank may engage  
10 in an activity under this section, directly or indirectly through a subsidiary, unless  
11 the division determines that the activity must be conducted through a subsidiary  
12 with appropriate safeguards to limit the risk exposure of the universal bank.

13 (8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES. The amount of the  
14 investment in any one subsidiary that engages in an activity under this section may  
15 not exceed 20% of capital or, if approved by the division, a higher percentage  
16 authorized by the division. The aggregate investment in all subsidiaries that engage  
17 in an activity under this subsection may not exceed 50% of capital or, if approved by  
18 the division, a higher percentage authorized by the division.

19 (9) OWNERSHIP OF SUBSIDIARIES. A subsidiary that engages in an activity under  
20 this section may be owned jointly, with one or more other financial institutions,  
21 individuals, or entities.

22 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may  
23 exercise trust powers in accordance with s. 221.0316.”.

24 **1551.** Page 1003, line 9: after that line insert:

1           “**SECTION 3028.** 224.30 (2) of the statutes is repealed.”.

2           **1552.** Page 1003, line 12: after that line insert:

3           “**SECTION 3035c.** 227.42 (5) of the statutes is amended to read:

4           227.42 (5) Except as provided under s. 289.27 (1), this section does not apply  
5 to any part of the process for approving a feasibility report, plan of operation or  
6 license under subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31, any decision  
7 by the department of ~~natural resources~~ environmental management relating to the  
8 environmental impact of a proposed action under ch. 289 or 291 or ss. 292.31 and  
9 292.35, or any part of the process of negotiation and arbitration under s. 289.33.

10          **SECTION 3035d.** 227.43 (1) (b) of the statutes is amended to read:

11          227.43 (1) (b) Assign a hearing examiner to preside over any hearing of a  
12 contested case which is required to be conducted by the department of ~~natural~~  
13 ~~resources~~ fish, wildlife, parks, and forestry and which is not conducted by the  
14 secretary of ~~natural resources~~ fish, wildlife, parks, and forestry.

15          **SECTION 3035e.** 227.43 (1) (bd) of the statutes is created to read:

16          227.43 (1) (bd) Assign a hearing examiner to preside over any hearing of a  
17 contested case which is required to be conducted by the department of environmental  
18 management and which is not conducted by the secretary of environmental  
19 management.

20          **SECTION 3035f.** 227.43 (2) (a) of the statutes is amended to read:

21          227.43 (2) (a) The department of ~~natural resources~~ fish, wildlife, parks, and  
22 forestry shall notify the division of hearings and appeals of every pending hearing  
23 to which the administrator of the division is required to assign a hearing examiner

1 under sub. (1) (b) after the department of ~~natural resources~~ fish, wildlife, parks, and  
2 forestry is notified that a hearing on the matter is required.

3 **SECTION 3035g.** 227.43 (2) (am) of the statutes is created to read:

4 227.43 (2) (am) The department of environmental management shall notify the  
5 division of hearings and appeals of every pending hearing to which the administrator  
6 of the division is required to assign a hearing examiner under sub. (1) (bd) after the  
7 department of environmental management is notified that a hearing on the matter  
8 is required.

9 **SECTION 3035h.** 227.43 (3) (a) of the statutes is amended to read:

10 227.43 (3) (a) The administrator of the division of hearings and appeals may  
11 set the fees to be charged for any services rendered to the department of ~~natural~~  
12 ~~resources~~ fish, wildlife, parks, and forestry by a hearing examiner under this section.  
13 The fee shall cover the total cost of the services less any costs covered by the  
14 appropriation under s. 20.505 (4) (f).

15 **SECTION 3035i.** 227.43 (3) (am) of the statutes is created to read:

16 227.43 (3) (am) The administrator of the division of hearings and appeals may  
17 set the fees to be charged for any services rendered to the department of  
18 environmental management by a hearing examiner under this section. The fees  
19 shall cover the total cost of the services less any costs covered by the appropriation  
20 under s. 20.505 (4) (f).

21 **SECTION 3035j.** 227.43 (4) (a) of the statutes is amended to read:

22 227.43 (4) (a) The department of ~~natural resources~~ fish, wildlife, parks, and  
23 forestry shall pay all costs of the services of a hearing examiner assigned to the  
24 department under sub. (1) (b), according to the fees set under sub. (3) (a).

25 **SECTION 3035k.** 227.43 (4) (am) of the statutes is created to read:

1           227.43 (4) (am) The department of environmental management shall pay all  
2 costs of the services of a hearing examiner assigned to the department under sub. (1)  
3 (bd), according to the fees set under sub. (3) (am).

4           **SECTION 3035L.** 227.46 (8) of the statutes is amended to read:

5           227.46 (8) If the hearing examiner assigned under s. 227.43 (1) (b) renders the  
6 final decision in a contested case, and the decision is subject to judicial review under  
7 s. 227.52, the department of ~~natural resources~~ fish, wildlife, parks, and forestry may  
8 petition for judicial review. If the hearing examiner assigned under s. 227.43 (1) (bd)  
9 renders the final decision in a contested case and the decision is subject to judicial  
10 review under s. 227.52, the department of environmental management may petition  
11 for judicial review. If the hearing examiner assigned under s. 227.43 (1) (br) renders  
12 the final decision in a contested case, and the decision is subject to judicial review  
13 under s. 227.52, the department of transportation may petition for judicial review.”.

14           **1553.** Page 1003, line 12: after that line insert:

15           “**SECTION 3035.** 227.245 of the statutes is created to read:

16           **227.245 Permanent rules; exemptions. (1)** PROMULGATION OF UNIVERSAL  
17 BANKING RULES. Except as provided in subs. (2) and (3), the division of banking may  
18 promulgate a rule under s. 222.0413 (2) (b) without complying with the notice,  
19 hearing, and publication procedures under this chapter.

20           **(2)** FILING AND PUBLICATION. The division of banking shall file a rule described  
21 under sub. (1) as provided in s. 227.20. At the time that the rule is filed, the division  
22 of banking shall mail a copy of the rule to the chief clerk of each house and to each  
23 member of the legislature, shall publish in the official state newspaper a class 1

1 notice under ch. 985 containing a copy of the rule, and shall take any other step it  
2 considers feasible to make the rule known to persons who will be affected by the rule.

3 (3) EFFECTIVE DATE. A rule described under sub. (1) takes effect as provided  
4 under s. 227.22.”.

5 **1554.** Page 1003, line 12: after that line insert:

6 “SECTION 3036. 228.01 of the statutes is amended to read:

7 **228.01 Recording of documents and public records by mechanical**  
8 **process authorized.** Whenever any officer of any county having a population of  
9 500,000 or more is required or authorized by law to file, record, copy, recopy or replace  
10 any document, court order, plat, paper, written instrument, writings, record or book  
11 of record, on file or of record in his or her office, notwithstanding any other provisions  
12 in the statutes, the officer may do so by photostatic, photographic,  
13 microphotographic, microfilm, optical imaging, electronic formatting or other  
14 mechanical process which produces a clear, accurate and permanent copy or  
15 reproduction of the original document, court order, plat, paper, written instrument,  
16 writings, record or book of record in accordance with the applicable standards  
17 specified under ss. 16.61 (7) and 16.612. Any such officer may also reproduce by such  
18 processes or transfer from optical disk or electronic storage any document, court  
19 order, plat, paper, written instrument, writings, record or book of record which has  
20 previously been filed, recorded, copied or recopied. Optical imaging or electronic  
21 formatting of any document is subject to authorization under s. 59.52 (14) (a).

22 **SECTION 3037.** 228.03 (2) of the statutes is amended to read:

23 228.03 (2) Any photographic reproduction of an original record meeting the  
24 applicable standards prescribed in s. 16.61 (7) or copy of a record generated from an

1 original record stored in optical disk or electronic format in compliance with the  
2 applicable standards under ss. 16.61 and 16.612 shall be taken as and stand in lieu  
3 of and have all of the effect of the original record and shall be admissible in evidence  
4 in all courts and all other tribunals or agencies, administrative or otherwise, in all  
5 cases where the original document is admissible. A transcript, exemplification or  
6 certified copy of such a reproduction of an original record, or certified copy of a record  
7 generated from an original record stored in optical disk or electronic format, for the  
8 purposes specified in this subsection, is deemed to be a transcript, exemplification  
9 or certified copy of the original. The custodian of a photographic reproduction shall  
10 place the reproduction or optical disk in conveniently accessible storage and shall  
11 make provision for preserving, examining and using the reproduction of the record  
12 or generating a copy of the record from optical disk or electronic storage. An enlarged  
13 copy of a photographic reproduction of a record made in accordance with the  
14 applicable standards specified in s. 16.61 (7) or an enlarged copy of a record  
15 generated from an original record stored in optical disk or electronic format in  
16 compliance with the applicable standards under ss. 16.61 and 16.612 that is certified  
17 by the custodian as provided in s. 889.18 (2) has the same effect as an actual-size  
18 copy.”.

19 **1555.** Page 1003, line 12: after that line insert:

20 “**SECTION 3034d.** 227.20 (1) of the statutes is amended to read:

21 227.20 (1) An Within 30 days after legislative review of a rule is completed  
22 under s. 227.19, the agency shall file a certified copy of each the proposed rule it  
23 promulgates in the office of the secretary of state and in the office of the revisor. No  
24 rule is valid until the certified copies have been filed. A certified copy shall be typed

1 or duplicated on 8 1/2 by 11 inch paper, leaving sufficient room for the secretary of  
2 state's stamp at the top of the first page. Forms that are filed need not comply with  
3 the specifications of this subsection.

4 **SECTION 3034j.** 227.24 (1) (c) of the statutes is amended to read:

5 227.24 (1) (c) A rule promulgated under par. (a) takes effect upon publication  
6 in the official state newspaper or on any later date specified in the rule and, except  
7 as provided under sub. (2), remains in effect only for ~~150~~ 90 days.

8 **SECTION 3034k.** 227.24 (2) (a) of the statutes is amended to read:

9 227.24 (2) (a) At the request of an agency, the joint committee for review of  
10 administrative rules may, at any time prior to the expiration date of a rule  
11 promulgated under sub. (1) (a), extend the effective period of the emergency rule or  
12 part of the emergency rule for a period specified by the committee not to exceed ~~60~~  
13 90 days. Any number of extensions may be granted under this paragraph, but the  
14 total period for all extensions may not exceed ~~120~~ 180 days.”.

15 **1556.** Page 1003, line 12: after that line insert:

16 “**SECTION 3032m.** 227.117 of the statutes is created to read:

17 **227.117 Review of rules impacting energy policies. (1)** The public service  
18 commission may conduct an energy and reliability assessment of any proposed rule  
19 submitted to the legislative council staff for review under s. 227.15 (1). The energy  
20 and reliability assessment shall evaluate the potential impact of the proposed rule  
21 on the energy policies of the state related to electricity generation, transmission, or  
22 distribution or to fuels used in generating electricity. If, after making such an  
23 assessment, the public service commission concludes that the proposed rule may  
24 have a significant impact on those policies, the public service commission may

1 prepare an energy and reliability impact statement. An energy and reliability  
2 impact statement prepared under this subsection shall evaluate the probable  
3 impacts of the proposed rule on the state’s energy policies and describe appropriate  
4 alternatives to the proposed rule that will reduce any negative impacts on those  
5 policies.

6 (2) The public service commission shall submit a copy of any energy and  
7 reliability impact statement prepared under sub. (1) to the legislative council staff  
8 and to the agency that proposed the rule that resulted in the statement.

9 (3) An agency that receives an energy and reliability impact statement under  
10 sub. (2), shall consider the energy and reliability impact statement before submitting  
11 the notification and report to the legislature under s. 227.19 (2) and (3).

12 **SECTION 3032p.** 227.19 (3) (intro.) of the statutes is amended to read:

13 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be  
14 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),  
15 the material specified in s. 227.14 (2) to (4), a copy of any energy and reliability  
16 impact statement received from the public service commission under s. 227.117 (2).  
17 a copy of any recommendations of the legislative council staff and an analysis. The  
18 analysis shall include:

19 **SECTION 3032r.** 227.19 (3) (f) of the statutes is created to read:

20 227.19 (3) (f) If an energy and reliability impact statement regarding the  
21 proposed rule was submitted with the report, an explanation of what changes, if any,  
22 that were made in the proposed rule in response to that statement.”.

23 **1557.** Page 1004, line 11: after that line insert:



1           “**SECTION 3048j.** 230.08 (2) (e) 1. of the statutes, as affected by 2001 Wisconsin  
2 Act ... (this act), is amended to read:

3           230.08 **(2)** (e) 1. Administration — ~~13~~ 12.”.

4           **1558.** Page 1004, line 11: delete “10” and substitute “11”.

5           **1559.** Page 1004, line 20: after that line insert:

6           “**SECTION 3050c.** 230.08 (2) (e) 4c. of the statutes is created to read:

7           230.08 **(2)** (e) 4c. Environmental management — 2.

8           **SECTION 3050d.** 230.08 (2) (e) 4m. of the statutes is created to read:

9           230.08 **(2)** (e) 4m. Fish, wildlife, parks, and forestry — 3.

10          **SECTION 3050g.** 230.08 (2) (e) 8. of the statutes is repealed.”.

11          **1560.** Page 1004, line 20: after that line insert:

12          “**SECTION 3051.** 230.08 (2) (e) 13. of the statutes is amended to read:

13          230.08 **(2)** (e) 13. Veterans affairs — ~~2~~ 3.”.

14          **1561.** Page 1005, line 18: delete “commandant of the” and substitute  
15 “commandants of the Wisconsin Veterans Home at King and the”.

16          **1562.** Page 1007, line 14: after that line insert:

17          “**SECTION 3061r.** 230.143 of the statutes is created to read:

18          **230.143 Appointment; selective service registration.** A person who is  
19 required to register with the selective service system under 50 USC, Appendix,  
20 sections 451 to 473, but has not registered, may not receive any of the following  
21 during the period that the person is required to register:

22           **(1)** An original appointment to a position in the classified service.

23           **(2)** An appointment to a position described in s. 230.08 (2) (k).

1           **(3)** An appointment to a position as a corps enrollee with the Wisconsin  
2 conservation corps program under s. 106.215 (1) (c).

3           **SECTION 3061t.** 230.15 (1) of the statutes is amended to read:

4           230.15 **(1)** Appointments Subject to the restriction under s. 230.143,  
5 appointments to, and promotions in, the classified service shall be made only  
6 according to merit and fitness, which shall be ascertained so far as practicable by  
7 competitive examination. The administrator may waive competitive examination  
8 for appointments made under subs. (1m) and (2) and shall waive competitive  
9 examination for appointments made under sub. (2m).”.

10           **1563.** Page 1007, line 14: after that line insert:

11           **“SECTION 3072h.** 230.26 (4) of the statutes is amended to read:

12           230.26 **(4)** Fringe benefits specifically authorized by statutes, with the  
13 exception of deferred compensation plan participation under subch. VII of ch. 40,  
14 worker’s compensation, unemployment insurance, group insurance, retirement, and  
15 social security coverage, shall be denied employees hired under this section. Such  
16 employees may not be considered permanent employees and do not qualify for  
17 tenure, vacation, paid holidays, sick leave, performance awards, or the right to  
18 compete in promotional examinations.”.

19           **1564.** Page 1008, line 16: after that line insert:

20           **“SECTION 3080t.** 230.36 (1m) (b) 1. (intro.) of the statutes is amended to read:

21           230.36 **(1m)** (b) 1. (intro.) A forest ranger or field employee of the department  
22 of natural resources fish, wildlife, parks, and forestry who is subject to call for forest  
23 fire control duty or fire watcher employed at the Wisconsin Veterans Home at King

1 or at the facilities operated by the department of veterans affairs under s. 45.385, and  
2 lifeguard, at all times while.”.

3 **1565.** Page 1008, line 23: after that line insert:

4 “**SECTION 3081b.** 230.36 (1m) (b) 2. (intro.) of the statutes, as affected by 2001  
5 Wisconsin Act .... (this act), is amended to read:

6 230.36 **(1m)** (b) 2. (intro.) A conservation warden, conservation patrol boat  
7 captain, conservation patrol boat engineer, environmental warden, member of the  
8 state patrol, state motor vehicle inspector, University of Wisconsin System police  
9 officer, security officer, or security person, other state facilities police officer, special  
10 tax agent, excise tax investigator employed by the department of revenue and special  
11 criminal investigation agent employed by the department of justice at all times  
12 while:

13 **SECTION 3081g.** 230.36 (2m) (a) 5. of the statutes is amended to read:

14 230.36 **(2m)** (a) 5. A conservation field employee of the department of natural  
15 resources fish, wildlife, parks, and forestry who is subject to call for fire control duty.

16 **SECTION 3081h.** 230.36 (2m) (a) 5m. of the statutes is created to read:

17 230.36 **(2m)** (a) 5m. An environmental warden.”.

18 **1566.** Page 1008, line 24: after that line insert:

19 “**SECTION 3086.** 231.01 (4m) of the statutes is amended to read:

20 231.01 **(4m)** “Educational facility” means a facility used for education by a  
21 regionally accredited, private, ~~postsecondary educational~~ institution that is  
22 described in section 501 (c) (3) of the Internal Revenue Code, as defined in s. 71.22  
23 (4), and that is exempt from federal taxation under section 501 (a) of the Internal  
24 Revenue Code.”.

1           **1567.** Page 1011, line 6: after that line insert:

2           “**SECTION 3095r.** 233.10 (2) (b) of the statutes is amended to read:

3           233.10 **(2)** (b) The kinds of leave to which an employee of the authority is  
4 entitled, including paid annual leave of absence, paid sick leave, and unpaid leave  
5 of absence, except that unused sick leave accumulated prior to July 1, 1997, shall be  
6 carried over and made available for the employee’s use for appropriate sick leave  
7 purposes or for conversion as provided under s. 40.05 (4) (b), ~~(bd)~~, (be), (bm), or (bp).”.

8           **1568.** Page 1014, line 7: after that line insert:

9           “**SECTION 3111k.** 234.86 (1) (b) of the statutes is amended to read:

10           234.86 **(1)** (b) “Department” means the department of ~~natural resources~~  
11 environmental management.”.

12           **1569.** Page 1015, line 8: after that line insert:

13           “**SECTION 3117p.** 234.907 (2) (h) of the statutes is amended to read:

14           234.907 **(2)** (h) The loan results in new or more viable methods for the  
15 processing or marketing of a product from a raw agricultural commodity or enables  
16 the borrower to comply with the rules promulgated by the department of ~~natural~~  
17 ~~resources~~ fish, wildlife, parks, and forestry for the commercial fishing of whitefish  
18 in Lake Superior.”.

19           **1570.** Page 1018, line 11: after that line insert:

20           “**SECTION 3127g.** 236.13 (2m) of the statutes is amended to read:

21           236.13 **(2m)** As a further condition of approval when lands included in the plat  
22 lie within 500 feet of the ordinary high–water mark of any navigable stream, lake  
23 or other body of navigable water or if land in the proposed plat involves lake or stream  
24 shorelands referred to in s. 236.16, the department of ~~natural resources~~

1 environmental management, to prevent pollution of navigable waters, or the  
2 department of commerce, to protect the public health and safety, may require  
3 assurance of adequate drainage areas for private sewage disposal systems and  
4 building setback restrictions, or provisions by the owner for public sewage disposal  
5 facilities for waters of the state, as defined in s. 281.01 (18), industrial wastes, as  
6 defined in s. 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public  
7 sewage disposal facilities may consist of one or more systems as the department of  
8 ~~natural resources~~ environmental management or the department of commerce  
9 determines on the basis of need for prevention of pollution of the waters of the state  
10 or protection of public health and safety.

11 **SECTION 3127j.** 236.16 (3) (a) of the statutes is amended to read:

12 236.16 (3) (a) All subdivisions abutting on a navigable lake or stream shall  
13 provide public access at least 60 feet wide providing access to the low watermark so  
14 that there will be public access, which is connected to existing public roads, at not  
15 more than one-half mile intervals as measured along the lake or stream shore except  
16 where greater intervals and wider access is agreed upon by the department of  
17 ~~natural resources~~ fish, wildlife, parks, and forestry, the department of  
18 environmental management, and the department, and excluding shore areas where  
19 public parks or open-space streets or roads on either side of a stream are provided.

20 **SECTION 3127L.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

21 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public  
22 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may  
23 petition the city, village, town or county that owns the public access to construct  
24 shoreline erosion control measures. Subject to par. (e), the city, village, town or  
25 county shall construct the requested shoreline erosion control measures or request

1 the department of ~~natural resources~~ environmental management to determine the  
2 need for shoreline erosion control measures. Upon receipt of a request under this  
3 paragraph from a city, village, town or county, the department of ~~natural resources~~  
4 environmental management shall follow the procedures in s. 30.02 (3) and (4).  
5 Subject to par. (e), the city, village, town or county shall construct shoreline erosion  
6 control measures as required by the department of ~~natural resources~~ environmental  
7 management if the department of ~~natural resources~~ environmental management  
8 determines all of the following:”.

9 **1571.** Page 1018, line 11: after that line insert:

10 “**SECTION 3127b.** 236.02 (2m) of the statutes is created to read:

11 236.02 **(2m)** “Correction instrument” means an instrument drafted by a  
12 licensed land surveyor that complies with the requirements of s. 236.295 and that,  
13 upon recording, corrects a subdivision plat or a certified survey map.

14 **SECTION 3127bm.** 236.15 (1) (a) of the statutes is amended to read:

15 236.15 **(1)** (a) The external boundaries of a subdivision shall be monumented  
16 in the field by monuments of concrete containing a ferrous rod one-fourth inch in  
17 diameter or greater imbedded its full length, not less than ~~30~~ 18 inches in length, not  
18 less than 4 inches square or 5 inches in diameter, and marked on the top with a cross,  
19 brass plug, iron rod, or other durable material securely embedded; or by iron rods or  
20 pipes at least ~~30~~ 18 inches long and 2 inches in diameter weighing not less than 3.65  
21 pounds per lineal foot. Solid round or square iron bars of equal or greater length or  
22 weight per foot may be used in lieu of pipes wherever pipes are specified in this  
23 section. These monuments shall be placed at all corners, at each end of all curves,  
24 at the point where a curve changes its radius, at all angle points in any line and at

1 all angle points along the meander line, said points to be not less than 20 feet back  
2 from the ordinary high water mark of the lake or from the bank of the stream, except  
3 that when such corners or points fall within a street, or proposed future street, the  
4 monuments shall be placed in the side line of the street.

5 **SECTION 3127c.** 236.15 (1) (c) of the statutes is amended to read:

6 236.15 (1) (c) All lot, outlot, park and public access corners and the corners of  
7 land dedicated to the public shall be monumented in the field by iron pipes at least  
8 ~~24~~ 18 inches long and one inch in diameter, weighing not less than 1.13 pounds per  
9 lineal foot, or by round or square iron bars at least ~~24~~ 18 inches long and weighing  
10 not less than 1.13 pounds per lineal foot.

11 **SECTION 3127cm.** 236.15 (1) (d) of the statutes is amended to read:

12 236.15 (1) (d) The lines of lots, outlots, parks and public access and land  
13 dedicated to the public that extend to lakes or streams shall be monumented in the  
14 field by iron pipes at least ~~24~~ 18 inches long and one inch in diameter weighing not  
15 less than 1.13 pounds per lineal foot, or by round or square iron bars at least ~~24~~ 18  
16 inches long and weighing not less than 1.13 pounds per lineal foot. These  
17 monuments shall be placed at the point of intersection of the lake or stream lot line  
18 with a meander line established not less than 20 feet back from the ordinary high  
19 water mark of the lake or from the bank of the stream.

20 **SECTION 3127d.** 236.15 (1) (f) of the statutes is amended to read:

21 236.15 (1) (f) Any durable metal or concrete monuments may be used in lieu  
22 of the iron pipes listed in pars. (c) and (d) provided that they are uniform within the  
23 platted area and have a permanent magnet embedded near the top or bottom or both.

24 **SECTION 3127dm.** 236.18 (2) (d) of the statutes is created to read:

1           236.18 (2) (d) A county coordinate system as approved by the department of  
2 transportation or a coordinate system that is mathematically relatable to a  
3 Wisconsin coordinate system.

4           **SECTION 3127e.** 236.20 (1) (b) of the statutes is amended to read:

5           236.20 (1) (b) For processing under s. 236.12 (6) the original shall be on  
6 ~~muslin-backed white paper 22 inches wide by 30 inches long prepared with~~  
7 ~~nonfading black image. These sheets may be provided by the county through the~~  
8 ~~register of deeds on such terms as the county board determines~~ and on any material  
9 that is capable of clearly legible reproduction.

10          **SECTION 3127em.** 236.20 (1) (c) of the statutes is amended to read:

11          236.20 (1) (c) For processing under s. 236.12 (2), the original copy of the final  
12 plat ~~may be of any size~~ shall be 22 inches wide by 30 inches long and on any material  
13 that is capable of clearly legible reproduction.

14          **SECTION 3127f.** 236.20 (2) (b) of the statutes is amended to read:

15          236.20 (2) (b) All monuments erected, corners, and other points established in  
16 the field in their proper places. The material of which the monuments, corners, or  
17 other points are made shall be noted at the representation thereof or by legend,  
18 except lot, outlot, and meander corners need not be shown. The legend for metal  
19 monuments shall indicate the kind of metal, the outside diameter, length, and weight  
20 per lineal foot of the monuments.

21          **SECTION 3127fm.** 236.20 (2) (e) of the statutes is amended to read:

22          236.20 (2) (e) All lots and outlots in each block consecutively numbered within  
23 blocks and the subdivision and throughout numbered additions to the subdivision.

24          **SECTION 3127g.** 236.21 (1) (b) of the statutes is amended to read:



1           236.21 (1) (b) A clear and concise description of the land surveyed, divided, and  
2 mapped by government lot, recorded private claim, quarter-quarter section, section,  
3 township, range, and county and by metes and bounds commencing with a  
4 monument at a section or quarter section corner of the quarter section ~~and that is not~~  
5 at the center of the section, or commencing with a monument at the end of a boundary  
6 line of a recorded private claim or federal reservation in which the subdivision is  
7 located. If the land is located in a recorded subdivision or recorded addition thereto,  
8 the land shall be described by the number or other description of the lot, block or  
9 subdivision thereof, that has previously been tied to a corner marked and established  
10 by the U.S. public land survey.

11           **SECTION 3127gm.** 236.25 (2) (b) of the statutes is amended to read:

12           236.25 (2) (b) The plat is offered for record within ~~30 days~~ 6 months after the  
13 date of the last approval of the plat and within 24 months after the first approval;

14           **SECTION 3127h.** 236.295 (1) (intro.) of the statutes is amended to read:

15           236.295 (1) (intro.) Correction instruments ~~may~~ shall be recorded in the office  
16 of the register of deeds in the county in which the plat or certified survey map is  
17 recorded and may include any of the following:

18           **SECTION 3127hf.** 236.295 (1) (a) of the statutes is amended to read:

19           236.295 (1) (a) Affidavits to correct distances, angles, directions, bearings,  
20 chords, block or lot numbers, street names, or other details shown on a recorded plat  
21 or certified survey map. A correction instrument may not be used to reconfigure lots  
22 or outlots.

23           **SECTION 3127hm.** 236.295 (2) of the statutes is amended to read:

24           236.295 (2) Each affidavit in sub. (1) (a) correcting a plat ~~shall~~ or certified  
25 survey map that changes areas dedicated to the public or restrictions for the public

1 benefit must be approved prior to recording by the governing body of the municipality  
2 or town in which the subdivision is located. The register of deeds shall note on the  
3 plat or certified survey map a reference to the page and volume in which the affidavit  
4 or instrument is recorded. The record of the affidavit or instrument, or a certified  
5 copy of the record, is prima facie evidence of the facts stated in the affidavit or  
6 instrument.

7 **SECTION 3127im.** 236.34 (1) (intro.) of the statutes is amended to read:

8 236.34 (1) PREPARATION. (intro.) A certified survey map of not more than 4  
9 parcels of land consisting of lots or outlots may be recorded in the office of the register  
10 of deeds of the county in which the land is situated. A certified survey map may be  
11 used to change the boundaries of lots and outlots within a recorded plat, recorded  
12 assessor's plat under s. 70.27 or recorded, certified survey map if the ~~redivision~~  
13 reconfiguration does not result in a subdivision or violate a local subdivision  
14 regulation. A certified survey map may not alter ~~the exterior boundary of a recorded~~  
15 ~~plat, a recorded assessor's plat,~~ areas previously dedicated to the public or a  
16 restriction placed on the platted land by covenant, by grant of an easement, or by any  
17 other manner. A certified survey map that crosses the exterior boundary of a  
18 recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5  
19 parcels by a single owner, or if no additional parcels are created. Such a certified  
20 survey map must be approved in the same manner as a final plat of a subdivision  
21 must be approved under s. 236.10, must be monumented in accordance with s. 236.15  
22 (1), and shall contain owners' and mortgagees' certificates that are in substantially  
23 the same form as required under s. 236.21 (2) (a). A certified survey must meet the  
24 following requirements:

25 **SECTION 3127j.** 236.34 (1) (b) of the statutes is amended to read:

1           236.34 (1) (b) All corners shall be monumented in accordance with s. 236.15 (1)  
2 (c) ~~and~~, (d), and (g).

3           **SECTION 3127jm.** 236.34 (1) (c) of the statutes is amended to read:

4           236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
5 (b), (c), (e), (f), (g), ~~(h)~~, (i), (j), (k), ~~and~~ (L) and (3) (b) ~~on a~~, (d), and (e) at a graphic scale  
6 of not more than 500 feet to ~~the~~ an inch, which shall be shown on each sheet showing  
7 layout features. The map shall be prepared with a binding margin 1.5 inches wide  
8 and a 0.5 inch margin on all other sides on durable white paper 8 1/2 inches wide by  
9 14 inches long with nonfading black image or reproduced with photographic silver  
10 haloid image on double matt polyester film of not less than 4 mil thickness which is  
11 8 1/2 inches wide by 14 inches long. When more than one sheet is used for any map,  
12 each sheet shall be numbered consecutively and shall contain a notation giving the  
13 total number of sheets in the map and showing the relationship of that sheet to the  
14 other sheets. “CERTIFIED SURVEY MAP” shall be printed on the map in prominent  
15 letters with the location of the land by government lot, recorded private claim,  
16 quarter–quarter section, section, township, range and county noted. Seals or  
17 signatures reproduced on images complying with this paragraph shall be given the  
18 force and effect of original signatures and seals.

19           **SECTION 3127k.** 236.34 (1) (d) 2. of the statutes is amended to read:

20           236.34 (1) (d) 2. A clear and concise description of the land surveyed, divided,  
21 and mapped by government lot, recorded private claim, quarter–quarter section,  
22 section, township, range and county; and by metes and bounds commencing with a  
23 monument at a section or quarter section corner of the quarter section ~~or~~ that is not  
24 the center of a section, or commencing with a monument at the end of a boundary line  
25 of a recorded private claim or federal reservation in which the ~~certified map~~ land is

1 located; or if the land is located in a recorded subdivision or recorded addition to a  
2 recorded subdivision, then by the number or other description of the lot, block or  
3 subdivision, which has previously been tied to a corner marked and established by  
4 the U.S. public land survey.

5 **SECTION 3127km.** 236.34 (1) (f) of the statutes is created to read:

6 236.34 (1) (f) Within 90 days of submitting a certified survey map for approval,  
7 the approving authority, or its agent authorized to approve certified survey maps,  
8 shall take action to approve, approve conditionally, or reject the certified survey map  
9 and shall state in writing any conditions of approval or reasons for rejection, unless  
10 the time is extended by agreement with the subdivider. Failure of the approving  
11 authority or its agent to act within the 90 days, or any extension of that period,  
12 constitutes an approval of the certified survey map and, upon demand, a certificate  
13 to that effect shall be made on the face of the map by the clerk of the authority that  
14 has failed to act.

15 **SECTION 3127L.** 236.34 (2) of the statutes is renumbered 236.34 (2) (a).

16 **SECTION 3127Lm.** 236.34 (2) (b) of the statutes is created to read:

17 236.34 (2) (b) If the certified survey map is approved by a local unit of  
18 government, the register of deeds may not accept the certified survey map for record  
19 unless all of the following apply:

20 1. The certified survey map is offered for record within 6 months after the date  
21 of the last approval of the map and within 24 months after the first approval of the  
22 map.

23 2. The certified survey map shows on its face all of the certificates and affidavits  
24 required under sub. (1).

25 **SECTION 3127m.** 236.45 (2) (a) (intro.) of the statutes is amended to read:

1           236.45 (2) (a) (intro.) To accomplish the purposes listed in sub. (1), any  
2 municipality, town or county which has established a planning agency may adopt  
3 ordinances governing the subdivision or other division of land which are more  
4 restrictive than the provisions of this chapter. Such ordinances may include  
5 provisions regulating divisions of land into parcels larger than 1 1/2 acres or  
6 divisions of land into less than 5 parcels, and may prohibit the division of land in  
7 areas where such prohibition will carry out the purposes of this section. Such  
8 ordinances ~~may~~ shall make applicable to such divisions ~~any~~ all of the provisions of  
9 this chapter, or may provide other surveying, monumenting, mapping and approving  
10 requirements for such division. The governing body of the municipality, town, or  
11 county ~~may~~ shall require that a ~~map, plat or sketch~~ of such division be recorded with  
12 the register of deeds and kept in a book provided for that purpose. “COUNTY PLAT,”  
13 “MUNICIPAL PLAT,” or “TOWN PLAT” shall be printed on the map in prominent  
14 letters with the location of the land by government lot, recorded private claim,  
15 quarter-quarter section, section, township, range, and county noted. When so  
16 recorded, the lots included in the ~~map, plat or sketch~~ may ~~may~~ shall be described by  
17 reference to it ~~by lot number and by volume and page of the book provided for that~~  
18 ~~use~~ “COUNTY PLAT,” “MUNICIPAL PLAT,” or “TOWN PLAT,” the name of the plat  
19 and the lot and block in the plat, for all purposes, including those of assessment,  
20 taxation, devise, descent, and conveyance as defined in s. 706.01 (4). Such ordinance,  
21 insofar as it may apply to divisions of less than 5 parcels, shall not apply to.”.

22           **1572.** Page 1027, line 24: after that line insert:

23           **“SECTION 3128ab.** 237.02 (1) (b) of the statutes, as created by 2001 Wisconsin  
24 Act .... (this act), is amended to read:

1           237.02 (1) (b) The secretary of ~~natural resources~~ fish, wildlife, parks, and  
2 forestry, or his or her designee.

3           **SECTION 3128af.** 237.07 (3) (a) of the statutes, as created by 2001 Wisconsin  
4 Act .... (this act), is amended to read:

5           237.07 (3) (a) For each fiscal year, the authority shall submit to the department  
6 of administration an audited financial statement of the funding received by the  
7 authority from the department of ~~natural resources~~ fish, wildlife, parks, and forestry  
8 under s. 237.08 (2) and by the authority from contributions and other funding  
9 accepted by the authority under s. 237.08 (3).

10          **SECTION 3128ak.** 237.07 (4) of the statutes, as created by 2001 Wisconsin Act  
11 .... (this act), is amended to read:

12          237.07 (4) For each fiscal year in which moneys are to be released to the  
13 authority by the department of ~~natural resources~~ fish, wildlife, parks, and forestry  
14 under s. 237.08, each corporation specified in s. 237.09 shall submit to the authority  
15 an audited financial statement of the amount raised by the corporation under s.  
16 237.09 (2) (b) for that fiscal year.

17          **SECTION 3128ap.** 237.08 (2) of the statutes, as created by 2001 Wisconsin Act  
18 .... (this act), is amended to read:

19          237.08 (2) STATE FUNDING. From the appropriation under s. 20.370 (5) (cq) and  
20 before applying the percentages under s. 30.92 (4) (b) 6., the department of ~~natural~~  
21 ~~resources~~ fish, wildlife, parks, and forestry shall set aside for the rehabilitation and  
22 repair of the navigational system \$400,000 in each fiscal year to be matched by the  
23 moneys raised under s. 237.09 (2) (b). The funding shall be set aside beginning with  
24 the first fiscal year beginning after the submittal of the initial management plan  
25 submitted under s. 237.07 (1) and shall continue to be set aside in each of the next

1 6 consecutive fiscal years. From the funding that is set aside, the department shall  
2 release to the authority for each fiscal year an amount equal to the total amount  
3 raised by each corporation under s. 237.09 (2) (b) for which matching funding has not  
4 been previously released.

5 **SECTION 3128as.** 237.10 of the statutes, as created by 2001 Wisconsin Act ....  
6 (this act), is amended to read:

7 **237.10 Rapide Croche lock. (1)** Upon entering into the lease under s.  
8 237.06, the authority shall maintain the sea lamprey barrier at the Rapide Croche  
9 lock according to specifications of the department of ~~natural resources~~ fish, wildlife,  
10 parks, and forestry in order to prevent sea lampreys and other aquatic nuisance from  
11 moving upstream.

12 **(2)** If the authority decides to construct a means to transport watercraft around  
13 the Rapide Croche lock, the authority shall develop a plan for the construction that  
14 includes steps to be taken to control sea lampreys and other aquatic nuisance species.  
15 The authority shall submit the plan to the department of ~~natural resources~~ fish,  
16 wildlife, parks, and forestry and may not implement the plan unless it has been  
17 approved by the department.

18 **SECTION 3128aw.** 237.14 of the statutes, as created by 2001 Wisconsin Act ....  
19 (this act), is amended to read:

20 **237.14 Abandonment.** If the authority determines the operation of the  
21 navigational system is no longer feasible, the authority shall submit a plan to the  
22 department of administration and to the department of ~~natural resources~~ fish,  
23 wildlife, parks, and forestry describing the steps the authority will take in  
24 abandoning the navigational system. The navigational system may not be  
25 abandoned unless both the department of administration and the department of

1 ~~natural resources~~ fish, wildlife, parks, and forestry determine that the plan for  
2 abandonment will preserve the public rights in the Fox River, will ensure safety, and  
3 will protect life, health, and property.

4 **SECTION 3128ay.** 237.15 (1) of the statutes, as created by 2001 Wisconsin Act  
5 .... (this act), is amended to read:

6 237.15 (1) FUNDING. The department of administration shall transfer the  
7 unencumbered balances in the appropriation accounts under s. 20.370 ~~(9)~~ (1) (jL) and  
8 (ju) to the authority on the day after the date on which the state and the authority  
9 enter into the lease agreement specified in s. 237.06.”.

10 **1573.** Page 1034, line 12: after that line insert:

11 “**SECTION 3140c.** 252.12 (2) (a) 8. of the statutes is amended to read:

12 252.12 (2) (a) 8. ‘Life care and early intervention services.’ The department  
13 shall award not more than \$1,994,900 in each fiscal year 2001–02 and not more than  
14 \$2,194,900 in each fiscal year thereafter in grants to applying state–designated HIV  
15 service organizations for the provision of needs assessments; assistance in procuring  
16 financial, medical, legal, social and pastoral services and housing assistance;  
17 counseling and therapy; homecare services and supplies; advocacy; and case  
18 management services. These services shall include early intervention services. The  
19 department shall also award not more than \$74,000 in each year from the  
20 appropriation under s. 20.435 (7) (md) for the services under this subdivision. The  
21 state share of payment for case management services that are provided under s.  
22 49.45 (25) (be) to recipients of medical assistance shall be paid from the  
23 appropriation under s. 20.435 (5) (am).”.

24 **1574.** Page 1035, line 2: after that line insert:



1           “**SECTION 3142hb.** 253.02 (2m) (intro.) of the statutes is amended to read:  
2           253.02 **(2m)** (intro.) Nothing in this section authorizes the performance,  
3           promotion, encouragement, or counseling in favor of, or referral either directly or  
4           through an intermediary for, voluntary termination of pregnancy. Nothing in this  
5           section prohibits the providing of nondirective information explaining promotion,  
6           encouragement, or counseling in favor of, or referral either directly or through an  
7           intermediary for, any of the following:

8           **SECTION 3142hc.** 253.02 (2m) (c) of the statutes is repealed.”.

9           **1575.** Page 1035, line 8: after that line insert:

10          “**SECTION 3142nd.** 253.07 (1) (a) (intro.) of the statutes is amended to read:  
11          253.07 **(1)** (a) (intro.) “Family planning” means voluntary action by individuals  
12          to prevent or aid conception. “Family planning” does not include the performance,  
13          promotion, encouragement, or counseling in favor of, or referral either directly or  
14          through an intermediary for, voluntary termination of pregnancy, but may include  
15          the providing of nondirective information explaining promotion, encouragement, or  
16          counseling in favor of, or referral either directly or through an intermediary for, any  
17          of the following:

18          **SECTION 3142ne.** 253.07 (1) (a) 3. of the statutes is repealed.

19          **SECTION 3142nf.** 253.07 (1) (b) (intro.) of the statutes is amended to read:

20          253.07 **(1)** (b) (intro.) “Family planning services” ~~mean~~ means counseling by  
21          trained personnel regarding family planning; distribution of information relating to  
22          family planning; and referral to licensed nurse practitioners within the scope of their  
23          practice, licensed physicians, or local health departments for consultation,  
24          examination, medical treatment, and prescriptions for the purpose of family

1 planning. “Family planning” does not include the performance, promotion,  
2 encouragement, or counseling in favor of, or referral either directly or through an  
3 intermediary for, voluntary termination of pregnancy, but may include the ~~providing~~  
4 ~~of nondirective information explaining promotion, encouragement, or counseling in~~  
5 ~~favor of, or referral either directly or through an intermediary for,~~ any of the  
6 following:

7 **SECTION 3142ng.** 253.07 (1) (b) 3. of the statutes is repealed.”.

8 **1576.** Page 1035, line 8: after that line insert:

9 “**SECTION 3142p.** 253.09 (title) of the statutes is amended to read:

10 **253.09** (title) ~~Abortion refused~~ **Refusal to participate in certain**  
11 **practices; no liability; no discrimination.**

12 **SECTION 3142pc.** 253.09 (1) of the statutes is renumbered 253.09 (1r) (a)  
13 (intro.) and amended to read:

14 253.09 (1r) (a) (intro.) No hospital shall be ~~is~~ required to admit any patient or  
15 to allow the use of the hospital facilities for the purpose of performing a sterilization  
16 procedure or removing a human embryo or fetus. any of the following:

17 (b) A physician or any other person who is a member of or associated with the  
18 staff of a hospital, or any employee of a hospital in which such a procedure ~~the~~  
19 performance of an activity specified in par. (a) 1. to 7. has been authorized, who shall  
20 ~~state in writing his or her objection to the performance of or providing assistance to~~  
21 such a procedure, in writing, refuses, or states an intention to refuse, to participate  
22 in the activity on moral or religious grounds shall not be required to participate in  
23 such medical procedure, and the activity.

1           (c) A physician or any other person who is a member of or associated with the  
2           staff of a hospital, or any employee of a hospital, is immune from liability for any  
3           damage caused by, and may not be subjected to any disciplinary or recriminatory  
4           action based on, the refusal of any such the person to participate therein shall not  
5           form the basis of any claim for damages on account of such refusal or for any  
6           disciplinary or recriminatory action against such person in an activity specified in  
7           par. (a) 1. to 7. on moral or religious grounds.

8           **SECTION 3142pe.** 253.09 (1g) of the statutes is created to read:

9           253.09 **(1g)** In this section:

10          (a) “Human embryo” includes any organism that is derived by fertilization,  
11          parthenogenesis, cloning, or any other means from one or more human gametes or  
12          human diploid cells.

13          (b) “Participate in” means to perform, assist in, recommend, counsel in favor  
14          of, make referrals for, prescribe, dispense or administer drugs for, or otherwise  
15          promote, encourage, or aid.

16          **SECTION 3142pf.** 253.09 (1r) (a) 1. to 7. of the statutes are created to read:

17          253.09 **(1r)** (a) 1. A sterilization procedure.

18          2. A procedure involving a drug or device that may prevent the implantation  
19          of a fertilized human ovum.

20          3. An abortion, as defined in s. 253.10 (2) (a).

21          4. An experiment or medical procedure involving any of the following:

22               a. The destruction of a human embryo.

23               b. A human embryo or unborn child, at any stage of development, in which the  
24          experiment or procedure is not related to the beneficial treatment of the human  
25          embryo or unborn child.

1           5. A procedure, including a transplant procedure, that uses fetal tissue or  
2 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or  
3 miscarriage.

4           6. The withholding or withdrawal of nutrition or hydration, if the withholding  
5 or withdrawal of nutrition or hydration would result in the patient's death from  
6 malnutrition or dehydration, or complications of malnutrition or dehydration, rather  
7 than from the underlying terminal illness or injury, unless the administration of  
8 nutrition or hydration is medically contraindicated.

9           7. An act that intentionally causes or assists in causing the death of an  
10 individual, such as by assisted suicide, euthanasia, or mercy killing.

11           **SECTION 3142ph.** 253.09 (2) of the statutes is amended to read:

12           253.09 (2) ~~No A hospital or employee of any a hospital shall be liable for any~~  
13 ~~civil damages resulting from~~ is immune from liability for any damage caused by a  
14 ~~refusal to perform sterilization procedures or remove a human embryo or fetus from~~  
15 ~~a person, if such participate in an activity specified in sub. (1r) (a) 1. to 7., if the~~  
16 refusal is based on religious or moral precepts.

17           **SECTION 3142pj.** 253.09 (3) of the statutes is amended to read:

18           253.09 (3) No hospital, school, or employer may discriminate against any  
19 person with regard to admission, hiring or firing, tenure, term, condition, or privilege  
20 of employment, student status, or staff status on the ground that the person refuses  
21 ~~to recommend, aid or perform procedures for sterilization or the removal of a human~~  
22 ~~embryo or fetus, or states an intention to refuse, whether or not in writing, to~~  
23 participate in an activity specified in sub. (1r) (a) 1. to 7., if the refusal is based on  
24 religious or moral precepts.

25           **SECTION 3142pL.** 253.09 (4) (a) of the statutes is amended to read:

1           253.09 (4) (a) ~~Such individual to perform or assist in the performance of any~~  
2 ~~sterilization procedure or removal of a human embryo or fetus~~ participate in an  
3 activity specified in sub. (1r) (a) 1. to 7., if the individual's performance or assistance  
4 participation in the performance of such a procedure would be activity is contrary to  
5 the individual's religious beliefs or moral convictions; or

6           **SECTION 3142pn.** 253.09 (4) (b) 1. of the statutes is amended to read:

7           253.09 (4) (b) 1. Make its facilities available for the performance of any  
8 ~~sterilization procedure or removal of a human embryo or fetus~~ an individual to  
9 participate in an activity specified in sub. (1r) (a) 1. to 7., if the performance of such  
10 a procedure in such facilities is prohibited by the entity prohibits the activity from  
11 taking place in the facilities on the basis of religious beliefs or moral convictions; or

12           **SECTION 3142pp.** 253.09 (4) (b) 2. of the statutes is amended to read:

13           253.09 (4) (b) 2. Provide any personnel ~~for the performance or assistance in the~~  
14 ~~performance of any sterilization procedure or assistance~~ to participate in an activity  
15 specified in sub. (1r) (a) 1. to 7., if the performance or assistance in the performance  
16 of such procedure or the removal of a human embryo or fetus by such personnel would  
17 be activity is contrary to the religious beliefs or moral convictions of such the  
18 personnel.

19           **SECTION 3142pr.** 253.09 (5) of the statutes is created to read:

20           253.09 (5) A person who is adversely affected by, or who reasonably may be  
21 expected to be adversely affected by, conduct that is in violation of this section may  
22 bring a civil action for injunctive relief, including reinstatement, damages, including  
23 damages for emotional or psychological distress, or both injunctive relief and  
24 damages. In an action under this subsection, the court shall award reasonable

1 attorney fees, notwithstanding s. 814.04 (1), to a person who obtains injunctive relief,  
2 an award of damages, or both.”.

3 **1577.** Page 1035, line 24: after that line insert:

4 “**SECTION 3143g.** 254.02 (3) (a) of the statutes is amended to read:

5 254.02 (3) (a) The department of agriculture, trade and consumer protection,  
6 the department of corrections, the department of commerce, and the department of  
7 natural resources environmental management shall enter into memoranda of  
8 understanding with the department to establish protocols for the department to  
9 review proposed rules of those state agencies relating to air and water quality,  
10 occupational health and safety, institutional sanitation, toxic substances, indoor air  
11 quality, food protection or waste handling and disposal.”.

12 **1578.** Page 1037, line 12: after that line insert:

13 “**SECTION 3147w.** 254.47 (1) of the statutes is amended to read:

14 254.47 (1) Except as provided in sub. (1g) and ss. 250.041 and 254.115, the  
15 department or a local health department granted agent status under s. 254.69 (2)  
16 shall issue permits to and regulate campgrounds and camping resorts, recreational  
17 and educational camps and public swimming pools. No person or state or local  
18 government who has not been issued a permit under this section may conduct,  
19 maintain, manage or operate a campground and camping resort, recreational camp  
20 and educational camp or public swimming pool, as defined by departmental rule.

21 **SECTION 3147x.** 254.47 (1g) of the statutes is created to read:

22 254.47 (1g) A campground permit is not required for camping at county or  
23 district fairs at which 4-H Club members exhibit, for the 4 days preceding the county

1 or district fair, the duration of the county or district fair, and the 4 days following the  
2 county or district fair.”.

3 **1579.** Page 1038, line 9: after that line insert:

4 “**SECTION 3150e.** 254.51 (2) of the statutes is amended to read:

5 254.51 (2) The department shall enter into memoranda of understanding with  
6 the department of agriculture, trade and consumer protection, the department of  
7 commerce, the department of environmental management, and the department of  
8 natural resources fish, wildlife, parks, and forestry regarding the investigation and  
9 control of animal–borne and vector–borne disease.

10 **SECTION 3150h.** 254.52 (2) (intro.) of the statutes is amended to read:

11 254.52 (2) (intro.) The department, in consultation with the department of  
12 public instruction, the department of natural resources fish, wildlife, parks, and  
13 forestry and the department of agriculture, trade and consumer protection, shall do  
14 all of the following:”.

15 **1580.** Page 1043, line 12: after that line insert:

16 “**SECTION 3160k.** Chapter 278 of the statutes is created to read:

17 **CHAPTER 278**

18 **DEPARTMENT OF**

19 **ENVIRONMENTAL MANAGEMENT**

20 **SUBCHAPTER I**

21 **GENERAL**

22 **278.01 Definitions. (1)** In this chapter:

23 (a) “Department” means the department of environmental management.

24 (b) “Secretary” means the secretary of environmental management.





1 margin of the folder shall be an impression of the seal of the department. The  
2 appointee shall also affix the appointee's signature below the photograph on such  
3 folder. On the other inner side of the folder shall be securely fastened a miniature  
4 true copy of the commission issued to the appointee, which shall be signed by the  
5 secretary. The appointee shall carry the identification folder on his or her person at  
6 all times that the appointee is on official duty, and the appointee shall on demand  
7 exhibit the folder to any person to whom the appointee may represent himself or  
8 herself as an environmental warden. The cost of the identification folder shall be  
9 charged to the department.

10 (5) All environmental wardens shall make full and complete reports of their  
11 transactions as such, according to the demand of the department, and shall at all  
12 times be subject to its direction and control in the performance of their duties. They  
13 shall also gather and transmit all statistical information relative to those matters  
14 within their charge as the department directs. In its report under s. 15.04 (1) (d) the  
15 department shall include information covering all its work and such other  
16 information as is valuable to the state in relation thereto and an itemized statement  
17 of receipts and disbursements.

18 **278.11 Warrants, arrests, and police powers. (1) GENERALLY.** The  
19 department and its wardens may execute and serve warrants and processes issued  
20 under any law enumerated in s. 278.51 (1) in the same manner as any constable may  
21 serve and execute the process; and may arrest, with or without a warrant, any person  
22 detected in the actual violation, or whom the officer has probable cause to believe is  
23 guilty of a violation of any of those laws whether the violation is punishable by  
24 criminal penalties or by forfeiture, and may take the person before any court in the  
25 county where the offense was committed and make a proper complaint. For the

1 purpose of enforcing the laws enumerated in s. 278.51 (1), any officer may stop and  
2 board any boat and stop any vehicle, if the officer reasonably suspects there is a  
3 violation of those laws.

4 **(2) ADDITIONAL ARREST POWERS.** In addition to the arrest powers under sub. (1),  
5 an environmental warden who has completed a program of law enforcement training  
6 approved by the law enforcement standards board, has been certified as qualified to  
7 be a law enforcement officer under s. 165.85 (4) (b) 1., and has complied with any  
8 applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in uniform or  
9 on duty and upon display of proper credentials may assist another law enforcement  
10 agency, as defined in s. 165.83 (1) (b), including making an arrest at the request of  
11 the agency, may arrest a person pursuant to an arrest warrant concerning the  
12 commission of a felony, or may arrest a person who has committed a crime in the  
13 presence of the environmental warden. If the environmental warden makes an  
14 arrest without the presence of another law enforcement agency, the environmental  
15 warden shall cause the person arrested to be delivered to the chief of police or sheriff  
16 in the jurisdiction where the arrest is made, along with the documents and reports  
17 pertaining to the arrest. The environmental warden shall be available as a witness  
18 for the state. An environmental warden may not conduct investigations for  
19 violations of state law except as authorized in sub. (3). An environmental warden  
20 acting under the authority of this subsection is considered an employee of the  
21 department and is subject to its direction, benefits and legal protection. The  
22 authority granted in this subsection does not apply to special environmental  
23 wardens.

24 **(3) INVESTIGATIONS.** The department and its environmental wardens shall,  
25 upon receiving notice or information of the violation of the laws enumerated in s.

1 278.51 (1), as soon as possible make a thorough investigation and cause proceedings  
2 to be instituted if the evidence warrants it.

3 **(4) SEIZURE.** The department and its environmental wardens shall seize and  
4 hold, subject to the order of the court for the county in which the alleged offense was  
5 committed, any vehicle, boat, or object that they have probable cause to believe is  
6 being used in violation of s. 287.81. If it is proven that within 6 months previous to  
7 the seizure the vehicle, boat, or object was used in violation of s. 287.81, it shall be  
8 confiscated if the court directs in its order for judgment.

9 **(5) SALE OF CONFISCATED PROPERTY.** (a) All confiscated vehicles, boats, or objects  
10 shall, if not destroyed as authorized by law, be sold at the highest price obtainable,  
11 by the department, or by an agent on commission under supervision of the  
12 department. The net proceeds of sales under this subsection, after deducting the  
13 expense of seizure and sale, any commissions, and any amounts owing to holders of  
14 security interests under par. (c) or (d), shall be remitted to the department. The  
15 remittance shall be accompanied by a report of the sales, supported by vouchers for  
16 expenses and commissions, and shall be filed with the department.

17 (b) Of the remittance from the sales of confiscated vehicles, boats, or objects,  
18 18% shall be paid into the general fund to reimburse it for expenses incurred in  
19 seizure and sale, and the remaining 82% shall be paid into the common school fund.

20 (c) 1. In the case of the sale of a confiscated motor vehicle, the department shall  
21 make a reasonable effort, within 10 days after seizure, to ascertain if a security  
22 interest in the seized motor vehicle exists. The department shall, within 10 days  
23 after obtaining actual or constructive notice of any security interest in the seized  
24 motor vehicle, give the secured party notice of the time and place of any proceeding

1 before a court pertaining to the confiscation of the motor vehicle. Constructive notice  
2 shall be limited to security interests perfected by filing.

3 2. The time of sale of the confiscated motor vehicle shall be within 20 days after  
4 judgment of confiscation as provided in sub. (4). The department shall give each  
5 secured party discovered in accordance with subd. 1. at least 10 days' notice of the  
6 time and place of sale of the motor vehicle.

7 3. If the holder of a security interest in the confiscated motor vehicle, perfected  
8 by filing, proves to the court, or after judgment of confiscation, to the department,  
9 that the violation that led to the confiscation was not with the knowledge, consent,  
10 or connivance of the holder of the security interest or with that of some person  
11 employed or trusted by the holder of the security interest, the amount due under the  
12 security agreement, together with any other deductions authorized under par. (a),  
13 shall be deducted from the proceeds of the sale of the confiscated motor vehicle and  
14 the amount due shall be paid to the one entitled. If a sufficient amount does not  
15 remain for the full payment of the amount due under the security agreement after  
16 making the other deductions authorized under par. (a), the amount remaining shall  
17 be paid to the one entitled.

18 (d) The provisions of s. 973.075 (1) (b) 2m. and (5) apply to boats and vehicles,  
19 other than motor vehicles, under this subsection.

20 **278.12 Exemption from liability.** Members of the environmental  
21 management board, and each environmental warden, in the performance of official  
22 duties, are exempt from liability to any person for acts done or permitted or property  
23 destroyed by authority of law. No taxable costs or attorney fees shall be allowed to  
24 either party in an action against a member of the environmental management board  
25 or an environmental warden.

1           **278.13 Resisting an environmental warden.** Any person who assaults or  
2 otherwise resists or obstructs any environmental warden in the performance of duty  
3 is subject to the penalty specified in s. 939.51 (3) (a).

4           **278.14 False impersonation of environmental warden.** Any person who  
5 falsely represents himself or herself to be an environmental warden or who assumes  
6 to act as an environmental warden without having been first duly appointed is  
7 subject to the penalty specified in s. 939.51 (3) (a).

8           **278.16 Periodicals. (1) PUBLICATION.** The department may produce, issue,  
9 or reprint magazines or other periodicals, on a periodic basis as it determines,  
10 pertaining to environmental quality and other similar subjects of general  
11 information. The department may distribute its magazines and periodicals by  
12 subscription. The department shall charge a fee for any of its magazines or  
13 periodicals.

14           **(2) ADVERTISING.** The department may advertise and sell advertising space in  
15 its magazines and other periodicals. The department may advertise or otherwise  
16 publicize its magazines and other periodicals. The advertising and publicizing shall  
17 be consistent with the goals, purposes, and functions of the department.

18           **(3) SUBSCRIBER LISTS.** The department may refuse to reveal names and  
19 addresses of persons on any magazine or periodical subscriber list. The department  
20 may charge a fee to recover the actual costs for providing or for the use of any  
21 magazine or periodical subscriber list. The department may not reveal names and  
22 addresses of persons as prohibited under s. 278.45 (4). No person who obtains or uses  
23 any magazine or periodical subscriber list from the department may refer to the  
24 department, the magazine, or the periodical as the source of names or addresses

1 unless the person clearly states that the provision of, or permission to use, the  
2 subscriber list in no way indicates any of the following:

3 (a) The department's involvement or connection with the person or the person's  
4 activities.

5 (b) The department's knowledge, approval, or authorization of the person's  
6 activities.

7 **(4) COSTS.** Notwithstanding ss. 20.908 and 35.78 (2) the fee charged by the  
8 department in selling each of its magazines and periodicals shall be at least equal  
9 to the amount necessary to cover the production, storage, handling, and distribution  
10 costs of each magazine and periodical.

11 **(5) USE OF MONEYS.** The department shall use the moneys collected under this  
12 section for the costs specified in sub. (4). If the moneys collected under this section  
13 exceed the amount necessary for the costs specified in sub. (4), the department shall  
14 use the excess for educational and informational activities concerning the  
15 environment.

16 **278.165 Promotional activities; other publications. (1) PUBLICATIONS.**  
17 The department may produce, issue, reprint, and sell publications not published on  
18 a periodic basis that pertain to environmental quality and other similar subjects of  
19 general information.

20 **(1m) PHOTOGRAPHS, SLIDES, VIDEOTAPES, ARTWORK.** The department may  
21 produce, issue, reprint, and sell photographs, slides, videotapes, and artwork if they  
22 pertain to environmental quality and other similar subjects of general information.

23 **(2) ADVERTISING SPACE.** The department may advertise and sell advertising  
24 space in its publications. Any advertising shall be consistent with the goals,  
25 purposes, and functions of the department.

1           **(3) PROMOTIONAL ACTIVITIES.** The department may promote, through the sale  
2 of merchandise or otherwise, advertise or otherwise publicize department programs  
3 and department publications. The promotion, advertising, and publicizing shall be  
4 consistent with the goals, purposes, and functions of the department.

5           **(4) SUBSCRIBER LISTS.** The department may refuse to reveal names and  
6 addresses of persons on any publication subscriber list. The department may not  
7 reveal names and addresses as prohibited under s. 278.45 (5). The department may  
8 charge a fee to recover the actual costs for providing or for the use of a publication  
9 subscriber list. No person who obtains or uses a publication subscriber list from the  
10 department may refer to the department or the publication as the source of names  
11 or addresses unless the person clearly states that the provision of, or permission to  
12 use, the subscriber list in no way indicates any of the following:

13           (a) The department's involvement or connection with the person or the person's  
14 activities.

15           (b) The department's knowledge, approval, or authorization of the person's  
16 activities.

17           **(5) COSTS.** Notwithstanding ss. 20.908 and 35.78 (2), any price set or fee  
18 charged by the department in selling a publication, photograph, slide, videotape,  
19 artwork, or promotional merchandise shall be at least equal to the amount necessary  
20 to cover the production, promotional, storage, handling, and distribution costs of the  
21 publication, photograph, slide, videotape, artwork, or promotional merchandise.

22           **(5m) USE OF MONEYS.** The department shall use the moneys collected under this  
23 section for the costs specified in sub. (5). If the moneys collected under this section  
24 exceed the amount necessary for the costs specified in sub. (5), the department shall

1 use the excess for educational and informational activities concerning the  
2 environment.

3 (6) REPORT TO LEGISLATURE. The department shall annually submit a report  
4 concerning the activities, receipts, and disbursements under this section for the  
5 preceding fiscal year to the chief clerk of each house of the legislature for distribution  
6 to the appropriate standing committees under s. 13.172 (3).

7 **278.322 Fees for computer accessible water resource management**  
8 **information.** The department may charge a fee for providing any information that  
9 it maintains in a format that may be accessed by computer concerning the waters of  
10 this state, including maps and other water resource management information.

11 **278.40 Environmental impact report and statement. (1) DETERMINATION**  
12 **IF ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED.** Any person who files an application  
13 for a permit, license, or approval granted or issued by the department, shall submit  
14 with the application a statement of the estimated cost of the project or proposed  
15 action for which the person seeks a permit, license, or approval. The department may  
16 seek such further information as it considers necessary to determine whether it must  
17 prepare an environmental impact statement under s. 1.11.

18 (1m) ENVIRONMENTAL IMPACT REPORT. The department may require an applicant  
19 for a permit, license, or approval, to submit an environmental impact report if the  
20 area affected exceeds 40 acres or the estimated cost of the project exceeds \$25,000.

21 (2) NOTIFICATION; ESTIMATE OF FEE. (a) If the department is required to prepare  
22 an environmental impact statement, it shall notify the person by certified mail.

23 (b) The department shall indicate the estimated environmental impact  
24 statement fee.



1           **(3) ENVIRONMENTAL IMPACT STATEMENT FEE.** (a) The department shall charge an  
2 environmental impact statement fee if it is required to prepare an environmental  
3 impact statement or if it enters into a preapplication service agreement.

4           (b) The amount of the environmental impact statement fee shall equal the full  
5 cost of the preparation of the environmental impact statement and the full cost of any  
6 preapplication services if the department enters into a preapplication service  
7 agreement. These costs shall include the cost of authorized consultant services and  
8 the costs of printing and postage.

9           (c) The department shall determine the manner in which the environmental  
10 impact statement fee is to be paid. The department may require periodic payments  
11 if preapplication services are provided.

12           (d) Except as provided in par. (e), the department shall deposit any  
13 environmental impact statement fee in the general fund and shall designate clearly  
14 the amount of the fee related to the cost of authorized environmental consultant  
15 services and the amount of the fee related to the cost of printing and postage.

16           (e) The department shall credit any environmental impact statement fee for a  
17 project involving the generation of electricity to the appropriation under s. 20.375 (2)  
18 (ah).

19           **(4) PREAPPLICATION SERVICE AGREEMENT.** The department may enter into an  
20 agreement to provide preapplication services necessary to evaluate the  
21 environmental impact of a project or proposed activity, monitor major developments,  
22 and expedite the anticipated preparation of an environmental impact statement if  
23 the project or proposed activity is large, complex, or environmentally sensitive and  
24 if the person planning the project or proposed activity agrees in writing even though  
25 that person has not filed an application for any permit, license, or approval granted

1 or issued by the department, and no environmental impact statement has been  
2 prepared. Preapplication services include preliminary environmental reviews, field  
3 studies and investigations, laboratory studies and investigations, and advisory  
4 services.

5 (5) AUTHORIZED ENVIRONMENTAL CONSULTANT SERVICES. The department may  
6 enter into contracts for environmental consultant services under s. 278.41 to assist  
7 in the preparation of an environmental impact statement or to provide  
8 preapplication services.

9 (6) EXEMPTION FROM FEE FOR MUNICIPALITIES. Subsections (2) (b) and (3) do not  
10 apply with respect to municipalities, as defined in s. 345.05 (1) (c).

11 **278.41 Construction and service contracts. (1)** In this section:

12 (a) “Construction work” includes all labor and materials used in the erection,  
13 installation, alteration, repair, moving, conversion, demolition, or removal of any  
14 building, structure, or facility, or any equipment attached to a building, structure,  
15 or facility.

16 (b) “Environmental consultant services” includes services provided by  
17 environmental scientists, engineers, and other experts.

18 (2) The department may contract for construction work related to hazardous  
19 substance spill response under s. 292.11 or environmental repair under s. 292.31 or  
20 for engineering services or environmental consultant services in connection with  
21 that construction work.

22 (3) The department may contract for environmental consultant services to  
23 assist in the preparation of an environmental impact statement or to provide  
24 preapplication services under s. 278.40.

1           **(4)** Each contract entered into under this section shall be signed by the  
2 secretary or the secretary’s designee on behalf of the state.

3           **(5)** Each contract for construction work entered into by the department under  
4 this section shall be awarded on the basis of bids or competitive sealed proposals in  
5 accordance with procedures established by the department. Each contract for  
6 construction work shall be awarded to the lowest responsible bidder or the person  
7 submitting the most advantageous competitive sealed proposal as determined by the  
8 department. If the bid of the lowest responsible bidder or the proposal of the person  
9 submitting the most advantageous competitive sealed proposal is determined by the  
10 department to be in excess of the estimated reasonable value of the work or not in  
11 the public interest, the department may reject all bids or competitive sealed  
12 proposals. Every such contract is exempted from ss. 16.70 to 16.75, 16.755, 16.76,  
13 16.767 to 16.82, 16.855, 16.87, and 16.89, but ss. 16.528, 16.754, and 16.765 apply  
14 to the contract. Every such contract involving an expenditure of \$60,000 or more is  
15 not valid until the contract is approved by the governor.

16           **(5m)** If the governor or the governor’s designee determines that it is in the best  
17 interest of this state, he or she may waive the requirement under sub. (5) for bids or  
18 competitive sealed proposals under any of the following circumstances:

19           (a) In an emergency involving the public health, welfare, or safety or the  
20 environment.

21           (b) The department desires to use innovative or patented technology that is  
22 available from only one source and that in the judgment of the department would  
23 provide the best practicable hazardous substance spill response under s. 292.11 or  
24 environmental repair under s. 292.31.

1           **(6)** The department shall attempt to ensure that at least 5% of the total amount  
2 expended under this section in each fiscal year is paid to minority businesses, as  
3 defined in s. 16.75 (3m) (a).

4           **278.45 Nondisclosure of certain personal information. (1)** In this  
5 section:

6           (a) “Approval” means any type of approval or authorization issued by the  
7 department including a license, permit, or certificate.

8           (b) “List” means information compiled or maintained by the department that  
9 contains the personal identifiers of 10 or more individuals.

10           (c) “Personal identifier” means a name, social security number, telephone  
11 number, street address, post-office box number, or 9-digit extended zip code.

12           **(2)** If a form that the department requires an individual to complete to obtain  
13 an approval or other privilege from the department or to obtain a product or service  
14 from the department requires the individual to provide any of the individual’s  
15 personal identifiers, the form shall include a place for the individual to declare that  
16 the individual’s personal identifiers obtained by the department from the  
17 information on the form may not be disclosed on any list that the department  
18 furnishes to another person.

19           **(3)** If the department requires an individual to provide, by telephone or other  
20 electronic means, any of the individual’s personal identifiers to obtain an approval  
21 or other privilege from the department or to obtain a product or service from the  
22 department, the department shall ask the individual at the time that the individual  
23 provides the information if the individual wants to declare that the individual’s  
24 personal identifiers obtained by telephone or other electronic means may not be  
25 disclosed on any list that the department furnishes to another person.



1           **(1)** “Citation” means a pleading of essential facts and applicable law coupled  
2 with a demand for judgment, that notifies the person cited of a violation specified in  
3 s. 278.51 (1) and requests the person to appear in court.

4           **(2)** “Complaint” means the pleading of essential facts and applicable law  
5 coupled with a demand for judgment.

6           **(2L)** “Corporation” includes a limited liability company.

7           **(2p)** “Crime laboratories and drug law enforcement assessment” means the  
8 assessment imposed under s. 165.755.

9           **(3)** “Enforcing officer” means peace officer as defined by s. 939.22 (22), or a  
10 person who has authority to act pursuant to a specific statute.

11           **(3c)** “Environmental assessment” means the assessment imposed under s.  
12 299.93.

13           **(3m)** “Jail assessment” means the assessment imposed by s. 302.46 (1).

14           **(6)** “Penalty assessment” means the penalty assessment imposed by s. 757.05.

15           **(7)** “Summons” means an order to appear in court at a particular time and  
16 place.

17           **278.51 Procedure in forfeiture actions.** **(1)** The procedure in this  
18 subchapter applies to all actions in circuit court to recover forfeitures, penalty  
19 assessments, jail assessments, crime laboratories and drug law enforcement  
20 assessments, and applicable environmental assessments for violations of ss. 281.48  
21 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c), and (4), 287.07, 287.08, 287.81, and  
22 299.64 (2), subchs. I to III of ch. 30, and ch. 31, and any administrative rules  
23 promulgated thereunder, and for violations specified under s. 285.86.

24           **(2)** All actions to recover the forfeitures and assessments specified in sub. (1)  
25 are civil actions in the name of the state of Wisconsin.

1           **(3)** If a fine or imprisonment, or both, is imposed for a violation specified in sub.  
2 (1), the procedure in ch. 968 shall apply.

3           **278.52 Two forms of action.** Actions under this subchapter may be  
4 commenced by a citation, or by a complaint and summons.

5           **278.53 Use of citation. (1)** If an action under this subchapter is commenced  
6 by a citation, the citation form under s. 278.54 shall be used, except that the uniform  
7 traffic citation created under s. 345.11 may be used by an officer of a law enforcement  
8 agency of a municipality or county or a traffic officer employed under s. 110.07 in  
9 enforcing s. 287.81.

10           **(2)** The use of the citation form under s. 278.54 by any enforcing officer in  
11 connection with a violation is adequate process to give the appropriate court  
12 jurisdiction over the person upon the filing of the citation with the court.

13           **278.54 Citation form. (1)** The citation form for actions under this subchapter  
14 shall contain a complaint, a case history, and a report of court action on the case.

15           **(2)** It must appear on the face of the citation that there is probable cause to  
16 believe that a violation has been committed and that the defendant has committed  
17 that violation.

18           **(3)** The citation form shall provide spaces for all of the following:

19           (a) The name, address, social security number, and date of birth of the  
20 defendant.

21           (b) The department permit or license number of the defendant, if applicable.

22           (c) The name and department of the issuing officer.

23           (d) The violation alleged; the time and place of occurrence; a statement that the  
24 defendant committed the violation; the statute, administrative rule, or ordinance

1 violated; and a designation of the violation in language that can be readily  
2 understood by a person making a reasonable effort to do so.

3 (e) The maximum forfeiture, penalty assessment, jail assessment, crime  
4 laboratories and drug law enforcement assessment, and applicable environmental  
5 assessment for which the defendant might be found liable.

6 (f) A date, time, and place for the court appearance, and a notice to appear.

7 (g) Provisions for deposit and stipulation in lieu of a court appearance.

8 (h) Notice that the defendant may make a deposit and by doing so obtain release  
9 if an arrest has been made.

10 (i) Notice that if the defendant makes a deposit and fails to appear in court at  
11 the time fixed in the citation, the defendant will be considered to have tendered a plea  
12 of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment,  
13 a crime laboratories and drug law enforcement assessment, and any applicable  
14 environmental assessment, plus costs, including any applicable fees prescribed in  
15 ch. 814, not to exceed the amount of the deposit. The notice shall also state that the  
16 court may decide to summon the defendant rather than accept the deposit and plea.

17 (j) Notice that if the defendant makes a deposit and signs the stipulation, the  
18 defendant will be considered to have tendered a plea of no contest and submitted to  
19 a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug  
20 law enforcement assessment, any applicable environmental assessment, plus costs,  
21 including any applicable fees prescribed in ch. 814, not to exceed the amount of the  
22 deposit. The notice shall also state that the court may decide to summon the  
23 defendant rather than accept the deposit and stipulation, and that the defendant  
24 may, at any time prior to or at the time of the court appearance date, move the court  
25 for relief from the effects of the stipulation.



1 (k) Notice that if the defendant does not make a deposit and fails to appear in  
2 court at the time fixed in the citation, the court may issue a summons or an arrest  
3 warrant.

4 (L) Any other pertinent information.

5 **278.55 Complaint and summons forms. (1) COMPLAINT.** If an action under  
6 this subchapter is commenced by a complaint and summons, it must appear on the  
7 face of the complaint that there is probable cause to believe that a violation has been  
8 committed and that the defendant has committed it. The complaint shall accompany  
9 the summons and shall contain the information set forth in s. 278.54 (3) (a) to (d) and  
10 all of the following:

11 (a) The title of the cause, specifying the name of the court and the county in  
12 which the action is brought and the names and addresses of the parties to the action.

13 (b) A plain and concise statement of the violation identifying the event or  
14 occurrence from which the violation arose and showing that the plaintiff is entitled  
15 to relief, the statute upon which the cause of action is based and a demand for a  
16 forfeiture, the amount of which may not exceed the maximum set by the statute  
17 involved, a penalty assessment, a jail assessment, a crime laboratories and drug law  
18 enforcement assessment, any applicable environmental assessment, and any other  
19 relief that is sought by the plaintiff.

20 (c) If the action is against a corporation, a statement of its corporate existence  
21 and whether it is a domestic or foreign corporation.

22 **(2) SUMMONS.** If an action under this subchapter is commenced by a complaint  
23 and summons, the summons shall contain all of the following:

24 (a) The title of the cause, specifying the name of the court and the county in  
25 which the action is brought and the names of all parties to the action.

1 (b) A direction summoning and requiring the defendant to appear in a specified  
2 court on a particular date not less than 10 days following service of the summons to  
3 answer the accompanying complaint.

4 (c) A notice that in case of failure to appear, judgment may be rendered against  
5 the defendant according to the demand of the complaint, or the court may issue a  
6 warrant for the defendant's arrest.

7 **278.56 Arrest with a warrant. (1)** A person may be arrested for a violation  
8 specified in s. 278.51 (1) after a warrant that substantially complies with s. 968.04  
9 has been issued. Except as provided in sub. (2), the person arrested shall be brought  
10 without unreasonable delay before a court having jurisdiction to try the action.

11 **(2)** In actions under this subchapter, the judge who issues a warrant under sub.  
12 (1) may endorse upon the warrant the amount of the deposit. If no endorsement is  
13 made, the deposit schedule under s. 278.66 (4) shall apply, unless the court directs  
14 that the person be brought before the court.

15 **278.57 Arrest without a warrant. (1)** A person may be arrested without a  
16 warrant when the arresting officer has probable cause to believe that the person is  
17 committing or has committed a violation specified in s. 278.51 (1) and any of the  
18 following applies:

19 (a) The person refuses to accept a citation or to make a deposit under s. 278.66.

20 (b) The person refuses to identify himself or herself satisfactorily or the officer  
21 has reasonable grounds to believe that the person is supplying false identification.

22 (c) Arrest is necessary to prevent imminent bodily harm to the enforcing officer  
23 or to another.

24 **(2)** In all cases in which a person is arrested under sub. (1) the officer shall bring  
25 the person arrested before a judge without unnecessary delay.

1           **278.58 Temporary questioning without arrest.** After having identified  
2 himself or herself as an enforcing officer, an enforcing officer may stop a person in  
3 a public place for a reasonable period of time when the enforcing officer reasonably  
4 suspects that the person is committing, is about to commit, or has committed a  
5 violation specified in s. 278.51 (1). Such a stop may be made only where the enforcing  
6 officer has proper authority to make an arrest for the violation. The enforcing officer  
7 may demand the name and address of the person and an explanation of the person's  
8 conduct. The detention and temporary questioning shall be conducted in the vicinity  
9 where the person was stopped.

10           **278.59 Search during temporary questioning.** When an enforcing officer  
11 has stopped a person for temporary questioning under s. 278.58 and reasonably  
12 suspects that the enforcing officer or another is in danger of physical injury, the  
13 enforcing officer may search the person for weapons or any instrument, article, or  
14 substance readily capable of causing physical injury and of a sort not ordinarily  
15 carried in public places by law abiding persons. If the enforcing officer finds such a  
16 weapon or instrument, or any other property possession of which he or she  
17 reasonably believes may constitute the commission of a violation specified in s.  
18 278.51 (1) or that may constitute a threat to his or her safety, the enforcing officer  
19 may take it and keep it until the completion of the questioning, at which time he or  
20 she shall return it, if lawfully possessed, arrest the person so questioned for  
21 possession of the weapon, instrument, article, or substance, if he or she has the  
22 authority to do so, or detain the person until a proper arrest can be made by  
23 appropriate authorities. Searches during temporary questioning as provided under  
24 this section may only be conducted by those enforcing officers who have the authority  
25 to make arrests for crimes.

1           **278.60 Search incident to the issuance of a lawfully issued citation.** If  
2 the enforcing officer has stopped a person to issue a citation under s. 278.62 and  
3 reasonably suspects that the enforcing officer or another is in danger of physical  
4 injury, the officer may search the person for weapons or any instrument, article, or  
5 substance readily capable of causing physical injury and of a sort not ordinarily  
6 carried in public places by law abiding persons. If the officer finds such a weapon or  
7 instrument, or any other property possession of which he or she reasonably believes  
8 may constitute the commission of a violation specified in s. 278.51 (1), or that may  
9 constitute a threat to his or her safety, the officer may take it and keep it until he or  
10 she has completed issuing the citation, at which time the officer shall return it, if  
11 lawfully possessed, arrest the person for possession of the weapon, instrument,  
12 article, or substance, if he or she has the authority to do so, or detain the person until  
13 a proper arrest can be made by appropriate authorities.

14           **278.61 Search and seizure; when authorized.** Under this subchapter, a  
15 search of a person, object, or place may be made and things may be seized when the  
16 search is made as follows:

17           (1) Incident to a lawful arrest.

18           (2) With consent.

19           (3) Pursuant to a valid search warrant.

20           (4) With the authority and within the scope of a right of lawful inspection.

21           (5) Incident to the issuance of a lawfully issued citation in accordance with s.  
22 278.60.

23           (6) During an authorized temporary questioning under s. 278.59.

24           (7) As otherwise authorized by law.

1           **278.62 Issuance of a citation.** (1) Whenever an enforcing officer has  
2 probable cause to believe that a person subject to his or her authority is committing  
3 or has committed a violation of those statutes specified in s. 278.51 (1), the officer  
4 may proceed in the following manner:

5           (a) Issue a citation to the defendant in the form specified in s. 278.54, a copy  
6 of which shall be filed with the clerk of courts in the county where the violation was  
7 committed.

8           (b) Proceed, in proper cases, under s. 278.56 or 278.57.

9           (c) Bring the information to the district attorney so that he or she may proceed  
10 under s. 278.65.

11           **(2)** A citation under this subchapter may be issued or served anywhere in the  
12 state by delivering a copy to the defendant personally, by leaving a copy at the  
13 defendant's usual place of abode with a person of discretion residing therein, or by  
14 mailing a copy to the defendant's last-known address. The citation shall be issued  
15 or served by a law enforcement officer.

16           **278.63 Officer's action after issuance of citation.** (1) After an enforcing  
17 officer has issued a citation under this subchapter, the officer shall release the  
18 defendant if he or she makes a deposit under s. 278.66 or a deposit and stipulation  
19 of no contest under s. 278.67.

20           **(2)** If sub. (1) does not apply, an enforcing officer who issues a citation under  
21 this subchapter may release the defendant.

22           **(3)** An enforcing officer who issues a citation under this subchapter shall  
23 proceed under s. 278.57, if the defendant is not released.

24           **278.64 Deposit after release.** A person who is released under s. 278.63 (2)  
25 may make a deposit any time prior to the court appearance date. The person shall

1 make the deposit with the clerk of the circuit court of the county in which the  
2 violation occurred.

3 **278.65 Issuance of complaint and summons. (1)** When it appears to the  
4 district attorney that a violation specified in s. 278.51 (1) has been committed the  
5 district attorney may proceed by complaint and summons.

6 **(2)** The complaint shall be prepared in the form specified in s. 278.55. After  
7 a complaint is prepared, it shall be filed with the judge and a summons shall be  
8 issued or the complaint shall be dismissed pursuant to s. 968.03. The filing  
9 commences the action.

10 **(3)** If a district attorney refuses or is unavailable to issue a complaint, a circuit  
11 judge, after conducting a hearing, may permit the filing of a complaint if he or she  
12 finds there is probable cause to believe that the person charged has committed a  
13 violation specified in s. 278.51 (1) or a rule promulgated thereunder. The district  
14 attorney shall be informed of the hearing and may attend.

15 **278.66 Deposit. (1)** If under the procedure in s. 278.62 a person is cited or  
16 arrested, the person may make a deposit as follows:

17 (a) By mailing the amount of money the enforcing officer directs and a copy of  
18 the citation to the office of the clerk of circuit courts in the county where the offense  
19 allegedly occurred or by going to the office of the clerk of circuit courts, the office of  
20 the sheriff, or any city, village, or town police headquarters.

21 (b) If the enforcing officer permits, by placing the amount of money the  
22 enforcing officer directs in a serially numbered envelope addressed to the clerk of  
23 circuit court in the county where the offense allegedly occurred, sealing the envelope,  
24 signing a statement on the back of the envelope stating the amount of money  
25 enclosed, and returning the envelope to the enforcing officer. The enforcing officer

1 shall deliver the envelope and a copy of the citation to the office of the clerk of circuit  
2 court in the county where the offense allegedly occurred. The enforcing officer shall  
3 note on the face of the citation the serial number of the envelope used in making a  
4 deposit under this paragraph.

5 **(1m)** The enforcing officer or the person receiving the deposit may allow the  
6 alleged violator to submit a check, share draft, or other draft for the amount of the  
7 deposit or make the deposit by use of a credit card.

8 **(2)** The person receiving the deposit shall prepare a receipt in triplicate  
9 showing the purpose for which the deposit is made, stating that the defendant may  
10 inquire at the office of the clerk of circuit court regarding the disposition of the  
11 deposit, and notifying the defendant that if he or she fails to appear in court at the  
12 time fixed in the citation he or she will be considered to have tendered a plea of no  
13 contest and submitted to a forfeiture, a penalty assessment, a jail assessment, a  
14 crime laboratories and drug law enforcement assessment, and any applicable  
15 environmental assessment, plus costs, including any applicable fees prescribed in  
16 ch. 814, not to exceed the amount of the deposit that the court may accept. The  
17 original of the receipt shall be delivered to the defendant in person or by mail. If the  
18 defendant pays by check, share draft, or other draft, the check, share draft, or other  
19 draft or a microfilm copy of the check, share draft, or other draft shall be considered  
20 a receipt. If the defendant makes the deposit by use of a credit card, the credit charge  
21 receipt shall be considered a receipt.

22 **(3)** If the court does not accept the deposit as a forfeiture for the offense, a  
23 summons shall be issued. If the defendant fails to respond to the summons, an arrest  
24 warrant shall be issued.

1           **(4)** The basic amount of the deposit shall be determined in accordance with a  
2 deposit schedule that the judicial conference shall establish. Annually, the judicial  
3 conference shall review and may revise the schedule. In addition to the basic amount  
4 determined according to the schedule, the deposit shall include court costs, including  
5 any applicable fees prescribed in ch. 814, any applicable penalty assessment, any  
6 applicable jail assessment, any applicable crime laboratories and drug law  
7 enforcement assessment, and any applicable environmental assessment.

8           **278.67 Deposit and stipulation of no contest. (1)** If under s. 278.62 a  
9 person is cited or arrested, the person may make a deposit and stipulation of no  
10 contest, and submit them in the same manner as the deposit in s. 278.66.

11           **(2)** The deposit and stipulation of no contest may be made at any time prior to  
12 the court appearance date. By signing the stipulation, the defendant is considered  
13 to have tendered a plea of no contest and submitted to a forfeiture, a penalty  
14 assessment, a jail assessment, a crime laboratories and drug law enforcement  
15 assessment, and any applicable environmental assessment, plus costs, including  
16 any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit.

17           **(3)** The person receiving the deposit and stipulation of no contest shall prepare  
18 a receipt in triplicate showing the purpose for which the deposit is made, stating that  
19 the defendant may inquire at the office of the clerk of circuit court regarding the  
20 disposition of the deposit, and notifying the defendant that if the stipulation of no  
21 contest is accepted by the court the defendant will be considered to have submitted  
22 to a forfeiture, a penalty assessment, a jail assessment, a crime laboratories and drug  
23 law enforcement assessment, and any applicable environmental assessment, plus  
24 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount



1 of the deposit. Delivery of the receipt shall be made in the same manner as in s.  
2 278.66.

3 (4) If the court does not accept the deposit and stipulation of no contest, a  
4 summons shall be issued. If the defendant fails to respond to the summons, an arrest  
5 warrant shall be issued.

6 (5) The defendant may, within 10 days after signing the stipulation or at the  
7 time of the court appearance date, move the court for relief from the effects of the  
8 stipulation, under s. 278.75 (3) (c).

9 **278.68 Pleading.** The citation or complaint issued under s. 278.62 or 278.65  
10 may serve as the initial pleading and is adequate process to give the appropriate  
11 court jurisdiction over the person upon the filing of the citation or complaint with the  
12 court.

13 **278.69 Motions.** In a case under this subchapter, any motion that is capable  
14 of determination without the trial of the general issue shall be made before trial.

15 **278.70 Arraignment; plea. (1)** Under this subchapter, if a defendant  
16 appears in response to a citation or a summons, or is arrested and brought before a  
17 court with jurisdiction to try the case, the defendant shall be informed that he or she  
18 is entitled to a jury trial and then asked whether he or she wishes to plead. If the  
19 defendant wishes to plead, he or she may plead guilty, not guilty, or no contest.

20 (2) If the defendant pleads guilty or no contest under sub. (1), the court may  
21 accept the plea, find the defendant guilty, and proceed under s. 278.78.

22 **278.71 Not guilty plea; immediate trial.** Under this subchapter, if a  
23 defendant pleads not guilty, states that he or she waives the right to jury trial, and  
24 wishes an immediate trial and, if the state consents, the case may be tried  
25 immediately.

1           **278.72 Not guilty plea.** Under this subchapter, if a defendant pleads not  
2 guilty and the trial is not held under s. 278.71, the court shall set a date for trial or  
3 advise the defendant that he or she will be notified of the date set for trial. The  
4 defendant shall be released upon payment of a deposit as set forth in s. 278.66, or the  
5 court may release the defendant on his or her own recognizance. If a defendant fails  
6 to appear at the date set under this section, the court may issue a warrant under ch.  
7 968 and, if the defendant has posted a deposit for appearance at that date, the court  
8 may order the deposit forfeited.

9           **278.73 Discovery.** In a case under this subchapter, neither party is entitled  
10 to pretrial discovery except that if the defendant moves within 10 days after the  
11 alleged violation and shows cause therefor, the court may order that the defendant  
12 be allowed to inspect and test, under any conditions that the court prescribes, any  
13 devices used by the plaintiff to determine whether a violation has been committed  
14 and may inspect the reports of experts relating to those devices.

15           **278.74 Mode of trial.** In a case under this subchapter, all of the following  
16 apply:

17           **(1)** The defendant shall be informed of the right to a jury trial in circuit court  
18 on payment of fees required by s. 278.77 (1).

19           **(2)** If both parties request a trial by the court or if neither demands a trial by  
20 jury, the right to a trial by jury is waived.

21           **278.75 Proceedings in court.** In a case under this subchapter, all of the  
22 following apply:

23           **(1)** If the defendant appears in court at the time directed in the citation or  
24 summons, the case shall be tried as provided by law.

1           **(2)** If the defendant fails to appear in court at the time fixed in the complaint  
2 and summons, judgment may be rendered against the defendant according to the  
3 demand of the complaint, or the court may issue a warrant for the defendant's arrest.

4           **(3)** If the defendant fails to appear in court at the time fixed in the citation or  
5 by subsequent postponement, the following procedure shall apply:

6           (a) 1. If the defendant has not made a deposit, the court may consider the  
7 nonappearance to be a plea of no contest and enter judgment accordingly or the court  
8 may issue a summons or an arrest warrant.

9           2. If the court considers the nonappearance to be a plea of no contest and enters  
10 judgment accordingly, the court shall promptly mail a copy or notice of the judgment  
11 to the defendant. The judgment shall allow the defendant not less than 20 working  
12 days from the date the judgment copy or notice is mailed to pay the forfeiture, penalty  
13 assessment, jail assessment, crime laboratories and drug law enforcement  
14 assessment, and any applicable environmental assessment, plus costs, including  
15 any applicable fees prescribed in ch. 814.

16           (b) If the defendant has made a deposit, the citation may serve as the initial  
17 pleading and the defendant shall be considered to have tendered a plea of no contest  
18 and submitted to a forfeiture, a penalty assessment, a jail assessment, a crime  
19 laboratories and drug law enforcement assessment, any applicable environmental  
20 assessment, plus any applicable fees prescribed in ch. 814, not exceeding the amount  
21 of the deposit. The court may either accept the plea of no contest and enter judgment  
22 accordingly, or reject the plea and issue a summons. If the defendant fails to appear  
23 in response to the summons, the court shall issue an arrest warrant. If the court  
24 accepts the plea of no contest, the defendant may move within 90 days after the date  
25 set for appearance to withdraw the plea of no contest, open the judgment, and enter

1 a plea of not guilty if the defendant shows to the satisfaction of the court that failure  
2 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party  
3 is relieved from the plea of no contest, the court or judge may order a written  
4 complaint to be filed and set the matter for trial. After trial the costs and fees shall  
5 be taxed as provided by law. If on reopening the defendant is found not guilty, the  
6 court shall delete the record of conviction and shall order the defendant's deposit  
7 returned.

8 (c) If the defendant has made a deposit and stipulation of no contest, the  
9 citation may serve as the initial pleading and the defendant shall be considered to  
10 have tendered a plea of no contest and submitted to a forfeiture, a penalty  
11 assessment, a jail assessment, a crime laboratories and drug law enforcement  
12 assessment, any applicable environmental assessment, plus any applicable fees  
13 prescribed in ch. 814, not exceeding the amount of the deposit. The court may either  
14 accept the plea of no contest and enter judgment accordingly, or reject the plea and  
15 issue a summons. If the defendant fails to appear in response to the summons, the  
16 court shall issue an arrest warrant. After signing a stipulation of no contest, the  
17 defendant may, at any time prior to or at the time of the court appearance date, move  
18 the court for relief from the effect of the stipulation. The court may act on the motion,  
19 with or without notice, for cause shown by affidavit and upon just terms, and relieve  
20 the defendant from the stipulation and the effects of the stipulation. If the defendant  
21 is relieved from the stipulation of no contest, the court may order a citation or  
22 complaint to be filed and set the matter for trial. After trial the costs and fees shall  
23 be taxed as provided by law.

24 (4) If a citation or summons is issued to a defendant and he or she is unable  
25 to appear in court on the day specified, the defendant may enter a plea of not guilty

1 by mailing to the judge at the address indicated on the citation or summons a letter  
2 stating that plea. The letter must show the defendant's return address. The letter  
3 may include a request for trial during normal daytime business hours. Upon receipt  
4 of the letter, the judge shall reply by letter to the defendant's address setting forth  
5 a time and place for trial, the time to be during normal business hours if so requested.  
6 The date of the trial shall be at least 10 days after the mailing by the judge. Nothing  
7 in this subsection forbids the setting of the trial at any time convenient to all parties  
8 concerned.

9 (5) Costs may not be taxed against the plaintiff.

10 **278.76 Burden of proof.** In all actions under this subchapter, the state must  
11 convince the trier of fact to a reasonable certainty of every element of the offense by  
12 evidence that is clear, satisfactory, and convincing.

13 **278.77 Jury trial. (1)** If in an action under this subchapter either party files  
14 a written demand for a jury trial within 20 days after the court appearance date and  
15 immediately pays the fee prescribed in s. 814.61 (4), the court shall place the case on  
16 the jury calendar. The number of jurors shall be determined under s. 756.06 (2) (b).  
17 If no party demands a trial by jury, the right to trial by jury is permanently waived.

18 (3) If there is a demand for a trial by jury, the provisions of s. 345.43 (3) (a) and  
19 (b) are applicable.

20 **278.78 Verdict.** A verdict is an action under this subchapter is valid if agreed  
21 to by five-sixths of the jury. If a verdict relates to more than one count, it shall be  
22 valid as to any count if any five-sixths of the jury agree on that count. The form of  
23 the verdict shall be guilty or not guilty. The court shall state the amount of the  
24 forfeiture after a finding of guilty.

1           **278.79 Judgment.** In an action under this subchapter, all of the following  
2 apply:

3           **(1)** If the defendant is found guilty, the court may enter judgment against the  
4 defendant for a monetary amount not to exceed the maximum forfeiture provided by  
5 the statute for the violation, the penalty assessment, the jail assessment, the crime  
6 laboratories and drug law enforcement assessment, any applicable environmental  
7 assessment, and costs.

8           **(2)** The payment of any judgment may be suspended or deferred for not more  
9 than 90 days in the discretion of the court. In cases in which a deposit has been made,  
10 any forfeitures, penalty assessments, jail assessments, environmental assessments,  
11 or costs shall be taken out of the deposit and the balance, if any, returned to the  
12 defendant.

13           **(3)** In addition to any monetary penalties, the court may order the defendant  
14 to perform or refrain from performing any acts that may be necessary to fully protect  
15 and effectuate the public interest. The court may order abatement of a nuisance,  
16 restoration of a natural resource, or other appropriate action designed to eliminate  
17 or minimize any environmental damage caused by the defendant.

18           **(4)** The court may, where provided by law, revoke or suspend any or all  
19 privileges and licenses.

20           **(5)** All civil remedies are available in order to enforce the judgment of the court,  
21 including the power of contempt under ch. 785.

22           **278.795 Nonpayment of judgments.** If a defendant fails to timely pay a  
23 judgment entered under s. 278.75 (3) (a) 2. or 278.79, the court may issue an arrest  
24 warrant or a summons ordering the defendant to appear in court or both. If the  
25 defendant appears before the court pursuant to a warrant or summons or the

1 defendant otherwise notifies the court that he or she is unable to pay the judgment,  
2 the court shall conduct a hearing. If the defendant failed to pay the forfeiture, the  
3 court shall determine if the defendant is unable to pay the amount specified in the  
4 judgment for good cause or because of the defendant's indigence. If the court  
5 determines that the failure of the defendant to comply with the judgment is for good  
6 cause or because of the defendant's indigence, the court may order that the amount  
7 of the judgment be modified, suspended, or permanently stayed. If the defendant  
8 fails to appear before the court for a hearing under this subsection or if the court  
9 determines at the hearing that the failure of a defendant to pay the judgment is not  
10 for good cause or not because of the defendant's indigence, the court shall order one  
11 of the following:

12 (1) That the defendant be imprisoned for a time not to exceed 5 days or until  
13 the amount is paid, whichever is less.

14 (2) That the amount of the judgment be modified, suspended, or permanently  
15 stayed.

16 **278.80 Judgment against a corporation or municipality.** In a case under  
17 this subchapter, all of the following apply:

18 (1) If a representative of a corporation or municipality fails to appear within  
19 the time required by the citation or summons, the default of the corporation or  
20 municipality may be recorded and the charge against it taken as true and judgment  
21 shall be rendered accordingly.

22 (2) Upon default of a defendant corporation or municipality, or upon conviction,  
23 judgment for the amount of the forfeiture, the penalty assessment, the jail  
24 assessment, the crime laboratories and drug law enforcement assessment, and any  
25 applicable environmental assessment shall be entered.

1           **278.81 Effect of plea of no contest.** Forfeiture of deposit under s. 278.75 (3)  
2 (b), an accepted plea of no contest under s. 278.70, or a stipulation of no contest under  
3 s. 278.75 (3) (c) to a charge of violation is not admissible in evidence as an admission  
4 against interest in any action or proceeding arising out of the same occurrence.

5           **278.82 Fees.** Fees in forfeiture actions under this subchapter are prescribed  
6 in s. 814.63.

7           **278.83 Appeal.** In a case under this subchapter, all of the following apply:

8           **(1) JURISDICTION ON APPEAL.** Appeal may be taken by either party.

9           **(2) STAY OF EXECUTION.** The amount of undertaking required to stay execution  
10 on appeal may not exceed the amount of the maximum forfeiture, applicable crime  
11 laboratories and drug law enforcement assessment, and applicable environmental  
12 assessment, plus court costs.

13           **(3) PROCEDURE ON APPEAL.** An appeal to the court of appeals shall be in  
14 accordance with chs. 808 and 809.

15           **278.84 Forfeitures and assessments collected; to whom paid.** All  
16 moneys collected in favor of the state under this subchapter for forfeiture, penalty  
17 assessment, jail assessment, crime laboratories and drug law enforcement  
18 assessment, and applicable environmental assessment shall be paid by the officer  
19 who collects the moneys to the appropriate county treasurer within 20 days after its  
20 receipt by the officer. In case of any failure in the payment, the county treasurer may  
21 collect the payment from the officer by an action in the treasurer's name of office and  
22 upon the official bond of the officer, with interest at the rate of 12% per year from the  
23 time when it should have been paid.

24           **278.85 Statement to county board; payment to state.** Every county  
25 treasurer shall, on the first day of the annual meeting of the county board of



1 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,  
2 jail assessments, crime laboratories and drug law enforcement assessments, and  
3 environmental assessments received under this subchapter during the previous  
4 year. The county clerk shall deduct all expenses incurred by the county in recovering  
5 those forfeitures, penalty assessments, crime laboratories and drug law enforcement  
6 assessments, and environmental assessments from the aggregate amount so  
7 received, and shall immediately certify the amount of clear proceeds of those  
8 forfeitures, penalty assessments, crime laboratories and drug law enforcement  
9 assessments, and environmental assessments to the county treasurer, who shall pay  
10 the proceeds to the state treasurer as provided in s. 59.25 (3). Jail assessments shall  
11 be treated separately as provided in s. 302.46.

12 **278.90 Place of trial.** In cases under this subchapter, all of the following  
13 apply:

14 (1) Civil actions shall be tried in the county where the offense was committed,  
15 except as otherwise provided in this section.

16 (2) If 2 or more acts are requisite to the commission of any offense, the trial may  
17 be in any county in which any of the acts occurred.

18 (3) Where an offense is committed on or within one-fourth of a mile of the  
19 boundary of 2 or more counties, the defendant may be tried in any of those counties.

20 (4) If an offense is commenced outside the state and is consummated within  
21 the state, the defendant may be tried in the county where the offense was  
22 consummated.

23 (5) If an offense is committed on boundary waters at a place where 2 or more  
24 counties have common jurisdiction under s. 2.03 or 2.04 or under any other law, the  
25 prosecution may be in either county. The county whose process against the offender

1 is first served shall be conclusively presumed to be the county in which the offense  
2 was committed.

3 **SECTION 3160km.** 278.32 (2) (d) of the statutes, as affected by 2001 Wisconsin  
4 Act .... (this act), is repealed.

5 **SECTION 3160L.** 280.01 (1) of the statutes is amended to read:

6 280.01 (1) “Department” means the department of ~~natural resources~~  
7 environmental management.

8 **SECTION 3160n.** 281.01 (3) of the statutes is amended to read:

9 281.01 (3) “Department” means the department of ~~natural resources~~  
10 environmental management.

11 **SECTION 3160p.** 281.01 (12) of the statutes is amended to read:

12 281.01 (12) “Secretary” means the secretary of ~~natural resources~~  
13 environmental management.

14 **SECTION 3160q.** 281.15 (1) of the statutes is amended to read:

15 281.15 (1) The department, in consultation with the department of fish,  
16 wildlife, parks, and forestry, shall promulgate rules setting standards of water  
17 quality to be applicable to the waters of the state, recognizing that different  
18 standards may be required for different waters or portions thereof. Water quality  
19 standards shall consist of the designated uses of the waters or portions thereof and  
20 the water quality criteria for those waters based upon the designated use. Water  
21 quality standards shall protect the public interest, which include the protection of  
22 the public health and welfare and the present and prospective future use of such  
23 waters for public and private water systems, propagation of fish and aquatic life and  
24 wildlife, domestic and recreational purposes and agricultural, commercial,  
25 industrial and other legitimate uses. In all cases where the potential uses of water

1 are in conflict, water quality standards shall be interpreted to protect the general  
2 public interest.

3 **SECTION 3160r.** 281.16 (3) (a) (intro.) of the statutes is amended to read:

4 281.16 (3) (a) (intro.) The department of ~~natural resources~~ environmental  
5 management in consultation with the department of agriculture, trade and  
6 consumer protection, shall promulgate rules prescribing performance standards and  
7 prohibitions for agricultural facilities and agricultural practices that are nonpoint  
8 sources. The performance standards and prohibitions shall be designed to achieve  
9 water quality standards by limiting nonpoint source water pollution. At a minimum,  
10 the prohibitions shall include all of the following:

11 **SECTION 3160s.** 281.16 (3) (b) of the statutes is amended to read:

12 281.16 (3) (b) The department of agriculture, trade and consumer protection,  
13 in consultation with the department of ~~natural resources~~ environmental  
14 management, shall promulgate rules prescribing conservation practices to  
15 implement the performance standards and prohibitions under par. (a) and specifying  
16 a process for the development and dissemination of technical standards to  
17 implement the performance standards and prohibitions under par. (a).

18 **SECTION 3160t.** 281.16 (3) (e) of the statutes is amended to read:

19 281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
20 is in existence before October 14, 1997, may not be required by this state or a  
21 municipality to comply with the performance standards, prohibitions, conservation  
22 practices, or technical standards under this subsection unless cost-sharing is  
23 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.  
24 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), 92.15 (4),  
25 and 823.08 (3) (c) 2., the department of ~~natural resources~~ environmental

1 management shall promulgate rules that specify criteria for determining whether  
2 cost-sharing is available under s. 281.65 and the department of agriculture, trade  
3 and consumer protection shall promulgate rules that specify criteria for determining  
4 whether cost-sharing is available under s. 92.14 or from any other source. The rules  
5 may not allow a determination that cost-sharing is available to meet local  
6 regulations under s. 92.07 (2), 92.105 (1), or 92.15 that are consistent with or that  
7 exceed the performance standards, prohibitions, conservation practices, or technical  
8 standards under this subsection unless the cost-sharing is at least 70% of the cost  
9 of compliance or is from 70% to 90% of the cost of compliance in cases of economic  
10 hardship, as defined in the rules.”.

11 **1581.** Page 1043, line 13: delete the material beginning with that line and  
12 ending with page 1045, line 2, and substitute:

13 “**SECTION 3160tb.** 281.17 (1) of the statutes is amended to read:

14 281.17 (1) No wells ~~shall~~ may be constructed, installed, or operated to  
15 withdraw water from underground sources for any purpose where the capacity and  
16 rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day  
17 without first obtaining the approval of the department. If s. 281.35 applies to the  
18 proposed construction, the application shall comply with s. 281.35 (5) (a). If the  
19 department finds that the proposed withdrawal will adversely affect or reduce the  
20 availability of water to any public utility in furnishing water to or for the public or  
21 does not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable,  
22 it shall either withhold its approval or grant a limited approval under which it  
23 imposes such conditions as to location, depth, pumping capacity, rate of flow, and  
24 ultimate use so that the water supply of any public utility engaged in furnishing

1 water to or for the public will not be impaired, and the withdrawal will conform to  
2 the requirements of s. 281.35, if applicable. If the proposed withdrawal is for a  
3 purpose other than an agricultural purpose, and the department finds that the  
4 proposed withdrawal will adversely affect waters of the state, it may withhold its  
5 approval or grant a limited approval under which it imposes conditions that will  
6 protect the waters of the state. The department shall require each person issued an  
7 approval under this subsection to report that person's volume and rate of  
8 withdrawal, as defined under s. 281.35 (1) (m), and that person's volume and rate of  
9 water loss, as defined under s. 281.35 (1) (L), if any, in the form and at the times  
10 specified by the department. The department may issue general or special orders it  
11 considers necessary to ensure prompt and effective administration of this  
12 subsection.”.

13 **1582.** Page 1045, line 11: after that line insert:

14 “**SECTION 3161c.** 281.36 (4) (e) (intro.) of the statutes, as created by 2001  
15 Wisconsin Act 6, is amended to read:

16 281.36 (4) (e) (intro.) Construction or maintenance of farm roads, forest roads,  
17 or temporary mining roads that is performed in accordance with best management  
18 practices, ~~as determined by the department,~~ to ensure all of the following:

19 **SECTION 3161g.** 281.36 (4) (e) 3. of the statutes, as created by 2001 Wisconsin  
20 Act 6, is amended to read:

21 281.36 (4) (e) 3. That any adverse effect on the aquatic environment of the  
22 affected nonfederal wetland is minimized ~~to the degree required by the department.~~

23 **SECTION 3161j.** 281.36 (6) (a) 1. of the statutes, as created by 2001 Wisconsin  
24 Act 6, is amended to read:

1           281.36 (6) (a) 1. Make the rules ~~consistent with~~ identical to existing federal law.

2           **SECTION 3161m.** 281.36 (6) (b) of the statutes, as created by 2001 Wisconsin  
3 Act 6, is amended to read:

4           281.36 (6) (b) ~~Whenever an Any additional federal law or interpretation is~~  
5 ~~initially that is incorporated into the rules, the department may modify under this~~  
6 ~~subsection shall be identical to the additional federal law or interpretation as it~~  
7 ~~determines is necessary, but the.~~ The department may not otherwise amend or  
8 modify any of the rules promulgated under this subsection.

9           **SECTION 3161p.** 281.36 (8) (bn) 1. of the statutes, as created by 2001 Wisconsin  
10 Act 6, is amended to read:

11           281.36 (8) (bn) 1. The department shall issue general water quality  
12 certifications that are ~~consistent with~~ identical to all of the general permits issued  
13 under 33 USC 1344 (e) that applied on January 8, 2001, to nonfederal wetlands  
14 located in this state.

15           **SECTION 3161s.** 281.36 (8) (bn) 2. of the statutes, as created by 2001 Wisconsin  
16 Act 6, is amended to read:

17           281.36 (8) (bn) 2. If a general permit as specified in subd. 1. is amended or  
18 modified after January 8, 2001, the department shall incorporate the amendments  
19 or modifications into the general water quality certification issued under subd. 1.  
20 and so that the general water quality certification continues to be identical to the  
21 general permit. The department may not otherwise amend or modify the general  
22 water quality certification.”.

23           **1583.** Page 1045, line 11: after that line insert:

24           **SECTION 3161c.** 281.17 (3) of the statutes is amended to read:

1           281.17 (3) The department shall promulgate rules establishing an examining  
2 program for the certification of operators of water systems, wastewater treatment  
3 plants, and septage servicing vehicles operated under a license issued under s.  
4 281.48 (3), setting such standards as the department finds necessary to accomplish  
5 the purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
6 continuing education. The department may charge applicants a fee for certification.  
7 All moneys collected under this subsection for the certification of operators of water  
8 systems, wastewater treatment plants, and septage servicing vehicles shall be  
9 credited to the appropriation under s. ~~20.370~~ 20.375 (4) (bL). No person may operate  
10 a water ~~systems~~ system, wastewater treatment plant, or septage servicing vehicle  
11 without a valid certificate issued under this subsection. The department may  
12 suspend or revoke a certificate issued under this subsection for a violation of any  
13 statute or rule relating to the operation of a water system or wastewater treatment  
14 plant or to septage servicing, for failure to fulfill the continuing education  
15 requirements, or as provided under s. 145.245 (3). The owner of any wastewater  
16 treatment plant shall be, or shall employ, an operator certified under this subsection  
17 who shall be responsible for plant operations, unless the department by rule provides  
18 otherwise. In this subsection, “wastewater treatment plant” means a system or plant  
19 used to treat industrial wastewater, domestic wastewater, or any combination of  
20 industrial wastewater and domestic wastewater.

21           **SECTION 3161f.** 281.33 (2) of the statutes is amended to read:

22           281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in  
23 consultation with the department of commerce, shall promulgate by rule a state  
24 storm water management plan. This state plan is applicable to activities contracted  
25 for or conducted by any agency, as defined under s. 227.01 (1), but also including the

1 office of district attorney, unless that agency enters into a memorandum of  
2 understanding with the department of natural resources in which that agency  
3 agrees to regulate activities related to storm water management. The department  
4 shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm  
5 water management and make recommendations to these agencies concerning  
6 activities related to storm water management.

7 **SECTION 3161k.** 281.35 (8) (intro.) of the statutes is amended to read:

8 281.35 (8) PREPARATION OF WATER QUANTITY RESOURCES PLAN. (intro.) The  
9 ~~natural resources board~~ department shall, ~~before August 1, 1988~~ in consultation  
10 with the department of fish, wildlife, parks, and forestry, adopt and submit to the  
11 chief clerk of each house of the legislature, for distribution to the legislature under  
12 s. 13.172 (2), a long-term state water quantity resources plan for the protection,  
13 conservation, and management of the waters of the state. The plan shall include, but  
14 need not be limited to, the following:

15 **SECTION 3161L.** 281.37 (1) (a) 3. of the statutes, as affected by 2001 Wisconsin  
16 Act 6, is amended to read:

17 281.37 (1) (a) 3. A wild and scenic river designated under 16 USC 1271 to 1287,  
18 a wild river designated under s. ~~30.26~~ 23.43, the Lower Wisconsin State Riverway  
19 or a scenic urban waterway designated under s. ~~30.275~~ 23.434.

20 **SECTION 3161p.** 281.43 (1) of the statutes is amended to read:

21 281.43 (1) The department of natural resources may require the sewerage  
22 system, or sewage or refuse disposal plant of any governmental unit including any  
23 town, village, or city, to be so planned and constructed that it may be connected with  
24 that of any other town, village, or city, and may, after hearing, upon due notice to the  
25 governmental units order the proper connections to be made or a group of



1 governmental units including cities, villages, town sanitary districts, or town utility  
2 districts may construct and operate a joint sewerage system under this statute  
3 without being so required by order of the department of natural resources but  
4 following hearing and approval of the department.

5 **SECTION 3161s.** 281.48 (5s) of the statutes is amended to read:

6 281.48 (5s) (a) The department may follow the procedures for the issuance of  
7 a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for a violation  
8 of subs. (2) to (5).

9 (b) Notwithstanding s. ~~23.66~~ 278.66 (4), the department shall promulgate rules  
10 establishing the basic amount of the deposit that may be made under s. ~~23.66~~ 278.66  
11 (1) by a person to whom a citation is issued under par. (a). The rules shall specify a  
12 different amount for each offense under subs. (2) to (5).

13 **SECTION 3161w.** 281.55 (2) of the statutes is amended to read:

14 281.55 (2) In order that the construction of pollution prevention and abatement  
15 facilities necessary to the protection of state waters be encouraged, a state program  
16 of assistance to municipalities and school districts for the financing of such facilities  
17 is established and a program of state advances in anticipation of federal aid  
18 reimbursement is established to meet the state's water quality standards. These  
19 state programs shall be administered by the department of natural resources and the  
20 department shall make such rules as are necessary for the proper execution of the  
21 state program.

22 **SECTION 3161y.** 281.55 (6) (b) 1. of the statutes is amended to read:

23 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project  
24 in conjunction with the state program of advancement in anticipation of federal  
25 reimbursement under sub. (2). To provide for the financing of pollution prevention

1 and abatement facilities, the ~~natural resources board~~ department, with the approval  
2 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt  
3 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts  
4 shall be contracted for in the manner and form as the legislature hereafter  
5 prescribes.

6 **SECTION 3162v.** 281.58 (9) (ae) of the statutes is amended to read:

7 281.58 (9) (ae) A municipality that submits an application under par. (a)  
8 without design plans and specifications may obtain an initial determination of  
9 financial eligibility from the department of administration. The department of  
10 ~~natural resources~~ environmental management may not approve a municipality's  
11 application until the municipality submits approvable design plans and  
12 specifications.”.

13 **1584.** Page 1045, line 11: after that line insert:

14 “**SECTION 3161u.** 281.57 (10e) of the statutes is created to read:

15 281.57 (10e) LOAN FOR WATER TOWER IN THE VILLAGE OF ATHENS.  
16 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001–03 fiscal biennium,  
17 the department shall provide a loan of \$320,000 to the village of Athens for  
18 construction of a water tower and related costs, if the village applies for a loan. The  
19 department may not charge any interest on the loan.

20 **SECTION 3161uc.** 281.57 (10f) of the statutes is created to read:

21 281.57 (10f) LOAN FOR WATER TOWER IN THE VILLAGE OF WESTON.  
22 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001–03 fiscal biennium,  
23 the department shall provide a loan of \$400,000 to the village of Weston for

1 construction of a water tower and related costs, if the village applies for a loan. The  
2 department may not charge any interest on the loan.”.

3 **1585.** Page 1045, line 24: after that line insert:

4 “**SECTION 3163b.** 281.58 (9) (e) of the statutes, as affected by 2001 Wisconsin  
5 Act .... (this act), is amended to read:

6 281.58 (9) (e) If the department of ~~natural resources~~ environmental  
7 management and the department of administration determine that the governor’s  
8 recommendation, as set forth in the executive budget bill, for the amount under s.  
9 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc) or the amount available  
10 under s. 281.59 (4) (f) for a biennium is insufficient to provide funding for all projects  
11 for which applications will be approved during that biennium, the department shall  
12 inform municipalities that, if the governor’s recommendations are approved, clean  
13 water fund program assistance during a fiscal year of that biennium will only be  
14 available to municipalities that submit financial assistance applications by the June  
15 30 preceding that fiscal year.”.

16 **1586.** Page 1046, line 8: after that line insert:

17 “**SECTION 3164b.** 281.58 (9m) (f) (intro.) of the statutes is amended to read:

18 281.58 (9m) (f) (intro.) If the department of ~~natural resources~~ environmental  
19 management and the department of administration determines that the amount  
20 approved under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc) or the  
21 amount available under s. 281.59 (4) (f) for a biennium is insufficient to provide  
22 funding for all projects for which applications will be approved during that biennium,  
23 all of the following apply:

24 **SECTION 3164g.** 281.58 (11) (b) of the statutes is amended to read:

1           281.58 (11) (b) For municipalities meeting the financial hardship assistance  
2 requirements under sub. (13), the department of ~~natural resources~~ environmental  
3 management may approve financial hardship assistance.”.

4           **1587.** Page 1047, line 11: after that line insert:

5           “**SECTION 3168g.** 281.59 (11) (a) of the statutes is amended to read:

6           281.59 (11) (a) The department of ~~natural resources~~ environmental  
7 management and the department of administration may enter into a financial  
8 assistance agreement with an applicant for which the department of administration  
9 has allocated subsidy under s. 281.58 (9m), 281.60 (8), or 281.61 (8) if the applicant  
10 meets the conditions under sub. (9) and the other requirements under this section  
11 and s. 281.58, 281.60, or 281.61.

12           **SECTION 3168h.** 281.59 (11) (c) of the statutes is amended to read:

13           281.59 (11) (c) The department of administration may retain the last payment  
14 under a financial assistance agreement until the department of ~~natural resources~~  
15 environmental management and the department of administration determine that  
16 the project is completed and meets the applicable requirements of this section and  
17 s. 281.58, 281.60, or 281.61 and that the conditions of the financial assistance  
18 agreement are met.

19           **SECTION 3168j.** 281.59 (12) of the statutes is amended to read:

20           281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may  
21 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. and guarantee or  
22 purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the  
23 department of administration and the department of ~~natural resources~~

1 environmental management approve the financial assistance under this section and  
2 s. 281.58.”.

3 **1588.** Page 1049, line 2: after that line insert:

4 “**SECTION 3170g.** 281.625 (4) of the statutes is amended to read:

5 281.625 (4) With the approval of the department of administration, the  
6 department of ~~natural resources~~ environmental management may transfer funds  
7 from the appropriation accounts under s. 20.320 (2) (s) and (x) to the Wisconsin  
8 drinking water reserve fund under s. 234.933 to guarantee loans under s. 234.86.

9 **SECTION 3170t.** 281.65 (3) (at) of the statutes is amended to read:

10 281.65 (3) (at) Review rules drafted under this section and make  
11 recommendations regarding the rules before final approval of the rules by the  
12 ~~natural resources~~ environmental management board.”.

13 **1589.** Page 1049, line 20: after that line insert:

14 “**SECTION 3173j.** 281.65 (4e) of the statutes is created to read:

15 281.65 (4e) If the department issues a notice of discharge under ch. 283 to an  
16 animal feeding operation, the department shall provide a cost-sharing grant for the  
17 costs of measures needed to correct the unacceptable practices identified in the notice  
18 of discharge. Notwithstanding sub. (8) (f), the department may provide a  
19 cost-sharing grant under this subsection that exceeds 70% of the cost of the  
20 corrective measures in cases of economic hardship, as defined by the department by  
21 rule. If the department provides funds for a cost-sharing grant under this subsection  
22 from the appropriation account under s. 20.866 (2) (te), the department shall pay the  
23 grant to another governmental unit. If the department provides funds for a  
24 cost-sharing grant under this subsection from the appropriation account under s.

1 20.370 (6) (aa), (ag), or (aq), the department may pay the funds to the landowner or  
2 operator or to another governmental unit.”.

3 **1590.** Page 1050, line 3: after that line insert:

4 “**SECTION 3174b.** 281.65 (4g) of the statutes, as affected by 2001 Wisconsin Act  
5 .... (this act), is amended to read:

6 281.65 (4g) The department may contract with any person from the  
7 appropriation account under s. ~~20.370~~ 20.375 (4) (ac) for services to administer or  
8 implement this section, including information and education and training services.  
9 The department shall allocate \$500,000 in each fiscal year from the appropriation  
10 account under s. ~~20.370~~ 20.375 (4) (ac) for contracts for educational and technical  
11 assistance related to the program under this section provided by the University of  
12 Wisconsin–Extension.

13 **SECTION 3174n.** 281.65 (4m) (c) of the statutes is amended to read:

14 281.65 (4m) (c) The department shall submit a copy of any plan it completes  
15 under this subsection to any county located in or containing any watershed ~~which~~  
16 that is a subject of the plan and to the department of agriculture, trade and consumer  
17 protection. The department of agriculture, trade and consumer protection shall  
18 review the plan and notify the department of ~~natural resources~~ environmental  
19 management of its comments on the plan. A county receiving a plan under this  
20 subsection shall review the plan, approve or disapprove the plan, and notify the  
21 department of ~~natural resources~~ environmental management of its action on the  
22 plan.”.

23 **1591.** Page 1050, line 14: after that line insert:

24 “**SECTION 3176g.** 281.65 (7) (b) of the statutes is amended to read:

1           281.65 (7) (b) The owner or operator of a site designated as a critical site in a  
2 priority watershed or priority lake plan under sub. (5m) or in a modification to such  
3 a plan under sub. (5s) or the department of ~~natural resources~~ may obtain a review  
4 of the decision of a county land conservation committee under par. (a) 2. by filing a  
5 written request with the land and water conservation board within 60 days after  
6 receiving the decision of the county land conservation committee.”.

7           **1592.** Page 1050, line 17: substitute “2005” for “2006”.

8           **1593.** Page 1051, line 4: substitute “2005” for “2006”.

9           **1594.** Page 1054, line 12: after that line insert:

10           “**SECTION 3200m.** 281.69 (1b) (bn) of the statutes is created to read:

11           281.69 (1b) (bn) “Nonprofit conservation organization” has the meaning given  
12 in s. 23.0955 (1).”.

13           **1595.** Page 1054, line 17: after that line insert:

14           “**SECTION 3202b.** 281.69 (1b) (d) of the statutes, as created by 2001 Wisconsin  
15 Act .... (this act), is amended to read:

16           281.69 (1b) (d) “Wetland” has the meaning given in s. ~~23.32~~ 278.32 (1).”.

17           **1596.** Page 1054, line 20: delete “as defined in s. 23.0955 (1),” and substitute  
18 “as defined in s. ~~23.0955 (1),~~”.

19           **1597.** Page 1055, line 6: after that line insert:

20           “**SECTION 3207g.** 281.695 (5) of the statutes is amended to read:

21           281.695 (5) Any municipality may participate in the state financial assistance  
22 program for soil and water resources protection established under s. 281.55, 281.57,  
23 or 281.65 and may enter into agreements with the department of ~~natural resources~~  
24 environmental management for that purpose. Any municipality may participate in

1 the clean water fund program under ss. 281.58 and 281.59 and may enter into  
2 agreements with the department of administration and the department of natural  
3 resources environmental management for that purpose. Any county may participate  
4 in the state financial assistance program for soil and water resources protection  
5 established under s. 92.14 and may enter into agreements with the department of  
6 agriculture, trade and consumer protection for that purpose.

7 **SECTION 3207h.** 281.695 (6) of the statutes is amended to read:

8 281.695 (6) Any municipality is authorized to enter into contracts with a  
9 nonprofit-sharing corporation for the municipality to design and construct the  
10 projects it will sublease from the department of ~~natural resources~~ environmental  
11 management pursuant to s. 281.55 (6) (b).”.

12 **1598.** Page 1055, line 6: after that line insert:

13 “**SECTION 3206m.** 281.69 (3) (b) 5. of the statutes is created to read:

14 281.69 (3) (b) 5. A wetland enhancement or restoration project under sub. (3m).

15 **SECTION 3206r.** 281.69 (3m) of the statutes is created to read:

16 281.69 (3m) GRANTS FOR WETLANDS. (a) The department shall provide grants  
17 of \$10,000 each from the appropriation under s. 20.370 (6) (ar) for lake management  
18 projects to eligible recipients, other than nonprofit conservation organizations, that  
19 have completed a comprehensive land use plan that includes a wetland  
20 enhancement or restoration project. The grant shall be used for the implementation  
21 of the wetland enhancement or restoration project. The 75% limitation under s.  
22 281.69 (2) (a) does not apply to these grants.

23 (b) The department shall provide up to 25 grants per fiscal year during fiscal  
24 years 2001–02 and 2002–03. The department shall award the grants to eligible



1 recipients who qualify for the grants in the order in which the grant applications are  
2 received by the department.

3 (c) If the project site is located within a drainage district, or near to a drainage  
4 district which will be affected by the project, the application must be approved by the  
5 drainage district board for that district.”.

6 **1599.** Page 1055, line 8: after that line insert:

7 “**SECTION 3208d.** 281.75 (5) (f) of the statutes is amended to read:

8 281.75 (5) (f) The department shall allocate money for the payment of claims  
9 according to the order in which completed claims are received. The department may  
10 conditionally approve a completed claim even if the appropriation under s. ~~20.370~~  
11 20.375 (6) (cr) is insufficient to pay the claim. The department shall allocate money  
12 for the payment of a claim which is conditionally approved as soon as funds become  
13 available.

14 **SECTION 3208g.** 281.85 (intro.) of the statutes is amended to read:

15 **281.85 Great Lakes protection fund share.** (intro.) The department may  
16 use moneys from the appropriation under s. ~~20.370~~ 20.375 (4) (ah) for any of the  
17 following purposes:

18 **SECTION 3208k.** 281.96 of the statutes is amended to read:

19 **281.96 Visitorial powers of department.** Every owner of an industrial  
20 establishment shall furnish to the department all information required by it in the  
21 discharge of its duties under subch. II, except s. 281.17 (6) and (7). Any member of  
22 the ~~natural resources~~ environmental management board or any employee of the  
23 department may enter any industrial establishment for the purpose of collecting  
24 such information, and no owner of an industrial establishment shall refuse to admit

1 such member or employee. The department shall make such inspections at frequent  
2 intervals. The secretary and all members of the board shall have power for all  
3 purposes falling within the department's jurisdiction to administer oaths, issue  
4 subpoenas, compel the attendance of witnesses and the production of necessary or  
5 essential data.

6 **SECTION 3208r.** 283.001 (2) of the statutes is amended to read:

7 283.001 (2) The purpose of this chapter is to grant to the department of ~~natural~~  
8 ~~resources~~ all authority necessary to establish, administer, and maintain a state  
9 pollutant discharge elimination system to effectuate the policy set forth under sub.  
10 (1) and consistent with all the requirements of the federal water pollution control act  
11 amendments of 1972, P.L. 92–500; 86 Stat. 816.

12 **SECTION 3208t.** 283.01 (3) of the statutes is amended to read:

13 283.01 (3) “Department” means the department of ~~natural resources~~  
14 environmental management.

15 **SECTION 3208v.** 283.01 (16) of the statutes is amended to read:

16 283.01 (16) “Secretary” means the secretary of ~~natural resources~~  
17 environmental management or his or her designee.”.

18 **1600.** Page 1055, line 8: after that line insert:

19 “**SECTION 3210s.** 283.31 (4m) of the statutes is created to read:

20 283.31 (4m) The department may not, in the permit for a publicly owned  
21 treatment work, authorize the discharge of untreated wastewater resulting from a  
22 temporary power interruption.”.

23 **1601.** Page 1056, line 22: after that line insert:

24 “**SECTION 3217d.** 283.33 (9) (c) of the statutes is amended to read:

1           283.33 **(9)** (c) All moneys collected under par. (a) shall be credited to the  
2 appropriation under s. ~~20.370~~ 20.375 (4) (bj).”.

3           **1602.** Page 1057, line 2: after that line insert:

4           “**SECTION 3218n.** 283.87 (1) of the statutes is amended to read:

5           283.87 **(1)** DEPARTMENT MAY RECOVER COSTS. In an action against any person who  
6 violates this chapter or any provision of s. ~~29.601~~ or chs. ~~30~~, subchs. I to III of ch. 30  
7 or chs. 31, 281, 285 or 289 to 299, except s. 281.48, relating to water quality the  
8 department may recover the cost of removing, terminating or remedying the adverse  
9 effects upon the water environment resulting from the unlawful discharge or deposit  
10 of pollutants into the waters of the state, including the cost of replacing fish or other  
11 wildlife destroyed by the discharge or deposit. All moneys recovered under this  
12 section shall be deposited into the environmental fund.”.

13           **1603.** Page 1057, line 2: after that line insert:

14           “**SECTION 3218m.** 283.86 of the statutes is created to read:

15           **283.86 Certain discharges prohibited.** No owner or operator of a publicly  
16 owned treatment work may intentionally discharge untreated wastewater unless all  
17 of the following apply:

18           **(1)** The discharge does not cause any effluent limitation to be exceeded.

19           **(2)** The discharge is necessary to prevent personal injury, loss of life, or severe  
20 property damage.

21           **(3)** There is no feasible alternative to the discharge.

22           **(4)** The owner or operator provides any required notification of the discharge.”.

23           **1604.** Page 1057, line 7: after that line insert:

24           “**SECTION 3219L.** 285.30 (5) (c) of the statutes is amended to read:

1           285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except  
2 that a motor vehicle owned by the United States is not exempt unless it comes under  
3 par. (a), (b), (d), (e), (f), (g) ~~or~~ (h), or (j).

4           **SECTION 3219v.** 285.30 (5) (j) of the statutes is created to read:

5           285.30 (5) (j) A low-speed vehicle, as defined in s. 340.01 (27m).”.

6           **1605.** Page 1057, line 7: after that line insert:

7           “**SECTION 3219u.** 285.18 of the statutes is created to read:

8           **285.18 Air quality testing.** The department may not operate an air quality  
9 testing facility within one mile of Lake Michigan.”.

10          **1606.** Page 1057, line 7: after that line insert:

11          “**SECTION 3219b.** 283.89 (2m) of the statutes, as created by 2001 Wisconsin Act  
12 .... (this act), is amended to read:

13          283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which  
14 a person is subject to a forfeiture under s. 283.91 (2), the department may issue a  
15 citation and, if the department does issue a citation, and the procedures in ss. ~~23.50~~  
16 ~~to 23.99~~ 278.50 to 278.90 apply.

17          **SECTION 3219e.** 285.01 (13) of the statutes is amended to read:

18          285.01 (13) “Department” means the department of natural-resources  
19 environmental management.

20          **SECTION 3219g.** 285.01 (38) of the statutes is amended to read:

21          285.01 (38) “Secretary” means the secretary of natural-resources  
22 environmental management.

23          **SECTION 3219k.** 285.11 (6) (intro.) of the statutes is amended to read:

1           285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for  
2 the prevention, abatement, and control of air pollution in this state. The department  
3 thereafter shall be responsible for the revision and implementation of the plans. The  
4 rules or control strategies submitted to the federal environmental protection agency  
5 under the federal ~~clean air act~~ Clean Air Act for control of atmospheric ozone shall  
6 conform with the federal ~~clean air act~~ Clean Air Act unless, based on the  
7 recommendation of the ~~natural resources~~ environmental management board or the  
8 head of the department, as defined in s. 15.01 (8), of any other department, as defined  
9 in s. 15.01 (5), that promulgates a rule or establishes a control strategy, the governor  
10 determines that measures beyond those required by the federal ~~clean air act~~ Clean  
11 Air Act meet any of the following criteria:

12           **SECTION 3219p.** 285.48 (2) of the statutes is amended to read:

13           285.48 (2) APPLICABILITY. This section applies if the department of ~~natural~~  
14 ~~resources~~ environmental management, pursuant to a call, issues a state  
15 implementation plan that requires electric generating facilities in the midcontinent  
16 area of this state to comply with nitrogen oxide emission reduction requirements.  
17 If the department of ~~natural resources~~ environmental management issues such a  
18 plan, the department of ~~natural resources~~ environmental management shall notify  
19 the department of administration and the public service commission. The notice  
20 shall specify the date on which electric generating facilities in the midcontinent area  
21 of this state are required to comply with the initial nitrogen oxide emission reduction  
22 requirements.

23           **SECTION 3210q.** 285.48 (3) (d) (intro.) of the statutes is amended to read:

24           285.48 (3) (d) (intro.) If the department of ~~natural resources~~ environmental  
25 management implements a state implementation plan specified in sub. (2) in a

1 manner that requires reductions in nitrogen oxide emissions that are lower than the  
2 reductions set forth in the call published on October 27, 1998, the department of  
3 ~~natural resources~~ environmental management shall do each of the following:

4 **SECTION 3219t.** 285.57 (4) of the statutes is amended to read:

5 285.57 (4) CITATIONS. The department may follow the procedures for the  
6 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture  
7 for a violation of sub. (2).”.

8 **1607.** Page 1057, line 16: after that line insert:

9 “**SECTION 3220g.** 285.59 (7) of the statutes is amended to read:

10 285.59 (7) CITATIONS. The department may follow the procedures for the  
11 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture  
12 for a violation of sub. (2), (3) (c) or (4).”.

13 **1608.** Page 1057, line 16: after that line insert:

14 “**SECTION 3221.** 285.60 (2m) of the statutes is created to read:

15 285.60 (2m) GENERAL CONSTRUCTION PERMITS. The department may, by rule,  
16 specify types of stationary sources that may obtain general construction permits. A  
17 general construction permit may cover numerous similar stationary sources. A  
18 general construction permit shall require any stationary source that is covered by  
19 the general construction permit to comply with ss. 285.61 to 285.69. The department  
20 shall issue a general construction permit using the procedures and criteria in ss.  
21 285.61, 285.63, 285.65, 285.66, and 285.69.”.

22 **1609.** Page 1057, line 21: after that line insert:

23 “**SECTION 3222c.** 285.69 (2) (c) (intro.) of the statutes is amended to read:

1           285.69 **(2)** (c) (intro.) The fees collected under pars. (a) and (e) shall be credited  
2 to the appropriations under s. ~~20.370~~ 20.375 (2) (bg), (3) (bg), ~~(8) (mg)~~ and ~~(9) (mh)~~  
3 (bh), (sg), and (th) for the following:

4           **SECTION 3222e.** 285.69 (3) of the statutes is amended to read:

5           285.69 **(3)** ASBESTOS INSPECTION FEES. The department may promulgate rules  
6 for the payment and collection of fees for inspecting nonresidential asbestos  
7 demolition and renovation projects regulated by the department. The fees under this  
8 subsection may not exceed \$210 per project. The fees collected under this subsection  
9 shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (bi) for the direct and  
10 indirect costs of conducting inspections of nonresidential asbestos demolition and  
11 inspection projects regulated by the department.

12           **SECTION 3222g.** 285.69 (7) of the statutes is amended to read:

13           285.69 **(7)** EMISSION REDUCTION CREDIT FEES. The department may promulgate  
14 rules for the payment of fees by persons who hold emission reduction credits that  
15 may be used to satisfy the offset requirements in s. 285.63 (2) (a) and that have been  
16 certified by the department. The rules may waive the payment of fees under this  
17 subsection for categories of emission reduction credits. The fees collected under this  
18 subsection shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (bg).

19           **SECTION 3222k.** 285.85 (1) of the statutes is amended to read:

20           285.85 **(1)** If the secretary finds that a generalized condition of air pollution  
21 exists and that it creates an emergency requiring immediate action to protect human  
22 health or safety, he or she shall order persons causing or contributing to the air  
23 pollution to reduce or discontinue immediately the emission of air contaminants, and  
24 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing  
25 to be held before the department. Not more than 24 hours after the commencement

1 of such hearing, and without adjournment thereof, the ~~natural resources~~  
2 environmental management board shall affirm, modify or set aside the order of the  
3 secretary.

4 **SECTION 3222n.** 285.86 (1) of the statutes is amended to read:

5 285.86 (1) The department may follow the procedures for the issuance of a  
6 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture from a person  
7 who commits a violation specified under sub. (2).

8 **SECTION 3222t.** 287.01 (1) of the statutes is amended to read:

9 287.01 (1) “Department” means the department of ~~natural resources~~  
10 environmental management.”.

11 **1610.** Page 1057, line 21: after that line insert:

12 “**SECTION 3222d.** 287.09 (2) (a) of the statutes is amended to read:

13 287.09 (2) (a) Develop and implement a recycling or other program to manage  
14 the solid waste generated within its region in compliance with s. 287.07 (1m) ~~to (4)~~  
15 and (2), with either s. 287.07 (3) and (4) or the rules promulgated under s. 287.11 (4),  
16 and with the priorities under s. 287.05 (12).

17 **SECTION 3222g.** 287.11 (2) (a) of the statutes is amended to read:

18 287.11 (2) (a) A public education component to inform residents of the region  
19 of the reasons to recycle, local opportunities to recycle and the ~~prohibitions in s.~~  
20 287.07 (3) and (4) materials that residents are required to recycle under the program  
21 under par. (b).

22 **SECTION 3222h.** 287.11 (2) (b) of the statutes is renumbered 287.11 (2) (b) 1.

23 **SECTION 3222i.** 287.11 (2) (b) (intro.) of the statutes is created to read:

24 287.11 (2) (b) (intro.) One of the following:



1           **SECTION 3222j.** 287.11 (2) (b) 2. of the statutes is created to read:

2           287.11 **(2)** (b) 2. A program that the department determines complies with the  
3 rules promulgated under sub. (4).

4           **SECTION 3222k.** 287.11 (2) (er) of the statutes is amended to read:

5           287.11 **(2)** (er) A prohibition on disposing of in a solid waste disposal facility or  
6 burning in a solid waste treatment facility any material ~~identified under s. 287.07~~  
7 ~~(3) and (4) that is required to be separated for recycling under the program under par.~~  
8 ~~(b) and~~ that is separated for recycling as part of the program.

9           **SECTION 3222L.** 287.11 (2) (i) of the statutes is amended to read:

10           287.11 **(2)** (i) A reasonable effort, through the implementation of pars. (a) to (h),  
11 as applicable, to reduce to the maximum extent feasible the amount, by weight, of  
12 each material ~~specified in s. 287.07 (3) and (4) of a type that is recycled in the program~~  
13 ~~under par. (b) that is generated as solid waste within the region and disposed of in~~  
14 a solid waste disposal facility or converted into fuel or burned without energy  
15 recovery in a solid waste treatment facility.

16           **SECTION 3222m.** 287.11 (4) of the statutes is created to read:

17           287.11 **(4)** ALTERNATE METHOD OF COMPLIANCE. The department shall  
18 promulgate rules that do all of the following:

19           (a) Set goals for amounts of materials to be recycled as a percentage of solid  
20 waste generated in the geographic area served by a responsible unit.

21           (b) Include a list of recyclable materials, including the materials identified  
22 under s. 287.07 (3) and (4), that a responsible unit may choose under this subsection  
23 to require to be separated for recycling under its recycling program.

24           (c) Specify a procedure for a responsible unit to identify the materials that it  
25 will require to be separated for recycling under its recycling program.

1 (d) Specify a procedure to be used by the department to determine whether a  
2 responsible unit has achieved the goals under par. (a).

3 **SECTION 3222p.** 287.23 (2) of the statutes is amended to read:

4 **287.23 (2) DEPARTMENT POWERS AND DUTIES.** The department shall develop,  
5 implement and administer a program to provide financial assistance to responsible  
6 units. The department shall develop criteria for reporting on and evaluating the  
7 program. Each year the department shall ~~audit~~ review at least 5% of the recipients  
8 of grants in the previous year to ensure that the recycling programs and activities  
9 ~~funded by grants under this section meet the requirements of this section of the~~  
10 recipients are effective recycling programs.

11 **SECTION 3222q.** 287.23 (3) (am) (intro.) and 1. of the statutes are consolidated,  
12 renumbered 287.23 (3) (am) and amended to read:

13 **287.23 (3) (am)** The department may withhold all or a portion of the assistance  
14 for a responsible unit for one year if the department determines ~~any of the following:~~  
15 ~~1. That~~ that the responsible unit has not maintained an effective recycling program  
16 following approval of the recycling program under s. 287.11.

17 **SECTION 3222r.** 287.23 (3) (am) 2. of the statutes is repealed.

18 **SECTION 3222s.** 287.23 (3) (b) of the statutes is repealed.

19 **SECTION 3223b.** 287.23 (4) (intro.) of the statutes is amended to read:

20 **287.23 (4) APPLICATION.** (intro.) A responsible unit that seeks assistance under  
21 the program shall submit an application to the department. ~~To qualify for a full~~  
22 ~~grant, the responsible unit must submit the application no later than October 1 in~~  
23 ~~the year preceding the year for which the assistance is sought. For the purpose of~~  
24 ~~this subsection and sub. (5p), if an application is postmarked, it is considered to be~~

1     ~~submitted on the date that it is postmarked.~~ An application shall include all of the  
2     following:

3             **SECTION 3323p.** 287.23 (5) (intro.) of the statutes is amended to read:

4             287.23 (5) GRANT AWARD FOR YEARS BEFORE 2000. (intro.) For years before 2000,  
5     the department shall award a grant under this subsection to each eligible  
6     responsible unit that submits a complete grant application under sub. (4) for  
7     expenses allowable under ~~sub. s. 287.23 (3) (b), 1999 stats.~~ Except as provided under  
8     ~~s. 287.23 (5p), 1999 stats., or sub. (5m) or (5p),~~ the amount of the grant under this  
9     subsection shall be determined as follows:".

10            **1611.** Page 1058, line 2: after that line insert:

11            “**SECTION 3225e.** 287.23 (5b) (intro.) of the statutes is amended to read:

12            287.23 (5b) GRANT AWARD FOR 2000 AND 2001. (intro.) The For grants for 2000 and  
13     2001, the department shall award a grant under this subsection to each eligible  
14     responsible unit that submits a complete grant application under sub. (4) for  
15     expenses allowable under ~~sub. s. 287.23 (3) (b), 1999 stats.~~ The department shall  
16     determine the amount of the grants under this subsection as follows:

17            **SECTION 3225h.** 287.23 (5b) (a) of the statutes is amended to read:

18            287.23 (5b) (a) Determine the total amount that would have been awarded  
19     under this section for 1999 if no grants had been reduced under ~~sub. s. 287.23 (5p),~~  
20     1999 stats.

21            **SECTION 3225k.** 287.23 (5c) of the statutes is created to read:

22            287.23 (5c) GRANT AWARD FOR YEARS AFTER 2001. The department shall  
23     promulgate rules that specify a method for determining the amount of a grant under  
24     this section for years after 2001 based on the population of the responsible unit. The

1 department shall specify different per capita grant amounts for responsible units  
2 that the department requires to provide collection of recyclable materials from  
3 residential properties and for other responsible units. The department may not  
4 restrict the amount of a grant to the costs of operating an effective recycling  
5 program.”.

6 **1612.** Page 1058, line 6: after that line insert:

7 “**SECTION 3227c.** 287.25 (5) (a) of the statutes is amended to read:

8 287.25 (5) (a) The department may enter into agreements with eligible  
9 applicants to make demonstration grants from the appropriation under s. ~~20.370~~  
10 20.375 (6) (br).

11 **SECTION 3227e.** 287.91 (4) of the statutes is amended to read:

12 287.91 (4) The department of ~~natural resources~~ environmental management  
13 shall reimburse the department of justice for the expenses incurred in enforcing this  
14 chapter from the appropriation under s. ~~20.370~~ 20.375 (2) (ma).

15 **SECTION 3227f.** 287.95 (4) of the statutes is amended to read:

16 287.95 (4) The department may follow the procedures for the issuance of a  
17 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for the  
18 violations under subs. (1), (2) (b) and (3) (b).

19 **SECTION 3227g.** 289.01 (7) of the statutes is amended to read:

20 289.01 (7) “Department” means the department of ~~natural resources~~  
21 environmental management.

22 **SECTION 3227h.** 289.01 (31) of the statutes is amended to read:

23 289.01 (31) “Secretary” means the secretary of ~~natural resources~~  
24 environmental management.

1           **SECTION 3227i.** 289.09 (2) (d) of the statutes is amended to read:

2           289.09 **(2)** (d) *Use of confidential records.* Except as provided under par. (c) and  
3 this paragraph, the department or the department of justice may use records and  
4 other information granted confidential status under this subsection only in the  
5 administration and enforcement of this chapter, ch. 287 or s. 299.15. The department  
6 or the department of justice may release for general distribution records and other  
7 information granted confidential status under this subsection if the owner or  
8 operator expressly agrees to the release. The department of ~~natural resources~~  
9 environmental management or the department of justice may release on a limited  
10 basis records and other information granted confidential status under this  
11 subsection if the department of ~~natural resources~~ environmental management or the  
12 department of justice is directed to take this action by a judge or hearing examiner  
13 under an order ~~which~~ that protects the confidentiality of the records or other  
14 information. The department of ~~natural resources~~ environmental management or  
15 the department of justice may release to the U.S. environmental protection agency,  
16 or its authorized representative, records and other information granted confidential  
17 status under this subsection if the department of ~~natural resources~~ environmental  
18 management or the department of justice includes in each release of records or other  
19 information a request to the U.S. environmental protection agency, or its authorized  
20 representative, to protect the confidentiality of the records or other information.

21           **SECTION 3227j.** 289.25 (1) of the statutes is amended to read:

22           289.25 **(1)** PRELIMINARY DETERMINATION IF ENVIRONMENTAL IMPACT STATEMENT IS  
23 REQUIRED. Immediately after the department determines that the feasibility report  
24 is complete, the department shall issue a preliminary determination on whether an  
25 environmental impact statement is required under s. 1.11 prior to the determination

1 of feasibility. If the department determines after review of the feasibility report that  
2 a determination of feasibility cannot be made without an environmental impact  
3 statement or if the department intends to require an environmental impact report  
4 under s. ~~23.11 (5)~~ 278.40 (1m), the department shall notify the applicant in writing  
5 within the 60-day period of these decisions and shall commence the process required  
6 under s. 1.11 or ~~23.11 (5)~~ 278.40 (1m).

7 **SECTION 3227k.** 289.29 (1) (c) of the statutes is amended to read:

8 289.29 (1) (c) The department may receive into evidence at a hearing conducted  
9 under s. 289.26 or 289.27 any environmental impact assessment or environmental  
10 impact statement for the facility prepared under s. 1.11 and any environmental  
11 impact report prepared under s. ~~23.11 (5)~~ 278.40 (1m). The adequacy of the  
12 environmental impact assessment, environmental impact statement or  
13 environmental impact report is not subject to challenge at that hearing.

14 **SECTION 3227L.** 289.31 (7) (f) of the statutes is amended to read:

15 289.31 (7) (f) If the owner or operator of a site or facility subject to an order  
16 under par. (d) is a municipality, the municipality is responsible for conducting any  
17 monitoring ordered under par. (d). The department shall, from the environmental  
18 fund appropriation under s. ~~20.370~~ 20.375 (2) (dv), reimburse the municipality for  
19 the costs of monitoring that exceed an amount equal to \$3 per person residing in the  
20 municipality for each site or facility subject to an order under par. (d), except that the  
21 maximum reimbursement is \$100,000 for each site or facility. The department shall  
22 exclude any monitoring costs paid under the municipality's liability insurance  
23 coverage in calculating the municipal cost of monitoring a site or facility.”.

24 **1613.** Page 1058, line 6: after that line insert:

1           “**SECTION 3226e.** 287.23 (5p) of the statutes is repealed.”.

2           **1614.** Page 1058, line 6: after that line insert:

3           “**SECTION 3227f.** 287.26 of the statutes is created to read:

4           **287.26 Wheelchair recycling project.** From the appropriation under s.  
5           20.370 (6) (bv), the department shall provide funding to the Wheelchair Recycling  
6           Project, of the Madison Chapter of the National Spinal Cord Injury Association, to  
7           provide recycled wheelchairs and other medical equipment to individuals and  
8           programs in need and for costs of equipment, parts, maintenance, and distribution.”.

9           **1615.** Page 1058, line 6: after that line insert:

10          “**SECTION 3227f.** 287.31 (3) (c) 2m. of the statutes is amended to read:

11          287.31 (3) (c) 2m. 1998 through ~~2000~~ and thereafter, 33%.

12          **SECTION 3227fc.** 287.31 (3) (c) 3. and 4. of the statutes are repealed.”.

13          **1616.** Page 1059, line 9: after that line insert:

14          “**SECTION 3227sp.** 289.43 (7) (c) of the statutes is amended to read:

15          289.43 (7) (c) The department shall approve the requester’s exemption  
16          proposal if the department finds that the proposal, as approved, will comply with this  
17          chapter and chs. 30, 31, 160 and 280 to 299 and ss. 1.11, ~~23.40~~, 59.692, 59.693, 60.627,  
18          61.351, 61.354, 62.231, 62.234 ~~and~~, 87.30, and 278.40. If the proposal does not  
19          comply with one or more of the requirements specified in this paragraph, the  
20          department shall provide a written statement describing how the proposal fails to  
21          comply with those requirements. The department shall respond to an application for  
22          an exemption under this subsection within 90 days.

23          **SECTION 3227sq.** 289.43 (7) (e) 3. of the statutes is amended to read:



1           289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the  
2 appropriations under s. ~~20.370~~ 20.375 (2) (dg) and ~~(9) (mj)~~ (tj).

3           **SECTION 3228c.** 289.64 (6) of the statutes is amended to read:

4           289.64 (6) USE OF SOLID WASTE FACILITY SITING BOARD FEES. The fees collected  
5 under sub. (2) shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (eg)  
6 for transfer to the appropriation under s. 20.505 (4) (k).

7           **SECTION 3228de.** 289.68 (1) of the statutes is amended to read:

8           289.68 (1) PAYMENTS FROM THE WASTE MANAGEMENT FUND. The department may  
9 expend moneys in the waste management fund only for the purposes specified under  
10 subs. (3) to (6) and 1991 Wisconsin Act 39, section 9142 (2w). The department may  
11 expend moneys appropriated under s. ~~20.370~~ 20.375 (2) (dq) for the purposes  
12 specified under subs. (3) and (5) and 1991 Wisconsin Act 39, section 9142 (2w). The  
13 department may expend moneys appropriated under s. ~~20.370~~ 20.375 (2) (dt) for the  
14 purposes specified under sub. (4). The department may expend moneys appropriated  
15 under s. ~~20.370~~ 20.375 (2) (dy) and (dz) for the purposes specified under sub. (6).

16           **SECTION 3228dg.** 289.68 (3) of the statutes is amended to read:

17           289.68 (3) PAYMENTS FOR LONG-TERM CARE AFTER TERMINATION OF PROOF OF  
18 FINANCIAL RESPONSIBILITY. The department may spend moneys appropriated under  
19 s. ~~20.370~~ 20.375 (2) (dq) for the costs of long-term care of an approved facility for  
20 which the plan of operation was approved under s. 289.30 (6) before August 9, 1989,  
21 that accrue after the requirement to provide proof of financial responsibility expires  
22 under s. 289.41 (1m) (b) or (f) as authorized under s. 289.41 (11) (b) 2.

23           **SECTION 3228dj.** 289.68 (4) of the statutes is amended to read:

24           289.68 (4) PAYMENT OF CLOSURE AND LONG-TERM CARE COSTS; FORFEITED BONDS AND  
25 SIMILAR MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~



1     20.375 (2) (dt) for the payment of costs associated with compliance with closure and  
2     long-term care requirements under s. 289.41 (11) (b) 1.

3             **SECTION 3228dk.** 289.68 (5) of the statutes is amended to read:

4             289.68 (5) PREVENTION OF IMMINENT HAZARD. The department may utilize  
5     moneys appropriated under s. ~~20.370~~ 20.375 (2) (dq) for the payment of costs  
6     associated with imminent hazards as authorized under s. 289.41 (11) (c) and (cm).

7             **SECTION 3228dL.** 289.68 (6) of the statutes is amended to read:

8             289.68 (6) PAYMENT OF CORRECTIVE ACTION, FORFEITED BONDS AND RECOVERED  
9     MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~ 20.375  
10    (2) (dy) and (dz) for the payment of costs of corrective action under s. 289.41 (11) (bm).

11            **SECTION 3228dm.** 289.68 (7) of the statutes is amended to read:

12            289.68 (7) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget  
13    request to the department of administration under s. 16.42, the ~~natural resources~~  
14    environmental management board shall include a report on the fiscal status of the  
15    waste management fund and an estimate of the receipts by and expenditures from  
16    the fund in the current fiscal year and in the future.”.

17            **1617.** Page 1059, line 16: after that line insert:

18            “**SECTION 3228L.** 291.01 (2) of the statutes is amended to read:

19            291.01 (2) “Department” means the department of ~~natural resources~~  
20    environmental management.

21            **SECTION 3228n.** 292.01 (2) of the statutes is amended to read:

22            292.01 (2) “Department” means the department of ~~natural resources~~  
23    environmental management.

24            **SECTION 3228p.** 292.01 (17) of the statutes is amended to read:

1           292.01 (17) “Secretary” means the secretary of natural resources  
2 environmental management.

3           **SECTION 3228s.** 292.11 (6) (a) of the statutes is amended to read:

4           292.11 (6) (a) *Contingency plan; activities resulting from discharges.* The  
5 department may utilize moneys appropriated under s. ~~20.370~~ 20.375 (2) (dv) and  
6 (my) in implementing and carrying out the contingency plan developed under sub.  
7 (5) and to provide for the procurement, maintenance, and storage of necessary  
8 equipment and supplies, personnel training, and expenses incurred in identifying,  
9 locating, monitoring, containing, removing, and disposing of discharged substances.

10          **SECTION 3828t.** 292.11 (6) (b) of the statutes is amended to read:

11          292.11 (6) (b) *Limitation on equipment expenses.* No more than 25% of the  
12 moneys available under the appropriation under s. ~~20.370~~ 20.375 (2) (dv) or (my)  
13 during any fiscal year may be used for the procurement and maintenance of  
14 necessary equipment during that fiscal year.

15          **SECTION 3228v.** 292.11 (6) (c) 2. of the statutes is amended to read:

16          292.11 (6) (c) 2. Reimbursements to the department under section 311, federal  
17 ~~water pollution control act~~ Water Pollution Control Act amendments of 1972, P.L.  
18 92–500, shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (my).

19          **SECTION 3244g.** 292.255 of the statutes is amended to read:

20          **292.255 Report on brownfield efforts.** The department of natural  
21 resources environmental management, the department of administration, and the  
22 department of commerce shall submit a report evaluating the effectiveness of this  
23 state’s efforts to remedy the contamination of, and to redevelop, brownfields, as  
24 defined in s. 560.60 (1v).

25          **SECTION 3257b.** 292.31 (4) of the statutes is amended to read:

1           292.31 (4) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY  
2 MUNICIPALITIES. Notwithstanding the inventory, analysis, and hazard ranking under  
3 sub. (1), the environmental response plan prepared under sub. (2), or the  
4 environmental repair authority, remedial action sequence, and emergency response  
5 requirements under sub. (3), the department shall pay that portion of the cost of any  
6 monitoring requirement ~~which~~ that is to be paid under s. 289.31 (7) (f) from the  
7 appropriation under s. ~~20.370~~ 20.375 (2) (dv) prior to making other payments from  
8 that appropriation.

9           **SECTION 3258b.** 292.31 (5) of the statutes is amended to read:

10           292.31 (5) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the inventory,  
11 analysis, and hazard ranking under sub. (1), the environmental response plan  
12 prepared under sub. (2), the environmental repair authority, remedial action  
13 sequence, and emergency response requirements under sub. (3), or the monitoring  
14 costs under sub. (4), the department shall pay the cost incurred by a municipality  
15 after June 30, 1986, and before January 30, 1988, for testing required to determine  
16 whether the ash from a municipally owned incinerator is hazardous. The  
17 department shall make payments under this subsection from the appropriation  
18 under s. ~~20.370~~ 20.375 (2) (dv) prior to making other payments from that  
19 appropriation.”.

20           **1618.** Page 1059, line 16: after that line insert:

21           **“SECTION 3229.** 292.11 (9) (e) 1m. f. of the statutes is amended to read:

22           292.11 (9) (e) 1m. f. The local governmental unit acquired the property using  
23 funds appropriated under s. 20.866 (2) (ta) or (tz).

24           **SECTION 3230.** 292.13 (1m) (intro.) of the statutes is amended to read:

1           292.13 **(1m)** EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A  
2 person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence  
3 of a hazardous substance in the soil, including sediments, on property possessed or  
4 controlled by the person if all of the following apply:

5           **SECTION 3231.** 292.15 (2) (a) 4. of the statutes is amended to read:

6           292.15 **(2)** (a) 4. The If the voluntary party owns or controls the property, the  
7 voluntary party maintains and monitors the property as required under rules  
8 promulgated by the department and any contract entered into under those rules.

9           **SECTION 3232.** 292.15 (2) (ae) 4. of the statutes is amended to read:

10          292.15 **(2)** (ae) 4. The If the voluntary party owns or controls the property, the  
11 voluntary party maintains and monitors the property as required under rules  
12 promulgated by the department and any contract entered into under those rules.

13          **SECTION 3234.** 292.15 (2) (ag) of the statutes is amended to read:

14          292.15 **(2)** (ag) *Property affected by off-site discharge.* (intro.) Except as  
15 provided in sub. (6) or (7), for a property on which there exists a hazardous substance  
16 for which a voluntary party is exempt from liability under s. 292.13 (1) or (1m), a  
17 voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42  
18 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and  
19 292.31 (8), and rules promulgated under those provisions, with respect to discharges  
20 of hazardous substances on or originating from the property, if the release of those  
21 hazardous substances occurred prior to the date on which the department approves  
22 the environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4.  
23 to 6. apply and all of the following occur at any time before or after the date of  
24 acquisition:

1           1. The environment is restored to the extent practicable with respect to the  
2 discharges and the harmful effects from the discharges are minimized in accordance  
3 with rules promulgated by the department and any contract entered into under those  
4 rules, except that this requirement does not apply with respect to the hazardous  
5 substance for which the voluntary party is exempt from liability under s. 292.13 (1)  
6 or (1m).

7           2. The voluntary party obtains a certificate of completion from the department  
8 stating that the environment has been satisfactorily restored to the extent  
9 practicable with respect to the discharges and that the harmful effects from the  
10 discharges have been minimized, except with respect to the hazardous substance for  
11 which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

12           3. The voluntary party obtains a written determination from the department  
13 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary  
14 party is exempt from liability under s 292.13 (1) or (1m).

15           4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)  
16 (d) to (g) or (1m) (d) to (g).

17           **SECTION 3236.** 292.15 (2) (b) 4. of the statutes is created to read:

18           292.15 (2) (b) 4. If the voluntary party does not own or control the property, the  
19 person who owns or controls the property fails to maintain and monitor the property  
20 as required under rules promulgated by the department or any contract entered into  
21 under those rules.”.

22           **1619.** Page 1060, line 6: after that line insert:

23           “**SECTION 3259d.** 292.31 (7) (b) of the statutes is amended to read:

1           292.31 (7) (b) The department may expend moneys from the appropriations  
2 under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) as required under 42 USC 9601,  
3 et seq. The department shall promulgate by rule criteria for the expenditure of  
4 moneys from the appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg).  
5 The criteria shall include consideration of the amount of moneys available in the  
6 appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg), the moneys  
7 available from other sources for the required sharing of costs, the differences  
8 between public and private sites or facilities, the potential for cost recovery from  
9 responsible parties, and any other appropriate factors.

10           **SECTION 3259p.** 292.33 (6) of the statutes is amended to read:

11           292.33 (6) EXCEPTION. A local governmental unit may not recover costs under  
12 this section for remedial activities conducted on a property or portion of a property  
13 with respect to a discharge after the department of ~~natural resources~~ environmental  
14 management, the department of commerce, or the department of agriculture, trade  
15 and consumer protection has indicated that no further remedial activities are  
16 necessary on the property or portion of the property with respect to the discharge.

17           **SECTION 3287d.** 292.41 (6) (a) of the statutes is amended to read:

18           292.41 (6) (a) The department may utilize moneys appropriated under s.  
19 ~~20.370~~ 20.375 (2) (dv) and (my) in taking action under sub. (4). The department shall  
20 utilize these moneys to provide for the procurement, maintenance, and storage of  
21 necessary equipment and supplies, personnel training, and expenses incurred in  
22 locating, identifying, removing, and disposing of abandoned containers.

23           **SECTION 3287h.** 292.41 (6) (b) of the statutes is amended to read:

1           292.41 **(6)** (b) No more than 25% of the total of all moneys available under the  
2 appropriation under s. ~~20.370~~ 20.375 (2) (dv) and (my) may be used annually for the  
3 procurement and maintenance of necessary equipment during that fiscal year.

4           **SECTION 3287p.** 292.55 (2) of the statutes is amended to read:

5           292.55 **(2)** The department may assess and collect fees from a person to offset  
6 the costs of providing assistance under sub. (1). The department shall promulgate  
7 rules for the assessment and collection of fees under this subsection. Fees collected  
8 under this subsection shall be credited to the appropriation account under s. ~~20.370~~  
9 20.375 (2) (dh).

10          **SECTION 3287t.** 292.57 (2) (b) of the statutes is amended to read:

11          292.57 **(2)** (b) Any moneys collected under this subsection shall be credited to  
12 the appropriation account under s. ~~20.370~~ 20.375 (2) (mi).”.

13          **1620.** Page 1060, line 6: after that line insert:

14          “**SECTION 3260b.** 292.35 (1) (am) of the statutes is created to read:

15          292.35 **(1)** (am) “Financial assistance” means money, other than a loan,  
16 provided by a governmental unit that is not a responsible party to pay a portion of  
17 the cost of investigation and remedial action for a site or facility.

18          **SECTION 3262b.** 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and  
19 amended to read:

20          292.35 **(2)** APPLICABILITY. (intro.) This section only applies to a site or facility  
21 if the one of the following criteria is satisfied:

22          (a) The site or facility is owned by a local governmental unit. This section does  
23 not apply to a landfill until January 1, 1996.

24          **SECTION 3263b.** 292.35 (2) (b) of the statutes is created to read:

1           292.35 (2) (b) A local governmental unit that owns a portion of the site or  
2 facility commits itself, by resolution of its governing body, to paying more than 50%  
3 of the amount equal to the difference between the cost of investigation and remedial  
4 action for the site or facility and any financial assistance received for the site or  
5 facility.”.

6           **1621.** Page 1061, line 10: after that line insert:

7           “**SECTION 3293p.** 292.65 (3) (c) of the statutes is amended to read:

8           292.65 (3) (c) The department shall allocate 9.7% of the funds appropriated  
9 under s. ~~20.370~~ 20.375 (6) (eq) in each fiscal year for awards for immediate action  
10 activities and applications that exceed the amount anticipated.”.

11           **1622.** Page 1066, line 10: after that line insert:

12           “**SECTION 3320b.** 292.65 (11) of the statutes, as affected by 2001 Wisconsin Act  
13 .... (this act), is amended to read:

14           292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends  
15 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because  
16 of a discharge of dry cleaning product at a dry cleaning facility, the department shall  
17 transfer from the appropriation account under s. ~~20.370~~ 20.375 (6) (eq) to the  
18 environmental fund an amount equal to the amount expended under s. 292.11 (7) (a)  
19 or 292.31 (3) (b). The department shall make transfers under this subsection when  
20 the department determines that sufficient funds are available in the appropriation  
21 account under s. ~~20.370~~ 20.375 (6) (eq).”.

22           **1623.** Page 1066, line 16: after that line insert:

23           “**SECTION 3322k.** 292.70 (7) of the statutes is amended to read:



1           292.70 (7) REVIEW AND PAYMENT. If a claim is filed under an agreement under  
2 sub. (2) or (3), the department shall review the claim to determine whether it is valid.  
3 A valid claim shall be paid from the appropriation under s. ~~20.370~~ 20.375 (2) (fq).”.

4           **1624.** Page 1066, line 22: after that line insert:

5           “SECTION 3323d. 292.75 (2) (a) of the statutes is amended to read:

6           292.75 (2) (a) The department shall administer a program to award brownfield  
7 site assessment grants from the appropriation under s. ~~20.370~~ 20.375 (6) (et) to local  
8 governmental units for the purposes of conducting any of the eligible activities under  
9 sub. (3).”.

10          **1625.** Page 1066, line 25: after that line insert:

11          “SECTION 3323g. 292.75 (6) of the statutes is amended to read:

12          292.75 (6) LIMITATION OF GRANT. The total amount of all grants awarded to a  
13 local governmental unit in a fiscal year under this section shall be limited to an  
14 amount equal to 15% of the available funds appropriated under s. ~~20.370~~ 20.375 (6)  
15 (et) for the fiscal year.”.

16          **1626.** Page 1067, line 7: delete “municipalities” and substitute “the city of  
17 Platteville, the city of Fond du Lac and other municipalities that are”.

18          **1627.** Page 1067, line 14: delete that line and substitute:

19          “SECTION 3324db. 292.77 (4) of the statutes is repealed and recreated to read:

20          292.77 (4) During the 2001–03 fiscal biennium, the department shall make  
21 \$150,000 available to the City of Platteville and \$250,000 available to the City of  
22 Fond du Lac under sub. (2).”.

23          **1628.** Page 1068, line 2: after that line insert:

24          “SECTION 3327j. 301.03 (2t) of the statutes is created to read:

1           301.03 **(2t)** Promote efficient use of resources for alcohol and other drug abuse  
2 intervention and treatment services by doing all of the following:

3           (a) Developing one or more methods to evaluate the effectiveness of, and  
4 developing performance standards for, alcohol and other drug abuse intervention  
5 and treatment services that are administered by the department.

6           (b) Adopting policies to ensure that, to the extent possible under state and  
7 federal law, funding for alcohol and other drug abuse intervention and treatment  
8 services that are administered by the department is distributed giving primary  
9 consideration to the effectiveness of the services in meeting department performance  
10 standards for alcohol and other drug abuse services.

11           (c) Requiring every application for funding from the department for alcohol and  
12 other drug abuse intervention or treatment services to include a plan for the  
13 evaluation of the effectiveness of the services in reducing alcohol and other drug  
14 abuse by recipients of the services.

15           (d) Requiring every person receiving funding from the department for alcohol  
16 and other drug abuse intervention or treatment services to provide the department  
17 the results of the evaluation conducted under par. (c).”.

18           **1629.** Page 1068, line 2: after that line insert:

19           “**SECTION 3325c.** 293.01 (3) of the statutes is amended to read:

20           293.01 **(3)** “Department” means the department of ~~natural resources~~  
21 environmental management.

22           **SECTION 3325d.** 293.01 (28) (a) of the statutes is amended to read:

23           293.01 **(28)** (a) Habitat required for survival of species of vegetation or wildlife  
24 designated as endangered through prior inclusion in rules adopted by the

1 department of fish, wildlife, parks, and forestry, if such endangered species cannot  
2 be firmly reestablished elsewhere.

3 **SECTION 3325e.** 293.01 (28) (b) (intro.) of the statutes is amended to read:

4 293.01 **(28)** (b) (intro.) Unique features of the land, as determined by state or  
5 federal designation and incorporated in rules adopted by the department or the  
6 department of fish, wildlife, parks, and forestry, as any of the following, which cannot  
7 have their unique characteristic preserved by relocation or replacement elsewhere:

8 **SECTION 3325j.** 293.25 (6) of the statutes is amended to read:

9 293.25 **(6)** ENVIRONMENTAL IMPACT. Radioactive waste site exploration may  
10 constitute a major action significantly affecting the quality of the human  
11 environment. No person may engage in radioactive waste site exploration unless the  
12 person complies with the requirements under s. 1.11. Notwithstanding s. ~~23.40~~  
13 278.40, the state may charge actual and reasonable costs associated with field  
14 investigation, verification, monitoring, preapplication services and preparation of  
15 an environmental impact statement.

16 **SECTION 3325n.** 295.11 (1) of the statutes is amended to read:

17 295.11 **(1)** “Department” means the department of ~~natural resources~~  
18 environmental management.

19 **SECTION 3325p.** 295.31 (1) of the statutes is amended to read:

20 295.31 **(1)** “Department” means the department of ~~natural resources~~  
21 environmental management.

22 **SECTION 3325s.** 299.01 (3) of the statutes is amended to read:

23 299.01 **(3)** “Department” means the department of ~~natural resources~~  
24 environmental management.

25 **SECTION 3325t.** 299.23 of the statutes is amended to read:

1           **299.23 Financial interest prohibited.** The secretary of ~~natural resources~~  
2 environmental management and any other person in a position of administrative  
3 responsibility in the department may not have a financial interest in any enterprise  
4 ~~which~~ that might profit by weak or preferential administration or enforcement of the  
5 powers and duties of the department.

6           **SECTION 3325u.** 299.64 (3) of the statutes is amended to read:

7           **299.64 (3) CITATIONS.** The department may follow the procedures for the  
8 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture  
9 for a violation of sub. (2).

10          **SECTION 3325v.** 299.80 (16) (a) of the statutes is amended to read:

11          **299.80 (16) (a)** Beginning not later than November 1, 1998, the secretary of  
12 ~~natural resources~~ environmental management shall submit an annual progress  
13 report on the program under this section to the governor and, under s. 13.172 (3), the  
14 standing committees of the legislature with jurisdiction over environmental  
15 matters.

16          **SECTION 3325w.** 299.80 (16) (b) of the statutes is amended to read:

17          **299.80 (16) (b)** Not later than October 1, 2001, the secretary of ~~natural~~  
18 ~~resources~~ environmental management shall submit a report to the governor and,  
19 under s. 13.172 (2), the legislature on the success of the program under this section.  
20 The report shall include recommendations concerning the continuation of the  
21 program under this section and any changes that should be made to the program.

22          **SECTION 3326g.** 299.95 of the statutes, as affected by 2001 Wisconsin Act 6, is  
23 amended to read:

24          **299.95 Enforcement; duty of department of justice; expenses.** The  
25 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except

1 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan  
2 approvals, permits, and water quality certifications of the department, except those  
3 promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except as  
4 provided in s. 285.86. The circuit court for Dane county County or for any other  
5 county where a violation occurred in whole or in part has jurisdiction to enforce chs.  
6 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan  
7 approval, permit, or certification by injunctive and other relief appropriate for  
8 enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295  
9 or this chapter or the rule, special order, license, plan approval, permit or  
10 certification prohibits in whole or in part any pollution, a violation is considered a  
11 public nuisance. The department of ~~natural resources~~ environmental management  
12 may enter into agreements with the department of justice to assist with the  
13 administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid  
14 to the department of justice under these agreements shall be credited to the  
15 appropriation account under s. 20.455 (1) (k).”.

16 **1630.** Page 1068, line 2: after that line insert:

17 **“SECTION 3325ne.** 295.11 (11) of the statutes is created to read:

18 295.11 (11) “Topsoil” means the surface layer of soil that is generally more  
19 fertile than the underlying soil layers, that is the natural medium for plant growth,  
20 and that can provide the plant growth, soil stability, and other attributes necessary  
21 to meet the standards specified in an approved reclamation plan.

22 **SECTION 3325nj.** 295.16 (4) (k) of the statutes is created to read:

23 295.16 (4) (k) Removal of topsoil, other than soil taken from the bed of a  
24 navigable water, from an area the size of which does not exceed the size determined

1 by dividing the total acreage of the contiguous land under common ownership on  
2 which the area is located by 40 and multiplying the result by 3, if no other material  
3 is removed from the area.

4 **SECTION 3325nL.** 295.18 (4) of the statutes is renumbered 295.18 (4) (a) and  
5 amended to read:

6 295.18 (4) (a) If the department issues a written decision under sub. (2) that  
7 a county is not in compliance with this subchapter and rules promulgated under this  
8 subchapter, the department shall administer the nonmetallic mining reclamation  
9 program in that county, including the collection of fees, review and approval of plans,  
10 inspection of nonmetallic mining sites and enforcement, except that the department  
11 may not administer the nonmetallic mining reclamation program in a city, village or  
12 town that enacted an ordinance that complies with s. 295.14 before the department  
13 made its determination under sub. (2) and is administering that ordinance. For  
14 annual fees due on or before December 31, 2003, if the department administers the  
15 nonmetallic program in a county, the department may not charge an annual fee of  
16 more than \$100 for a nonmetallic mining site with one to 5 acres that have not been  
17 reclaimed, if the nonmetallic mining site is approved for a wildlife enhancement  
18 project, or an annual fee of more \$300 for any other nonmetallic mining site with one  
19 to 5 acres that have not been reclaimed.

20 (b) The county may apply to the department at any time to resume  
21 administration of the nonmetallic mining reclamation program. The department,  
22 after a hearing, may approve the county request to administer the nonmetallic  
23 mining reclamation program if the county demonstrates the capacity to comply with  
24 this subchapter and rules promulgated under this subchapter. No city, village or  
25 town may enact an ordinance for and begin to implement a nonmetallic mining

1 reclamation program during the time that the department administers the  
2 nonmetallic mining reclamation program in the county in which the city, village or  
3 town is located.”.

4 **1631.** Page 1068, line 2: after that line insert:

5 “**SECTION 3326.** 299.85 of the statutes is created to read:

6 **299.85 Environmental improvement program. (1) DEFINITIONS.** In this  
7 section:

8 (a) “Environmental management system” means an organized set of  
9 procedures implemented by the owner or operator of a facility to evaluate the  
10 environmental performance of the facility and to achieve measurable or noticeable  
11 improvements in that environmental performance through planning and changes in  
12 the facility’s operations.

13 (am) “Environmental performance” means the effects of a facility on air, water,  
14 land, natural resources, and human health.

15 (b) “Environmental performance evaluation” means a systematic, documented,  
16 and objective review, conducted by or on behalf of the owner or operator of a facility,  
17 of the environmental performance of the facility, including an evaluation of  
18 compliance with one or more environmental requirements.

19 (c) “Environmental requirement” means a requirement in any of the following:

20 1. Chapters 160 or 280 to 299, a rule promulgated under one of those chapters,  
21 or a permit, license, other approval, or order issued by the department under one of  
22 those chapters.

1           2. An ordinance or other legally binding requirement of a local governmental  
2 unit enacted under authority granted by a state law relating to environmental  
3 protection.

4           (d) “Facility” means all buildings, equipment, and structures located on a  
5 single parcel or on adjacent parcels that are owned or operated by the same person.

6           (e) “Local governmental unit” means a city, village, town, county, town sanitary  
7 district, or metropolitan sewerage district.

8           (f) “Regulated entity” means a public or private entity that is subject to  
9 environmental requirements.

10           **(2) REQUIREMENTS FOR PARTICIPATION.** A regulated entity qualifies for  
11 participation in the environmental improvement program with respect to a facility  
12 owned or operated by the regulated entity if all of the following apply:

13           (a) The regulated entity conducts an environmental performance evaluation of  
14 the facility or submits findings from the facility’s environmental management  
15 system.

16           (b) If the regulated entity conducts an environmental performance evaluation,  
17 the regulated entity notified the department in writing, no fewer than 30 days before  
18 beginning an environmental performance evaluation, of the date on which the  
19 environmental performance evaluation would begin, the site or facility or the  
20 operations or practices at a site or facility to be reviewed, and the general scope of  
21 the environmental performance evaluation.

22           (c) If the regulated entity conducts an environmental performance evaluation,  
23 the environmental performance evaluation complies with sub. (4).

24           (d) If the regulated entity submits findings from the facility’s environmental  
25 management system, the environmental management system complies with sub. (5).



1 (e) The regulated entity submits a report as required under sub. (3).

2 (f) At the time of submitting a report under sub. (3), the department of justice  
3 has not, within 2 years, filed a suit to enforce an environmental requirement, and the  
4 department or a local governmental unit has not, within 2 years, issued a citation  
5 to enforce an environmental requirement, because of a violation of an environmental  
6 requirement involving the facility.

7 **(3) REPORT.** To participate in the environmental improvement program with  
8 respect to a facility, a regulated entity that owns or operates the facility shall submit  
9 a report to the department within 45 days after the date of the final written report  
10 of findings of an environmental performance evaluation of the facility or within 45  
11 days after the date of findings from the facility's environmental management system  
12 if the findings identify a violation of an environmental requirement. The report shall  
13 include all of the following:

14 (a) 1. If the regulated entity conducted an environmental performance  
15 evaluation, a description of the environmental performance evaluation, including  
16 who conducted the environmental performance evaluation, when it was completed,  
17 what activities and operations were examined, and what was revealed by the  
18 environmental performance evaluation.

19 2. If the regulated entity submits findings from an environmental management  
20 system, a description of the environmental management system, of the activities and  
21 operations covered by the environmental management system, and of who made the  
22 findings and when the findings were made.

23 (b) A description of all violations of environmental requirements revealed by  
24 the environmental performance evaluation or the environmental management  
25 system and of the length of time that the violations may have continued.

1 (c) A description of actions taken or proposed to be taken to correct the  
2 violations of environmental requirements.

3 (d) A commitment to correct the violations of environmental requirements  
4 within 90 days of submitting the report or according to a compliance schedule  
5 approved by the department.

6 (e) If the regulated entity proposes to take more than 90 days to correct the  
7 violations of environmental requirements, a proposed compliance schedule that  
8 contains the shortest reasonable periods for correcting the violations of  
9 environmental requirements, a statement that justifies the proposed compliance  
10 schedule, and a description of measures that the regulated entity will take to  
11 minimize the effects of the violations of environmental requirements during the  
12 period of the compliance schedule.

13 (em) If the regulated entity proposes to take more than 90 days to correct the  
14 violations of environmental requirements, the proposed stipulated penalties to be  
15 imposed if the regulated entity violates the compliance schedule under par. (e).

16 (f) A description of the measures that the regulated entity has taken or will take  
17 to prevent future violations of environmental requirements and a timetable for  
18 taking the measures that it has not yet taken.

19 **(3m)** PUBLIC NOTICE; COMMENT PERIOD. (a) The department shall provide at least  
20 30 days for public comment on a compliance schedule and stipulated penalties  
21 proposed in a report under sub. (3). The department may not approve or issue a  
22 compliance schedule under sub. (6) or approve stipulated penalties under sub. (6m)  
23 until after the end of the comment period.

1 (b) Before the start of the public comment period under par. (a), the department  
2 shall provide public notice of the proposed compliance schedule and stipulated  
3 penalties that does all of the following:

4 1. Identifies the regulated entity that submitted the report under sub. (3), the  
5 facility at which the violation occurred, and the nature of the violation.

6 2. Describes the proposed compliance schedule and the proposed stipulated  
7 penalties.

8 3. Identifies an employee of the department and an employee of the regulated  
9 entity who may be contacted for additional information about the proposed  
10 compliance schedule and the proposed stipulated penalties.

11 4. States that comments concerning the proposed compliance schedule and the  
12 proposed stipulated penalties may be submitted to the department during the  
13 comment period and states the last date of the comment period.

14 **(4) ENVIRONMENTAL PERFORMANCE EVALUATION.** If a regulated entity conducts an  
15 environmental performance evaluation under sub. (2) (a), the regulated entity does  
16 not qualify for participation in the environmental improvement program unless the  
17 final written report of findings of the environmental performance evaluation is  
18 labeled “environmental performance evaluation report,” is dated, and, if the  
19 environmental performance evaluation identifies violations of environmental  
20 requirements, includes a plan for corrective action. A regulated entity may use a  
21 form developed by the regulated entity, by a consultant, or by the department for the  
22 final written report of findings of the environmental performance evaluation.

23 **(5) ENVIRONMENTAL MANAGEMENT SYSTEM.** If a regulated entity submits findings  
24 from the facility’s environmental management system under sub. (2) (a), the  
25 regulated entity does not qualify for participation in the environmental

1 improvement program unless the regulated entity's efforts to prevent, detect, and  
2 correct violations of environmental requirements are appropriate to the size of the  
3 regulated entity and to the nature of its business and are consistent with any criteria  
4 used by the federal environmental protection agency to define due diligence in  
5 federal audit policies or regulations.

6 **(6) COMPLIANCE SCHEDULES.** (a) If the department receives a report under sub.  
7 (3) that contains a proposed compliance schedule under sub. (3) (e), the department  
8 shall review the proposed compliance schedule. The department may approve the  
9 compliance schedule as submitted or propose a different compliance schedule. If the  
10 regulated entity does not agree to implement a compliance schedule proposed by the  
11 department, the department shall schedule a meeting with the regulated entity to  
12 attempt to reach an agreement on a compliance schedule. If the department and the  
13 regulated entity do not reach an agreement on a compliance schedule, the  
14 department may issue a compliance schedule. A compliance schedule under this  
15 subsection is subject to review under ch. 227.

16 (b) The department may not approve or issue a compliance schedule that  
17 extends longer than 12 months beyond the date of approval of the compliance  
18 schedule. The department shall consider the following factors in determining  
19 whether to approve a compliance schedule:

- 20 1. The environmental and public health consequences of the violations.
- 21 2. The time needed to implement a change in raw materials or method of  
22 production if that change is an available alternative to other methods of correcting  
23 the violations.
- 24 3. The time needed to purchase any equipment or supplies that are needed to  
25 correct the violations.

1           **(6m) STIPULATED PENALTIES.** (a) If the department receives proposed stipulated  
2 penalties under sub. (3) (em), the department shall review the proposed stipulated  
3 penalties. The department may approve the stipulated penalties as submitted or  
4 propose different stipulated penalties. If the regulated entity does not agree to  
5 stipulated penalties proposed by the department, the department shall schedule a  
6 meeting with the regulated entity to attempt to reach an agreement on stipulated  
7 penalties. If no agreement is reached, there are no stipulated penalties for violations  
8 of the compliance schedule.

9           (b) Stipulated penalties approved under par. (a) shall specify a period, not  
10 longer than 6 months beyond the end of the compliance schedule, during which the  
11 stipulated penalties will apply.

12           **(7) DEFERRED CIVIL ENFORCEMENT.** (a) 1. For at least 90 days after the  
13 department receives a report that meets the requirements in sub. (3), this state may  
14 not begin a civil action to collect forfeitures for violations of environmental  
15 requirements that are disclosed in the report by a regulated entity that qualifies  
16 under sub. (2) for participation in the environmental improvement program.

17           2. If the regulated entity corrects violations that are disclosed by a regulated  
18 entity that qualifies under sub. (2) for participation in the environmental  
19 improvement program in a report that meets the requirements of sub. (3) within 90  
20 days after the department receives a report that meets the requirements of sub. (3),  
21 this state may not bring a civil action to collect forfeitures for the violations.

22           3. This state may not begin a civil action to collect forfeitures for violations  
23 covered by a compliance schedule that is approved under sub. (6) during the period  
24 of the compliance schedule if the regulated entity is not violating the compliance  
25 schedule. If the regulated entity violates the compliance schedule, the department

1 may collect any stipulated penalties during the period in which the stipulated  
2 penalties apply. This state may begin civil action to collect forfeitures for violations  
3 of environmental requirements that are not corrected by the end of the period in  
4 which the stipulated penalties apply. If the regulated entity violates the compliance  
5 schedule and there are no stipulated penalties, this state may begin a civil action to  
6 collect forfeitures for the violations.

7 4. If the department approves a compliance schedule under sub. (6) and the  
8 regulated entity corrects the violations according to the compliance schedule, this  
9 state may not bring a civil action to collect forfeitures for the violations.

10 (b) Notwithstanding par. (a), this state may at any time begin a civil action to  
11 collect forfeitures for violations of environmental requirements if any of the following  
12 apply:

13 1. The violations present an imminent threat to public health or the  
14 environment or may cause serious harm to public health or the environment.

15 2. The department discovers the violations before submission of a report under  
16 sub. (3).

17 3. The violations resulted in a substantial economic benefit that gives the  
18 regulated entity a clear advantage over its business competitors.

19 4. The violations are identified through monitoring or sampling required by  
20 permit, statute, rule, regulation, judicial or administrative order, or consent  
21 agreement.

22 **(8) CONSIDERATION OF ACTIONS BY REGULATED ENTITY.** If the department receives  
23 a report that complies with sub. (3) from a regulated entity that qualifies under sub.  
24 (2) for participation in the environmental improvement program, and the report  
25 discloses a potential criminal violation of an environmental requirement, the

1 department and the department of justice shall take into account the diligent actions  
2 of, and reasonable care taken by, the regulated entity to comply with environmental  
3 requirements in deciding whether to pursue a criminal enforcement action and what  
4 penalty should be sought. In determining whether a regulated entity acted with due  
5 diligence and reasonable care, the department and the department of justice shall  
6 consider whether the regulated entity has demonstrated any of the following:

7 (a) That the regulated entity took corrective action that was timely when the  
8 violation was discovered.

9 (b) That the regulated entity exercised reasonable care in attempting to  
10 prevent the violation and to ensure compliance with environmental requirements.

11 (c) That the regulated entity had a documented history of good faith efforts to  
12 comply with environmental requirements before implementing its environmental  
13 management system or before beginning to conduct environmental performance  
14 evaluations.

15 (d) That the regulated entity has promptly made appropriate efforts to achieve  
16 compliance with environmental requirements since implementing its  
17 environmental management system or since beginning to conduct environmental  
18 performance evaluations and that action was taken with due diligence.

19 (e) That the regulated entity exercised reasonable care in identifying violations  
20 in a timely manner.

21 (f) That the regulated entity willingly cooperated in any investigation that was  
22 conducted by this state or a local governmental unit to determine the extent and  
23 cause of the violation.

1           **(9) ACCESS TO RECORDS.** (a) Except as provided in par. (c), the department shall  
2 make any record, report, or other information obtained in the administration of this  
3 section available to the public.

4           (c) The department shall keep confidential any part of a record, report, or other  
5 information obtained in the administration of this section, other than emission data  
6 or discharge data, upon a showing satisfactory to the department by any person that  
7 the part of a record, report, or other information would, if made public, divulge a  
8 method or process that is entitled to protection as a trade secret, as defined in s.  
9 134.90 (1) (c), of that person.

10          (d) If the department refuses to release information on the grounds that it is  
11 confidential under par. (c) and a person challenges that refusal, the department shall  
12 inform the affected regulated entity of that challenge. Unless the regulated entity  
13 authorizes the department to release the information, the regulated entity shall pay  
14 the reasonable costs incurred by this state to defend the refusal to release the  
15 information.

16          (e) Paragraph (c) does not prevent the disclosure of any information to a  
17 representative of the department for the purpose of administering this section or to  
18 an officer, employee or authorized representative of the federal government for the  
19 purpose of administering federal law. When the department provides information  
20 that is confidential under par. (c) to the federal government, the department shall  
21 also provide a copy of the application for confidential status.

22          **(10) PENALTY.** (a) Any person who knowingly makes a false statement in a  
23 report submitted under sub. (3) shall be fined not less than \$10 nor more than  
24 \$10,000 or imprisoned for not more than 6 months or both.



1 (b) For purposes of this subsection, an act is committed knowingly if it is done  
2 voluntarily and is not the result of negligence, mistake, accident, or circumstances  
3 that are beyond the control of the person.”.

4 **1632.** Page 1070, line 9: after that line insert:

5 “SECTION 3333j. 301.047 of the statutes is created to read:

6 **301.047 Inmate rehabilitation and aftercare. (1) PROGRAM.** The  
7 department may permit one or more nonprofit community-based organizations  
8 meeting the requirements of this section to operate an inmate rehabilitation  
9 program in any department facility if the department determines that operation of  
10 that program does not constitute a threat to the security of the facility or the safety  
11 of inmates or the public and that operation of the program is in the best interest of  
12 the inmates.

13 **(2) PROGRAM REQUIREMENTS.** (a) An organization seeking to operate a  
14 rehabilitation program under sub. (1) shall submit to the department a detailed  
15 proposal for the operation of the program. The proposal shall include all of the  
16 following:

17 1. A description of the services to be provided, including aftercare services, and  
18 a description of the geographic area in which aftercare services will be provided.

19 2. A description of the activities to be undertaken and the approximate daily  
20 schedule of programming for inmates participating in the program.

21 3. A statement of the qualifications of the individuals providing services.

22 4. A statement of the organization’s policies regarding eligibility of inmates to  
23 participate in the program.

24 5. A statement of the goals of the program.

1           6. A description of the methods by which the organization will evaluate the  
2 effectiveness of the program in attaining the goals under subd. 5.

3           7. Any other information specified by the department.

4           (b) An organization seeking to operate a rehabilitation program under sub. (1)  
5 shall agree in writing to all of the following:

6           1. The organization may not receive compensation from the department for  
7 services provided in the rehabilitation program.

8           2. The organization may not deny an inmate the opportunity to participate in  
9 the program for any reason related to the inmate's religious beliefs or nonbelief.

10          3. An inmate may stop participating in the program at any time.

11          4. Upon the inmate's release, the organization shall provide community-based  
12 aftercare services for each inmate who completes the program and who resides in the  
13 geographic area described in par. (a) 1.

14          **(3) DUTIES AND AUTHORITY OF THE DEPARTMENT.** (a) The department shall  
15 establish policies that provide an organization operating a rehabilitation program  
16 under sub. (1) reasonable access to inmates.

17          (b) The department shall designate a specific portion of the facility for  
18 operation of a rehabilitation program, if one is established, under sub. (1). To the  
19 extent possible, inmates participating in the program shall be housed in the portion  
20 of the facility in which the program is operated.

21          (c) The department may not require an inmate to participate in a rehabilitation  
22 program under sub. (1).

23          (d) The department may not base any decision regarding an inmate's conditions  
24 of confinement, including discipline, or an inmate's eligibility for release, on an

1 inmate's decision to participate or not to participate in a rehabilitation program  
2 under sub. (1).

3 (e) The treatment of inmates, including the provision of housing, activities in  
4 which an inmate may participate, freedom of movement, and work assignments,  
5 shall be substantially the same for inmates who participate in a rehabilitation  
6 program under sub. (1) and inmates who do not participate in such a program.

7 (f) The department may restrict an inmate's participation in a rehabilitation  
8 program under sub. (1) only if the restriction is necessary for the security of the  
9 facility or the safety of the inmates or the public.

10 (g) The department may suspend or terminate operation of a rehabilitation  
11 program under sub. (1) if the organization operating the program fails to comply with  
12 any of the requirements under this section and shall suspend or terminate the  
13 operation of a program if the department determines that suspension or termination  
14 of the program is necessary for the security of the facility or the safety of the inmates  
15 or the public or is in the best interests of the inmates.

16 (h) 1. Except as provided in subd. 2., if an organization operating a  
17 rehabilitation program under sub. (1) promotes or informs the department that the  
18 organization intends to promote sectarian worship, instruction, or proselytization in  
19 connection with the rehabilitation program, the department shall permit all other  
20 religious organizations meeting the requirements of this section to operate an  
21 inmate rehabilitation program under sub. (1).

22 2. The department is not required under subd. 1. to permit a religious  
23 organization to operate an inmate rehabilitation program under sub. (1) if the  
24 department determines that the organization's operation of that program

1 constitutes a threat to the security of the facility or the safety of the inmates or the  
2 public.

3 **(4) EVALUATION.** The department shall evaluate or contract with a public or  
4 private agency for an evaluation of the effectiveness of each rehabilitation program  
5 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse  
6 among program participants. The department shall collect the data and information  
7 necessary to evaluate the program. No later than 3 years from the date on which the  
8 rehabilitation program begins operating, the department shall submit a report of the  
9 evaluation to the governor and to the appropriate standing committees of the  
10 legislature, as determined by the speaker of the assembly and the president of the  
11 senate, under s. 13.172 (3).

12 **(5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION.** Notwithstanding  
13 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (1) may  
14 suspend or terminate an inmate's participation in a program for reasons unrelated  
15 to religious beliefs, including the inmate's failure to participate meaningfully in the  
16 program.

17 **SECTION 3334j.** 301.065 of the statutes is created to read:

18 **301.065 Religious organizations; contract powers. (1) RELIGIOUS**  
19 **ORGANIZATIONS; LEGISLATIVE PURPOSE.** The purpose of this section is to allow the  
20 department to contract with, or award grants to, religious organizations, under any  
21 program administered by the department relating to the prevention of delinquency  
22 and crime or the rehabilitation of offenders, on the same basis as any other  
23 nongovernmental provider, without impairing the religious character of such  
24 organizations, and without diminishing the religious freedom of beneficiaries of  
25 assistance funded under such program.

1           **(2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.** If the department is  
2 authorized under ch. 16 to contract with a nongovernmental entity, or to award  
3 grants to a nongovernmental entity, religious organizations are eligible, on the same  
4 basis as any other private organization, to be contractors and grantees under any  
5 program administered by the department so long as the programs are implemented  
6 consistently with the first amendment to the U.S. Constitution and article I, section  
7 18, of the Wisconsin constitution. Except as provided in sub. (11), the department  
8 may not discriminate against an organization that is or applies to be a contractor or  
9 grantee on the basis that the organization does or does not have a religious character  
10 or because of the specific religious nature of the organization.

11           **(3) RELIGIOUS CHARACTER AND FREEDOM.** (a) The department shall allow a  
12 religious organization with which the department contracts or to which the  
13 department awards a grant to retain its independence from government, including  
14 the organization's control over the definition, development, practice, and expression  
15 of its religious beliefs.

16           (b) The department may not require a religious organization to alter its form  
17 of internal governance or to remove religious art, icons, scripture, or other symbols  
18 to be eligible for a contract or grant.

19           **(4) RIGHTS OF BENEFICIARIES OF ASSISTANCE.** (a) If the department contracts with  
20 or awards grants to a religious organization for the provisions of crime prevention  
21 or offender rehabilitation assistance under a program administered by the  
22 department, an individual who is eligible for this assistance shall be informed in  
23 writing that assistance of equal value and accessibility is available from a  
24 nonreligious provider upon request.

1           (b) The department shall provide an individual who is otherwise eligible for  
2 assistance from an organization described under par. (a) with assistance of equal  
3 value from a nonreligious provider if the individual objects to the religious character  
4 of the organization described under par. (a) and requests assistance from a  
5 nonreligious provider. The department shall provide such assistance within a  
6 reasonable period of time after the date of the objection and shall ensure that it is  
7 accessible to the individual.

8           **(6) NONDISCRIMINATION AGAINST BENEFICIARIES.** A religious organization may not  
9 discriminate against an individual in regard to rendering assistance that is funded  
10 under any program administered by the department on the basis of religion, a  
11 religious belief or nonbelief, or a refusal to actively participate in a religious practice.

12           **(7) FISCAL ACCOUNTABILITY.** (a) Except as provided in par. (b), any religious  
13 organization that contracts with, or receives a grant from, the department is subject  
14 to the same laws and rules as other contractors and grantees regarding accounting,  
15 in accord with generally accepted auditing principles, for the use of the funds  
16 provided under such programs.

17           (b) If the religious organization segregates funds provided under programs  
18 administered by the department into separate accounts, only the financial  
19 assistance provided with those funds shall be subject to audit.

20           **(8) COMPLIANCE.** Any party that seeks to enforce its rights under this section  
21 may bring a civil action for injunctive relief against the entity that allegedly commits  
22 the violation.

23           **(9) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.** No funds provided  
24 directly to religious organizations by the department may be expended for sectarian  
25 worship, instruction, or proselytization.

1           **(10) CERTIFICATION OF COMPLIANCE.** Every religious organization that contracts  
2 with, or receives a grant from, the department to provide delinquency and crime  
3 prevention or offender rehabilitation services to eligible recipients shall certify in  
4 writing that it has complied with the requirements of subs. (6) and (9) and submit  
5 to the department a copy of this certification and a written description of the policies  
6 the organization has adopted to ensure that it has complied with the requirements  
7 under subs. (6) and (9).

8           **(11) PREEMPTION.** Nothing in this section may be construed to preempt any  
9 other statute that prohibits or restricts the expenditure of federal or state funds by  
10 or the granting of federal or state funds to religious organizations.”.

11           **1633.** Page 1071, line 14: after that line insert:

12           “**SECTION 3337rb.** 301.205 (title) of the statutes is repealed and recreated to  
13 read:

14           **301.205 (title) Transportation for visits.**

15           **SECTION 3337rk.** 301.205 of the statutes is renumbered 301.205 (2) and  
16 amended to read:

17           301.205 **(2)** The Notwithstanding sub. (1), the department may reimburse  
18 families visiting girls at a secured correctional facility. If the department decides to  
19 provide the reimbursement, the department shall establish criteria for the level of  
20 reimbursement, which shall include family income and size and other relevant  
21 factors.

22           “**SECTION 3337rr.** 301.205 (1) of the statutes is created to read:

23           301.205 **(1)** The department may not use state funds to transport persons  
24 visiting inmates in state prisons.”.

1           **1634.** Page 1076, line 7: after that line insert:

2           “**SECTION 3352u.** 301.46 (2s) of the statutes is created to read:

3           **301.46 (2s)** PROVIDING INFORMATION TO THE UNIVERSITY OF WISCONSIN SYSTEM.

4           (a) In this subsection:

5           1. “Board of regents” means the board of regents of the University of Wisconsin  
6           System.

7           2. “University of Wisconsin employee” means a person employed by the board  
8           of regents.

9           3. “University of Wisconsin student” means a person attending an institution  
10          within the University of Wisconsin System.

11          (b) When a University of Wisconsin employee or student registers with the  
12          department under s. 301.45 (2) or a person who is registered with the department  
13          under s. 301.45 (2) becomes a University of Wisconsin employee or student, the  
14          department shall immediately provide in writing the following information about  
15          the person to the board of regents:

16          1. The person’s name, including any aliases used by the person.

17          2. Information sufficient to identify the person, including date of birth, gender,  
18          race, height, weight, and hair and eye color.

19          3. The statute that the person violated, the date of conviction, adjudication, or  
20          commitment, and the county or, if the state is not this state, the state in which the  
21          person was convicted, adjudicated, or committed.

22          4. The address at which the person is residing.

23          5. If the person is a University of Wisconsin employee, the name and address  
24          of any institution at which the person works.



1           6. If the person is a University of Wisconsin student, the name and address of  
2 the institution that the person attends.

3           7. The most recent date on which the information under s. 301.45 was updated.

4           (c) When an individual described in par. (b) (intro.) updates information under  
5 s. 301.45 (4), the department shall immediately provide the updated information in  
6 writing to the board of regents.

7           **SECTION 3352w.** 301.46 (5) (a) (intro.) of the statutes is amended to read:

8           301.46 (5) (a) (intro.) The department or a police chief or sheriff may provide  
9 the information specified in par. (b) concerning a specific person required to register  
10 under s. 301.45 to a person who is not provided notice or access under ~~subs.~~ sub. (2)  
11 ~~to, (2m), (3), or~~ (4) if, in the opinion of the department or the police chief or sheriff,  
12 providing the information is necessary to protect the public and if the person  
13 requesting the information does all of the following:”.

14           **1635.** Page 1077, line 16: after that line insert:

15           “**SECTION 3354c.** 302.06 of the statutes is amended to read:

16           **302.06 Delivery of persons to prisons.** The sheriff shall deliver to the  
17 reception center designated by the department every person convicted in the county  
18 and sentenced to the Wisconsin state prisons or to the intensive sanctions program  
19 as soon as may be possible after sentence, together with a copy of the judgment of  
20 conviction and, if applicable, a copy of any report specified in s. 973.017 (4). The  
21 warden or superintendent shall deliver to the sheriff a receipt acknowledging receipt  
22 of the person, naming the person, which receipt the sheriff shall file in the office of  
23 the clerk who issued the copy of the judgment of conviction. When transporting or  
24 delivering the person to any of the Wisconsin state prisons the sheriff shall be

1 accompanied by an adult of the same sex as the person. If the sheriff and the person  
2 are of the same sex, this requirement is satisfied and a 3rd person is not required.”.

3 **1636.** Page 1077, line 23: after that line insert:

4 “SECTION 3354j. 302.11 (1g) (b) 2. of the statutes is amended to read:

5 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or  
6 treatment that the social service and clinical staff of the institution determines is  
7 necessary for the inmate, including pharmacological treatment using an  
8 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious  
9 child sex offender as defined in s. 304.06 (1q) (a). The parole commission may not  
10 deny presumptive mandatory release to an inmate because of the inmate’s refusal  
11 to participate in a rehabilitation program under s. 301.047.”.

12 **1637.** Page 1080, line 19: after that line insert:

13 “SECTION 3367r. 302.113 (7m) of the statutes is created to read:

14 302.113 (7m) An inmate who was found guilty but mentally ill under s. 971.163  
15 or 971.165 and who is released on extended supervision under this section is required  
16 as a condition of his or her extended supervision to participate in any necessary and  
17 appropriate treatment that is recommended by the department of corrections or by  
18 the department of health and family services. In determining what treatment, if any,  
19 to recommend as a condition of the inmate’s extended supervision, the department  
20 of corrections shall consider any reports prepared by the department of health and  
21 family services under s. 51.20 (19) (am) or 51.37 (8m).”.

22 **1638.** Page 1083, line 21: after that line insert:

23 “SECTION 3377d. 302.114 (5) (dm) of the statutes is created to read:

1           302.114 (5) (dm) If the court grants the petition for release to extended  
2 supervision of an inmate who was found guilty but mentally ill under s. 971.163 or  
3 971.165, the court shall require the inmate as a condition of his or her extended  
4 supervision to participate in any necessary and appropriate treatment that is  
5 recommended by the department of corrections or by the department of health and  
6 family services. In determining what treatment, if any, to recommend as a condition  
7 of the inmate’s extended supervision, the department of corrections shall consider  
8 any reports prepared by the department of health and family services under s. 51.20  
9 (19) (am) or 51.37 (8m).”.

10           **1639.** Page 1090, line 13: after that line insert:

11           “**SECTION 3389j.** 303.04 of the statutes is amended to read:

12           **303.04 Correctional farms.** The board of commissioners of public lands, the  
13 department of ~~natural resources~~ fish, wildlife, parks, and forestry and the  
14 department may select from the state forest reserves a quantity of land not to exceed  
15 5,000 acres and convert the same into farms for the state prisons.”.

16           **1640.** Page 1094, line 6: after that line insert:

17           “**SECTION 3390u.** 340.01 (4) (a) of the statutes is amended to read:

18           340.01 (4) (a) Type 1 is a motor vehicle designed and used primarily for carrying  
19 persons but which does not come within the definition of a low-speed vehicle, motor  
20 bus, motorcycle, moped or motor bicycle.

21           **SECTION 3390v.** 340.01 (19d) of the statutes is created to read:

22           340.01 (19d) “Golf cart” means a vehicle whose speed attainable in one mile  
23 does not exceed 20 miles per hour on a paved, level surface, and is used to convey one

1 or more persons and equipment to play the game of golf in an area designated as a  
2 golf course.

3 **SECTION 3390x.** 340.01 (27m) of the statutes is created to read:

4 340.01 (27m) “Low-speed vehicle” means a low-speed vehicle, as defined in 49  
5 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and which  
6 was originally manufactured to meet the applicable equipment standards under 49  
7 CFR 571.500. “Low-speed vehicle” does not include a golf cart.

8 **SECTION 3390y.** 341.067 of the statutes is amended to read:

9 **341.067 Registration of special vehicles.** The department shall register a  
10 specially designed vehicle which is authorized for operation by a person holding a  
11 special restricted operator’s license under s. 343.135 if the special vehicle meets the  
12 equipment standards established under s. 347.02 (6) or (8).”.

13 **1641.** Page 1094, line 6: after that line insert:

14 “**SECTION 3390v.** 341.09 (8) of the statutes is amended to read:

15 341.09 (8) The department may issue a temporary operation plate to a person  
16 who is eligible for the issuance of a special plate for a motorcycle under s. 341.14 (1e)  
17 if the department determines that the person’s disability is temporary. The plate  
18 shall contain the information specified in sub. (1m) and comply with s. 341.13 (2m).  
19 if applicable. The plate shall otherwise be similar to or identical to plates issued  
20 under s. 341.14 (1e). No charge in addition to the registration fee may be made for  
21 the issuance of a plate under this subsection.

22 **SECTION 3390w.** 341.13 (2m) of the statutes is created to read:

23 341.13 (2m) A registration plate issued for a motorcycle shall have a white  
24 background and black lettering and shall be 4 inches by 7 inches in size. No plates

1 may be issued under this subsection until the manufacturer of such plates for the  
2 department has depleted the existing stock of sheeting material used to manufacture  
3 the plates or until July 1, 2003, whichever occurs first.”.

4 **1642.** Page 1094, line 6: after that line insert:

5 “SECTION 3390v. 340.01 (3) (b) of the statutes is amended to read:

6 340.01 (3) (b) Conservation wardens’ vehicles, environmental wardens’  
7 vehicles, or foresters’ trucks, whether publicly or privately owned.

8 SECTION 3390x. 341.05 (20) of the statutes is amended to read:

9 341.05 (20) The vehicle is an amphibious motor vehicle capable of carrying 10  
10 or more passengers when used for sight–seeing purposes, registered as a boat with  
11 the department of natural resources fish, wildlife, parks, and forestry and operated  
12 upon a highway for a distance not to exceed 2 miles.”.

13 **1643.** Page 1094, line 20: on lines 20 and 21, delete “55., or 56.” and substitute  
14 “or 55.”.

15 **1644.** Page 1095, line 4: on lines 4 and 20, delete “55., or 56.” and substitute  
16 “or 55.”.

17 **1645.** Page 1098, line 7: delete lines 7 to 19.

18 **1646.** Page 1098, line 20: delete the material beginning with “, as affected by”  
19 and ending with “act),” on line 21.

20 **1647.** Page 1098, line 24: delete “~~, 55., or 56.~~” and substitute “~~or 55.~~”.

21 **1648.** Page 1099, line 2: delete “~~, 55., or 56.~~” and substitute “~~or 55.~~”.

22 **1649.** Page 1101, line 10: delete the material beginning with that line and  
23 ending with page 1102, line 13.

1           **1650.** Page 1102, line 23: delete “and<sub>i</sub>” and substitute “and”.

2           **1651.** Page 1103, line 1: delete the material beginning with “and” and  
3 ending with “56” on line 3.

4           **1652.** Page 1103, line 4: after that line insert:

5           “**SECTION 3406eb.** 341.14 (6r) (c) of the statutes, as affected by 2001 Wisconsin  
6 Act .... (this act), is amended to read:

7           341.14 **(6r)** (c) Special group plates shall display the word “Wisconsin”, the  
8 name of the applicable authorized special group, a symbol representing the special  
9 group, not exceeding one position, and identifying letters or numbers or both, not  
10 exceeding 6 positions and not less than one position. The department shall specify  
11 the design for special group plates, but the department shall consult the president  
12 of the University of Wisconsin System before specifying the word or symbol used to  
13 identify the special groups under par. (f) 35. to 47., the secretary of ~~natural resources~~  
14 fish, wildlife, parks, and forestry before specifying the word or symbol used to  
15 identify the special group under par. (f) 50., the chief executive officer of the  
16 professional football team and an authorized representative of the league of  
17 professional football teams described in s. 229.823 to which that team belongs before  
18 specifying the design for the applicable special group plate under par. (f) 55., and the  
19 executive secretary of the arts board before specifying the word or symbol used to  
20 identify the special group under par. (f) 56. Special group plates under par. (f) 50.  
21 shall be as similar as possible to regular registration plates in color and design.”.

22           **1653.** Page 1103, line 5: delete lines 5 to 14.

23           **1654.** Page 1103, line 14: after that line insert:

24           “**SECTION 3406p.** 341.14 (6w) of the statutes is created to read:

1           341.14 (6w) Upon application to register a motorcycle by any person who is a  
2 resident of this state and a veteran of the U.S. armed forces, the department shall  
3 issue to the person a special plate whose colors and design shall indicate that the  
4 vehicle is owned by a veteran of the U.S. armed forces. The department shall specify  
5 the design of the special plate. The special plate shall be colored red, white, and blue  
6 and be 4 inches by 7 inches in size. An additional fee of \$15 shall be charged for the  
7 issuance or reissuance of the plate.”.

8           **1655.** Page 1103, line 23: after that line insert:

9           “SECTION 3407e. 341.25 (title) of the statutes is amended to read:

10           **341.25** (title) **Annual and biennial registration fees; ~~biennial~~**  
11 **~~motorcycle~~ fees.**

12           **SECTION 3407h.** 341.25 (1) (b) of the statutes is amended to read:

13           341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds  
14 or less, except a specially designed vehicle under s. 341.067, which is designed for the  
15 transportation of persons rather than property, and for each low-speed vehicle, a  
16 biennial fee of \$23.

17           **SECTION 3407p.** 341.297 (1) of the statutes is amended to read:

18           341.297 (1) A motorcycle ~~or~~, moped, or low-speed vehicle, as specified in s.  
19 341.25 (1) (b).

20           **SECTION 3407r.** 341.31 (1) (b) 5. of the statutes is amended to read:

21           341.31 (1) (b) 5. The vehicle is a motorcycle ~~which~~ or low-speed vehicle that has  
22 been transferred or leased to the applicant and for which a current registration  
23 ~~plates~~ plate had been issued to the previous owner; or

24           **SECTION 3407v.** 341.31 (4) (c) of the statutes is amended to read:

1           341.31 (4) (c) A person retaining a set of ~~plates~~ plate removed from a motorcycle  
2 or low-speed vehicle may receive credit for the unused portion of the registration fee  
3 paid when registering a ~~replacement motorcycle~~ vehicle of the same type.”.

4           **1656.** Page 1103, line 23: after that line insert:

5           “**SECTION 3407g.** 341.145 (1) (f) of the statutes is created to read:

6           341.145 (1) (f) A registration plate of the same color and design as provided in  
7 s. 341.14 (6w) for a vehicle specified in s. 341.14 (6w), which displays a registration  
8 number composed of numbers or letters, or both, not exceeding 5 positions and not  
9 less than one position, requested by an applicant.

10          **SECTION 3407n.** 341.145 (1g) (e) of the statutes is created to read:

11          341.145 (1g) (e) The department may issue personalized registration plates  
12 under sub. (1) (f) to a person who qualifies for special plates under s. 341.14 (6w).

13          **SECTION 3407s.** 341.16 (1) (b) of the statutes is amended to read:

14          341.16 (1) (b) Upon satisfactory proof of the loss or destruction of a special plate  
15 issued under s. 341.14 (6m) (a) ~~or~~, (6r) (b), or (6w) or a special personalized plate  
16 issued under s. 341.145 (1) (b) ~~or~~, (c), or (f) and upon payment of a fee of \$5 for each  
17 plate or, if the plate is for a special group specified under s. 341.14 (6r) (f) 35. to 47.  
18 or 53., \$6 for each plate, the department shall issue a replacement.”.

19          **1657.** Page 1104, line 13: after that line insert:

20          “**SECTION 3408t.** 342.15 (4) (a) of the statutes is amended to read:

21          342.15 (4) (a) If the vehicle being transferred is a motorcycle or low-speed  
22 vehicle or an automobile registered under s. 341.27 or a motor home or a motor truck,  
23 dual purpose motor home, or dual purpose farm truck which has a gross weight of  
24 not more than 8,000 pounds or a farm truck which has a gross weight of not more than



1 12,000 pounds, the owner shall remove the registration plate or plates and retain and  
2 preserve ~~them~~ the plate or plates for use on any other vehicle of the same type and  
3 gross weight which may subsequently be registered in his or her name.

4 **SECTION 3408v.** 342.34 (1) (c) of the statutes is amended to read:

5 342.34 (1) (c) If the vehicle is a motorcycle or low-speed vehicle or an  
6 automobile registered under s. 341.27 or a motor home or a motor truck, dual purpose  
7 motor home, or dual purpose farm truck which has a gross weight of not more than  
8 8,000 pounds or a farm truck which has a gross weight of not more than 12,000  
9 pounds, the owner shall remove the registration plate or plates and retain and  
10 preserve ~~them~~ the plate or plates for use on any other vehicle of the same type which  
11 may subsequently be registered in his or her name. If the vehicle is not a motorcycle  
12 or low-speed vehicle or an automobile registered under s. 341.27, or a motor home  
13 or a motor truck, dual purpose motor home, or dual purpose farm truck which has  
14 a gross weight of not more than 8,000 pounds or a farm truck which has a gross  
15 weight of not more than 12,000 pounds, he or she shall remove and destroy the plate  
16 or plates.

17 **SECTION 3408y.** 343.08 (1) (a) and (2) (a) of the statutes are amended to read:

18 343.08 (1) (a) The department must be satisfied that it is necessary for the  
19 applicant to operate an automobile, farm truck, dual purpose farm truck, low-speed  
20 vehicle, Type 1 motorcycle powered with an engine of not more than 125 cubic  
21 centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and  
22 registered by the applicant's parent or guardian or a farm truck leased to the  
23 applicant's parent or guardian.

24 (2) (a) A restricted license issued pursuant to this section is valid only until the  
25 licensee secures an operator's license issued pursuant to s. 343.03 or reaches 18 years

1 of age and, except as provided in par. (b), entitles the licensee to operate an  
2 automobile, farm truck, dual purpose farm truck, low-speed vehicle, Type 1  
3 motorcycle powered with an engine of not more than 125 cubic centimeters  
4 displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by  
5 the licensee's parent or guardian or a farm truck leased to the licensee's parent or  
6 guardian or any combination of these vehicles, depending on the restrictions placed  
7 by the department on the particular license.”.

8 **1658.** Page 1104, line 13: after that line insert:

9 “**SECTION 3409bb.** 343.10 (1) (a) of the statutes is amended to read:

10 343.10 (1) (a) If a person's license or operating privilege is revoked or  
11 suspended under this chapter or s. 767.303, 943.21 (3m), or 961.50 and if the person  
12 is engaged in an occupation, including homemaking or full-time or part-time study,  
13 or a trade making it essential that he or she operate a motor vehicle, the person, after  
14 payment of the fee provided in sub. (6), may file an application with the department  
15 setting forth in detail the need for operating a motor vehicle. No person may file more  
16 than one application with respect to each revocation or suspension of the person's  
17 license or operating privilege under this chapter or s. 767.303, 943.21 (3m), or 961.50,  
18 except that this limitation does not apply to an application to amend an occupational  
19 license restriction.

20 **SECTION 3409bq.** 343.10 (2) (a) 1. of the statutes is amended to read:

21 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same  
22 incident or occurrence for which the person's license or operating privilege is  
23 currently revoked or suspended, the person's license or operating privilege was not  
24 revoked or suspended previously under this chapter or ch. 344 or s. 943.21 (3m) or

1 961.50 within the one-year period immediately preceding the present revocation or  
2 suspension, except as provided in s. 344.40.”.

3 **1659.** Page 1104, line 13: after that line insert:

4 “**SECTION 3408w.** 343.07 (1) (intro.) of the statutes is amended to read:

5 343.07 (1) REGULAR PERMIT; ISSUANCE, RESTRICTIONS. (intro.) Upon application  
6 therefor by a person at least 15 years and 6 months of age who, except for age or lack  
7 of training in the operation of a motor vehicle, is qualified to obtain an operator’s  
8 license and has passed such knowledge test as the department may require, the  
9 department may issue a regular instruction permit. If the application is made by a  
10 male who is at least 18 years of age but less than 26 years of age, the application shall  
11 include the information required under s. 343.14 (2) (em). The permit entitles the  
12 permittee to operate a motor vehicle, except a commercial motor vehicle, school bus,  
13 or Type 1 motorcycle, a motor bicycle, or a moped, upon the highways, subject to the  
14 following restrictions:”.

15 **1660.** Page 1106, line 2: after that line insert:

16 “**SECTION 3409n.** 343.135 (2) (a) 1. of the statutes is amended to read:

17 343.135 (2) (a) 1. Motor bicycles or mopeds; ~~or~~

18 **SECTION 3409r.** 343.135 (2) (a) 1m. of the statutes is created to read:

19 343.135 (2) (a) 1m. Low-speed vehicles.”.

20 **1661.** Page 1106, line 2: after that line insert:

21 “**SECTION 3409L.** 343.14 (2) (em) of the statutes is created to read:

22 343.14 (2) (em) If the application is made by a male who is at least 18 years of  
23 age but less than 26 years of age, the form shall notify the applicant that, by  
24 submitting the application to the department, the applicant gives his consent to be

1 registered, if required by federal law, with the selective service system and that he  
2 authorizes the department to forward information to the selective service system  
3 under s. 343.234.

4 **SECTION 3409n.** 343.19 (1) of the statutes is amended to read:

5 343.19 (1) If a license issued under this chapter or an identification card issued  
6 under s. 343.50 is lost or destroyed or the name or address named in the license or  
7 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.  
8 no longer applies, the person to whom the license or identification card was issued  
9 may obtain a duplicate thereof or substitute therefor upon furnishing proof  
10 satisfactory to the department of name and date of birth and that the license or  
11 identification card has been lost or destroyed or that application for a duplicate  
12 license or identification card is being made for a change of address or name or  
13 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the  
14 applicant is a male who is at least 18 years of age but less than 26 years of age, the  
15 application shall include the information required under s. 343.14 (2) (em). If the  
16 original license or identification card is found it shall immediately be transmitted to  
17 the department. Duplicates of nonphoto licenses shall be issued as nonphoto  
18 licenses.

19 **SECTION 3409q.** 343.234 of the statutes is created to read:

20 **343.234 Department to furnish information to the selective service**  
21 **system.** Notwithstanding any other provision in this chapter, the department shall  
22 forward to the selective service system, in electronic format, any information on an  
23 application for a driver's license, permit, or identification card submitted under this  
24 chapter by a male who is at least 18 years of age but less than 26 years of age that  
25 is requested by the selective service system for the purpose of registering the

1 applicant with the selective service system. This section does not apply if the  
2 selective service system does not register applicants with the selective service  
3 system on the basis of information forwarded under this section.”.

4 **1662.** Page 1106, line 4: delete “§5” and substitute “§4”.

5 **1663.** Page 1106, line 5: delete lines 5 to 7.

6 **1664.** Page 1106, line 9: delete “§5” and substitute “§4”.

7 **1665.** Page 1106, line 10: delete lines 10 to 12.

8 **1666.** Page 1106, line 14: delete “§6” and substitute “§5”.

9 **1667.** Page 1106, line 16: delete lines 16 to 19.

10 **1668.** Page 1107, line 4: on lines 4 and 5, delete “§5” and substitute “§4”.

11 **1669.** Page 1107, line 10: delete lines 10 to 25.

12 **1670.** Page 1108, line 6: delete “§5” and substitute “§4”.

13 **1671.** Page 1108, line 7: delete lines 7 to 13.

14 **1672.** Page 1109, line 10: after that line insert:

15 “**SECTION 3416q.** 343.30 (5) of the statutes is amended to read:

16 343.30 (5) No court may suspend or revoke an operating privilege except as  
17 authorized by this chapter or ch. 345, 351 or 938 or s. 767.303, 800.09 (1) (c), 800.095  
18 (4) (b) 4., 943.21 (3m), or 961.50. When a court revokes, suspends or restricts a  
19 juvenile’s operating privilege under ch. 938, the department of transportation shall  
20 not disclose information concerning or relating to the revocation, suspension or  
21 restriction to any person other than a court, district attorney, county corporation  
22 counsel, city, village or town attorney, law enforcement agency, or the minor whose  
23 operating privilege is revoked, suspended or restricted, or his or her parent or

1 guardian. Persons entitled to receive this information shall not disclose the  
2 information to other persons or agencies.”.

3 **1673.** Page 1118, line 21: after that line insert:

4 “**SECTION 3427t.** 343.50 (4) of the statutes is amended to read:

5 343.50 (4) APPLICATION. The application for an identification card shall include  
6 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm) ~~and~~ (br),  
7 and (em), such further information as the department may reasonably require to  
8 enable it to determine whether the applicant is entitled by law to an identification  
9 card, and, for applicants who are aged 65 years or older, material, as provided by the  
10 department, explaining the voluntary program that is specified in s. 71.55 (10) (b).  
11 The department shall, as part of the application process, take a photograph of the  
12 applicant to comply with sub. (3). No application may be processed without the  
13 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are  
14 punishable as provided in s. 343.14 (9).”.

15 **1674.** Page 1118, line 21: after that line insert:

16 “**SECTION 3427r.** 344.20 (4) of the statutes is amended to read:

17 344.20 (4) Security deposited under this section shall be paid into the state and  
18 local highways account in the transportation fund and invested in accordance with  
19 s. 25.17 (1) (v).

20 **SECTION 3427t.** 345.08 of the statutes is amended to read:

21 **345.08 Suit to recover protested tax or fee.** No suit shall be maintained  
22 in any court to restrain or delay the collection or payment of the taxes levied or the  
23 fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax  
24 or fee as and when due and, if paid under protest, may at any time within 90 days

1 from the date of such payment sue the state in an action at law to recover the tax or  
2 fee so paid. If it is finally determined that such tax or fee or any part thereof was  
3 wrongfully collected for any reason, the department of administration shall issue a  
4 warrant on the state treasurer for the amount of such tax or fee so adjudged to have  
5 been wrongfully collected and the state treasurer shall pay the same out of the state  
6 and local highways account in the transportation fund. A separate suit need not be  
7 filed for each separate payment made by any taxpayer, but a recovery may be had  
8 in one suit for as many payments as were made within the 90-day period preceding  
9 the commencement of the action. Such suits shall be commenced as provided in s.  
10 775.01.”.

11 **1675.** Page 1118, line 21: after that line insert:

12 “SECTION 3427v. 345.20 (2) (g) of the statutes is amended to read:

13 345.20 (2) (g) Sections ~~23.50 to 23.85~~ 278.50 to 278.90 apply to actions in circuit  
14 court to recover forfeitures for violations of s. 287.81. No points may be assessed  
15 against the driving record of a person convicted of a violation of s. 287.81. The report  
16 of conviction and abstract of court record copy of the citation form shall be forwarded  
17 to the department.”.

18 **1676.** Page 1118, line 21: after that line insert:

19 “SECTION 3427p. 343.50 (5) of the statutes is amended to read:

20 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the  
21 reinstatement of an identification card after cancellation under sub. (10) shall be \$9  
22 or, if the applicant is unable to pay due to economic hardship, as determined by rule  
23 of the department, without charge. The card shall be valid for the succeeding period  
24 of 4 years from the applicant’s next birthday after the date of issuance.

1           **SECTION 3427q.** 343.50 (6) of the statutes is amended to read:

2           343.50 **(6)** RENEWAL. At least 30 days prior to the expiration of the card, the  
3 department shall mail a renewal application to the last-known address of each  
4 identification card holder. The department shall include with the application  
5 information, as developed by all organ procurement organizations in cooperation  
6 with the department, that promotes anatomical donations and which relates to the  
7 anatomical donation opportunity available under s. 343.175. The fee for a renewal  
8 identification card shall be \$9, ~~which~~ or, if the identification card holder is unable to  
9 pay due to economic hardship, as determined by rule of the department, without  
10 charge. The renewal identification card shall be valid for 4 years.”.

11           **1677.** Page 1125, line 10: after that line insert:

12           “**SECTION 3442d.** 346.16 (2) (a) of the statutes is amended to read:

13           346.16 **(2)** (a) Except as provided in par. (b), no pedestrian or person riding a  
14 bicycle or other nonmotorized vehicle and no person operating a low-speed vehicle,  
15 moped or motor bicycle may go upon any expressway or freeway when official signs  
16 ~~have been erected~~ prohibiting such person from using the expressway or freeway  
17 have been erected as provided in s. 349.105.”.

18           **1678.** Page 1125, line 10: after that line insert:

19           “**SECTION 3442d.** 346.177 (4) of the statutes is amended to read:

20           346.177 **(4)** The clerk of the circuit court shall collect and transmit to the county  
21 treasurer the railroad crossing improvement assessment as required under s. 59.40  
22 (2) (m). The county treasurer shall then pay the state treasurer as provided in s.  
23 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this



1 subsection in the public transportation account in the transportation fund to be  
2 appropriated under s. 20.395 (2) (gj).

3 **SECTION 3442dr.** 346.495 (4) of the statutes is amended to read:

4 346.495 (4) The clerk of the circuit court shall collect and transmit to the county  
5 treasurer the railroad crossing improvement assessment as required under s. 59.40  
6 (2) (m). The county treasurer shall then pay the state treasurer as provided in s.  
7 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this  
8 subsection in the public transportation account in the transportation fund to be  
9 appropriated under s. 20.395 (2) (gj).”.

10 **1679.** Page 1126, line 21: after that line insert:

11 “**SECTION 3443e.** 346.65 (4r) (d) of the statutes is amended to read:

12 346.65 (4r) (d) The clerk of the circuit court shall collect and transmit to the  
13 county treasurer the railroad crossing improvement assessment as required under  
14 s. 59.40 (2) (m). The county treasurer shall then pay the state treasurer as provided  
15 in s. 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this  
16 paragraph in the public transportation account in the transportation fund to be  
17 appropriated under s. 20.395 (2) (gj).”.

18 **1680.** Page 1129, line 6: after that line insert:

19 “**SECTION 3445c.** 346.94 (18) of the statutes is created to read:

20 346.94 (18) LOW-SPEED VEHICLES ON ROADWAY. (a) A person may operate a  
21 low-speed vehicle upon any roadway that is under the jurisdiction of a local  
22 authority and that has a speed limit of 25 or less miles per hour.

23 (b) No person may operate a low-speed vehicle upon any roadway that is under  
24 the jurisdiction of a local authority and that has a speed limit of more than 25 miles

1 per hour but not more than 35 miles per hour unless the roadway is designated for  
2 low-speed vehicle operation by municipal or county ordinance enacted under s.  
3 349.237 (1).

4 (c) No person may operate a low-speed vehicle upon any highway that has a  
5 speed limit of more than 35 miles per hour. Except at crossings authorized under s.  
6 349.237 (2), and at intersections where traffic is controlled by an official traffic  
7 control device, no person may operate a low-speed vehicle upon a state trunk  
8 highway or connecting highway. This paragraph does not apply to vehicles  
9 registered under s. 341.26 (2m) or vehicles exempted from this paragraph by the  
10 department by rule.

11 **SECTION 3445d.** 346.95 (8) of the statutes is created to read:

12 346.95 (8) Any person violating s. 346.94 (18) may be required to forfeit not less  
13 than \$30 nor more than \$300.

14 **SECTION 3445e.** 347.02 (8) of the statutes is created to read:

15 347.02 (8) Notwithstanding the requirements of this chapter or s. 340.01  
16 (27m), the department may, by rule, establish for low-speed vehicles special  
17 equipment standards that differ from the equipment standards established under  
18 this chapter. Special equipment standards established under this subsection shall  
19 be identical to the federal standards established in 49 CFR 571.500, except that the  
20 department may establish additional standards for equipment not required under  
21 49 CFR 571.500.”.

22 **1681.** Page 1129, line 6: after that line insert:

23 “**SECTION 3445eh.** 346.67 (title) and (1) (intro.) of the statutes are amended to  
24 read:

1           **346.67** (title) **Duty upon striking person or attended or occupied**  
2 **vehicle or causing an accident.** (1) (intro.) The Except as provided in sub. (1m).  
3 the operator of any vehicle who is involved in an accident resulting in injury to or  
4 death of any person or in damage to a vehicle ~~which~~ that is driven or attended by any  
5 person shall immediately stop ~~such~~ his or her vehicle at the scene of the accident or  
6 as close ~~thereto~~ to the scene of the accident as possible but shall then ~~forthwith~~ return  
7 to and in every event shall remain at the scene of the accident until the operator has  
8 fulfilled all of the following requirements:

9           **SECTION 3445ej.** 346.67 (1) (a) of the statutes is amended to read:

10           346.67 (1) (a) The operator shall give his or her name, address, and the  
11 registration number of the vehicle he or she is driving to the any person struck or  
12 injured as a result of the accident or to the operator or occupant of or person attending  
13 any vehicle ~~collided with;~~ and that is damaged as a result of the accident.

14           **SECTION 3445ek.** 346.67 (1) (b) of the statutes is amended to read:

15           346.67 (1) (b) The operator shall, upon request and if available, exhibit his or  
16 her operator's license to the any person struck or injured as a result of the accident  
17 or to the operator or occupant of or person attending any vehicle ~~collided with;~~ and  
18 that is damaged as a result of the accident.

19           **SECTION 3445em.** 346.67 (1m) of the statutes is created to read:

20           346.67 (1m) The duties imposed under sub. (1) also apply to an operator of a  
21 vehicle that has not collided with another person or vehicle whenever facts and  
22 circumstances provide notice to the operator that his or her operation of the vehicle  
23 was a primary cause of an accident resulting in injury to or death of any person or  
24 in damage to a vehicle that is driven or attended by any person.

25           **SECTION 3445eo.** 346.67 (2) of the statutes is amended to read:

1           346.67 (2) Any stop required under sub. (1) or (1m) shall be made without  
2 obstructing traffic more than is necessary.

3           **SECTION 3445eq.** 346.74 (6) of the statutes is created to read:

4           346.74 (6) Any person violating s. 346.67 (1m):

5           (a) Shall be fined not less than \$150 nor more than \$500 or imprisoned for not  
6 more than 3 months or both if the accident did not involve death or injury to a person.

7           (b) Shall be fined not less than \$300 nor more than \$2,500 or imprisoned for  
8 not more than one year or both if the accident involved injury to a person but the  
9 person did not suffer great bodily harm.

10           (c) May be fined not more than \$10,000 or imprisoned for not more than one  
11 year or both if the accident involved injury to a person and the person suffered great  
12 bodily harm or if the accident involved death to a person.”.

13           **1682.** Page 1129, line 6: after that line insert:

14           “**SECTION 3445dg.** 347.14 (2) of the statutes is amended to read:

15           347.14 (2) A stop lamp shall be so constructed as to be actuated upon  
16 application of the service or foot brake or separate trailer brake and shall emit a red  
17 ~~or amber light.~~ The stop lamp for a motorcycle may emit, in addition to the red light,  
18 a blue light that is located in the center of the lamp and that comprises less than 10%  
19 of the surface area of the lamp. A stop lamp under this subsection shall be plainly  
20 visible and understandable from all distances up to 300 feet to the rear during  
21 normal sunlight when viewed from the driver’s seat of the vehicle following.

22           **SECTION 3445dm.** 347.25 (4) of the statutes is amended to read:

23           347.25 (4) ~~No~~ Except as provided in s. 347.14 (2), no vehicle may be equipped  
24 with or display any blue colored light or lamp unless the vehicle is used in police work

1 authorized by the state or a political subdivision of the state or is used by a fire  
2 department as authorized under sub. (1s).”.

3 **1683.** Page 1129, line 6: after that line insert:

4 “**SECTION 3445c.** 346.71 (1) of the statutes is amended to read:

5 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day  
6 of each month, report in writing any accident involving a motor vehicle occurring  
7 within the coroner’s or medical examiner’s jurisdiction resulting in the death of any  
8 person during the preceding calendar month. If the accident involved an all-terrain  
9 vehicle, the report shall be made to the department of ~~natural resources~~ fish, wildlife,  
10 parks, and forestry and shall include the information specified by that department.  
11 If the accident involved any other motor vehicle, the report shall be made to the  
12 department and shall include the information specified by the department. The  
13 coroner or medical examiner of the county where the death occurs, if the accident  
14 occurred in another jurisdiction, shall, immediately upon learning of the death,  
15 report it to the coroner or medical examiner of the county where the accident  
16 occurred, as provided in s. 979.01 (1).

17 **SECTION 3445d.** 346.71 (2) of the statutes is amended to read:

18 346.71 (2) In cases of death involving a motor vehicle in which the decedent was  
19 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle  
20 operator 14 years of age or older and who died within 6 hours of the time of the  
21 accident, the coroner or medical examiner of the county where the death occurred  
22 shall require that a blood specimen of at least 10 cc. be withdrawn from the body of  
23 the decedent within 12 hours after his or her death, by the coroner or medical  
24 examiner or by a physician so designated by the coroner or medical examiner or by

1 a qualified person at the direction of the physician. All funeral directors shall obtain  
2 a release from the coroner or medical examiner of the county where the accident  
3 occurred as provided in s. 979.01 (4) prior to proceeding with embalming any body  
4 coming under the scope of this section. The blood so drawn shall be forwarded to a  
5 laboratory approved by the department of health and family services for analysis of  
6 the alcoholic content of the blood specimen. The coroner or medical examiner causing  
7 the blood to be withdrawn shall be notified of the results of each analysis made and  
8 shall forward the results of each such analysis to the department of health and family  
9 services. If the death involved a motor vehicle, the department shall keep a record  
10 of all such examinations to be used for statistical purposes only and the department  
11 shall disseminate and make public the cumulative results of the examinations  
12 without identifying the individuals involved. If the death involved an all-terrain  
13 vehicle, the department of ~~natural resources~~ fish, wildlife, parks, and forestry shall  
14 keep a record of all such examinations to be used for statistical purposes only, and  
15 the department of ~~natural resources~~ fish, wildlife, parks, and forestry shall  
16 disseminate and make public the cumulative results of the examinations without  
17 identifying the individuals involved.

18 **SECTION 3445e.** 347.06 (4) of the statutes is amended to read:

19 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), or an  
20 environmental warden appointed under s. 278.10 may operate a vehicle owned or  
21 leased by the department of ~~natural resources~~ fish, wildlife, parks, and forestry or  
22 the department of environmental management upon a highway during hours of  
23 darkness without lighted headlamps, tail lamps or clearance lamps in the  
24 performance of the warden's duties under s. 29.924 (2).".

1           **1684.** Page 1130, line 24: after that line insert:

2           “**SECTION 3445p.** 348.16 (3) of the statutes is amended to read:

3           348.16 (3) Any motor vehicle whose operation is pickup or delivery, including  
4           operation for the purpose of moving or delivering supplies or commodities to or from  
5           any place of business or residence that has an entrance on a class “B” highway, may  
6           pick up or deliver on a class “B” highway ~~if the gross weight imposed on the highway~~  
7           ~~by the wheels of any one axle does not exceed 16,500 pounds, subject to the approval~~  
8           ~~of the county highway commissioner or the county highway committee in the case of~~  
9           ~~highways maintained by the county~~ without complying with the gross vehicle weight  
10          limitations imposed by sub. (2).”.

11          **1685.** Page 1133, line 9: after that line insert:

12          “**SECTION 3456.** 348.27 (10) of the statutes is amended to read:

13          348.27 (10) TRANSPORTATION OF GRAIN OR COAL OR IRON. The department may  
14          issue annual or consecutive month permits for the transportation of loads of grain,  
15          as defined in s. ~~127.01 (18)~~ 126.01 (13), coal, iron ore concentrates or alloyed iron on  
16          a vehicle or a combination of 2 or more vehicles that exceeds statutory weight or  
17          length limitations and for the return of the empty vehicle or combination of vehicles  
18          over any class of highway for a distance not to exceed 5 miles from the Wisconsin state  
19          line. If the roads desired to be used by the applicant involve streets or highways other  
20          than those within the state trunk highway system, the application shall be  
21          accompanied by a written statement of route approval by the officer in charge of  
22          maintenance of the other highway. This subsection does not apply to highways  
23          designated as part of the national system of interstate and defense highways.”.

24          **1686.** Page 1134, line 14: after that line insert:

1           “**SECTION 3456mg.** 349.06 (4) of the statutes is created to read:

2           349.06 (4) Any municipality or county may enact and enforce an ordinance that  
3 regulates the equipment of a low-speed vehicle if the ordinance strictly conforms to  
4 rules promulgated under s. 347.02 (8). An ordinance that incorporates by reference  
5 existing and future amendments of rules promulgated under s. 347.02 (8) shall be  
6 considered to be in strict conformity and not contrary to or inconsistent with s. 347.02  
7 (8) and rules promulgated under that subsection.”.

8           **1687.** Page 1134, line 15: delete lines 15 to 20.

9           **1688.** Page 1134, line 20: after that line insert:

10          “**SECTION 3456nm.** 349.105 of the statutes is amended to read:

11          **349.105 Authority to prohibit certain traffic on expressways and**  
12 **freeways.** The authority in charge of maintenance of an expressway or freeway  
13 may, by order, ordinance or resolution, prohibit the use of such expressway or  
14 freeway by pedestrians, persons riding bicycles or other nonmotorized traffic or by  
15 persons operating low-speed vehicles, mopeds or motor bicycles. The state or local  
16 authority adopting any such prohibitory regulation shall erect and maintain official  
17 signs giving notice thereof on the expressway or freeway to which such prohibition  
18 applies.”.

19          **1689.** Page 1134, line 22: after that line insert:

20          “**SECTION 3456s.** 349.237 of the statutes is created to read:

21          **349.237 Authority to regulate operation of low-speed vehicles.** The  
22 governing body of any municipality or county may by ordinance do any of the  
23 following:



1           **(1)** Designate any roadway under its jurisdiction having a speed limit of more  
2 than 25 miles per hour but not more than 35 miles per hour upon which a low-speed  
3 vehicle may be operated.

4           **(2)** Designate locations for low-speed vehicles to cross a state trunk highway  
5 or connecting highway that is not a controlled-access highway. A municipality or  
6 county may erect official signs or mark a crossing designated under this subsection  
7 only as directed by the department.”.

8           **1690.** Page 1134, line 22: after that line insert:

9           “**SECTION 3456r.** 349.235 (2) of the statutes is amended to read:

10           349.235 **(2)** The department of ~~natural resources~~ fish, wildlife, parks, and  
11 forestry may promulgate rules designating roadways under its jurisdiction upon  
12 which in-line skates may be used, except that no rule may permit a person using  
13 in-line skates to attach the skates or himself or herself to any vehicle upon a  
14 roadway.

15           **SECTION 3456v.** 350.01 (1r) of the statutes is amended to read:

16           350.01 **(1r)** “Board” means the ~~natural resources~~ fish, wildlife, parks, and  
17 forestry board.

18           **SECTION 3456x.** 350.01 (3) of the statutes is amended to read:

19           350.01 **(3)** “Department” means the department of ~~natural resources~~ fish,  
20 wildlife, parks, and forestry.”.

21           **1691.** Page 1135, line 7: after that line insert:

22           “**SECTION 3459m.** 350.025 of the statutes is created to read:

1           **350.025 Snowmobile speed limit rules.** The department may not  
2 promulgate any rule, or enforce any department rule, that establishes a snowmobile  
3 speed limit.”.

4           **1692.** Page 1139, line 19: after that line insert:

5           “**SECTION 3478b.** 350.12 (3h) (g) of the statutes, as affected by 2001 Wisconsin  
6 Act .... (this act), is amended to read:

7           350.12 **(3h)** (g) *Receipt of fees.* All fees remitted to or collected by the  
8 department under par. (ar) shall be credited to the appropriation account under s.  
9 20.370 ~~(9) (hu)~~ (1) (hw).”.

10           **1693.** Page 1140, line 4: after that line insert:

11           “**SECTION 3481b.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

12           350.12 **(4)** (a) *Enforcement, administration and related costs.* (intro.) The  
13 moneys appropriated from s. 20.370 ~~(3) (ak) and (aq), (tu), and (tw)~~ and (5) (es) and  
14 ~~(9) (mu) and (mw)~~ may be used for the following:

15           “**SECTION 3481s.** 350.12 (4) (a) 3m. of the statutes is amended to read:

16           350.12 **(4)** (a) 3m. The cost of state law enforcement efforts as appropriated  
17 under s. 20.370 ~~(3) (1)~~ (ak) and (aq); and

18           **SECTION 3482n.** 350.12 (4) (am) of the statutes is amended to read:

19           350.12 **(4)** (am) *Enforcement aids to department.* Of the amounts appropriated  
20 under s. 20.370 ~~(3) (1)~~ (ak) and (aq), the department shall allocate \$26,000 in each  
21 fiscal year to be used exclusively for the purchase of snowmobiles or trailers to carry  
22 snowmobiles, or both, to be used in state law enforcement efforts.”.

23           **1694.** Page 1141, line 4: after that line insert:

24           “**SECTION 3485e.** 350.12 (4) (c) 1. of the statutes is amended to read:

1           350.12 **(4)** (c) 1. Any moneys appropriated under s. 20.370 (1) (aq), (mq), or (tw)  
2 ~~(3) (aq) or (9) (mw)~~ that lapse shall revert to the snowmobile account in the  
3 conservation fund.

4           **SECTION 3485f.** 350.12 (4) (c) 2. of the statutes is amended to read:

5           350.12 **(4)** (c) 2. If any moneys appropriated under s. 20.370 ~~(9) (mu)~~ (1) (tu)  
6 lapse, a portion of those moneys shall revert to the snowmobile account in the  
7 conservation fund. The department shall calculate that portion by multiplying the  
8 total amount lapsing from the appropriation by the same percentage the department  
9 used for the fiscal year to determine the amount to be expended under the  
10 appropriation for snowmobile registration.”.

11           **1695.** Page 1143, line 2: after that line insert:

12           “**SECTION 3491c.** 350.13 of the statutes is amended to read:

13           **350.13 Uniform trail signs and standards.** The department of natural  
14 resources fish, wildlife, parks, and forestry in cooperation with the department of  
15 transportation, after public hearing, shall promulgate rules to establish uniform  
16 trail and route signs and standards relating to operation thereon as authorized by  
17 law. The authority in charge of the maintenance of the highway may place signs on  
18 highways under its jurisdiction where authorized snowmobile trails cross. These  
19 signs must be of a type approved by the department of ~~natural resources~~ fish,  
20 wildlife, parks, and forestry and the department of transportation.

21           **SECTION 3491e.** 350.14 (1) of the statutes is amended to read:

22           350.14 **(1)** The snowmobile recreational council shall carry out studies and  
23 make recommendations to the legislature, governor, department of ~~natural~~  
24 resources fish, wildlife, parks, and forestry and department of transportation on all

1 matters related to this chapter or otherwise affecting snowmobiles and  
2 snowmobiling.

3 **SECTION 3491h.** 350.145 (3) (a) 2. of the statutes is amended to read:

4 350.145 (3) (a) 2. A member of the snowmobile recreational council may submit  
5 before August 1 of the even-numbered year his or her written comments on the  
6 proposed changes specified in subd. 1. to the secretary of ~~natural resources~~ fish,  
7 wildlife, parks, and forestry.

8 **SECTION 3491j.** 350.145 (3) (b) of the statutes is amended to read:

9 350.145 (3) (b) The secretary of ~~natural resources~~ fish, wildlife, parks, and  
10 forestry shall submit any written comments that the secretary receives under par.  
11 (a) 2. to the ~~natural resources~~ fish, wildlife, parks, and forestry board and to the  
12 secretary of administration with the department's submission of its budget report  
13 under s. 16.42.

14 **SECTION 3491k.** 350.145 (3) (c) of the statutes is amended to read:

15 350.145 (3) (c) Before March 1 of each odd-numbered year, the snowmobile  
16 recreational council shall meet and review the provisions that are included in the  
17 executive bill or bills and that affect snowmobiles and snowmobiling. A member of  
18 the snowmobile recreational council may submit his or her written comments on  
19 these provisions to the secretary of ~~natural resources~~ fish, wildlife, parks, and  
20 forestry before March 10 of each odd-numbered year.”.

21 **1696.** Page 1143, line 6: after that line insert:

22 “**SECTION 3492f.** 409.104 (12m) of the statutes is created to read:

23 409.104 (12m) To a transfer of an interest under a rent-to-own agreement  
24 under subch. XI of ch. 218; or

1           **SECTION 3492r.** 421.202 (7m) of the statutes is created to read:  
2           421.202 (**7m**) A rent-to-own agreement under subch. XI of ch. 218;”.

3           **1697.** Page 1145, line 15: after that line insert:

4           “**SECTION 3504s.** 440.05 (intro.) of the statutes is amended to read:

5           **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
6           credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 442.06, 444.03,  
7           444.05, 444.11, 447.04 (1) (c) 1. a. and (2) (c) 2., 449.17, 449.18 and 459.46.”.

8           **1698.** Page 1145, line 15: after that line insert:

9           “**SECTION 3504w.** 440.05 (intro.) of the statutes is amended to read:

10           **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
11           credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, ~~442.06~~, 444.03,  
12           444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46.”.

13           **1699.** Page 1146, line 15: after that line insert:

14           “**SECTION 3508m.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

15           440.08 (**2**) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,  
16           ~~442.06~~, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46,  
17           the renewal dates and renewal fees for credentials are as follows.”.

18           **1700.** Page 1146, line 19: delete lines 19 to 21 and substitute:

19           “**SECTION 3510m.** 440.08 (2) (a) 2. of the statutes is repealed.”.

20           **1701.** Page 1147, line 15: after that line insert:

21           “**SECTION 3517m.** 440.08 (2) (a) 10. of the statutes is created to read:

22           440.08 (**2**) (a) 10. Alcohol and drug counselor: July 1 of each odd-numbered  
23           year; \$53.”.

24           **1702.** Page 1149, line 8: after that line insert:



1 “certified substance abuse counselor,” “certified chemical dependency counselor,” or  
2 “certified alcohol and other drug abuse counselor,” or use any title or description that  
3 implies that he or she is certified under this subchapter, or represent himself or  
4 herself to be certified under this subchapter unless the person has been certified as  
5 an alcohol and drug counselor under this subchapter.

6 **440.993 Duties and powers of department. (1)** In consultation with the  
7 department of health and family services, the department shall promulgate rules  
8 that do all of the following:

9 (a) Establish the education, training, competency, or examination  
10 requirements that a person must satisfy to be certified as an alcohol and drug  
11 counselor under this subchapter. The rules shall require the department to waive  
12 some or all of the requirements for certification that would otherwise apply for a  
13 person who, before the first day of the 25th month beginning after the effective date  
14 of this paragraph ... [revisor inserts date], applies for certification and shows, to the  
15 satisfaction of the department, that he or she was employed in a position in which  
16 a substantial portion of his or her duties consisted of alcohol and drug counseling.

17 (b) Establish a code of ethics to govern the professional conduct of persons  
18 certified under this subchapter. Rules promulgated under this paragraph may  
19 specify the services that a person certified under this subchapter is qualified to  
20 perform and the degree of supervision, if any, required to perform those services.

21 **(2)** In consultation with the department of health and family services, the  
22 department may promulgate rules that do all of the following:

23 (a) Establish different levels of certification, specify the educational, training,  
24 competency, or examination requirements for certification at the different levels, and

1 specify the services that persons certified at the different levels are qualified to  
2 perform and the degree of supervision, if any, required to perform those services.

3 (b) Establish continuing education requirements that a person must satisfy to  
4 renew a certification that is granted under this subchapter.

5 **440.994 Certification requirements.** The department shall grant a  
6 certification as an alcohol and drug counselor to a person who does all of the  
7 following:

8 (1) Submits an application to the department on a form provided by the  
9 department.

10 (2) Pays the fee specified in s. 440.05 (1).

11 (3) Submits evidence satisfactory to the department that he or she satisfies the  
12 requirements established in rules promulgated under s. 440.993 (1) (a) or (2) (a).

13 **440.995 Reciprocal certification.** Upon application and payment of the fee  
14 specified in s. 440.05 (2), the department may grant certification as an alcohol and  
15 drug counselor to a person who has been granted a similar license, registration, or  
16 certificate by another state or territory of the United States or another country if the  
17 department determines that the requirements for granting the license, registration,  
18 or certificate are substantially equivalent to the requirements under this  
19 subchapter.

20 **440.996 Renewal of certification.** The renewal dates for certifications  
21 granted under this subchapter are specified in s. 440.08 (2) (a). Renewal applications  
22 shall be submitted to the department on a form provided by the department and shall  
23 include the renewal fee specified in s. 440.08 (2) (a) and, if the department has  
24 established continuing education requirements in rules promulgated rules under s.



1 440.993 (2) (b), evidence satisfactory to the department that the applicant has  
2 completed the requirements.

3 **440.997 Disciplinary proceedings and actions. (1)** Subject to the rules  
4 promulgated under s. 440.03 (1), the department may make investigations and  
5 conduct hearings to determine whether a violation of this subchapter or any rule  
6 promulgated under this subchapter has occurred.

7 **(2)** Subject to the rules promulgated under s. 440.03 (1), the department may  
8 reprimand a person certified under this subchapter, or may deny, limit, suspend, or  
9 revoke a certification, if an applicant or person certified under this subchapter has  
10 done any of the following:

11 (a) Made a material misstatement in an application for certification or for  
12 renewal of a certification.

13 (b) Been adjudicated mentally incompetent by a court of competent  
14 jurisdiction, a certified copy of the record of adjudication of incompetency to be  
15 conclusive evidence of such incompetency.

16 (c) Advertised in a manner that is false, deceptive, or misleading.

17 (d) Advertised, practiced, or attempted to engage in alcohol and drug  
18 counseling under another's name.

19 (e) Subject to ss. 111.321, 111.322, and 111.34, engaged in alcohol and drug  
20 counseling while impaired by alcohol or other drugs.

21 (f) Engaged in conduct while engaged in alcohol and drug counseling that  
22 jeopardizes the health, safety, or welfare of a patient or client or which evidences a  
23 lack of knowledge or ability to apply professional principles or skills.

24 (g) Violated this subchapter or any rule promulgated under this subchapter.

1 (h) Aided another person in violating this subchapter or any rule promulgated  
2 under this subchapter.

3 **440.998 Injunctive relief.** If the department has reason to believe that any  
4 person is violating this subchapter or any rule promulgated under this subchapter,  
5 the department, the attorney general, or the district attorney of the proper county  
6 may investigate and may, in addition to any other remedies, bring an action in the  
7 name and on behalf of this state to enjoin the person from the violation.

8 **440.999 Penalties. (1)** Any person who violates this subchapter or any rule  
9 promulgated under this subchapter may be required to forfeit not more than \$5,000  
10 for the first offense and may be required to forfeit not more than \$10,000 for the 2nd  
11 or any subsequent offense within a year. Each day of continued violation constitutes  
12 a separate offense.

13 **(2)** Any person who intentionally violates this subchapter or any rule  
14 promulgated under this subchapter may be fined not more than \$10,000 or  
15 imprisoned for not more than 9 months or both.

16 **SECTION 3608g.** 457.02 (1) of the statutes is amended to read:

17 457.02 **(1)** Require any individual to be certified under this chapter in order to  
18 use the title “pastoral counselor”, “investment counselor”, “vocational counselor”,  
19 “career counselor”, “alcohol counselor”, “drug counselor”, or “alcohol and drug  
20 counselor” or “chemical dependency counselor”.

21 **SECTION 3608i.** 457.02 (5) of the statutes is amended to read:

22 457.02 **(5)** Authorize any individual who is certified under this chapter to use  
23 the title “alcohol counselor”, “drug counselor”, or “alcohol and drug counselor” or  
24 “chemical dependency counselor” unless the individual is certified as an alcohol and

1 drug counselor ~~or as a chemical dependency counselor through a process recognized~~  
2 ~~by the department of health and family services~~ under subch. XII of ch. 440.”.

3 **1704.** Page 1156, line 6: after that line insert:

4 “**SECTION 3608d.** 447.04 (1) (b) of the statutes is amended to read:

5 447.04 (1) (b) ~~The~~ Except as provided in par. (c), the examining board may grant  
6 a license to practice dentistry to an individual who is licensed in good standing to  
7 practice dentistry in another state or territory of the United States or in another  
8 country if the applicant meets the requirements for licensure established by the  
9 examining board by rule and upon presentation of the license and payment of the fee  
10 specified under s. 440.05 (2).

11 **SECTION 3608f.** 447.04 (1) (c) of the statutes is created to read:

12 447.04 (1) (c) 1. The examining board shall grant a license to practice dentistry  
13 to an applicant who is licensed in good standing to practice dentistry in another  
14 jurisdiction upon presentation of the license and who does all of the following:

15 a. Pays a fee of \$83.

16 b. Submits evidence satisfactory to the examining board that the applicant has  
17 been offered employment as a full-time faculty member at a school of dentistry in  
18 this state.

19 c. Makes responses during any interview that the examining board may  
20 require that demonstrate, to the satisfaction of the examining board, that the  
21 applicant is competent to practice dentistry.

22 2. A license granted under subd. 1. authorizes the license holder to practice  
23 dentistry only within educational facilities and only for the purpose of carrying out  
24 the license holder’s teaching duties.

1           3. A license granted under subd. 1. is no longer in effect if the license holder  
2 ceases to be employed as a full-time faculty member at a school of dentistry in this  
3 state.

4           4. The examining board may promulgate rules to carry out the purposes of this  
5 paragraph.”.

6           **1705.** Page 1156, line 6: after that line insert:

7           “**SECTION 3608e.** 450.03 (1) (f) of the statutes is created to read:

8           450.03 (1) (f) A person who has successfully completed his or her second year  
9 in, and is enrolled at, an accredited school of pharmacy and whose practice of  
10 pharmacy is limited to performing duties under the direct supervision of a person  
11 licensed as a pharmacist by the board.

12           **SECTION 3608f.** 450.03 (1) (g) of the statutes is created to read:

13           450.03 (1) (g) A person who has applied for a license under s. 450.05 whose  
14 practice of pharmacy is limited to performing duties under the direct supervision of  
15 a person licensed as a pharmacist by the board and during the period before which  
16 the board takes final action on the person’s application.

17           **SECTION 3608h.** 450.04 (3) (b) of the statutes is amended to read:

18           450.04 (3) (b) Has completed an internship in the practice of pharmacy ~~under~~  
19 ~~s. 450.045~~ or has practical experience acquired in another state which is comparable  
20 to that included in the an internship and which is approved and verified by the board  
21 or by the agency which is the equivalent of the board in the state in which the  
22 practical experience was acquired.

23           **SECTION 3608L.** 450.045 of the statutes is repealed.”.

24           **1706.** Page 1156, line 6: after that line insert:

1           **“SECTION 3608h.** 480.02 (2) (h) of the statutes is amended to read:

2           480.02 **(2)** (h) Fur auctions and fur auctioneers licensed by the department of  
3           ~~natural resources~~ fish, wildlife, parks, and forestry under ch. 29.”.

4           **1707.** Page 1156, line 6: after that line insert:

5           **“SECTION 3605pb.** 442.001 of the statutes is renumbered 442.001 (intro.) and  
6           amended to read:

7           **442.001 Definition Definitions.** (intro.) In this chapter, ~~“examining:~~

8           **(3)** “Examining board” means the accounting examining board.

9           **SECTION 3605pd.** 442.001 (1) of the statutes is created to read:

10          442.001 **(1)** “Attest service” means any of the following:

11          (a) An audit or any other engagement that is performed or intended to be  
12          performed in accordance with rules promulgated under s. 442.01 (1) (a).

13          (b) A review of a financial statement that is performed or intended to be  
14          performed in accordance with rules promulgated under s. 442.01 (1) (b).

15          (c) An examination of prospective financial information that is performed or  
16          intended to be performed in accordance with rules promulgated under s. 442.01 (1)  
17          (c).

18          **SECTION 3605pf.** 442.001 (4) of the statutes is created to read:

19          442.001 **(4)** “Firm” means a proprietorship, partnership, limited liability  
20          partnership, corporation, service corporation, or limited liability company.

21          **SECTION 3605ph.** 442.001 (5) of the statutes is created to read:

22          442.001 **(5)** “Member of a firm” means a director, manager, employee, officer,  
23          owner, shareholder, principal, or partner of a firm.

24          **SECTION 3605pj.** 442.01 (1) of the statutes is created to read:

1           442.01 (1) The examining board shall promulgate rules that adopt by reference  
2 all of the following:

3           (a) The statements on auditing standards issued by the Auditing Standards  
4 Board of the American Institute of Certified Public Accountants.

5           (b) The statements on standards for accounting and review services issued by  
6 the Accounting and Review Services Committee of the American Institute of  
7 Certified Public Accountants.

8           (c) The statements on standards for attestation engagements issued by the  
9 Auditing Standards Board, the Accounting and Review Services Committee, and the  
10 Consulting Services Executive Committee of the American Institute of Certified  
11 Public Accountants.

12           **SECTION 3605pL.** 442.01 (2) of the statutes is amended to read:

13           442.01 (2) No standard or rule relating to professional conduct or unethical  
14 practice may be adopted until the examining board has held a public hearing with  
15 reference thereto, subject to the rules promulgated under s. 440.03 (1). No rule or  
16 standard shall become effective until 60 days after its adoption by the examining  
17 board. Any person who has appeared at the public hearing and filed written protest  
18 against any proposed standard or rule may, upon the adoption of such standard or  
19 rule, obtain a review thereof under ch. 227. Thereafter every person practicing as  
20 a certified public accountant in the state shall be governed and controlled by the rules  
21 and standards prescribed by the examining board.

22           **SECTION 3605pn.** 442.01 (3) of the statutes is amended to read:

23           442.01 (3) The examining board shall record its proceedings.

24           **SECTION 3605pp.** 442.02 (title) of the statutes is amended to read:

25           **442.02 (title) Public Certified public accountant, definition.**

1           **SECTION 3605pr.** 442.02 (1m) (intro.) of the statutes is amended to read:

2           442.02 **(1m)** (intro.) A person shall be considered to be in practice as a certified  
3 public accountant, within the meaning and intent of this chapter, if any of the  
4 following conditions is met:

5           **SECTION 3605pt.** 442.02 (1m) (a) of the statutes is amended to read:

6           442.02 **(1m)** (a) The person holds himself or herself out to the public in any  
7 manner as one skilled in the knowledge, science, and practice of accounting, and as  
8 qualified and ready to render professional service therein as a certified public  
9 accountant for compensation.

10          **SECTION 3605pv.** 442.02 (1m) (b) of the statutes is amended to read:

11          442.02 **(1m)** (b) The person maintains an office for the transaction of business  
12 as a certified public accountant or, except as an employee of a certified public  
13 accountant, practices accounting, as distinguished from bookkeeping, for more than  
14 one employer.

15          **SECTION 3605px.** 442.02 (1m) (dm) of the statutes is created to read:

16          442.02 **(1m)** (dm) The person provides or offers to provide an attest service.

17          **SECTION 3605pz.** 442.02 (5m) of the statutes is amended to read:

18          442.02 **(5m)** Subsection (1m) (f) does not prohibit any officer, employee,  
19 partner, or principal of any organization from affixing his or her signature to any  
20 statement or report in reference to the affairs of that organization with any wording  
21 designating the position, title, or office that he or she holds in that organization ~~and~~  
22 ~~does not prohibit any act of a public official or public employee in the performance~~  
23 ~~of his or her duties.~~

24          **SECTION 3605rb.** 442.02 (6) of the statutes is amended to read:

1           442.02 (6) Every member of a partnership and every officer and director of a  
2 corporation firm who, in the capacity of partner, officer or director as a member of the  
3 firm, does any of the things enumerated in sub. (1m) (a) to (f), shall be considered to  
4 be in practice as a certified public accountant.

5           **SECTION 3605rd.** 442.02 (7) of the statutes is renumbered 442.025 (1) and  
6 amended to read:

7           442.025 (1) (intro.) ~~Nothing contained in this chapter shall prevent the~~  
8 ~~employment~~ Persons employed by a certified public accountant, ~~or by a public~~  
9 ~~accountant, or by a firm or corporation furnishing public accounting services as~~  
10 ~~principal, of persons~~ licensed under this chapter to serve as accountants in various  
11 capacities, as needed, if all of the following conditions are met:

12           (a) The employees serving as accountants work under the control and  
13 supervision of certified public accountants, ~~or accountants with certificates of~~  
14 ~~authority granted under s. 442.06.~~

15           (b) ~~Those~~ The employees serving as accountants shall do not issue any  
16 statements or reports over their own names except office reports to their employer  
17 that are customary.

18           (c) The employees serving as accountants are not in any manner held out to the  
19 public as certified public accountants ~~as described in this chapter.~~

20           **SECTION 3605rf.** 442.02 (8) of the statutes is renumbered 442.025 (2) and  
21 amended to read:

22           442.025 (2) ~~Nothing contained in this chapter shall apply to a~~ A practicing  
23 attorney, who, in connection with his or her professional work renders any  
24 accounting service.



1           **SECTION 3605rh.** 442.02 (9) of the statutes is renumbered 442.025 (3) and  
2 amended to read:

3           442.025 (3) (intro.) ~~Nothing contained in this chapter shall apply to any~~  
4 ~~persons who may be~~ A person employed by more than one person, ~~partnership or~~  
5 ~~corporation,~~ for the purpose of keeping books, making trial balances, or statements,  
6 and preparing audits ~~or reports~~, if all of the following requirements are met:

7           (a) The ~~audits or reports~~ described in this subsection are not used or issued by  
8 the employers as having been prepared by a certified public accountant.

9           (b) The persons employed as described in this subsection do not do any of the  
10 things enumerated in sub. s. 442.02 (1m) (f) ~~without complying with sub. except as~~  
11 authorized under s. 442.02 (5m).

12           **SECTION 3605rj.** 442.02 (10) of the statutes is renumbered 442.025 (4) and  
13 amended to read:

14           442.025 (4) ~~Nothing contained in this chapter shall apply to~~ The holders of  
15 state-granted certified public accountant certificates from other states who may be  
16 temporarily in this state on professional business incident to their regular practice  
17 in the states of their domicile, but with neither residence nor office in this state.

18           **SECTION 3605rL.** 442.025 of the statutes is created to read:

19           **442.025 Applicability.** This chapter does not require a certificate or license  
20 under this chapter for any of the following:

21           (5) A public official or public employee in performing his or her duties.

22           (6) A person who performs services involving the use of accounting skills,  
23 including management advisory services, the preparation of tax returns, and the  
24 preparation of financial statements without issuing reports on the statements.

1           (7) A person who prepares financial statements and issues information thereon  
2 that does not purport to be in compliance with the statement on standards for  
3 accounting and review services issued by the American Institute of Certified Public  
4 Accountants.

5           **SECTION 3605rn.** 442.03 (1) of the statutes is renumbered 442.03 and amended  
6 to read:

7           442.03 **Licenses required.** No person may lawfully practice in this state as  
8 a certified public accountant either in the person's own name, ~~or as an employee,~~ or  
9 under an assumed name, or as ~~an officer, member or employee of a firm, or as an~~  
10 ~~officer or employee of a corporation~~ a member of a firm, unless the person has been  
11 granted by the examining board a certificate as a certified public accountant, and  
12 unless the person, ~~firm or corporation, jointly and severally, has~~ and firm have  
13 complied with all of the provisions of this chapter, including licensure.

14           **SECTION 3605rp.** 442.03 (2) of the statutes is repealed.

15           **SECTION 3605rr.** 442.03 (3) of the statutes is repealed.

16           **SECTION 3605rt.** 442.04 (3) of the statutes is repealed.

17           **SECTION 3605rv.** 442.04 (4) (b) of the statutes is repealed.

18           **SECTION 3605rx.** 442.04 (4) (bm) of the statutes is amended to read:

19           442.04 (4) (bm) ~~After December 31, 2000, a~~ A person may not take the  
20 examination leading to the certificate to practice as a certified public accountant  
21 unless the person has completed at least 150 semester hours of education with an  
22 accounting concentration at an institution, and has received a bachelor's or higher  
23 degree with an accounting concentration from an institution, except as provided in  
24 par. (c).

25           **SECTION 3605rz.** 442.04 (4) (c) of the statutes is amended to read:

1           442.04 (4) (c) If an applicant has a bachelor's or higher degree from an  
2 institution but does not have a resident major in accounting required in par. (b) or  
3 an accounting concentration required in par. (bm), the examining board may review  
4 such other educational experience from an institution as the applicant presents and,  
5 if the examining board determines that such other experience provides the  
6 reasonable equivalence of a resident major in accounting required in par. (b) or an  
7 accounting concentration required in par. (bm), the examining board shall approve  
8 the applicant for examination.

9           **SECTION 3605tb.** 442.04 (5) of the statutes is amended to read:

10           442.04 (5) The examining board may not grant a certificate as a certified public  
11 accountant to any person other than a person who is 18 years of age or older, does not  
12 have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, and,  
13 except as provided in s. 442.05, has successfully passed ~~a written~~ an examination  
14 in such subjects affecting accountancy as the examining board considers necessary.  
15 ~~If the person applying for the certificate passes the examination during the period~~  
16 ~~beginning on May 17, 1996, and ending on December 31, 2000, the examining board~~  
17 ~~may not grant the certificate unless the applicant has at least 3 years of public~~  
18 ~~accounting experience or its equivalent, the sufficiency of the experience or the~~  
19 ~~equivalency to be judged by the examining board. If the person applying for the~~  
20 ~~certificate passes the examination after December 31, 2000, the~~ The examining  
21 board may not grant the certificate unless the applicant has at least ~~2 years~~ one year  
22 of public accounting experience or its equivalent, the sufficiency of the experience or  
23 the equivalency to be judged by the examining board. The examining board shall  
24 ensure that evaluation procedures and examinations are nondiscriminatory, relate  
25 directly to accountancy, and are designed to measure only the ability to perform

1 competently as an accountant. The examining board may use the examination  
2 service provided by the American Institute of Certified Public Accountants.

3 **SECTION 3605td.** 442.06 of the statutes is repealed.

4 **SECTION 3605tf.** 442.07 (title) of the statutes is amended to read:

5 **442.07 (title) Requirements for practice as certified public accountant**  
6 **~~or public accountant.~~**

7 **SECTION 3605th.** 442.07 (1) of the statutes is amended to read:

8 442.07 (1) Any person who has been issued a certificate of the person's  
9 qualifications to practice as a certified public accountant, shall be styled and known  
10 as a "certified public accountant" and no other person shall assume to use such title  
11 or the abbreviation "C.P.A." or any other word, words, letters, or figures to indicate  
12 that the person using the same is a certified public accountant. The terms "chartered  
13 accountant" and "certified accountant" and the abbreviation "C.A." are specifically  
14 prohibited to such other persons as being prima facie misleading to the public. Any  
15 person who has been issued a certificate of authority, as herein provided, shall be  
16 styled and known as a "public accountant" and no other person, other than a certified  
17 public accountant, shall assume to use such designation or any other word, words,  
18 letters or figures to indicate that such person is entitled to practice as a public  
19 accountant.

20 **SECTION 3605tj.** 442.07 (2) of the statutes is repealed.

21 **SECTION 3605tL.** 442.07 (3) of the statutes is amended to read:

22 442.07 (3) Any partnership, which firm that is entitled to practice as certified  
23 public accountants in this state or any other state, and every resident member and  
24 resident manager of which the firm who is a certified public accountant of this state,  
25 after registering the partnership firm name with the examining board, may use the

1 designation “certified public accountants” in connection with the partnership firm  
2 name. ~~Any partnership, every member and resident manager of which is a certified~~  
3 ~~public accountant of this state or any other state or holds a certificate of authority~~  
4 ~~under this chapter, after registering the partnership name with the examining~~  
5 ~~board, may use the designation “public accountants” in connection with the~~  
6 ~~partnership name. An assumed name, in use prior to September 21, 1935, may be~~  
7 ~~used the same as a partnership name, provided the individual persons practicing as~~  
8 ~~principals under that name hold certificates granted by the examining board and~~  
9 ~~register the name with the examining board.~~

10 **SECTION 3605tn.** 442.08 of the statutes is repealed and recreated to read:

11 **442.08 Licensure. (1)** The department shall issue a license to an individual  
12 who holds an unrevoked certificate as a certified public accountant, submits an  
13 application for the license on a form provided by the department, and pays the fee  
14 specified in s. 440.05 (1).

15 **(2)** The department shall issue a license to a firm that submits an application  
16 for the license on a form provided by the department, pays the fee specified in s.  
17 440.05 (1), and does each of the following:

18 (a) Identifies each office of the firm that is located in this state.

19 (b) If any person who holds an ownership interest in the firm is not licensed  
20 under sub. (1), designates an individual licensed under sub. (1) as the individual  
21 responsible for the firm’s compliance with this chapter.

22 (c) Demonstrates, to the satisfaction of the department, each of the following:

23 1. That all attest services provided by the firm in this state are under the charge  
24 of an individual licensed under sub. (1).

1           2. That more than 50% of the ownership interest of the firm is held by  
2 individuals who hold certificates or licenses to practice as a certified public  
3 accountant issued under the laws of any state or foreign country.

4           3. That each person who holds an ownership interest in the firm, and who does  
5 not hold a certificate or license to practice as a certified public accountant, is an  
6 individual who actively participates in the firm or an affiliated entity.

7           **(3)** The examining board shall promulgate rules that define “ownership  
8 interest” for purposes of sub. (2) and for determining the percentage of a person’s  
9 ownership interest in a firm. In promulgating the rules, the examining board shall  
10 consider the financial interests and voting rights of all members of a firm.

11           **SECTION 3605tp.** 442.083 of the statutes is created to read:

12           **442.083 Renewal.** The renewal dates and renewal fees for licenses issued  
13 under this chapter are specified under s. 440.08 (2) (a). The department may not  
14 renew a license issued to a firm unless, at the time of renewal, the firm satisfies the  
15 requirements under s. 442.08 (2) and demonstrates, to the satisfaction of the  
16 department, that the firm has complied with the requirements under s. 442.087.

17           **SECTION 3605tr.** 442.087 of the statutes is created to read:

18           **442.087 Peer review. (1) DEFINITION.** In this section, “peer review” means  
19 a process for a person licensed under this chapter to evaluate the professional  
20 competency of the members of a firm who are responsible for attest services provided  
21 by the firm or who sign or authorize another individual to sign accounting reports  
22 or financial statements on behalf of the firm.

23           **(2) RENEWAL OF FIRM LICENSES.** After January 1, 2005, the department may not  
24 renew the license of a firm unless, at least once every 3 years, the firm undergoes the  
25 peer review that is specified in the rules promulgated under sub. (3) and that is

1 conducted by a person approved by the examining board under the rules who is not  
2 affiliated with the firm or members of the firm undergoing review.

3 **(3) RULES.** The examining board shall promulgate rules that describe the peer  
4 review required to renew a firm's license under sub. (2). The rules shall include  
5 requirements for the examining board to approve one or more persons to conduct the  
6 peer reviews. The rules shall also require each person approved by the examining  
7 board to conduct peer reviews to periodically report to the examining board on the  
8 effectiveness of the peer reviews conducted by the person and to provide the  
9 examining board with a listing of all firms that have undergone peer review  
10 conducted by the person.

11 **(4) CONFIDENTIALITY.** A person approved by the examining board to conduct  
12 peer reviews may not disclose to any person, including the examining board or the  
13 department, any information obtained or document produced during the course of or  
14 as a result of a review unless the firm undergoing the review consents to the  
15 disclosure.

16 **SECTION 3605tt.** 442.10 (1) of the statutes is amended to read:

17 442.10 **(1)** Whenever any person, as a certified public accountant ~~or public~~  
18 accountant, signs or certifies any report, schedule, or statement relative to the affairs  
19 of any corporation, association, or partnership in which the person is financially  
20 interested or by which the person is regularly engaged as an officer or employee, the  
21 signature or certification shall be accompanied by a specific statement setting forth  
22 the fact that the person is financially interested in or is an officer or regular employee  
23 of the corporation, association, or partnership. If the person is both financially  
24 interested and an officer or regular employee, the statement shall cover both  
25 financial interest and employment. In the case of a ~~corporation holding a certificate~~

1 of authority firm signing or certifying as above described in this subsection, the  
2 interest of any of its stockholders members shall be disclosed.

3 **SECTION 3605tv.** 442.10 (2) of the statutes is amended to read:

4 442.10 (2) Notwithstanding sub. (1), no person licensed under this chapter, and  
5 no firm of which the person is a ~~partner or shareholder~~ member, may express an  
6 opinion as an independent certified public accountant on financial statements of any  
7 enterprise unless the person and the firm are independent of the enterprise. The  
8 requirement for independence under this subsection also extends to the spouse of  
9 such a person and to other relatives having a financial or business relationship with  
10 the enterprise which, in the opinion of the examining board, may impair  
11 independence.

12 **SECTION 3605tx.** 442.11 (1) of the statutes is amended to read:

13 442.11 (1) Uses any term other than certified public accountant or the  
14 abbreviation C. P. A. to indicate that he or she is a certified public accountant with  
15 a specially granted title.

16 **SECTION 3605tz.** 442.11 (2) of the statutes is amended to read:

17 442.11 (2) While practicing under an assumed name, or as a member of a  
18 partnership firm, other than a partnership firm with a name that is registered under  
19 s. 442.07 ~~as composed of certified public accountants, or as an officer of a corporation~~  
20 (3), announces, either in writing or by printing, that the assumed name, ~~partnership~~  
21 ~~or corporation~~ or firm is practicing as a certified public accountant.

22 **SECTION 3605vb.** 442.11 (3) of the statutes is repealed.

23 **SECTION 3605vd.** 442.11 (4) of the statutes is repealed.

24 **SECTION 3605vf.** 442.11 (6) of the statutes is repealed.

25 **SECTION 3605vh.** 442.11 (7) of the statutes is amended to read:



1           442.11 (7) Practices as a certified public accountant ~~or as a public accountant~~  
2 after his or her certificate has been revoked.

3           **SECTION 3605vj.** 442.11 (8) of the statutes is amended to read:

4           442.11 (8) As an individual, ~~member of a partnership or officer or director of~~  
5 ~~a corporation~~ or member of a firm, practices or permits the ~~partnership or~~  
6 ~~corporation~~ firm to practice as a certified public accountant ~~or as a public accountant~~  
7 unless a license has been secured for the current licensure period.

8           **SECTION 3605vL.** 442.11 (9) of the statutes is amended to read:

9           442.11 (9) Sells, buys, gives, or obtains an alleged certificate as a certified  
10 public accountant, ~~a certificate of authority~~ or a license in any manner other than  
11 that provided for by this chapter.

12           **SECTION 3605vn.** 442.11 (10) of the statutes is amended to read:

13           442.11 (10) Attempts to practice as a certified public accountant ~~or as a public~~  
14 ~~accountant~~ under the guise of a certificate not granted by the examining board or  
15 under cover of a certificate obtained illegally or fraudulently.

16           **SECTION 3605vp.** 442.11 (12) of the statutes is amended to read:

17           442.11 (12) Attempts by any subterfuge to evade the provisions of this chapter  
18 while practicing as a certified public accountant.

19           **SECTION 3605vr.** 442.11 (13) of the statutes is amended to read:

20           442.11 (13) As an individual, ~~a member of a partnership or an officer of a~~  
21 ~~corporation~~ or member of a firm, permits to be announced by printed or written  
22 statement that any report, certificate, exhibit, schedule, or statement has been  
23 prepared by or under supervision of a certified public accountant ~~or by or under~~  
24 ~~supervision of a public accountant~~ when the person who prepared the report,

1 certificate, exhibit, schedule, or statement was not a certified public accountant or  
2 public accountant.

3 **SECTION 3605vt.** 442.12 (intro.) of the statutes is amended to read:

4 **442.12 Disciplinary action.** (intro.) Subject to the rules promulgated under  
5 s. 440.03 (1), the examining board may do any of the following:

6 **SECTION 3605vv.** 442.12 (3) of the statutes is amended to read:

7 442.12 (3) In the case of a ~~corporation or a partnership~~ firm, revoke, limit, or  
8 suspend the license of the ~~partnership or corporation~~ firm, or reprimand it, if it is  
9 found that any ~~officer, director or member~~ of the firm has been guilty of such act or  
10 omission as would be cause for revoking, limiting, or suspending a certificate or  
11 license to the person as an individual or for reprimanding the person.

12 **SECTION 3605vx.** 442.13 of the statutes is amended to read:

13 **442.13 Ownership of accountant's working papers.** All statements,  
14 records, schedules, working papers, and memoranda made by a certified public  
15 accountant ~~or public accountant~~ incident to or in the course of professional service  
16 to clients by such a certified public accountant, except reports submitted by a  
17 certified public accountant ~~or public accountant~~ to a client, shall be and remain the  
18 property of such the certified public accountant, in the absence of an express  
19 agreement between such the certified public accountant and the client to the  
20 contrary. No such statement, record, schedule, working paper, or memorandum shall  
21 be sold, transferred, or bequeathed, without the consent of the client or the client's  
22 personal representative or assignee, to anyone other than ~~one or more surviving~~  
23 ~~partners or new or successor partners of such~~ any member of the firm of the certified  
24 public accountant.

25 **SECTION 3605vz.** 442.14 of the statutes is repealed.

1           **SECTION 3608m.** 447.34 (2) of the statutes is amended to read:

2           447.34 **(2)** Legal counsel, certified public accountants licensed under ch. 442,  
3 or other persons as to matters the director or officer believes in good faith are within  
4 the person's professional or expert competence.”.

5           **1708.** Page 1156, line 6: after that line insert:

6           “**SECTION 3608b.** 452.07 (1m) of the statutes is created to read:

7           452.07 **(1m)** The department shall promulgate rules that specify the  
8 supervisory duties of brokers under s. 452.12 (3).

9           **SECTION 3608d.** 452.12 (3) (a) of the statutes is renumbered 452.12 (3) and  
10 amended to read:

11           452.12 **(3)** **BROKER'S LIABILITY FOR ACTS OF EMPLOYEES.** Each broker shall  
12 supervise, and is responsible for the acts of, any broker, salesperson, or time-share  
13 salesperson employed by the broker.

14           **SECTION 3608f.** 452.12 (3) (b) of the statutes is repealed.

15           **SECTION 3608h.** 452.139 (2) (c) of the statutes is amended to read:

16           452.139 **(2)** (c) Nothing in this subsection limits the liability of a broker under  
17 s. 452.12 (3) ~~(a)~~ for misrepresentations made by an employee who is a broker.  
18 Nothing in this subsection limits the liability of a client for a misrepresentation that  
19 the client makes in connection with brokerage services.”.

20           **1709.** Page 1156, line 6: after that line insert:

21           “**SECTION 3608d.** 551.02 (1) of the statutes is renumbered 551.02 (1r).

22           **SECTION 3608f.** 551.02 (1g) of the statutes is created to read:

23           551.02 **(1g)** “Accredited investor” has the meaning given in 17 CFR 230.501(a).

24           **SECTION 3608h.** 551.23 (8) (g) of the statutes is amended to read:

1           551.23 **(8)** (g) ~~An individual accredited investor, as defined by rule of the~~  
2 ~~division, if the issuer reasonably believes immediately before the sale that the~~  
3 ~~individual accredited investor, either alone or with the individual accredited~~  
4 ~~investor's representative, has such knowledge and experience in financial and~~  
5 ~~business matters as to be capable of evaluating the merits and risks of the~~  
6 ~~prospective investment.~~

7           **SECTION 3608j.** 551.23 (10) of the statutes is amended to read:

8           551.23 **(10)** Any offer or sale of its securities by an issuer having its principal  
9 office in this state, if the aggregate number of persons holding directly or indirectly  
10 all of the issuer's securities, after the securities to be issued are sold, does not exceed  
11 ~~15~~ 25, exclusive of persons under sub. (8), if no commission or other remuneration  
12 is paid or given directly or indirectly for soliciting any person in this state, except to  
13 broker-dealers and agents licensed in this state, and if no advertising is published  
14 unless it has been permitted by the division.

15           **SECTION 3608L.** 551.23 (11) (a) of the statutes is amended to read:

16           551.23 **(11)** (a) Any transaction pursuant to an offer directed by the offeror to  
17 not more than ~~10~~ 25 persons in this state, excluding persons exempt under sub. (8)  
18 but including persons exempt under sub. (10), during any period of 12 consecutive  
19 months, whether or not the offeror or any of the offerees is then present in this state,  
20 if the offeror reasonably believes that all the persons in this state are purchasing for  
21 investment, and no commission or other remuneration is paid or given directly or  
22 indirectly for soliciting any person in this state other than those exempt by sub. (8).

23           **SECTION 3608n.** 551.31 (1) (d) of the statutes is created to read:

24           551.31 **(1)** (d) An agent who is acting exclusively as an agent representing an  
25 issuer of securities and who makes offers and sales of the issuer's securities in

1 transactions that are exempt under s. 551.23 (8) (g) or under a rule of the division  
2 promulgated under s. 551.23 (18) that specifically exempts transactions involving  
3 accredited investors and that is based on a model accredited investor exemption  
4 adopted by the North American Securities Administrators Association.”.

5 **1710.** Page 1156, line 6: after that line insert:

6 “**SECTION 3605c.** 441.06 (title) of the statutes is amended to read:

7 **441.06 (title) Licensure; civil liability and disciplinary exemption.**

8 **SECTION 3605e.** 441.06 (6) of the statutes is renumbered 441.06 (6) (b) (intro.)

9 and amended to read:

10 441.06 (6) (b) (intro.) ~~No~~ A person licensed as a registered nurse under this  
11 section is ~~liable for any civil damages resulting from~~ immune from liability for any  
12 damage caused by his or her refusal to perform sterilization procedures or to remove  
13 or aid in the removal of a human embryo or fetus from a person, assist in, recommend,  
14 counsel in favor of, make referrals for, prescribe, dispense or administer drugs for,  
15 or otherwise promote, encourage, or aid any of the following, if the refusal is based  
16 on religious or moral precepts.;

17 **SECTION 3605g.** 441.06 (6) (a) of the statutes is created to read:

18 441.06 (6) (a) In this subsection, “human embryo” includes any organism that  
19 is derived by fertilization, parthenogenesis, cloning, or any other means from one or  
20 more human gametes or human diploid cells.

21 **SECTION 3605i.** 441.06 (6) (b) 1. to 7. of the statutes are created to read:

22 441.06 (6) (b) 1. A sterilization procedure.

23 2. A procedure involving a drug or device that may prevent the implantation  
24 of a fertilized human ovum.

1           3. An abortion, as defined in s. 253.10 (2) (a).

2           4. An experiment or medical procedure involving any of the following:

3           a. The destruction of a human embryo.

4           b. A human embryo or unborn child, at any stage of development, in which the  
5 experiment or procedure is not related to the beneficial treatment of the human  
6 embryo or unborn child.

7           5. A procedure, including a transplant procedure, that uses fetal tissue or  
8 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or  
9 miscarriage.

10          6. The withholding or withdrawal of nutrition or hydration, if the withholding  
11 or withdrawal of nutrition or hydration would result in the patient's death from  
12 malnutrition or dehydration, or complications of malnutrition or dehydration, rather  
13 than from the underlying terminal illness or injury, unless the administration of  
14 nutrition or hydration is medically contraindicated.

15          7. An act that intentionally causes or assists in causing the death of an  
16 individual, such as by assisted suicide, euthanasia, or mercy killing.

17          **SECTION 3605k.** 441.06 (7) of the statutes is created to read:

18          441.06 (7) A person licensed as a registered nurse under this section who, in  
19 writing, refuses, or states an intention to refuse, on moral or religious grounds to  
20 engage in a practice of professional nursing that is related to an activity specified in  
21 sub. (6) (b) 1. to 7. shall not be required to engage in the practice with respect to the  
22 activity and may not be disciplined by the board or the department for refusing or  
23 stating an intention to refuse to engage in the practice with respect to the activity.

24          **SECTION 3605m.** 441.06 (8) of the statutes is created to read:

1           441.06 (8) A person who is adversely affected by, or who reasonably may be  
2 expected to be adversely affected by, conduct that is in violation of sub. (7) may bring  
3 a civil action for injunctive relief, including reinstatement, damages, including  
4 damages for emotional or psychological distress, or both injunctive relief and  
5 damages. In an action under this subsection, the court shall award reasonable  
6 attorney fees, notwithstanding s. 814.04 (1), to a person who obtains injunctive relief,  
7 an award of damages, or both.

8           **SECTION 3608c.** 448.03 (5) (title) of the statutes is amended to read:

9           448.03 (5) (title) CIVIL LIABILITY AND DISCIPLINARY EXEMPTION; CERTAIN MEDICAL  
10 PROCEDURES AND REPORTS.

11           **SECTION 3608e.** 448.03 (5) (a) of the statutes is renumbered 448.03 (5) (ar)  
12 (intro.) and amended to read:

13           448.03 (5) (ar) (intro.) ~~No~~ A person licensed or certified under this subchapter  
14 shall be liable for any civil damages resulting from such is immune from liability for  
15 any damage caused by the person's refusal to perform sterilization procedures or to  
16 remove or aid in the removal of a human embryo or fetus from a person if such, assist  
17 in, recommend, counsel in favor of, make referrals for, prescribe, dispense or  
18 administer drugs for, or otherwise promote, encourage, or aid any of the following if  
19 the refusal is based on religious or moral precepts.:

20           **SECTION 3608g.** 448.03 (5) (ag) of the statutes is created to read:

21           448.03 (5) (ag) In this subsection, "human embryo" includes any organism that  
22 is derived by fertilization, parthenogenesis, cloning, or any other means from one or  
23 more human gametes or human diploid cells.

24           **SECTION 3608i.** 448.03 (5) (am) of the statutes is created to read:

1           448.03 (5) (am) A person licensed or certified under this subchapter who, in  
2 writing, refuses, or states an intention to refuse, on moral or religious grounds to  
3 engage in a practice within the scope of his or her license or certification that is  
4 related to an activity specified in par. (ar) 1. to 7. shall not be required to engage in  
5 the practice with respect to the activity and, notwithstanding s. 154.07 (1) (a) 3. or  
6 155.50 (1) (b), may not be disciplined by the board or the department for refusing or  
7 stating an intention to refuse to engage in the practice with respect to the activity,  
8 including refusing or stating an intention to refuse to transfer a patient to another  
9 physician who will comply with a declaration, as defined in s. 154.02 (1), instrument  
10 for power of attorney for health care, as defined in s. 155.01 (10), or health care  
11 decision, as defined in s. 155.01 (5), of a health care agent, as defined in s. 155.01 (4).  
12 This paragraph does not apply to the refusal to make a good faith attempt to transfer  
13 a declarant with incapacity, as defined in s. 155.01 (8) and with a terminal condition,  
14 as defined in s. 154.01 (8), to another physician who will comply with the declaration  
15 of the declarant.

16           **SECTION 3608k.** 448.03 (5) (ao) of the statutes is created to read:

17           448.03 (5) (ao) A person who is adversely affected by, or who reasonably may  
18 be expected to be adversely affected by, conduct that is in violation of par. (am) may  
19 bring a civil action for injunctive relief, including reinstatement, damages, including  
20 damages for emotional or psychological distress, or both injunctive relief and  
21 damages. In an action under this paragraph, the court shall award reasonable  
22 attorney fees, notwithstanding s. 814.04 (1), to a person who obtains injunctive relief,  
23 an award of damages, or both.

24           **SECTION 3608L.** 448.03 (5) (ar) 1. to 7. of the statutes are created to read:

25           448.03 (5) (ar) 1. A sterilization procedure.



1           2. A procedure involving a drug or device that may prevent the implantation  
2 of a fertilized human ovum.

3           3. An abortion, as defined in s. 253.10 (2) (a).

4           4. An experiment or medical procedure involving any of the following:

5           a. The destruction of a human embryo.

6           b. A human embryo or unborn child, at any stage of development, in which the  
7 experiment or procedure is not related to the beneficial treatment of the human  
8 embryo or unborn child.

9           5. A procedure, including a transplant procedure, that uses fetal tissue or  
10 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or  
11 miscarriage.

12           6. The withholding or withdrawal of nutrition or hydration, if the withholding  
13 or withdrawal of nutrition or hydration would result in the patient's death from  
14 malnutrition or dehydration, or complications of malnutrition or dehydration, rather  
15 than from the underlying terminal illness or injury, unless the administration of  
16 nutrition or hydration is medically contraindicated.

17           7. An act that intentionally causes or assists in causing the death of an  
18 individual, such as by assisted suicide, euthanasia, or mercy killing.

19           **SECTION 3608m.** 450.135 of the statutes is created to read:

20           **450.135 Pharmacist's refusal to be involved in certain activities. (1)**

21 In this section, "human embryo" includes any organism that is derived by  
22 fertilization, parthenogenesis, cloning, or any other means from one or more human  
23 gametes or human diploid cells.

24           **(2)** A person licensed as a pharmacist under this chapter is immune from  
25 liability for any damage caused by his or her refusal to be involved in the performance

1 of, assistance in, recommendation of, counseling in favor of, making referrals for,  
2 prescribing, dispensing or administering drugs for, or otherwise promoting,  
3 encouraging, or aiding any of the following, if the refusal is based on religious or  
4 moral precepts:

5 (a) A sterilization procedure.

6 (b) A procedure involving a drug or device that may prevent the implantation  
7 of a fertilized human ovum.

8 (c) An abortion, as defined in s. 253.10 (2) (a).

9 (d) An experiment or medical procedure involving any of the following:

10 1. The destruction of a human embryo.

11 2. A human embryo or unborn child, at any stage of development, in which the  
12 experiment or procedure is not related to the beneficial treatment of the human  
13 embryo or unborn child.

14 (e) A procedure, including a transplant procedure, that uses fetal tissue or  
15 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or  
16 miscarriage.

17 (f) The withholding or withdrawal of nutrition or hydration, if the withholding  
18 or withdrawal of nutrition or hydration would result in the patient's death from  
19 malnutrition or dehydration, or complications of malnutrition or dehydration, rather  
20 than from the underlying terminal illness or injury, unless the administration of  
21 nutrition or hydration is medically contraindicated.

22 (g) An act that intentionally causes or assists in causing the death of an  
23 individual, such as by assisted suicide, euthanasia, or mercy killing.

24 **(3)** (a) A person licensed as a pharmacist under this chapter who, in writing,  
25 refuses, or states an intention to refuse, on moral or religious grounds to engage in

1 a practice of pharmacy that is related to an activity specified in sub. (2) (a) to (g) shall  
2 not be required to engage in the practice with respect to the activity and may not be  
3 disciplined by the board or department for refusing or stating an intention to refuse  
4 to engage in the practice with respect to the activity.

5 (b) A person who is adversely affected by, or who reasonably may be expected  
6 to be adversely affected by, conduct that is in violation of par. (a) may bring a civil  
7 action for injunctive relief, including reinstatement, damages, including damages  
8 for emotional or psychological distress, or both injunctive relief and damages. In an  
9 action under this paragraph, the court shall award reasonable attorney fees,  
10 notwithstanding s. 814.04 (1), to a person who obtains injunctive relief, an award of  
11 damages, or both.”.

12 **1711.** Page 1156, line 7: after that line insert:

13 “**SECTION 3623n.** 560.11 (1) (a) of the statutes is amended to read:

14 560.11 (1) (a) Advise the department of ~~natural resources~~ environmental  
15 management concerning the effectiveness of the small business stationary source  
16 technical and environmental compliance assistance program under s. 285.79,  
17 difficulties encountered by small business stationary sources, as defined in s. 285.79  
18 (1), in complying with s. 299.15 and ch. 285 and the degree and severity of  
19 enforcement of s. 299.15 and ch. 285 against small business stationary sources.

20 **SECTION 3623p.** 560.11 (1) (b) of the statutes is amended to read:

21 560.11 (1) (b) Periodically report to the department of ~~natural resources~~  
22 environmental management and to the administrator of the federal environmental  
23 protection agency concerning the compliance of the state small business stationary  
24 source technical and environmental compliance assistance program with the federal

1 ~~paperwork reduction act~~ Paperwork Reduction Act, 44 USC 3501 to 3520, the federal  
2 ~~regulatory flexibility act~~ Regulatory Flexibility Act, 5 USC 601 to 612, and the  
3 federal ~~equal access to justice act~~ Equal Access to Justice, 5 USC 504.

4 **SECTION 3623r.** 560.11 (2) of the statutes is amended to read:

5 560.11 (2) The employees of the department of commerce who staff the small  
6 business ombudsman clearinghouse under s. 560.03 (9) and the employees of the  
7 department of ~~natural resources~~ environmental management who staff the small  
8 business stationary source technical and environmental compliance assistance  
9 program under s. 285.79 shall provide the small business environmental council  
10 with the assistance necessary to comply with sub. (1).”.

11 **1712.** Page 1156, line 7: after that line insert:

12 “**SECTION 3623m.** 560.095 of the statutes is created to read:

13 **560.095 Funding justification.** Every private and nonprofit entity that  
14 receives base-level funding from the department shall be required annually to  
15 submit a report under s. 13.172 (3) to, and to appear before, the appropriate standing  
16 committee of the legislature to justify continued receipt of the funding. The  
17 department shall advise the appropriate standing committees of the entities to  
18 which the requirement under this section applies and shall advise those entities of  
19 the requirement.”.

20 **1713.** Page 1157, line 9: after that line insert:

21 “**SECTION 3630b.** 560.13 (2) (a) 1m. of the statutes, as created by 2001  
22 Wisconsin Act .... (this act), is amended to read:

23 560.13 (2) (a) 1m. The recipient does not use the grant proceeds to pay lien  
24 claims of the department of ~~natural resources~~ environmental management or the

1 federal environmental protection agency based on investigation or remediation  
2 activities of the department of ~~natural resources~~ environmental management or the  
3 federal environmental protection agency or to pay delinquent real estate taxes or  
4 interest or penalties that relate to those taxes.”.

5 **1714.** Page 1157, line 14: after that line insert:

6 “**SECTION 3632c.** 560.13 (5) of the statutes is amended to read:

7 560.13 (5) Before the department awards a grant under this section, the  
8 department shall consider the recommendations of the department of  
9 administration and the department of ~~natural resources~~ environmental  
10 management.”.

11 **1715.** Page 1162, line 7: after that line insert:

12 “**SECTION 3648m.** 560.145 (1) (intro.) of the statutes is amended to read:

13 560.145 (1) GRANTS. (intro.) Subject to sub. (3), the department may make a  
14 grant to a person from the ~~appropriation~~ appropriations under s. 20.143 (1) (c) and  
15 (kd) for the capitalization of a revolving loan fund if all of the following apply:

16 **SECTION 3648p.** 560.147 (1) (intro.) of the statutes is amended to read:

17 560.147 (1) LOANS. (intro.) Subject to sub. (4), the department may make a loan  
18 to a person from the appropriations under s. 20.143 (1) (c) ~~and, (ie),~~ and (kd) for a  
19 project described in sub. (2) if all of the following apply:”.

20 **1716.** Page 1162, line 8: delete lines 8 to 10.

21 **1717.** Page 1162, line 10: after that line insert:

22 “**SECTION 3649m.** 560.16 (6) (a) 3. of the statutes is amended to read:

1           560.16 (6) (a) 3. A verified statement of the financial condition and business  
2 operation of the existing business for the previous 3 years, certified by an  
3 independent certified public accountant licensed or certified under ch. 442.”.

4           **1718.** Page 1162, line 10: after that line insert:

5           “**SECTION 3649c.** 560.16 (2) (a) of the statutes is amended to read:

6           560.16 (2) (a) From the appropriations under s. 20.143 (1) (c) ~~and~~, (ie), and (kd),  
7 the department may make grants to existing business groups for a feasibility study  
8 to investigate the reorganization or new incorporation of an existing business as an  
9 employee–owned business and for professional services to implement the study.”.

10          **1719.** Page 1162, line 11: delete lines 11 to 18 and substitute:

11          “**SECTION 3650.** 560.165 (title) of the statutes is amended to read:

12          **560.165** (title) ~~Division of international and export development~~  
13 **International services; fees and assessments.**

14          **SECTION 3651.** 560.165 of the statutes is renumbered 560.165 (1) and amended  
15 to read:

16          560.165 (1) The division of international and export development may charge  
17 fees for services it provides to cover the costs incurred by the division in providing  
18 the services. The division shall ~~deposit all fees~~ credit all moneys collected under this  
19 ~~section in subsection~~ to the appropriation account under s. 20.143 (1) (g).

20          **SECTION 3652.** 560.165 (2) of the statutes is created to read:

21          560.165 (2) The department may assess a state agency on a premium basis for  
22 the cost of services that are provided by the department’s international liaison and  
23 that are requested by the state agency. Any premium charged by the department  
24 under this section must be agreed to by the state agency paying the premium. The

1 department shall credit all moneys received from state agencies under this section  
2 to the appropriation account under s. 20.143 (1) (k).”.

3 **1720.** Page 1164, line 22: after that line insert:

4 “**SECTION 3664m.** 560.175 (2) of the statutes is amended to read:

5 560.175 (2) Subject to subs. (3) and (6), the department may make a grant from  
6 the ~~appropriation~~ appropriations under s. 20.143 (1) (c) and (kd) to a person to fund  
7 an early planning project.”.

8 **1721.** Page 1171, line 11: after that line insert:

9 “**SECTION 3691e.** 560.19 (3) of the statutes is amended to read:

10 560.19 (3) In coordination with the solid and hazardous waste education center  
11 under s. 36.25 (30) and the department of ~~natural resources~~ environmental  
12 management, the department shall conduct an education, environmental  
13 management and technical assistance program to promote pollution prevention  
14 among businesses in the state.”.

15 **1722.** Page 1171, line 13: delete lines 13 to 16 and substitute:

16 “560.25 (2) GRANTS. (intro.) Subject to subs. sub. (4) ~~and (5)~~, the department  
17 may make a grant from the appropriation under s. 20.143 (1) (ko) and a grant of up  
18 to \$500,000 in each fiscal year from the appropriation under s. 20.143 (1) (ie) to a  
19 technology-based nonprofit organization to provide support for a manufacturing  
20 extension center if all of the following apply:

21 **SECTION 3692c.** 560.25 (2) (intro.) of the statutes, as affected by 2001 Wisconsin  
22 Act .... (this act), is amended to read:

23 560.25 (2) GRANTS. (intro.) Subject to sub. (4), the department may make a  
24 grant from the appropriation under s. 20.143 (1) (ko) ~~and a grant of up to \$500,000~~

1 in each fiscal year from the appropriation under s. 20.143 (1) (ie) to a  
2 technology-based nonprofit organization to provide support for a manufacturing  
3 extension center if all of the following apply:”.

4 **1723.** Page 1171, line 17: after that line insert:

5 “SECTION 3693m. 560.26 (1) (intro.) of the statutes is amended to read:

6 560.26 (1) (intro.) Subject to sub. (3), the department shall make grants from  
7 the ~~appropriation~~ appropriations under s. 20.143 (1) (c) and (kd) to the Wisconsin  
8 Procurement Institute if all of the following apply:”.

9 **1724.** Page 1172, line 22: after that line insert:

10 “SECTION 3698m. 560.61 (1) of the statutes is amended to read:

11 560.61 (1) Make a grant or loan to an eligible recipient for a project that meets  
12 the criteria for funding under s. 560.605 (1) and (2) and under s. 560.62, 560.63,  
13 560.65, or 560.66, whichever is appropriate, from the appropriations under s. 20.143  
14 (1) (c), (cb) ~~and~~, (ie), and (kd).

15 SECTION 3698p. 560.61 (3) of the statutes is amended to read:

16 560.61 (3) Make a grant under s. 560.16 from the appropriations under s.  
17 20.143 (1) (c) ~~and~~, (ie), and (kd) if the board determines that the grant meets the  
18 requirements of s. 560.16.”.

19 **1725.** Page 1173, line 1: delete “par. (b)” and substitute “pars. (b) and (c)”.

20 **1726.** Page 1173, line 8: after that line insert:

21 “SECTION 3700d. 560.70 (7) (c) of the statutes is created to read:

22 560.70 (7) (c) In s. 560.798, “tax benefits” means the development zones capital  
23 investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm) and the  
24 development zones credit under ss. 71.07 (2dx), 71.28 (1dx), and 71.47 (1dx).”.



1           **1727.** Page 1175, line 24: after that line insert:

2           “**SECTION 3708m.** 560.798 of the statutes is created to read:

3           **560.798 Agricultural development zones. (1)** In this section, “rural  
4 municipality” means any of the following:

5           (a) A city, town, or village that is located in a county with a population density  
6 of less than 150 persons per square mile.

7           (b) A city, town, or village with a population of 6,000 or less.

8           **(2)** (a) The department shall designate 2 areas in the state as agricultural  
9 development zones. Each area must be located in a rural municipality. An  
10 agricultural business that is located in an agricultural development zone and that  
11 is certified by the department under sub. (3) is eligible for tax benefits as provided  
12 in sub. (3).

13           (b) The designation of an area as an agricultural development zone shall be in  
14 effect for 10 years from the time that the department first designates the area.  
15 However, not more than \$5,000,000 in tax benefits may be claimed in an agricultural  
16 development zone. The department may change the boundaries of an agricultural  
17 development zone during the time that its designation is in effect. A change in the  
18 boundaries of an agricultural development zone does not affect the duration of the  
19 designation of the area or the maximum tax benefit amount that may be claimed in  
20 the agricultural development zone.

21           **(3)** (a) The department may certify for tax benefits in an agricultural  
22 development zone a new or expanding agricultural business that is located in the  
23 agricultural development zone. In determining whether to certify a business under

1 this subsection, the department shall consider, among other things, the number of  
2 jobs that will be created or retained by the business.

3 (b) When the department certifies an agricultural business under this  
4 subsection, the department shall establish a limit on the amount of tax benefits that  
5 the business may claim. The department shall enter into an agreement with the  
6 business that specifies the limit on the amount of tax benefits that the business may  
7 claim and reporting requirements with which the business must comply.

8 (4) (a) The department of commerce shall notify the department of revenue of  
9 all the following:

10 1. An agricultural development zone's designation.

11 2. A business' certification and the limit on the amount of tax benefits that the  
12 business may claim.

13 3. The revocation of a business' certification.

14 (b) The department shall annually verify information submitted to the  
15 department under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), or 71.47 (1dm) or  
16 (1dx).

17 (5) The department shall promulgate rules for the operation of this section,  
18 including rules related to all the following:

19 (a) Criteria for designating an area as an agricultural development zone.

20 (b) Criteria for certifying a business for tax benefits.

21 (c) Standards for establishing the limit on the amount of tax benefits that a  
22 business may claim.

23 (d) Reporting requirements for certified businesses.

24 (e) The exchange of information between the department of commerce and the  
25 department of revenue.

1 (f) Reasons for revoking a business' certification.

2 (g) Standards for changing the boundaries of an agricultural development  
3 zone.”.

4 **1728.** Page 1176, line 21: delete the material beginning with “The  
5 department” and ending with “zones.” on line 23 and substitute “The department  
6 shall designate the city of Marshfield as a technology zone and may designate up to  
7 2 more areas in the state as technology zones, for a total of 3 technology zones. The  
8 department may, with the approval of the joint committee on finance, designate up  
9 to 15 more areas in the state as technology zones, for a total of 18 technology zones.”.

10 **1729.** Page 1176, line 23: delete “6” and substitute “15”.

11 **1730.** Page 1177, line 3: delete “\$3,000,000” and substitute “\$5,000,000”.

12 **1731.** Page 1180, line 15: after that line insert:

13 “**SECTION 3734.** 601.415 (13) of the statutes is created to read:

14 601.415 (13) SUBSTANTIALLY SIMILAR HEALTH CARE BENEFITS COVERAGE RULES. The  
15 commissioner shall promulgate the rules required under s. 111.70 (4) (cm) 8s. b. and  
16 (om), setting out a standardized summary of benefits provided under health care  
17 coverage policies and plans for use in determining benefit similarities and  
18 differences among policies and plans.”.

19 **1732.** Page 1180, line 21: after that line insert:

20 “**SECTION 3737m.** 601.73 (2) (c) of the statutes is amended to read:

21 601.73 (2) (c) *Default judgment.* No plaintiff or complainant is entitled to a  
22 judgment by default in any proceeding in which process is served under this section  
23 and s. 601.72 until the expiration of 45 days after the date of mailing of the process  
24 under par. (b). If the proceeding is to foreclose or otherwise enforce a lien or security

1 interest, the plaintiff or complainant is not entitled to a judgment by default under  
2 this paragraph until the expiration of 20 days after the date of mailing of the process  
3 under par. (b).”.

4 **1733.** Page 1180, line 21: after that line insert:

5 “SECTION 3741d. 607.25 of the statutes is created to read:

6 **607.25 Loan to general fund.** No later than the first day of the 2nd month  
7 after the effective date of this section .... [revisor inserts date], the life fund shall  
8 make a loan of \$850,000 to the general fund. Interest shall accrue on the principle  
9 balance at the average rate earned by the state on its deposits in the state investment  
10 fund during the period of the loan. The general fund shall repay the loan from  
11 moneys lapsed to the general fund from the appropriation under s. 20.515 (2) (a) at  
12 the end of the 2001–03 fiscal biennium, if any, and from moneys lapsed to the general  
13 fund from the appropriation under s. 20.515 (2) (g) in the amounts specified in s.  
14 40.98 (6m). If the secretary of administration determines that the moneys lapsed  
15 from these appropriations will not be sufficient to repay the loan within a reasonable  
16 period of time, as determined by the secretary and the commissioner, the secretary  
17 shall transfer from the general fund to the life fund an amount sufficient to repay the  
18 loan.”.

19 **1734.** Page 1180, line 21: after that line insert:

20 “SECTION 3741m. 609.795 of the statutes is created to read:

21 **609.795 Prohibiting denial of payment for certain procedures.** Limited  
22 service health organizations, preferred provider plans, and managed care plans are  
23 subject to s. 632.872.”.

24 **1735.** Page 1180, line 21: after that line insert:

1           “**SECTION 3741f.** 609.10 (title) of the statutes, as affected by 1999 Wisconsin Act  
2 9, is amended to read:

3           **609.10 (title) Standard plan and point-of-service option plan required.**

4           **SECTION 3741g.** 609.10 (1) (ac) of the statutes, as created by 1999 Wisconsin  
5 Act 9, is repealed.

6           **SECTION 3741h.** 609.10 (1) (am) of the statutes, as affected by 1999 Wisconsin  
7 Act 9, is amended to read:

8           609.10 (1) (am) Except as provided in subs. (2) to (4), an employer that offers  
9 any of its employees a health maintenance organization or a preferred provider plan  
10 that provides comprehensive health care services shall also offer the employees a  
11 standard plan that provides at least substantially equivalent coverage of health care  
12 expenses and a point-of-service option plan, as provided in pars. (b) and (c).

13           **SECTION 3741i.** 609.10 (1) (c) of the statutes, as affected by 1999 Wisconsin Act  
14 9, is amended to read:

15           609.10 (1) (c) The employer shall provide the employees adequate notice of the  
16 opportunity to enroll in the health care plans under par. (am) and shall provide the  
17 employees complete and understandable information concerning the differences  
18 among between the health maintenance organization or preferred provider plan, and  
19 the standard plan and the point-of-service option plan.

20           **SECTION 3741j.** 609.10 (3) (intro.) and (a) of the statutes, as affected by 1999  
21 Wisconsin Act 9, are consolidated, renumbered 609.10 (3) and amended to read:

22           609.10 (3) Subsection (1) does not apply to an employer that ~~does any of the~~  
23 following: ~~(a) Employs~~ employs fewer than 25 full-time employees.

24           **SECTION 3741k.** 609.10 (3) (b) of the statutes, as created by 1999 Wisconsin Act  
25 9, is repealed.



1 financial incentives, for an enrollee of the health benefit plan, to use providers that  
2 are managed, owned, under contract with, or employed by the insurer offering the  
3 health benefit plan.

4 **SECTION 3741amt.** 609.01 (3m) of the statutes is amended to read:

5 609.01 (3m) “Participating” means, with respect to a physician or other  
6 provider, under contract with a managed-care defined network plan, preferred  
7 provider plan, or limited service health organization to provide health care services,  
8 items or supplies to enrollees of the managed-care defined network plan, preferred  
9 provider plan, or limited service health organization.

10 **SECTION 3741bmg.** 609.01 (4) of the statutes is amended to read:

11 609.01 (4) “Preferred provider plan” means a health care plan offered by an  
12 organization established under ch. 185, 611, 613, or 614 or issued a certificate of  
13 authority under ch. 618 that makes available to its enrollees, without referral and  
14 for consideration other than predetermined periodic fixed payments, coverage of  
15 either comprehensive health care services or a limited range of health care services,  
16 regardless of whether the health care services are performed by participating or  
17 nonparticipating providers participating in the plan.

18 **SECTION 3741bmp.** 609.01 (5) of the statutes is amended to read:

19 609.01 (5) “Primary provider” means a participating primary care physician,  
20 or other participating provider authorized by the managed-care defined network  
21 plan, preferred provider plan, or limited service health organization to serve as a  
22 primary provider, who coordinates and may provide ongoing care to an enrollee.

23 **SECTION 3741bmt.** 609.05 (1) of the statutes is amended to read:

1           609.05 (1) Except as provided in subs. (2) and (3), a limited service health  
2 organization, preferred provider plan, or ~~managed-care~~ defined network plan shall  
3 permit its enrollees to choose freely among participating providers.

4           **SECTION 3741cmg.** 609.05 (2) of the statutes is amended to read:

5           609.05 (2) Subject to s. 609.22 (4) and (4m), a limited service health  
6 organization, preferred provider plan, or ~~managed-care~~ defined network plan may  
7 require an enrollee to designate a primary provider and to obtain health care services  
8 from the primary provider when reasonably possible.

9           **SECTION 3741cmp.** 609.05 (3) of the statutes is amended to read:

10          609.05 (3) Except as provided in ss. 609.22 (4m), 609.65, and 609.655, a limited  
11 service health organization, preferred provider plan, or ~~managed-care~~ defined  
12 network plan may require an enrollee to obtain a referral from the primary provider  
13 designated under sub. (2) to another participating provider prior to obtaining health  
14 care services from that participating provider.

15          **SECTION 3741cmr.** 609.10 (5) of the statutes is amended to read:

16          609.10 (5) The commissioner may establish by rule standards in addition to  
17 ~~those~~ any established under s. 609.20 for what constitutes adequate notice and  
18 complete and understandable information under sub. (1) (c).

19          **SECTION 3741cmt.** 609.17 of the statutes is amended to read:

20          **609.17 Reports of disciplinary action.** Every limited service health  
21 organization, preferred provider plan, and ~~managed-care~~ defined network plan shall  
22 notify the medical examining board or appropriate affiliated credentialing board  
23 attached to the medical examining board of any disciplinary action taken against a  
24 participating provider who holds a license or certificate granted by the board or  
25 affiliated credentialing board.



1           **SECTION 3741dmg.** 609.20 (title) of the statutes is amended to read:

2           **609.20 (title) Rules for preferred provider and managed-care defined**  
3 **network plans.**

4           **SECTION 3741dmp.** 609.20 (intro.) of the statutes is renumbered 609.20 (1m)  
5 (intro.) and amended to read:

6           609.20 **(1m)** (intro.) The commissioner shall may promulgate rules relating to  
7 preferred provider plans and ~~managed-care~~ defined network plans for all any of the  
8 following purposes, as appropriate:

9           **SECTION 3741dmt.** 609.20 (1) of the statutes is renumbered 609.20 (1m) (a).

10          **SECTION 3741emg.** 609.20 (2) of the statutes is renumbered 609.20 (1m) (b).

11          **SECTION 3741emp.** 609.20 (2m) of the statutes is created to read:

12          609.20 **(2m)** Any rule promulgated under this chapter shall recognize the  
13 differences between preferred provider plans and other types of defined network  
14 plans, take into account the fact that preferred provider plans provide coverage for  
15 the services of nonparticipating providers, and be appropriate to the type of plan to  
16 which the rule applies.

17          **SECTION 3741emt.** 609.20 (3) of the statutes, as affected by 1999 Wisconsin Act  
18 9, is renumbered 609.20 (1m) (c).

19          **SECTION 3741fmg.** 609.20 (4) of the statutes, as affected by 2001 Wisconsin Act  
20 9, is renumbered 609.20 (1m) (d).

21          **SECTION 3741fmp.** 609.22 (1) of the statutes is amended to read:

22          609.22 **(1) PROVIDERS.** A ~~managed-care~~ defined network plan shall include a  
23 sufficient number, and sufficient types, of qualified providers to meet the anticipated  
24 needs of its enrollees, with respect to covered benefits, as appropriate to the type of  
25 plan and consistent with normal practices and standards in the geographic area.

1           **SECTION 3741fmt.** 609.22 (2) of the statutes is amended to read:

2           609.22 (2) ADEQUATE CHOICE. A ~~managed-care~~ defined network plan that is not  
3 a preferred provider plan shall ensure that, with respect to covered benefits, each  
4 enrollee has adequate choice among participating providers and that the providers  
5 are accessible and qualified.

6           **SECTION 3741gmg.** 609.22 (3) of the statutes is amended to read:

7           609.22 (3) PRIMARY PROVIDER SELECTION. A ~~managed-care~~ defined network plan  
8 that is not a preferred provider plan shall permit each enrollee to select his or her  
9 own primary provider from a list of participating primary care physicians and any  
10 other participating providers that are authorized by the ~~managed-care~~ defined  
11 network plan to serve as primary providers. The list shall be updated on an ongoing  
12 basis and shall include a sufficient number of primary care physicians and any other  
13 participating providers authorized by the plan to serve as primary providers who are  
14 accepting new enrollees.

15           **SECTION 3741gmp.** 609.22 (4) (a) 1. of the statutes is amended to read:

16           609.22 (4) (a) 1. If a ~~managed-care~~ defined network plan that is not a preferred  
17 provider plan requires a referral to a specialist for coverage of specialist services, the  
18 ~~managed-care~~ defined network plan that is not a preferred provider plan shall  
19 establish a procedure by which an enrollee may apply for a standing referral to a  
20 specialist. The procedure must specify the criteria and conditions that must be met  
21 in order for an enrollee to obtain a standing referral.

22           **SECTION 3741gmt.** 609.22 (4) (a) 2. of the statutes is amended to read:

23           609.22 (4) (a) 2. A ~~managed-care~~ defined network plan that is not a preferred  
24 provider plan may require the enrollee's primary provider to remain responsible for  
25 coordinating the care of an enrollee who receives a standing referral to a specialist.

1 A ~~managed care~~ defined network plan that is not a preferred provider plan may  
2 restrict the specialist from making any secondary referrals without prior approval  
3 by the enrollee's primary provider. If an enrollee requests primary care services from  
4 a specialist to whom the enrollee has a standing referral, the specialist, in agreement  
5 with the enrollee and the enrollee's primary provider, may provide primary care  
6 services to the enrollee in accordance with procedures established by the ~~managed~~  
7 ~~care~~ defined network plan that is not a preferred provider plan.

8 **SECTION 3741hmg.** 609.22 (4) (a) 3. of the statutes is amended to read:

9 609.22 (4) (a) 3. A ~~managed care~~ defined network plan that is not a preferred  
10 provider plan must include information regarding referral procedures in policies or  
11 certificates provided to enrollees and must provide such information to an enrollee  
12 or prospective enrollee upon request.

13 **SECTION 3741hmp.** 609.22 (4m) (a) of the statutes is amended to read:

14 609.22 (4m) (a) A ~~managed care~~ defined network plan that provides coverage  
15 of obstetric or gynecologic services may not require a female enrollee of the ~~managed~~  
16 ~~care~~ defined network plan to obtain a referral for covered obstetric or gynecologic  
17 benefits provided by a participating provider who is a physician licensed under ch.  
18 448 and who specializes in obstetrics and gynecology, regardless of whether the  
19 participating provider is the enrollee's primary provider. Notwithstanding sub. (4),  
20 the ~~managed care~~ defined network plan may not require the enrollee to obtain a  
21 standing referral under the procedure established under sub. (4) (a) for covered  
22 obstetric or gynecologic benefits.

23 **SECTION 3741hmt.** 609.22 (4m) (b) (intro.) of the statutes is amended to read:

24 609.22 (4m) (b) (intro.) A ~~managed care~~ defined network plan under par. (a)  
25 may not do any of the following:

1           **SECTION 3741img.** 609.22 (4m) (c) of the statutes is amended to read:

2           609.22 **(4m)** (c) A ~~managed-care~~ defined network plan under par. (a) shall  
3 provide written notice of the requirement under par. (a) in every policy or group  
4 certificate issued by the ~~managed-care~~ defined network plan.

5           **SECTION 3741imp.** 609.22 (5) of the statutes is amended to read:

6           609.22 **(5)** SECOND OPINIONS. A ~~managed-care~~ defined network plan shall  
7 provide an enrollee with coverage for a 2nd opinion from another participating  
8 provider.

9           **SECTION 3741imt.** 609.22 (6) (intro.) of the statutes is amended to read:

10          609.22 **(6)** EMERGENCY CARE. (intro.) Notwithstanding s. 632.85, if a ~~managed~~  
11 ~~care~~ defined network plan provides coverage of emergency services, with respect to  
12 covered benefits, the ~~managed-care~~ defined network plan shall do all of the following:

13          **SECTION 3741jmg.** 609.22 (7) of the statutes is amended to read:

14          609.22 **(7)** TELEPHONE ACCESS. A ~~managed-care~~ defined network plan that is not  
15 a preferred provider plan shall provide telephone access for sufficient time during  
16 business and evening hours to ensure that enrollees have adequate access to routine  
17 health care services for which coverage is provided under the plan. A ~~managed-care~~  
18 defined network plan that is not a preferred provider plan shall provide 24-hour  
19 telephone access to the plan or to a participating provider for emergency care, or  
20 authorization for care, for which coverage is provided under the plan.

21          **SECTION 3741jmp.** 609.22 (8) of the statutes is amended to read:

22          609.22 **(8)** ACCESS PLAN FOR CERTAIN ENROLLEES. A ~~managed-care~~ defined  
23 network plan shall develop an access plan to meet the needs, with respect to covered  
24 benefits, of its enrollees who are members of underserved populations. If a  
25 significant number of enrollees of the plan customarily use languages other than

1 English, the ~~managed-care~~ defined network plan shall provide access to translation  
2 services fluent in those languages to the greatest extent possible.

3 **SECTION 3741jmt.** 609.24 (1) (a) (intro.) of the statutes is amended to read:

4 609.24 (1) (a) (intro.) Subject to pars. (b) and (c) and except as provided in par.  
5 (d), a ~~managed-care~~ defined network plan shall, with respect to covered benefits,  
6 provide coverage to an enrollee for the services of a provider, regardless of whether  
7 the provider is a participating provider at the time the services are provided, if the  
8 ~~managed-care~~ defined network plan represented that the provider was, or would be,  
9 a participating provider in marketing materials that were provided or available to  
10 the enrollee at any of the following times:

11 **SECTION 3741kmg.** 609.24 (1) (b) (intro.) of the statutes is amended to read:

12 609.24 (1) (b) (intro.) Except as provided in par. (d), a ~~managed-care~~ defined  
13 network plan shall provide the coverage required under par. (a) with respect to the  
14 services of a provider who is a primary care physician for the following period of time:

15 **SECTION 3741kmp.** 609.24 (1) (c) (intro.) of the statutes is amended to read:

16 609.24 (1) (c) (intro.) Except as provided in par. (d), if an enrollee is undergoing  
17 a course of treatment with a participating provider who is not a primary care  
18 physician and whose participation with the plan terminates, the ~~managed-care~~  
19 defined network plan shall provide the coverage under par. (a) with respect to the  
20 services of the provider for the following period of time:

21 **SECTION 3741kmt.** 609.24 (1) (d) 1. of the statutes is amended to read:

22 609.24 (1) (d) 1. The provider no longer practices in the ~~managed-care~~ defined  
23 network plan's geographic service area.

24 **SECTION 3741Lmg.** 609.24 (1) (d) 2. of the statutes is amended to read:

1           609.24 (1) (d) 2. The insurer issuing the ~~managed-care~~ defined network plan  
2 terminates or terminated the provider's contract for misconduct on the part of the  
3 provider.

4           **SECTION 3471Lmp.** 609.24 (1) (e) 1. of the statutes is amended to read:

5           609.24 (1) (e) 1. An insurer issuing a ~~managed-care~~ defined network plan shall  
6 include in its provider contracts provisions addressing reimbursement to providers  
7 for services rendered under this section.

8           **SECTION 3741Lmt.** 609.24 (1) (e) 2. of the statutes is amended to read:

9           609.24 (1) (e) 2. If a contract between a ~~managed-care~~ defined network plan and  
10 a provider does not address reimbursement for services rendered under this section,  
11 the insurer shall reimburse the provider according to the most recent contracted  
12 rate.

13           **SECTION 3741mmb.** 609.24 (4) of the statutes is created to read:

14           609.24 (4) NOTICE OF PROVISIONS. A defined network plan shall notify all plan  
15 enrollees of the provisions under this section whenever a participating provider's  
16 participation with the plan terminates, or shall, by contract, require a participating  
17 provider to notify all plan enrollees of the provisions under this section if the  
18 participating provider's participation with the plan terminates.

19           **SECTION 3741mmd.** 609.30 (1) of the statutes is amended to read:

20           609.30 (1) PLAN MAY NOT CONTRACT. A ~~managed-care~~ defined network plan may  
21 not contract with a participating provider to limit the provider's disclosure of  
22 information, to or on behalf of an enrollee, about the enrollee's medical condition or  
23 treatment options.

24           **SECTION 3741mmf.** 609.30 (2) of the statutes is amended to read:

1           **609.30 (2) PLAN MAY NOT PENALIZE OR TERMINATE.** A participating provider may  
2 discuss, with or on behalf of an enrollee, all treatment options and any other  
3 information that the provider determines to be in the best interest of the enrollee.  
4 A ~~managed-care~~ defined network plan may not penalize or terminate the contract of  
5 a participating provider because the provider makes referrals to other participating  
6 providers or discusses medically necessary or appropriate care with or on behalf of  
7 an enrollee.

8           **SECTION 3741mmh.** 609.32 (1) (intro.) of the statutes is amended to read:

9           **609.32 (1) STANDARDS; OTHER THAN PREFERRED PROVIDER PLANS.** (intro.) A  
10 ~~managed-care~~ defined network plan that is not a preferred provider plan shall  
11 develop comprehensive quality assurance standards that are adequate to identify,  
12 evaluate, and remedy problems related to access to, and continuity and quality of,  
13 care. The standards shall include at least all of the following:

14           **SECTION 3741mmj.** 609.32 (1m) of the statutes is created to read:

15           **609.32 (1m) PROCEDURE FOR REMEDIAL ACTION; PREFERRED PROVIDER PLANS.** A  
16 preferred provider plan shall develop a procedure for remedial action to address  
17 quality problems, including written procedures for taking appropriate corrective  
18 action.

19           **SECTION 3741mmn.** 609.32 (2) (a) of the statutes is amended to read:

20           **609.32 (2) (a)** A ~~managed-care~~ defined network plan shall develop a process for  
21 selecting participating providers, including written policies and procedures that the  
22 plan uses for review and approval of providers. After consulting with appropriately  
23 qualified providers, the plan shall establish minimum professional requirements for  
24 its participating providers. The process for selection shall include verification of a



1 provider's license or certificate, including the history of any suspensions or  
2 revocations, and the history of any liability claims made against the provider.

3 **SECTION 3741mmp.** 609.32 (2) (b) (intro.) of the statutes is amended to read:

4 609.32 (2) (b) (intro.) A ~~managed-care~~ defined network plan shall establish in  
5 writing a formal, ongoing process for reevaluating each participating provider  
6 within a specified number of years after the provider's initial acceptance for  
7 participation. The reevaluation shall include all of the following:

8 **SECTION 3741mmr.** 609.32 (2) (c) of the statutes is amended to read:

9 609.32 (2) (c) A ~~managed-care~~ defined network plan may not require a  
10 participating provider to provide services that are outside the scope of his or her  
11 license or certificate.

12 **SECTION 3741mmt.** 609.34 of the statutes is renumbered 609.34 (1) and  
13 amended to read:

14 609.34 (1) A ~~managed-care~~ defined network plan that is not a preferred  
15 provider plan shall appoint a physician as medical director. The medical director  
16 shall be responsible for clinical protocols, quality assurance activities, and  
17 utilization management policies of the plan.

18 **SECTION 3741mmx.** 609.34 (2) of the statutes is created to read:

19 609.34 (2) A preferred provider plan may contract for services related to clinical  
20 protocols and utilization management. A preferred provider plan or its designee is  
21 required to appoint a medical director only to the extent that the preferred provider  
22 plan or its designee assumes direct responsibility for clinical protocols and  
23 utilization management policies of the plan. The medical director, who shall be a  
24 physician, shall be responsible for such protocols and policies of the plan.

25 **SECTION 3741mmy.** 609.35 of the statutes is created to read:



1           **609.35 Applicability of requirements to preferred provider plans.**

2           Notwithstanding ss. 609.22 (2), (3), (4), and (7), 609.32 (1), and 609.34 (1), a preferred  
3           provider plan that does not cover the same services when performed by a  
4           nonparticipating provider that it covers when those services are performed by a  
5           participating provider is subject to the requirements under ss. 609.22 (2), (3), (4), and  
6           (7), 609.32 (1), and 609.34 (1).

7           **SECTION 3741mmz.** 609.36 (1) (a) (intro.) of the statutes is amended to read:

8           609.36 (1) (a) (intro.) A ~~managed-care~~ defined network plan shall provide to the  
9           commissioner information related to all of the following:

10          **SECTION 3741nmg.** 609.36 (2) of the statutes is amended to read:

11          609.36 (2) CONFIDENTIALITY. A ~~managed-care~~ defined network plan shall  
12          establish written policies and procedures, consistent with ss. 51.30, 146.82, and  
13          252.15, for the handling of medical records and enrollee communications to ensure  
14          confidentiality.

15          **SECTION 3741nmp.** 609.38 of the statutes is amended to read:

16          **609.38 Oversight.** The office shall perform examinations of insurers that  
17          issue ~~managed-care~~ defined network plans consistent with ss. 601.43 and 601.44.  
18          The commissioner shall by rule develop standards for ~~managed-care~~ defined network  
19          plans for compliance with the requirements under this chapter.

20          **SECTION 3741nmt.** 609.65 (1) (intro.) of the statutes is amended to read:

21          609.65 (1) (intro.) If an enrollee of a limited service health organization,  
22          preferred provider plan, or ~~managed-care~~ defined network plan is examined,  
23          evaluated, or treated for a nervous or mental disorder pursuant to an emergency  
24          detention under s. 51.15, a commitment or a court order under s. 51.20 or 880.33 (4m)  
25          or (4r) or ch. 980, then, notwithstanding the limitations regarding participating

1 providers, primary providers, and referrals under ss. 609.01 (2) to (4) and 609.05 (3),  
2 the limited service health organization, preferred provider plan, or managed-care  
3 defined network plan shall do all of the following:

4 **SECTION 3741omg.** 609.65 (1) (a) of the statutes is amended to read:

5 609.65 (1) (a) If the provider performing the examination, evaluation, or  
6 treatment has a provider agreement with the limited service health organization,  
7 preferred provider plan, or managed-care defined network plan which covers the  
8 provision of that service to the enrollee, make the service available to the enrollee in  
9 accordance with the terms of the limited service health organization, preferred  
10 provider plan, or managed-care defined network plan and the provider agreement.

11 **SECTION 3741omp.** 609.65 (1) (b) (intro.) of the statutes is amended to read:

12 609.65 (1) (b) (intro.) If the provider performing the examination, evaluation  
13 or treatment does not have a provider agreement with the limited service health  
14 organization, preferred provider plan, or managed-care defined network plan which  
15 covers the provision of that service to the enrollee, reimburse the provider for the  
16 examination, evaluation, or treatment of the enrollee in an amount not to exceed the  
17 maximum reimbursement for the service under the medical assistance program  
18 under subch. IV of ch. 49, if any of the following applies:

19 **SECTION 3741omt.** 609.65 (1) (b) 1. of the statutes is amended to read:

20 609.65 (1) (b) 1. The service is provided pursuant to a commitment or a court  
21 order, except that reimbursement is not required under this subdivision if the limited  
22 service health organization, preferred provider plan, or managed-care defined  
23 network plan could have provided the service through a provider with whom it has  
24 a provider agreement.

25 **SECTION 3741pmg.** 609.65 (1) (b) 2. of the statutes is amended to read:

1           609.65 (1) (b) 2. The service is provided pursuant to an emergency detention  
2           under s. 51.15 or on an emergency basis to a person who is committed under s. 51.20  
3           and the provider notifies the limited service health organization, preferred provider  
4           plan, or ~~managed-care~~ defined network plan within 72 hours after the initial  
5           provision of the service.

6           **SECTION 3741pmp.** 609.65 (2) of the statutes is amended to read:

7           609.65 (2) If after receiving notice under sub. (1) (b) 2. the limited service health  
8           organization, preferred provider plan, or ~~managed-care~~ defined network plan  
9           arranges for services to be provided by a provider with whom it has a provider  
10          agreement, the limited service health organization, preferred provider plan, or  
11          ~~managed-care~~ plan is not required to reimburse a provider under sub. (1) (b) 2. for  
12          any services provided after arrangements are made under this subsection.

13          **SECTION 3741pmt.** 609.65 (3) of the statutes is amended to read:

14          609.65 (3) A limited service health organization, preferred provider plan, or  
15          ~~managed-care~~ defined network plan is only required to make available, or make  
16          reimbursement for, an examination, evaluation, or treatment under sub. (1) to the  
17          extent that the limited service health organization, preferred provider plan, or  
18          ~~managed-care~~ defined network plan would have made the medically necessary  
19          service available to the enrollee or reimbursed the provider for the service if any  
20          referrals required under s. 609.05 (3) had been made and the service had been  
21          performed by a participating provider.

22          **SECTION 3741qmg.** 609.655 (1) (a) 1. of the statutes is amended to read:

23          609.655 (1) (a) 1. Is covered as a dependent child under the terms of a policy  
24          or certificate issued by a ~~managed-care~~ defined network plan insurer.

25          **SECTION 3741qmp.** 609.655 (1) (a) 2. of the statutes is amended to read:

1           609.655 (1) (a) 2. Is enrolled in a school located in this state but outside the  
2 geographical service area of the ~~managed-care~~ defined network plan.

3           **SECTION 3741qmt.** 609.655 (2) of the statutes is amended to read:

4           609.655 (2) If a policy or certificate issued by a ~~managed-care~~ defined network  
5 plan insurer provides coverage of outpatient services provided to a dependent  
6 student, the policy or certificate shall provide coverage of outpatient services, to the  
7 extent and in the manner required under sub. (3), that are provided to the dependent  
8 student while he or she is attending a school located in this state but outside the  
9 geographical service area of the ~~managed-care~~ defined network plan,  
10 notwithstanding the limitations regarding participating providers, primary  
11 providers, and referrals under ss. 609.01 (2) and 609.05 (3).

12           **SECTION 3741rmg.** 609.655 (3) (intro.) of the statutes is amended to read:

13           609.655 (3) (intro.) Except as provided in sub. (5), a ~~managed-care~~ defined  
14 network plan shall provide coverage for all of the following services:

15           **SECTION 3741rmp.** 609.655 (3) (a) of the statutes is amended to read:

16           609.655 (3) (a) A clinical assessment of the dependent student's nervous or  
17 mental disorders or alcoholism or other drug abuse problems, conducted by a  
18 provider described in s. 632.89 (1) (e) 2. or 3. who is located in this state and in  
19 reasonably close proximity to the school in which the dependent student is enrolled  
20 and who may be designated by the ~~managed-care~~ defined network plan.

21           **SECTION 3741smg.** 609.655 (3) (b) (intro.) of the statutes is amended to read:

22           609.655 (3) (b) (intro.) If outpatient services are recommended in the clinical  
23 assessment conducted under par. (a), the recommended outpatient services  
24 consisting of not more than 5 visits to an outpatient treatment facility or other  
25 provider that is located in this state and in reasonably close proximity to the school

1 in which the dependent student is enrolled and that may be designated by the  
2 ~~managed care~~ defined network plan, except as follows:

3 **SECTION 3741smp.** 609.655 (3) (b) 1. of the statutes is amended to read:

4 609.655 (3) (b) 1. Coverage is not required under this paragraph if the medical  
5 director of the ~~managed care~~ defined network plan determines that the nature of the  
6 treatment recommended in the clinical assessment will prohibit the dependent  
7 student from attending school on a regular basis.

8 **SECTION 3741smt.** 609.655 (4) (a) of the statutes is amended to read:

9 609.655 (4) (a) Upon completion of the 5 visits for outpatient services covered  
10 under sub. (3) (b), the medical director of the ~~managed care~~ defined network plan and  
11 the clinician treating the dependent student shall review the dependent student's  
12 condition and determine whether it is appropriate to continue treatment of the  
13 dependent student's nervous or mental disorders or alcoholism or other drug abuse  
14 problems in reasonably close proximity to the school in which the student is enrolled.  
15 The review is not required if the dependent student is no longer enrolled in the school  
16 or if the coverage limits under the policy or certificate for treatment of nervous or  
17 mental disorders or alcoholism or other drug abuse problems have been exhausted.

18 **SECTION 3741tmg.** 609.655 (4) (b) of the statutes is amended to read:

19 609.655 (4) (b) Upon completion of the review under par. (a), the medical  
20 director of the ~~managed care~~ defined network plan shall determine whether the  
21 policy or certificate will provide coverage of any further treatment for the dependent  
22 student's nervous or mental disorder or alcoholism or other drug abuse problems that  
23 is provided by a provider located in reasonably close proximity to the school in which  
24 the student is enrolled. If the dependent student disputes the medical director's  
25 determination, the dependent student may submit a written grievance under the

1 ~~managed-care~~ defined network plan's internal grievance procedure established  
2 under s. 632.83.

3 **SECTION 3741tmp.** 609.655 (5) (a) of the statutes is amended to read:

4 609.655 (5) (a) A policy or certificate issued by a ~~managed-care~~ defined network  
5 plan insurer is required to provide coverage for the services specified in sub. (3) only  
6 to the extent that the policy or certificate would have covered the service if it had been  
7 provided to the dependent student by a participating provider within the  
8 geographical service area of the ~~managed-care~~ defined network plan.

9 **SECTION 3741tmt.** 609.655 (5) (b) of the statutes is amended to read:

10 609.655 (5) (b) Paragraph (a) does not permit a ~~managed-care~~ defined network  
11 plan to reimburse a provider for less than the full cost of the services provided or an  
12 amount negotiated with the provider, solely because the reimbursement rate for the  
13 service would have been less if provided by a participating provider within the  
14 geographical service area of the ~~managed-care~~ defined network plan.

15 **SECTION 3741umg.** 609.70 of the statutes is amended to read:

16 **609.70 Chiropractic coverage.** Limited service health organizations,  
17 preferred provider plans, and ~~managed-care~~ defined network plans are subject to s.  
18 632.87 (3).

19 **SECTION 3741ump.** 609.75 of the statutes is amended to read:

20 **609.75 Adopted children coverage.** Limited service health organizations,  
21 preferred provider plans, and ~~managed-care~~ defined network plans are subject to s.  
22 632.896. Coverage of health care services obtained by adopted children and children  
23 placed for adoption may be subject to any requirements that the limited service  
24 health organization, preferred provider plan, or ~~managed-care~~ defined network plan

1 imposes under s. 609.05 (2) and (3) on the coverage of health care services obtained  
2 by other enrollees.

3 **SECTION 3741umt.** 609.77 of the statutes is amended to read:

4 **609.77 Coverage of breast reconstruction.** Limited service health  
5 organizations, preferred provider plans, and ~~managed-care~~ defined network plans  
6 are subject to s. 632.895 (13).

7 **SECTION 3741vmg.** 609.78 of the statutes is amended to read:

8 **609.78 Coverage of treatment for the correction of**  
9 **temporomandibular disorders.** Limited service health organizations, preferred  
10 provider plans, and ~~managed-care~~ defined network plans are subject to s. 632.895  
11 (11).

12 **SECTION 3741vmp.** 609.79 of the statutes is amended to read:

13 **609.79 Coverage of hospital and ambulatory surgery center charges**  
14 **and anesthetics for dental care.** Limited service health organizations, preferred  
15 provider plans, and ~~managed-care~~ defined network plans are subject to s. 632.895  
16 (12).

17 **SECTION 3741vmt.** 609.80 of the statutes is amended to read:

18 **609.80 Coverage of mammograms.** ~~Managed-care~~ Defined network plans  
19 are subject to s. 632.895 (8). Coverage of mammograms under s. 632.895 (8) may be  
20 subject to any requirements that the ~~managed-care~~ defined network plan imposes  
21 under s. 609.05 (2) and (3) on the coverage of other health care services obtained by  
22 enrollees.

23 **SECTION 3741wmg.** 609.81 of the statutes is amended to read:

24 **609.81 Coverage related to HIV infection.** Limited service health  
25 organizations, preferred provider plans, and ~~managed-care~~ defined network plans



1 are subject to s. 631.93. ~~Managed-care~~ Defined network plans are subject to s.  
2 632.895 (9).

3 **SECTION 3741wmp.** 609.82 of the statutes is amended to read:

4 **609.82 Coverage without prior authorization for emergency medical**  
5 **condition treatment.** Limited service health organizations, preferred provider  
6 plans, and ~~managed-care~~ defined network plans are subject to s. 632.85.

7 **SECTION 3741wmt.** 609.83 of the statutes is amended to read:

8 **609.83 Coverage of drugs and devices.** Limited service health  
9 organizations, preferred provider plans, and ~~managed-care~~ defined network plans  
10 are subject to s. 632.853.

11 **SECTION 3741xmg.** 609.84 of the statutes is amended to read:

12 **609.84 Experimental treatment.** Limited service health organizations,  
13 preferred provider plans, and ~~managed-care~~ defined network plans are subject to s.  
14 632.855.

15 **SECTION 3741xmp.** 609.88 of the statutes is amended to read:

16 **609.88 Coverage of immunizations.** ~~Managed-care~~ Defined network plans  
17 are subject to s. 632.895 (14).

18 **SECTION 3741xmr.** 609.89 of the statutes is amended to read:

19 **609.89 Written reason for coverage denial.** Limited service health  
20 organizations, preferred provider plans, and ~~managed-care~~ defined network plans  
21 are subject to s. 631.17.

22 **SECTION 3741xmt.** 609.90 of the statutes is amended to read:

23 **609.90 Restrictions related to domestic abuse.** Limited service health  
24 organizations, preferred provider plans, and ~~managed-care~~ defined network plans  
25 are subject to s. 631.95.”.



1           **1737.** Page 1181, line 3: after that line insert:

2           “**SECTION 3760rm.** 632.872 of the statutes is created to read:

3           **632.872 Prohibiting denial of payment for certain procedures. (1)** In  
4 this section:

5           (a) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

6           (b) “Medicare Part B” means the federal supplementary medical insurance  
7 program under 42 USC 1395j to 1395w–2.

8           **(2)** An insurer may not deny payment under an individual or group disability  
9 insurance policy or a certificate of group disability insurance for a medical or surgical  
10 service or procedure on the basis that the service or procedure is an integral  
11 component of a 2nd medical or surgical service or procedure unless, under medicare  
12 Part B, payment for the first service or procedure is included in the payment for the  
13 2nd service or procedure.”.

14           **1738.** Page 1181, line 12: after that line insert:

15           “**SECTION 3766e.** 635.02 (2) of the statutes is amended to read:

16           635.02 **(2)** “Case characteristics” means the demographic, actuarially based  
17 characteristics of the employees of a small employer, and the employer, if covered,  
18 such as age, sex, and geographic location ~~and occupation~~, used by a small employer  
19 insurer to determine premium rates for a small employer. “Case characteristics”  
20 does not include loss or claim history, health status, occupation, duration of coverage,  
21 or other factors related to claim experience.

22           **SECTION 3766ec.** 635.02 (3e) of the statutes is created to read:

23           635.02 **(3e)** “Eligible employee” has the meaning given in s. 632.745 (5) (a).

24           **SECTION 3766ef.** 635.02 (7) of the statutes is amended to read:

1           635.02 (7) “Small employer” means, with respect to a calendar year and a plan  
2 year, an employer that employed an average of at least 2 but not more than 50 eligible  
3 employees on business days during the preceding calendar year, or that is reasonably  
4 expected to employ an average of at least 2 but not more than 50 eligible employees  
5 on business days during the current calendar year if the employer was not in  
6 existence during the preceding calendar year, and that employs at least 2 eligible  
7 employees on the first day of the plan year.

8           **SECTION 3766f.** 635.05 (2) (a) 2. of the statutes is amended to read:

9           635.05 (2) (a) 2. An adjustment, not to exceed 15% per year, adjusted  
10 proportionally for rating periods of less than one year, for such rating factors as claim  
11 experience, health status, occupation, and duration of coverage, determined in  
12 accordance with the small employer insurer’s rate manual or rating procedures.

13           **SECTION 3766g.** 635.05 (7) of the statutes is created to read:

14           635.05 (7) Specifying the manner in which rates must be published under s.  
15 635.12.

16           **SECTION 3766j.** 635.12 of the statutes is created to read:

17           **635.12 Annual publication of rates.** Every small employer insurer shall  
18 annually publish the small employer insurer’s current new business premium rates.  
19 The rates shall be published in the manner and according to categories required by  
20 rule under s. 635.05 (7). New business premium rates for coverage under the health  
21 care coverage program under subch. X of ch. 40 shall be published as required under  
22 s. 40.98 (2) (d).”.

23           **1739.** Page 1181, line 12: after that line insert:

24           **“SECTION 3763f.** 632.895 (14) (c) of the statutes is amended to read:

1           632.895 (14) (c) The coverage required under par. (b) may not be subject to any  
2 deductibles, copayments, or coinsurance under the policy or plan. This paragraph  
3 applies to a ~~managed-care~~ defined network plan, as defined in s. 609.01 (3e) (1b), only  
4 with respect to appropriate and necessary immunizations provided by providers  
5 participating, as defined in s. 609.01 (3m), in the plan.

6           **SECTION 3763g.** 632.895 (14) (d) 3. of the statutes is amended to read:

7           632.895 (14) (d) 3. A health care plan offered by a limited service health  
8 organization, as defined in s. 609.01 (3), or by a preferred provider plan, as defined  
9 in s. 609.01 (4), that is not a ~~managed-care~~ defined network plan, as defined in s.  
10 609.01 (3e) (1b).”.

11           **1740.** Page 1182, line 2: after that line insert:

12           **“SECTION 3768m.** 704.07 (5) of the statutes is created to read:

13           704.07 (5) CARPET CLEANING. (a) Notwithstanding subs. (1), (2) (a), and (3) (a),  
14 a landlord may deduct from a tenant’s security deposit at the end of the tenant’s  
15 tenancy carpet cleaning costs incurred by the landlord due to normal wear and tear  
16 of the carpet if all of the following apply:

17           1. The landlord provided the tenant with a written document separate from the  
18 lease regarding the deduction for carpet cleaning costs.

19           2. The document was entitled “Nonstandard Rental Provisions.”

20           3. The conditions required by rule under par. (b) are satisfied.

21           (b) The department of agriculture, trade and consumer protection shall  
22 promulgate a rule that specifies conditions that must be satisfied in order for a  
23 landlord to deduct from a security deposit the carpet cleaning costs specified in par.  
24 (a).”.

1           **1741.** Page 1182, line 6: after that line insert:

2           “**SECTION 3773m.** 753.075 (2) (a) and (b) of the statutes are amended to read:

3           753.075 **(2)** (a) Any person who has served a total of 6 or more years as a  
4           supreme court justice, a court of appeals judge or a circuit judge and who was not  
5           defeated at the most recent time that he or she sought election to a circuit court  
6           judgeship.

7           (b) Any person who was eligible to serve as a reserve judge before May 1, 1992,  
8           and who was not defeated at the most recent time that he or she sought election to  
9           a circuit court judgeship.”.

10          **1742.** Page 1182, line 6: after that line insert:

11          “**SECTION 3770.** 704.90 (10) (c) of the statutes is amended to read:

12          704.90 **(10)** (c) Forfeitures under par. (a) shall be enforced by action on behalf  
13          of the state by the department of justice agriculture, trade and consumer protection  
14          or by the district attorney of the county where the violation occurs.”.

15          **1743.** Page 1182, line 6: after that line insert:

16          “**SECTION 3773m.** 710.20 of the statutes is created to read:

17          **710.20 Nudity prohibited on state-owned or state-managed land. (1)**

18          In this section:

19          (a) “In public” means in a place where a person does not have a reasonable  
20          expectation of privacy.

21          (b) “Nude” means not wearing a fully opaque covering over the genitals, pubic  
22          area, or buttocks or not wearing a fully opaque covering over the female breast below  
23          the top of the nipple.

24          (c) “State agency” has the meaning given for “agency” in s. 16.70 (1).

1           **(2)** No person may intentionally be nude in public on land that is owned,  
2 managed, supervised, or controlled by a state agency.

3           **(3)** A person who violates sub. (2) shall forfeit not more than \$1,000.”.

4           **1744.** Page 1185, line 6: after that line insert:

5           “**SECTION 3781d.** 758.19 (8) of the statutes is created to read:

6           758.19 **(8)** (a) From the appropriation under s. 20.625 (1) (c), the director of  
7 state courts shall reimburse counties up to 4 times each year for the actual expenses  
8 paid for interpreters required by circuit courts to assist persons with limited English  
9 proficiency under s. 885.38 (8) (a) 1. The amount of the reimbursement for mileage  
10 shall be 20 cents per mile going and returning from his or her residence if within the  
11 state; or, if without the state, from the point where he or she crosses the state  
12 boundary to the place of attendance, and returning by the usually traveled route  
13 between such points. The amount of the maximum hourly reimbursement for court  
14 interpreters shall be as follows:

15           1. Forty dollars for the first hour and \$20 for each additional 0.5 hour for  
16 qualified interpreters certified under the requirements and procedures approved by  
17 the supreme court.

18           2. Thirty dollars for the first hour and \$15 for each additional 0.5 hour for  
19 qualified interpreters, as defined in s. 885.38 (1) (c).

20           (b) To receive reimbursement under par. (a), a county must submit, on forms  
21 provided by the director of state courts, an accounting of the amount paid for  
22 expenses related to court interpreters that are eligible for reimbursement under par.  
23 (a). The forms must include expenses for the preceding 3–month period and must  
24 be submitted within 90 days after that 3–month period has ended. The director of

1 state courts may not reimburse a county for any expenses related to court  
2 interpreters that are submitted after the 90-day period has ended. Reimbursement  
3 under par. (a) first applies to court interpreter expenses incurred on the effective date  
4 of this paragraph .... [revisor inserts date].”.

5 **1745.** Page 1186, line 25: after that line insert:

6 “**SECTION 3785c.** 765.15 of the statutes is amended to read:

7 **765.15 Fee to county clerk.** Each county clerk shall receive as a fee for each  
8 license granted the sum of \$49.50, of which \$24.50 shall become a part of the funds  
9 of the county, and \$25, which shall be paid into the state treasury. The county shall  
10 use \$20 of the amount that it retains from each license fee only for expenses incurred  
11 under s. 767.11. Each county board may increase the license fee of \$49.50 by any  
12 amount, which by up to \$40, for a total fee not exceeding \$65. The amount by which  
13 the license fee is increased over \$25 shall become a part of the funds of the county.  
14 The clerk shall also receive a standard notary fee of 50 cents for each license granted  
15 which may be retained by the clerk if operating on a fee or part fee basis, but which  
16 otherwise shall become part of the funds of the county may but is not required to use  
17 for expenses incurred under s. 767.11 any portion of the amount that it retains, if any,  
18 from each license fee.”.

19 **1746.** Page 1188, line 7: after that line insert:

20 “**SECTION 3786ec.** 767.24 (4) (d) of the statutes is renumbered 767.24 (4) (d)  
21 (intro.) and amended to read:

22 767.24 (4) (d) (intro.) If the court grants periods of physical placement to more  
23 than one parent, it shall order do all of the following:

1           1. Order a parent with legal custody and physical placement rights to provide  
2 the notice required under s. 767.327 (1).

3           **SECTION 3786ed.** 767.24 (4) (d) 2. of the statutes is created to read:

4           767.24 **(4)** (d) 2. Advise the parents of the prohibition under sub. (6) (f) 1.

5           **SECTION 3786ef.** 767.24 (6) (f) of the statutes is created to read:

6           767.24 **(6)** (f) 1. Notwithstanding s. 767.327 (1) to (6), and except as provided  
7 in subd. 2., if the court grants periods of physical placement with a child to both  
8 parents, a parent may not take the child to a country that has not ratified or acceded  
9 to the Hague Convention on the Civil Aspects of International Child Abduction  
10 unless the other parent agrees in writing that the child may be taken to the country.  
11 This prohibition shall be included in the order of physical placement.

12           2. If a parent who has physical placement with a child desires or intends to take  
13 the child to a country specified in subd. 1. and the other parent refuses or fails to  
14 agree in writing that the child may be taken to such country, the parent who desires  
15 or intends to take the child may, with notice to the other parent, file a motion,  
16 petition, or order to show cause with the court for permission to take the child. The  
17 court may grant the parent permission to take the child after considering, among  
18 other things, the likelihood that the parent will promptly return the child by the time  
19 represented by that parent.”.

20           **1747.** Page 1190, line 16: after that line insert:

21           **“SECTION 3788m.** 767.27 (2) of the statutes is amended to read:

22           767.27 **(2)** ~~Except as provided in sub. (2m), disclosure~~ Disclosure forms  
23 required under this section shall be filed within 90 days after the service of summons  
24 or the filing of a joint petition or at such other time as ordered by the court or family

1 court commissioner. Information contained on such forms shall be updated on the  
2 record to the date of hearing.

3 **SECTION 3788p.** 767.27 (2m) of the statutes is amended to read:

4 767.27 (2m) In every action in which the court has ordered a party to pay child  
5 support under s. 767.25, 767.51 or 767.62 (4) or family support under s. 767.261 and  
6 the circumstances specified in s. 767.075 (1) apply this chapter, including an action  
7 to revise a judgment or order under s. 767.32, the court shall require the party who  
8 is ordered to pay the support to annually furnish the disclosure form required under  
9 this section and may require that party to annually furnish a copy of his or her most  
10 recently filed state and federal income tax returns to the county child support agency  
11 under s. 59.53 (5) for the county in which the order was entered. In any action in  
12 which the court has ordered a party to pay child support under s. 767.25, 767.51 or  
13 767.62 (4) or family support under s. 767.261, the court may require the party who  
14 is ordered to pay the support to annually furnish the disclosure form required under  
15 this section and a copy of his or her most recently filed state and federal income tax  
16 returns to the party for whom the support has been awarded parties annually to  
17 exchange financial information. A party who fails to furnish the information as  
18 required by the court under this subsection may be proceeded against for contempt  
19 of court under ch. 785. If the court finds that a party has failed to furnish the  
20 information required under this subsection, the court may award to the party  
21 bringing the action costs and, notwithstanding s. 814.04 (1), reasonable attorney  
22 fees.”.

23 **1748.** Page 1191, line 25: after that line insert:

24 “**SECTION 3793b.** 767.30 (4) of the statutes is amended to read:



1           767.30 (4) Upon the request of a county, the department of natural resources  
2 fish, wildlife, parks, and forestry shall provide the county with a list of the names and  
3 addresses of all of the owners of boats that have a valid certificate of number or  
4 registration that has been issued by the department under s. 30.52. The department  
5 shall prepare the list annually before May 31 of each year.”.

6           **1749.** Page 1193, line 7: after that line insert:

7           “SECTION 3793fm. 767.327 (6m) of the statutes is created to read:

8           767.327 (6m) TAKING A CHILD TO CERTAIN FOREIGN COUNTRIES. Section 767.24 (6)  
9 (f) applies instead of subs. (1) to (6) if the court grants periods of physical placement  
10 with a child to both parents and a parent desires or intends to take the child to a  
11 country that has not ratified or acceded to the Hague Convention on the Civil Aspects  
12 of International Child Abduction, regardless of the length of time that the parent  
13 desires or intends to remove the child from this state.”.

14           **1750.** Page 1195, line 22: delete lines 22 to 24 and substitute:

15           “(5) (a) Nothing in this section affects a party’s right to file at any time a motion,  
16 petition, or order to show cause under s. 767.32 for revision of a judgment or order  
17 with respect to an amount of child or family support.

18           (b) Nothing in this section affects a party’s right to move the court for a finding  
19 of contempt of court or for remedial sanctions under ch. 785 if the other party  
20 unreasonably fails to provide or disclose information required under this section or  
21 unreasonably fails or refuses to sign a stipulation for an annual adjustment.”.

22           **1751.** Page 1198, line 16: after that line insert:

23           “SECTION 3798v. 778.104 (title) of the statutes is amended to read:

1           **778.104** (title) **Department of natural resources fish, wildlife, parks**  
2 **and forestry and department of environmental management forfeitures;**  
3 **how recovered.**

4           **SECTION 3798w.** 778.104 of the statutes is renumbered 778.104 (1) and  
5 amended to read:

6           778.104 (1) If there is a conflict with this chapter, the procedure in ss. 23.50 to  
7 23.85 shall be followed in actions to recover forfeitures for the violation of those  
8 ~~natural resources~~ laws enumerated in s. 23.50.

9           **SECTION 3798x.** 778.104 (2) of the statutes is created to read:

10           778.104 (2) If there is a conflict with this chapter, the procedure in ss. 278.50  
11 to 278.90 shall be followed in actions to recover forfeitures for the violation of the laws  
12 enumerated in s. 278.51 (1).”.

13           **1752.** Page 1200, line 8: after that line insert:

14           “**SECTION 3816m.** 779.41 (2) of the statutes is amended to read:

15           779.41 (2) Every keeper of a garage or repair shop who alters, repairs or does  
16 any work on any detached accessory, fitting or part of an automobile, truck,  
17 motorcycle, moped, low-speed vehicle, motor bicycle or similar motor vehicle or  
18 bicycle at the request of the owner or legal possessor thereof, shall have a lien upon  
19 and may retain possession of any such accessory, fitting or part until the charges for  
20 such alteration, repairing or other work have been paid. If the detached article  
21 becomes attached to such motor vehicle or bicycle while in the possession of the  
22 keeper, the keeper has a lien on the motor vehicle or bicycle under sub. (1).”.

23           **1753.** Page 1200, line 8: after that line insert:

24           “**SECTION 3816f.** 778.30 (1) (intro.) of the statutes is amended to read:



1 vs. S U M M O N S

2 C. D.

3 Address .... (Case Classification Type): .... (Code No.)

4 City, State Zip Code

5 , Defendant

6 \_\_\_\_\_

7 THE STATE OF WISCONSIN, To each person named above as a Defendant:

8 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
9 other legal action against you. The complaint, which is attached, states the nature  
10 and basis of the legal action.

11 Within ~~45~~ (20) ~~(45)~~ days of receiving this summons, you must respond with a  
12 written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
13 complaint. The court may reject or disregard an answer that does not follow the  
14 requirements of the statutes. The answer must be sent or delivered to the court,  
15 whose address is ....., and to ....., Plaintiff’s attorney, whose address is ....., You may  
16 have an attorney help or represent you.

17 If you do not provide a proper answer within ~~45~~ (20) ~~(45)~~ days, the court may  
18 grant judgment against you for the award of money or other legal action requested  
19 in the complaint, and you may lose your right to object to anything that is or may be  
20 incorrect in the complaint. A judgment may be enforced as provided by law. A  
21 judgment awarding money may become a lien against any real estate you own now  
22 or in the future, and may also be enforced by garnishment or seizure of property.

23 Dated: ....., .... (year)

24 Signed: .... ....





1 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

2

3 A. B.

4 Address

5 City, State Zip Code File No. ....

6 , Plaintiff

7 vs. S U M M O N S

8 C. D.

9 Address .... (Case Classification Type): .... (Code No.)

10 City, State Zip Code

11 , Defendant

12

13 THE STATE OF WISCONSIN, To each person named above as a Defendant:

14 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
15 other legal action against you. The complaint, which is also served upon you, states  
16 the nature and basis of the legal action.

17 Within 45 ~~(20)~~ (45) days after ....., .... (year), you must respond with a written  
18 answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
19 complaint. The court may reject or disregard an answer that does not follow the  
20 requirements of the statutes. The answer must be sent or delivered to the court,  
21 whose address is ....., and to ....., Plaintiff’s attorney, whose address is ....., You may  
22 have an attorney help or represent you.

23 If you do not provide a proper answer within 45 ~~(20)~~ (45) days, the court may  
24 grant judgment against you for the award of money or other legal action requested

1 in the complaint, and you may lose your right to object to anything that is or may be  
2 incorrect in the complaint. A judgment may be enforced as provided by law. A  
3 judgment awarding money may become a lien against any real estate you own now  
4 or in the future, and may also be enforced by garnishment or seizure of property.

5 Dated: ....., .... (year)

6 Signed: .... ....

7 A. B., Plaintiff

8 or

9 E. F., Plaintiff’s Attorney

10 State Bar No.: ....

11 Address: ....

12 City, State Zip Code: ....

13 Phone No: ....

14 **SECTION 3828jm.** 801.095 (4) of the statutes is amended to read:

15 801.095 (4) NO PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

16 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

17 \_\_\_\_\_

18 A. B.

19 Address

20 City, State Zip Code File No. ....

21 , Plaintiff

22 vs. S U M M O N S

23 C. D.

24 Address .... (Case Classification Type): .... (Code No.)



1 City, State Zip Code  
2 , Defendant

3 \_\_\_\_\_

4 THE STATE OF WISCONSIN, To each person named above as a Defendant:  
5 You are hereby notified that the plaintiff named above has filed a lawsuit or  
6 other legal action against you.

7 Within 45 (20) (45) days after ....., .... (year), you must respond with a written  
8 demand for a copy of the complaint. The demand must be sent or delivered to the  
9 court, whose address is ....., and to ....., Plaintiff’s attorney, whose address is ....., You  
10 may have an attorney help or represent you.

11 If you do not demand a copy of the complaint within 45 (20) (45) days, the court  
12 may grant judgment against you for the award of money or other legal action  
13 requested in the complaint, and you may lose your right to object to anything that  
14 is or may be incorrect in the complaint. A judgment may be enforced as provided by  
15 law. A judgment awarding money may become a lien against any real estate you own  
16 now or in the future, and may also be enforced by garnishment or seizure of property.

17 Dated: ....., .... (year)

Signed: .... ....

A. B., Plaintiff

or

E. F., Plaintiff’s Attorney

State Bar No.: ....

Address: ....

City, State Zip Code: ....

24

1 Phone No: ....

2 **SECTION 3828jr.** 802.06 (1) of the statutes is amended to read:

3 802.06 (1) WHEN PRESENTED. Except as provided in sub. (1m) or when a court  
4 dismisses an action or special proceeding under s. 802.05 (3), a defendant shall serve  
5 an answer within 45 days after the service of the complaint upon the defendant. If  
6 Except as provided in sub. (1m), if a guardian ad litem is appointed for a defendant,  
7 the guardian ad litem shall have 45 days after appointment to serve the answer. A  
8 party served with a pleading stating a cross-claim against the party shall serve an  
9 answer thereto within 45 days after the service upon the party. The plaintiff shall  
10 serve a reply to a counterclaim in the answer within 45 days after service of the  
11 answer. The state or an agency of the state or an officer, employee or agent of the  
12 state shall serve an answer to the complaint or to a cross-claim or a reply to a  
13 counterclaim within 45 days after service of the pleading in which the claim is  
14 asserted. If any pleading is ordered by the court, it shall be served within 45 days  
15 after service of the order, unless the order otherwise directs. The service of a motion  
16 permitted under sub. (2) alters these periods of time as follows, unless a different  
17 time is fixed by order of the court: if the court denies the motion or postpones its  
18 disposition until the trial on the merits, the responsive pleading shall be served  
19 within 10 days after notice of the court's action; or if the court grants a motion for a  
20 more definite statement, the responsive pleading shall be served within 10 days after  
21 the service of the more definite statement.

22 **SECTION 3828js.** 802.06 (1m) of the statutes is created to read:

23 802.06 (1m) ENFORCEMENT OF LIEN OR SECURITY INTEREST. If the proceeding is  
24 to foreclose or otherwise enforce a lien or security interest, the defendant or guardian

1 ad litem shall serve an answer within 20 days after the service of the complaint upon  
2 the defendant or 20 days after appointment of the guardian ad litem.

3 **SECTION 3828jt.** 802.06 (6) of the statutes is amended to read:

4 802.06 (6) MOTION TO STRIKE. Upon motion made by a party before responding  
5 to a pleading or, if no responsive pleading is permitted upon motion made by a party  
6 within 45 days after the service of the pleading upon the party, or within 20 days after  
7 the service if the proceeding is to foreclose or otherwise enforce a lien or security  
8 interest, or upon the court's own initiative at any time, the court may order stricken  
9 from any pleading any insufficient defense or any redundant, immaterial,  
10 impertinent, scandalous or indecent matter.

11 **SECTION 3828jv.** 802.09 (1) of the statutes is amended to read:

12 802.09 (1) AMENDMENTS. A party may amend the party's pleading once as a  
13 matter of course at any time within 6 months after the summons and complaint are  
14 filed or within the time set in a scheduling order under s. 802.10. Otherwise a party  
15 may amend the pleading only by leave of court or by written consent of the adverse  
16 party; and leave shall be freely given at any stage of the action when justice so  
17 requires. A party shall plead in response to an amended pleading within 45 days  
18 after service of the amended pleading, or within 20 days after the service if the  
19 proceeding is to foreclose or otherwise enforce a lien or security interest, unless (a)  
20 the court otherwise orders or (b) no responsive pleading is required or permitted  
21 under s. 802.01 (1).”.

22 **1755.** Page 1208, line 2: after that line insert:

23 “**SECTION 3832j.** 814.615 (1) (a) 1. of the statutes is amended to read:

1           814.615 (1) (a) 1. For the first mediation session conducted upon referral under  
2 s. 767.11 (5), no a fee of \$100.”.

3           **1756.** Page 1208, line 4: after that line insert:

4           “**SECTION 3832L.** 814.615 (2) of the statutes is amended to read:

5           814.615 (2) In lieu of the any fee under sub. (1) (a) ~~2. or 3.~~, a county may  
6 establish a fee schedule to recover its reasonable costs of providing family court  
7 counseling services under s. 767.11. A fee schedule established under this subsection  
8 may apply in lieu of the fee any or all fees under sub. (1) (a) ~~2. or 3. or both,~~ and shall  
9 require no fee for the first mediation session conducted upon referral under s. 767.11  
10 ~~(5).~~; shall provide for payment for ~~any other~~ services based on the parties’ ability to  
11 pay; ~~and,~~ and shall take into account the fees the county collects under s. 814.61 (1)  
12 (b) and (7) (b). Fees shall be based on services actually provided. The county may  
13 not collect a single fee applicable without regard to the number of sessions or services  
14 provided. Subject to sub. (3), the county shall provide family court counseling  
15 services to the parties even if both parties are unable to pay.”.

16           **1757.** Page 1208, line 14: delete lines 14 and 15 and substitute:

17           “**SECTION 3836dd.** 814.67 (1) (am) of the statutes is created to read:

18           814.67 (1) (am) For witnesses attending before a circuit court, \$16 per day.

19           **SECTION 3836f.** 814.67 (1) (b) (intro.) of the statutes is amended to read:

20           814.67 (1) (b) (intro.) For attending before ~~any other court~~ the court of appeals  
21 or the supreme court:

22           **SECTION 3836g.** 814.67 (1) (b) 2. of the statutes is amended to read:

23           814.67 (1) (b) 2. For interpreters, \$35 ~~per one-half day~~ a fee determined by the  
24 supreme court.”.

1           **1758.** Page 1209, line 3: after that line insert:

2           “**SECTION 3838sg.** 823.08 (3) (c) 1. of the statutes is amended to read:

3           823.08 **(3)** (c) 1. Subject to subd. 2., if a court requests the department of  
4 agriculture, trade and consumer protection or the department of ~~natural resources~~  
5 environmental management for suggestions under par. (b) 2. a., the department of  
6 agriculture, trade and consumer protection or the department of ~~natural resources~~  
7 environmental management shall advise the court concerning the relevant  
8 provisions of the performance standards, prohibitions, conservation practices and  
9 technical standards under s. 281.16 (3).

10           **SECTION 3836sj.** 823.085 (2) (intro.) of the statutes is amended to read:

11           823.085 **(2)** (intro.) In any action finding a solid waste facility or the operation  
12 of a solid waste facility to be a public or private nuisance, if the solid waste facility  
13 was licensed under s. 289.31 (1) and was operated in substantial compliance with the  
14 license, the plan of operation for the solid waste facility approved by the department  
15 of ~~natural resources~~ environmental management and the rules promulgated under  
16 s. 289.05 (1) that apply to the facility, then all of the following apply:

17           **SECTION 3836sk.** 823.085 (2) (b) of the statutes is amended to read:

18           823.085 **(2)** (b) The department of ~~natural resources~~ environmental  
19 management shall comply with a request by the court to provide suggestions for  
20 practices to reduce the offensive aspects of the nuisance.”.

21           **1759.** Page 1209, line 3: after that line insert:

22           “**SECTION 3836t.** 818.05 of the statutes is amended to read:

23           **818.05 Bond, liability of plaintiff for support.** Before making the order for  
24 arrest the court or judge shall require a bond of the plaintiff, with or without sureties,

1 to the effect that if the plaintiff fails to recover, the plaintiff will pay all costs that may  
2 be awarded to the defendant and all damages which the defendant may sustain by  
3 reason of the arrest, not exceeding the sum specified in the bond, which shall be at  
4 least \$100. If the bond be executed by the plaintiff without sureties the plaintiff shall  
5 annex thereto an affidavit that the plaintiff is a resident and householder or  
6 freeholder within the state and worth double the sum specified in the bond above all  
7 of the plaintiff's debts and liabilities in property in this state not exempt from  
8 execution. ~~The plaintiff shall be liable for support of the defendant while the~~  
9 ~~defendant is in jail, as specified in s. 898.14 (1).~~ This section does not apply to an  
10 order for arrest in an action to determine paternity or to any action under ch. 767  
11 brought by the state or its designee.”.

12 **1760.** Page 1211, line 9: delete the material beginning with that line and  
13 ending with page 1214, line 15, and substitute:

14 “SECTION 3852d. 885.37 (title) of the statutes is amended to read:

15 **885.37 (title) Interpreters for persons with language difficulties or**  
16 **hearing or speaking impairments in municipal courts and administrative**  
17 **agency contested cases.**

18 SECTION 3852g. 885.37 (1) (a) of the statutes is repealed.

19 SECTION 3852m. 885.37 (1) (b) of the statutes is amended to read:

20 885.37 (1) (b) If a municipal court has notice that a person who ~~fits any of the~~  
21 ~~criteria under par. (a)~~ is a juvenile or parent subject to ch. 938, or who is a witness  
22 in a proceeding under ch. 938, has a language difficulty because of the inability to  
23 speak or understand English, has a hearing impairment, is unable to speak or has  
24 a speech defect, the court shall make a factual determination of whether the

1 language difficulty or the hearing or speaking impairment is sufficient to prevent the  
2 individual from communicating with his or her attorney, reasonably understanding  
3 the English testimony or reasonably being understood in English. If the court  
4 determines that an interpreter is necessary, the court shall advise the person that  
5 he or she has a right to a qualified interpreter and that, if the person cannot afford  
6 one, an interpreter will be provided for him or her at the public's expense. Any waiver  
7 of the right to an interpreter is effective only if made voluntarily in person, in open  
8 court and on the record.

9 **SECTION 3852r.** 885.37 (2) of the statutes is amended to read:

10 885.37 (2) A municipal court may authorize the use of an interpreter in actions  
11 or proceedings in addition to those specified in sub. (1) (b).

12 **SECTION 3853g.** 885.37 (4) (a) of the statutes is repealed and recreated to read:

13 885.37 (4) (a) The necessary expense of furnishing an interpreter for an  
14 indigent person in a municipal court shall be paid by the municipality.

15 **SECTION 3853m.** 885.37 (5) (a) of the statutes is amended to read:

16 885.37 (5) (a) If a municipal court under sub. (1) (b) or (2) or an agency under  
17 sub. (3) decides to appoint an interpreter, the court or agency shall follow the  
18 applicable procedure under par. (b) or (c).

19 **SECTION 3860m.** 885.38 of the statutes is created to read:

20 **885.38 Interpreters in circuit and appellate courts. (1)** In this section:

21 (a) "Court proceeding" means any proceeding before a court of record.

22 (b) "Limited English proficiency" means any of the following:

23 1. The inability, because of the use of a language other than English, to  
24 adequately understand or communicate effectively in English in a court proceeding.

1           2. The inability, due to a speech impairment, hearing loss, deafness,  
2 deaf-blindness, or other disability, to adequately hear, understand, or communicate  
3 effectively in English in a court proceeding.

4           (c) “Qualified interpreter” means a person who is able to do all of the following:

5           1. Readily communicate with a person who has limited English proficiency.

6           2. Orally transfer the meaning of statements to and from English and the  
7 language spoken by a person who has limited English proficiency in the context of  
8 a court proceeding.

9           3. Readily and accurately interpret for a person who has limited English  
10 proficiency, without omissions or additions, in a manner that conserves the meaning,  
11 tone, and style of the original statement, including dialect, slang, and specialized  
12 vocabulary.

13           **(2)** The supreme court shall establish the procedures and policies for the  
14 recruitment, training, and certification of persons to act as qualified interpreters in  
15 a court proceeding and for the coordination, discipline, retention, and training of  
16 those interpreters.

17           **(3)** (a) In criminal proceedings and in proceedings under ch. 48, 51, 55, or 938,  
18 if the court determines that the person has limited English proficiency and that an  
19 interpreter is necessary, the court shall advise the person that he or she has the right  
20 to a qualified interpreter and that, if the person cannot afford one, an interpreter will  
21 be provided at the public’s expense if the person is one of the following:

22           1. A party in interest.

23           2. A witness, while testifying in a court proceeding.

24           3. An alleged victim, as defined in s. 950.02 (4).



1           4. A parent or legal guardian of a minor party in interest or the legal guardian  
2 of a party in interest.

3           5. Another person affected by the proceedings, if the court determines that the  
4 appointment is necessary and appropriate.

5           (b) The court may appoint more than one qualified interpreter in a court  
6 proceeding when necessary.

7           (c) If a person with limited English proficiency, as defined in sub. (1) (b) 2., is  
8 part of a jury panel in a court proceeding, the court shall appoint a qualified  
9 interpreter for that person.

10          (d) If a person with limited English proficiency requests the assistance of the  
11 clerk of circuit courts regarding a legal proceeding, the clerk may provide the  
12 assistance of a qualified interpreter to respond to the person's inquiry.

13          (e) A qualified interpreter appointed under this subsection may, with the  
14 approval of the court, provide interpreter services outside the court room that are  
15 related to the court proceedings, including during court-ordered psychiatric or  
16 medical exams or mediation.

17          (f) A court may authorize the use of a qualified interpreter in actions or  
18 proceedings in addition to those specified in par. (a).

19          **(4)** (a) The court may accept the waiver of the right to a qualified interpreter  
20 by a person with limited English proficiency at any point in the court proceeding if  
21 the court advises the person of the nature and effect of the waiver and determines  
22 on the record that the waiver has been made knowingly, intelligently, and  
23 voluntarily.

1           (b) At any point in the court proceeding, for good cause, the person with limited  
2 English proficiency may retract his or her waiver and request that a qualified  
3 interpreter be appointed.

4           **(5)** Every qualified interpreter, before commencing his or her duties in a court  
5 proceeding, shall take a sworn oath that he or she will make a true and impartial  
6 interpretation. The supreme court may approve a uniform oath for qualified  
7 interpreters.

8           **(6)** Any party to a court proceeding may object to the use of any qualified  
9 interpreter for good cause. The court may remove a qualified interpreter for good  
10 cause.

11           **(7)** The delay resulting from the need to locate and appoint a qualified  
12 interpreter may constitute good cause for the court to toll the time limitations in the  
13 court proceeding.

14           **(8)** (a) Except as provided in par. (b), the necessary expenses of providing  
15 qualified interpreters to indigent persons with limited English proficiency under  
16 this section shall be paid as follows:

17           1. The county in which the circuit court is located shall pay the expenses in all  
18 proceedings before a circuit court and when the clerk of circuit court uses a qualified  
19 interpreter under sub. (3) (d). The county shall be reimbursed as provided in s.  
20 758.19 (8) for expenses paid under this subdivision.

21           2. The court of appeals shall pay the expenses in all proceedings before the court  
22 of appeals.

23           3. The supreme court shall pay the expenses in all proceedings before the  
24 supreme court.

1 (b) The state public defender shall pay the expenses for interpreters assisting  
2 the state public defender in representing an indigent person in preparing for court  
3 proceedings.”.

4 **1761.** Page 1214, line 15: after that line insert:

5 “SECTION 3862bp. 891.04 of the statutes is amended to read:

6 **891.04 Certificate as to public lands.** The certificate of the executive  
7 secretary appointed under s. 24.55 under the official seal, that any specified piece or  
8 tract of land belongs to or is mortgaged to the state, or that the state has any interest,  
9 legal or equitable, in that land shall be presumptive evidence of the facts so stated.  
10 The certificate of the secretary of ~~natural resources~~ fish, wildlife, parks, and forestry  
11 under the official seal of the department that authority has been given to any person,  
12 naming the person, to seize timber or other materials specified in ch. 26 shall be  
13 presumptive evidence of the fact so stated.”.

14 **1762.** Page 1214, line 15: after that line insert:

15 “SECTION 3862. 889.29 (1) of the statutes is amended to read:

16 889.29 (1) If any business, institution or member of a profession or calling in  
17 the regular course of business or activity has kept or recorded any memorandum,  
18 writing, entry, print, representation or combination thereof, of any act, transaction,  
19 occurrence or event, and in the regular course of business has caused any or all of the  
20 same to be recorded, copied or reproduced by any photographic, photostatic,  
21 microfilm, microcard, miniature photographic, or other process which accurately  
22 reproduces or forms a durable medium for so reproducing the original, or to be  
23 recorded on an optical disk or in electronic format, the original may be destroyed in  
24 the regular course of business, unless its preservation is required by law. Such

1 reproduction or optical disk record, when reduced to comprehensible format and  
2 when satisfactorily identified, is as admissible in evidence as the original itself in any  
3 judicial or administrative proceeding whether the original is in existence or not and  
4 an enlargement or facsimile of such reproduction of a record or an enlarged copy of  
5 a record generated from an original record stored in optical disk or electronic format  
6 is likewise admissible in evidence if the original reproduction is in existence and  
7 available for inspection under direction of court. The introduction of a reproduced  
8 record, enlargement or facsimile, does not preclude admission of the original. This  
9 subsection does not apply to records governed by s. 137.20.”

10 **1763.** Page 1217, line 25: after that line insert:

11 “SECTION **3862wg.** 893.575 of the statutes is created to read:

12 **893.575 Actions concerning illegal drug use. (1)** Except as otherwise  
13 provided in this section, an action under s. 895.92 shall be commenced within two  
14 years after the cause of action accrues or be barred. A cause of action under s. 895.92  
15 accrues when a person who may recover has reason to know of the harm from illegal  
16 drug use that is the basis for the cause of action and has reason to know that the  
17 illegal drug use is the cause of the harm.

18 **(2)** For a plaintiff, the time limit under this section is tolled while the individual  
19 potential plaintiff is incapacitated by the use of an illegal drug to the extent that the  
20 individual cannot reasonably be expected to seek recovery under s. 895.92. For a  
21 defendant, the time limit under this section is tolled until six months after the  
22 individual potential defendant is convicted of a criminal drug offense.

23 **(3)** The time limit under this section for an action under s. 895.92 based on  
24 participation in the illegal drug market that occurred prior to the effective date of

1 this subsection .... [revisor inserts date], does not begin to run until the effective date  
2 of this subsection .... [revisor inserts date].”.

3 **1764.** Page 1218, line 4: after “948.095” insert “against the person who  
4 committed the act”.

5 **1765.** Page 1218, line 8: after that line insert:

6 “SECTION 3862y. 893.73 (2) (a) of the statutes is amended to read:

7 893.73 (2) (a) An action under s. 60.73 contesting an act of a town board or the  
8 department of ~~natural resources~~ environmental management in the establishment  
9 of a town sanitary district.”.

10 **1766.** Page 1218, line 8: after that line insert:

11 “SECTION 3862yg. 893.66 (title) of the statutes is amended to read:

12 **893.66 (title) Accountants Certified public accountants; limitations of**  
13 **actions.**

14 SECTION 3862yr. 893.66 (1) of the statutes is amended to read:

15 893.66 (1) Except as provided in subs. (1m) to (4), an action to recover damages,  
16 based on tort, contract or other legal theory, against any certified public accountant  
17 licensed or certified under ch. 442 for an act or omission in the performance of  
18 professional accounting services shall be commenced within 6 years from the date  
19 of the act or omission or be barred.”.

20 **1767.** Page 1219, line 4: after that line insert:

21 “SECTION 3871g. 895.90 of the statutes is created to read:

22 **895.90 Short title.** Sections 895.90 to 895.95 shall be known as the “Drug  
23 Dealer Liability Law.”

24 SECTION 3871j. 895.91 of the statutes is created to read:

1           **895.91 Definitions.** In ss. 895.90 to 895.95:

2           **(1)** “Illegal drug” means a controlled substance or controlled substance analog  
3 whose distribution is a violation of s. 961.41.

4           **(2)** “Illegal drug market” means the support system of illegal drug related  
5 operations, from production to retail sales, through which an illegal drug reaches the  
6 user.

7           **(3)** “Individual drug user” means the individual whose illegal drug use is the  
8 basis of an action brought under s. 895.92.

9           **(4)** “Level 1 offense” means possession of 7 grams or more, but less than 113  
10 grams, or distribution of less than 28 grams of a specified illegal drug other than  
11 marijuana, or possession of 454 grams or more, but less than 1.8 kilograms, of  
12 marijuana, or possession of 25 plants or more, but less than 50 plants, containing  
13 tetrahydrocannabinols, or distribution of less than 454 grams of marijuana.

14           **(5)** “Level 2 offense” means possession of 113 grams or more, but less than 227  
15 grams, or distribution of 28 grams or more, but less than 56 grams, of a specified  
16 illegal drug other than marijuana, or possession of 1.8 kilograms or more, but less  
17 than 3.6 kilograms of marijuana, or possession of 50 plants or more, but less than 75  
18 plants, containing tetrahydrocannabinols, or distribution of more than 454 grams,  
19 but less than 2.3 kilograms, of marijuana.

20           **(6)** “Level 3 offense” means possession of 227 grams or more, but less than 454  
21 grams, or distribution of 56 grams or more, but less than 113 grams, of a specified  
22 illegal drug other than marijuana, or possession of 3.6 kilograms or more, but less  
23 than 7.3 kilograms of marijuana, or possession of 75 plants or more, but less than 100  
24 plants, containing tetrahydrocannabinols, or distribution of more than 2.3  
25 kilograms, but less than 4.5 kilograms, of marijuana.

1           **(7)** “Level 4 offense” means possession of 454 grams or more or distribution of  
2           113 grams or more of a specified illegal drug other than marijuana, or possession of  
3           7.3 kilograms or more of marijuana, or possession of 100 plants or more containing  
4           tetrahydrocannabinols, or distribution of 4.5 kilograms or more of marijuana.

5           **(8)** “Marijuana” has the meaning given in s. 961.01 (14).

6           **(9)** “Participate in the illegal drug market” means to distribute, possess with  
7           an intent to distribute, commit an act intended to facilitate the marketing or  
8           distribution of, or agree to distribute, possess with an intent to distribute, or commit  
9           an act intended to facilitate the marketing and distribution of an illegal drug.  
10          “Participate in the illegal drug market” does not include the purchase or receipt of  
11          an illegal drug for personal use only.

12          **(10)** “Period of illegal drug use” means, in relation to the individual drug user,  
13          the time of the individual’s first use of an illegal drug to the accrual of the cause of  
14          action under s. 895.92. The period of illegal drug use is presumed to commence 2  
15          years before the cause of action accrues unless the defendant proves otherwise by  
16          clear and convincing evidence.

17          **(11)** “Place of illegal drug activity” means, in relation to the individual drug  
18          user and unless the defendant proves otherwise by clear and convincing evidence,  
19          each assembly district in which a claim is made that the individual possesses or uses  
20          an illegal drug or in which the individual resides, attends school, or is employed  
21          during the period of the individual’s illegal drug use.

22          **(12)** “Place of participation” means, in relation to a defendant in an action  
23          brought under s. 895.92, each assembly district in which the person participates in  
24          the illegal drug market or in which the person resides, attends school, or is employed  
25          during the period of the person’s participation in the illegal drug market.

1           **SECTION 3871k.** 895.92 of the statutes is created to read:

2           **895.92 Liability for participation in the illegal drug market. (1)** A  
3 person who knowingly participates in the illegal drug market within this state is  
4 liable for civil damages as provided in this section. A person may recover damages  
5 under this section for injury resulting from an individual's use of an illegal drug.

6           **(2)** A law enforcement officer or agency, the state, or a person acting at the  
7 direction of a law enforcement officer or agency or the state, is not liable for  
8 participating in the illegal drug market, if the participation is in furtherance of an  
9 official investigation.

10           **(3)** One or more of the following persons may bring an action for damages  
11 caused by an individual's use of an illegal drug:

12           (a) A parent, legal guardian, child, spouse, or sibling of the individual drug  
13 user.

14           (b) An individual who was exposed to an illegal drug in utero.

15           (c) An employer of the individual drug user.

16           (d) A medical facility, insurer, governmental entity, employer, or other entity  
17 that funds a drug treatment program or employee assistance program for the  
18 individual drug user or that otherwise expended money on behalf of the individual  
19 drug user.

20           (e) A person injured as a result of the willful, reckless, or negligent actions of  
21 an individual drug user.

22           **(4)** A person entitled to bring an action under this section may seek damages  
23 from one or more of the following:

24           (a) A person who knowingly distributed, or knowingly participated in the chain  
25 of distribution of, an illegal drug that was used by the individual drug user.



1 (b) A person who knowingly participated in the illegal drug market if all of the  
2 following apply:

3 1. The place of illegal drug activity by the individual drug user is within the  
4 illegal drug market target community of the person under s. 895.93 (2).

5 2. The person's participation in the illegal drug market was connected with the  
6 same type of illegal drug used by the individual drug user.

7 3. The person participated in the illegal drug market at any time during the  
8 individual drug user's period of illegal drug use.

9 **(5)** A person entitled to bring an action under this section may recover all of  
10 the following:

11 (a) Economic damages, including the cost of treatment and rehabilitation,  
12 medical expenses, loss of economic or educational potential, loss of productivity,  
13 absenteeism, support expenses, accidents or injury, and any other pecuniary loss  
14 proximately caused by the illegal drug use.

15 (b) Non-economic damages, including physical and emotional pain, suffering,  
16 physical impairment, emotional distress, mental anguish, disfigurement, loss of  
17 enjoyment, loss of companionship, services, and consortium, and other nonpecuniary  
18 losses proximately caused by an individual's use of an illegal drug.

19 (c) Exemplary damages.

20 (d) Reasonable attorney fees.

21 (e) Costs of the suit, including reasonable expenses for expert testimony.

22 **(6)** (a) An individual drug user may not bring an action for damages under this  
23 section caused by the use of an illegal drug, except as provided in this subsection.

24 An individual drug user may bring an action for damages caused by the use of an  
25 illegal drug only if all of the following conditions are met:

1           1. The individual personally discloses to law enforcement authorities, more  
2 than 6 months before filing the action, all of the information known to the individual  
3 regarding all that individual's sources of illegal drugs.

4           2. The individual has not used an illegal drug within the 6 months before filing  
5 the action.

6           3. The individual continues to remain free of the use of an illegal drug  
7 throughout the pendency of the action.

8           (b) A person entitled to bring an action under this subsection may seek  
9 damages only from a person who distributed, or is in the chain of distribution of, an  
10 illegal drug that was actually used by the individual drug user.

11           (c) A person entitled to bring an action under this subsection may recover only  
12 the following damages:

13           1. Economic damages, including, but not limited to, the cost of treatment,  
14 rehabilitation, and medical expenses, loss of economic or educational potential, loss  
15 of productivity, absenteeism, accidents or injury, and any other pecuniary loss  
16 proximately caused by the person's illegal drug use.

17           2. Reasonable attorney fees.

18           3. Costs of the suit, including reasonable expenses for expert testimony.

19           **SECTION 3871m.** 895.93 of the statutes is created to read:

20           **895.93 Third party cases and target communities. (1)** A third party may  
21 not pay damages awarded under s. 895.92, or provide a defense or money for a  
22 defense, on behalf of an insured under a contract of insurance or indemnification.

23           **(2)** A person whose participation in the illegal drug market constitutes the  
24 following level of offense shall be considered to have the following illegal drug market  
25 target community:

1 (a) For a level 1 offense, all assembly districts that comprise the person's place  
2 of participation.

3 (b) For a level 2 offense, the target community described in par. (a) plus all  
4 assembly districts with a border contiguous to that target community.

5 (c) For a level 3 offense, the target community described in par. (b) plus all  
6 assembly districts with a border contiguous to that target community.

7 (d) For a level 4 offense, the state.

8 **SECTION 3871p.** 895.94 of the statutes is created to read:

9 **895.94 Joinder, responsibility, contribution, and standard of proof. (1)**

10 JOINDER OF PARTIES. (a) Two or more persons may join in one action under s. 895.92  
11 as plaintiffs if their respective actions have at least one place of illegal drug activity  
12 in common and if any portion of the period of illegal drug use for one plaintiff overlaps  
13 with the period of illegal drug use for every other plaintiff.

14 (b) Two or more persons may be joined in one action under s. 895.92 as  
15 defendants if those persons are liable to at least one plaintiff.

16 (c) A plaintiff need not be interested in obtaining and a defendant need not be  
17 interested in defending against all the relief demanded. Judgment may be given for  
18 one or more plaintiffs according to their respective rights to relief and against one  
19 or more defendants according to their respective liabilities.

20 **(2) COMPARATIVE RESPONSIBILITY.** (a) Section 895.045 applies to an action under  
21 s. 895.92.

22 (b) The burden of proving the comparative negligence of the plaintiff is on the  
23 defendant, which shall be shown by clear and convincing evidence.

24 (c) Comparative negligence may not be attributed to a plaintiff who is not an  
25 individual drug user.

1           **(3) CONTRIBUTION AMONG AND RECOVERY FROM MULTIPLE DEFENDANTS.** A person  
2 subject to liability under s. 895.92 has a right of action for contribution against  
3 another person subject to liability under that section. Contribution may be enforced  
4 either in the original action or by a separate action brought for that purpose. A  
5 plaintiff may seek recovery in accordance with s. 895.92 and existing law against a  
6 person whom a defendant has asserted a right of contribution.

7           **(4) STANDARD OF PROOF: EFFECT OF CRIMINAL DRUG CONVICTION.** (a) Proof of  
8 participation in the illegal drug market in an action brought under s. 895.92 shall  
9 be shown by clear and convincing evidence. Except as otherwise provided in ss.  
10 895.91 to 895.95, other elements of the cause of action shall be shown by a  
11 preponderance of the evidence.

12           (b) A person against whom recovery is sought who has a criminal conviction  
13 under ch. 961 or 21 USC 801 to 971, is estopped from denying participation in the  
14 illegal drug market. Such a conviction is also prima facie evidence of the person's  
15 participation in the illegal drug market during the two years preceding the date of  
16 an act giving rise to a conviction.

17           (c) The absence of a criminal conviction described under par. (b) of a person  
18 against whom recovery is sought does not bar an action against that person.

19           **SECTION 3871r.** 895.95 of the statutes is created to read:

20           **895.95 Attachment, execution, and stay. (1)** Except as provided in sub. (3),  
21 a plaintiff under s. 895.92 may request an ex parte prejudgment attachment order  
22 from the court against all assets of a defendant sufficient to satisfy a potential award.  
23 If attachment is instituted, a defendant is entitled to an immediate hearing.  
24 Attachment may be lifted if the defendant demonstrates that the assets will be

1 available for a potential award or if the defendant posts a bond sufficient to cover a  
2 potential award.

3 (2) A person against whom a judgment has been rendered under s. 895.92 is  
4 not eligible to exempt any property, of whatever kind, from process to levy or process  
5 to execute on the judgment.

6 (3) Any assets sought to satisfy a judgment in an action under s. 895.92 that  
7 are named in a forfeiture action or that have been seized for forfeiture by any state  
8 or federal agency may not be used to satisfy a judgment unless and until the assets  
9 have been released following the conclusion of the forfeiture action or released by the  
10 agency that seized the assets.

11 (4) The district attorney may represent the state or a political subdivision of  
12 the state in an action brought under s. 895.92.

13 (5) On motion by a governmental agency involved in a drug investigation or  
14 prosecution, an action brought under s. 895.92 shall be stayed until the completion  
15 of the criminal investigation or prosecution that gave rise to the motion for a stay of  
16 the action.”.

17 **1768.** Page 1219, line 4: after that line insert:

18 “**SECTION 3871m.** 895.78 of the statutes is created to read:

19 **895.78 Limiting felon’s right to damages.** (1) No person may recover  
20 damages for an injury to real or personal property if the injury was incurred while  
21 committing, or as a result of committing, an act that constituted a felony and the  
22 person was convicted of a felony for that act.

1           **(2)** No person may recover damages for death or for personal injury if the injury  
2 or death was incurred while committing, or as a result of committing, an act that  
3 constituted a felony and the person was convicted of a felony for that act.”.

4           **1769.** Page 1219, line 4: after that line insert:

5           “**SECTION 3871t.** 895.80 (1) of the statutes is amended to read:

6           895.80 **(1)** Any person who suffers damage or loss by reason of intentional  
7 conduct that occurs on or after November 1, 1995, and that is prohibited under s.  
8 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 ~~or~~, 943.61, or  
9 943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and  
10 that is prohibited under s. 943.201, has a cause of action against the person who  
11 caused the damage or loss.

12           **SECTION 3871u.** 895.80 (3m) of the statutes is created to read:

13           895.80 **(3m)** (a) In this subsection, “plant” includes the material taken,  
14 extracted, or harvested from a plant, or a seed or other plant material that is being  
15 used or that will be used to grow or develop a plant.

16           (b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01  
17 (2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred  
18 in litigating the action and, when determining the damages recoverable under sub.  
19 (3), shall include the market value of the plant before the damage or destruction, and  
20 the costs of production, research, testing, replacement, and plant development  
21 directly related to the plant that has been damaged or destroyed.

22           **SECTION 3871w.** 895.80 (5) of the statutes is amended to read:

23           895.80 **(5)** No person may bring a cause of action under both this section and  
24 s. 95.195, 943.212, 943.245 or 943.51 regarding the same incident or occurrence. If

1 the plaintiff has a cause of action under both this section and s. 943.212, 943.245 or  
2 943.51 regarding the same incident or occurrence, the plaintiff may choose which  
3 action to bring. If the plaintiff has a cause of action under both this section and s.  
4 95.195, the plaintiff must bring the action under s. 95.195.”.

5 **1770.** Page 1219, line 4: after that line insert:

6 “**SECTION 3867c.** 895.52 (3) (b) of the statutes is amended to read:

7 895.52 **(3)** (b) A death or injury caused by a malicious act or by a malicious  
8 failure to warn against an unsafe condition of which an officer, employee or agent  
9 knew, which occurs on property designated by the department of ~~natural resources~~  
10 fish, wildlife, parks, and forestry under s. 23.115 or designated by another state  
11 agency for a recreational activity.

12 **SECTION 3867f.** 895.53 (1) (a) of the statutes is amended to read:

13 895.53 **(1)** (a) “Conservation warden” means a person appointed as a  
14 conservation warden by the department of ~~natural resources~~ fish, wildlife, parks,  
15 and forestry under s. 23.10 (1).

16 **SECTION 3867k.** 895.55 (2) (b) of the statutes is amended to read:

17 895.55 **(2)** (b) The assistance, advice or care was consistent with the national  
18 contingency plan or the state contingency plan or was otherwise directed by the  
19 federal on-scene coordinator or the secretary of ~~natural resources~~ environmental  
20 management.

21 **SECTION 3867p.** 895.56 (2) (c) of the statutes is amended to read:

22 895.56 **(2)** (c) The acts or omissions involving petroleum-contaminated soil on  
23 the property were required by reasonably precise specifications in the contract  
24 entered into under s. 84.06 (2), and the acts or omissions conformed to those

1 specifications, or were otherwise directed by the department of transportation or by  
2 the department of ~~natural resources~~ environmental management.

3 **SECTION 3867s.** 895.56 (3) (c) of the statutes is amended to read:

4 895.56 (3) (c) The person fails to warn the department of transportation or the  
5 department of ~~natural resources~~ environmental management about the presence of  
6 petroleum-contaminated soil encountered at the site, if the  
7 petroleum-contaminated soil was reasonably known to the person but not to the  
8 department of transportation or to the department of ~~natural resources~~  
9 environmental management.

10 **SECTION 3867w.** 895.57 (3) of the statutes is amended to read:

11 895.57 (3) Subsection (2) does not apply to any humane officer, local health  
12 officer, peace officer, employee of the department of ~~natural resources~~ fish, wildlife,  
13 parks, and forestry while on any land licensed under s. 29.865, 29.867, 29.869 or  
14 29.871 or designated as a wildlife refuge under s. 29.621 (1) or employee of the  
15 department of agriculture, trade and consumer protection if the officer's or  
16 employee's acts are in good faith and in an apparently authorized and reasonable  
17 fulfillment of his or her duties.

18 **SECTION 3867y.** 895.58 (1) (a) of the statutes is amended to read:

19 895.58 (1) (a) "Department" means the department of ~~natural resources~~  
20 environmental management.

21 **SECTION 3869b.** 895.58 (1) (d) of the statutes is amended to read:

22 895.58 (1) (d) "Special waste" means any solid waste that is characterized for  
23 beneficial use in public works projects by the department of ~~natural resources~~  
24 environmental management."



1           **1771.** Page 1219, line 4: after that line insert:

2           “**SECTION 3871m.** 895.81 of the statutes is created to read:

3           **895.81 Civil action for domestic abuse or sexual assault. (1)** Any person  
4 who suffers damages as the result of intentional conduct that is prohibited under s.  
5 940.225, or as the result of domestic abuse, as defined in s. 813.12 (1) (a), has a cause  
6 of action against the person who caused the damage.

7           **(2)** The burden of proof in a civil action under sub. (1) is with the person who  
8 suffers damage or loss to prove his or her case by a preponderance of the credible  
9 evidence.

10           **(3)** If the plaintiff prevails in a civil action under sub. (1), he or she may recover  
11 all of the following:

12           (a) Treble damages.

13           (b) All costs of investigation and litigation that were reasonably incurred.

14           **(4)** A person may bring a civil action under sub. (1) regardless of whether there  
15 has been a criminal action related to the loss or damage under sub. (1) and regardless  
16 of the outcome of any such criminal action.”.

17           **1772.** Page 1219, line 4: after that line insert:

18           “**SECTION 3871m.** 898.14 of the statutes is repealed.”.

19           **1773.** Page 1219, line 9: substitute “885.38 (1) (b).” for “885.37 (1g).”.

20           **1774.** Page 1219, line 21: after that line insert:

21           “**SECTION 3874.** 910.01 (1) of the statutes is amended to read:

22           910.01 **(1)** WRITINGS AND RECORDINGS. “Writings” and “recordings” consist of  
23 letters, words or numbers, or their equivalent, set down by handwriting, typewriting,

1 printing, photostating, photographing, magnetic impulse, mechanical or electronic  
2 recording, or other form of data compilation or recording.

3 **SECTION 3875.** 910.02 of the statutes is amended to read:

4 **910.02 Requirement of original.** To prove the content of a writing, recording  
5 or photograph, the original writing, recording or photograph is required, except as  
6 otherwise provided in chs. 901 to 911, s. 137.21, or by other statute.

7 **SECTION 3876.** 910.03 of the statutes is amended to read:

8 **910.03 Admissibility of duplicates.** A duplicate is admissible to the same  
9 extent as an original unless (1) a genuine question is raised as to the authenticity of  
10 the original or (2) in the circumstances it would be unfair to admit the duplicate in  
11 lieu of the original. This section does not apply to records of transactions governed  
12 by s. 137.21.”.

13 **1775.** Page 1219, line 21: after that line insert:

14 “**SECTION 3878.** 938.17 (2) (d) of the statutes is amended to read:

15 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
16 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
17 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
18 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
19 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
20 imposed by the municipal court, the court may not impose a jail sentence but may  
21 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
22 years, ~~or, unless the forfeiture was imposed for violating an ordinance unrelated to~~  
23 ~~the juvenile’s operation of a motor vehicle, may suspend the juvenile’s operating~~  
24 ~~privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years~~

1 more than 2 years. If a court suspends a license or privilege under this section, the  
2 court shall immediately take possession of the applicable license and forward it to  
3 the department that issued the license, together with the notice of suspension clearly  
4 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
5 the forfeiture is paid during the period of suspension, the court shall immediately  
6 notify the department, which shall thereupon return the license to the person.”.

7 **1776.** Page 1219, line 21: after that line insert:

8 “SECTION 3876x. 938.02 (15) of the statutes is amended to read:

9 938.02 (15) “Relative” means a parent, grandparent, greatgrandparent,  
10 stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt, whether by  
11 blood, marriage, or adoption.”.

12 **1777.** Page 1223, line 4: after that line insert:

13 “SECTION 3889r. 938.30 (5) (c) (intro.) of the statutes is amended to read:

14 938.30 (5) (c) (intro.) If the court finds that the juvenile was not responsible by  
15 reason of mental disease or defect, as described under s. 971.15 (1) ~~and (2)~~ (1g) (a)  
16 and (1r), the court shall dismiss the petition with prejudice and shall also do one of  
17 the following:”.

18 **1778.** Page 1223, line 4: after that line insert:

19 “SECTION 3887. 938.21 (5) (b) of the statutes is renumbered 938.21 (5) (b)  
20 (intro.) and amended to read:

21 938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of  
22 his or her home shall also describe include all of the following:

23 1. A description of any efforts that were made to permit the juvenile to remain  
24 at home and the services that are needed to ensure the juvenile’s well-being, to

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

3 **SECTION 3888.** 938.21 (5) (b) 2. of the statutes is created to read:

4 938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a  
5 placement recommended by the intake worker, a statement that the court approves  
6 the placement recommended by the intake worker or, if the juvenile is placed outside  
7 the home in a placement other than a placement recommended by the intake worker,  
8 a statement that the court has given bona fide consideration to the recommendations  
9 made by the intake worker and all parties relating to the placement of the juvenile.”.

10 **1779.** Page 1223, line 7: after that line insert:

11 “**SECTION 3894.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act  
12 185, is amended to read:

13 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
14 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
15 maximum forfeiture that the court may impose under this subsection for a violation  
16 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
17 for committing that violation or, if the violation is applicable only to a person under  
18 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
19 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
20 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
21 other alternatives under this section, in accordance with the conditions specified in  
22 this chapter; or the court may suspend any license issued under ch. 29 for not less  
23 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~  
24 ~~violating an ordinance unrelated to the juvenile’s operation of a motor vehicle, may~~

1 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
2 than 2 years. If the court suspends any license under this subsection, the clerk of the  
3 court shall immediately take possession of the suspended license and forward it to  
4 the department which issued the license, together with a notice of suspension clearly  
5 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
6 the forfeiture is paid during the period of suspension, the suspension shall be reduced  
7 to the time period which has already elapsed and the court shall immediately notify  
8 the department which shall then return the license to the juvenile. Any recovery  
9 under this subsection shall be reduced by the amount recovered as a forfeiture for  
10 the same act under s. 938.45 (1r) (b).

11 **SECTION 3895.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act  
12 185, is amended to read:

13 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
14 be imposed on an adult for committing that violation or, if the violation is only  
15 applicable to a person under 18 years of age, \$50. Any such order shall include a  
16 finding that the juvenile alone is financially able to pay and shall allow up to 12  
17 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
18 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~  
19 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~  
20 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
21 more than 2 years. The court shall immediately take possession of the suspended  
22 license and forward it to the department which issued the license, together with the  
23 notice of suspension clearly stating that the suspension is for failure to pay a  
24 forfeiture imposed by the court. If the forfeiture is paid during the period of  
25 suspension, the court shall immediately notify the department, which will thereupon

1 return the license to the person. Any recovery under this subsection shall be reduced  
2 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).”.

3 **1780.** Page 1223, line 7: after that line insert:

4 “**SECTION 3897.** 938.355 (2) (b) 6m. of the statutes is created to read:

5 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement  
6 recommended by the agency designated under s. 938.33 (1), a statement that the  
7 court approves the placement recommended by the agency or, if the juvenile is placed  
8 outside the home in a placement other than a placement recommended by that  
9 agency, a statement that the court has given bona fide consideration to the  
10 recommendations made by the agency and all parties relating to the juvenile’s  
11 placement.”.

12 **1781.** Page 1223, line 20: after that line insert:

13 “**SECTION 3901.** 938.357 (2v) of the statutes is created to read:

14 938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
15 placement would place the juvenile outside the home in a placement recommended  
16 by the person or agency primarily responsible for implementing the dispositional  
17 order, the change in placement order shall include a statement that the court  
18 approves the placement recommended by the person or agency or, if the juvenile is  
19 placed outside the home in a placement other than a placement recommended by that  
20 person or agency, a statement that the court has given bona fide consideration to the  
21 recommendations made by that person or agency and all parties relating to the  
22 juvenile’s placement.”.

23 **1782.** Page 1223, line 20: after that line insert:

24 “**SECTION 3888w.** 938.237 (1) of the statutes is amended to read:

1           938.237 (1) The citation forms under s. 23.54, 66.0113, 278.54, 778.25, 778.26  
2 or 800.02 may be used to commence an action for a violation of civil laws and  
3 ordinances in the court.

4           **SECTION 3889b.** 938.237 (2) of the statutes is amended to read:

5           938.237 (2) The procedures for issuance and filing of a citation, and for  
6 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), ~~66.0113~~  
7 66.0114, 278.50 to 278.67, 278.75 (3) and (4), 778.25, 778.26 and 800.01 to 800.04  
8 except s. 800.04 (2) (b), when the citation is issued by a law enforcement officer, shall  
9 be used as appropriate, except that this chapter shall govern taking and holding a  
10 juvenile in custody, s. 938.37 shall govern costs, penalty assessments and jail  
11 assessments, and a *capias* shall be substituted for an arrest warrant. Sections  
12 66.0113 (3) (c) and (d), ~~66.0317~~ 66.0114 (1) and 778.10 as they relate to collection of  
13 forfeitures do not apply.”.

14           **1783.** Page 1224, line 13: after that line insert:

15           “**SECTION 3905.** 938.38 (2) (intro.) of the statutes is amended to read:

16           938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
17 for each juvenile living in a foster home, treatment foster home, group home, child  
18 caring institution, secure detention facility, or shelter care facility or in the home of  
19 a relative, the agency that placed the juvenile or arranged the placement or the  
20 agency assigned primary responsibility for providing services to the juvenile under  
21 s. 938.355 shall prepare a written permanency plan, if any of the following conditions  
22 exists:

23           **SECTION 3906.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

1           938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the  
2 juvenile’s family, and the juvenile’s foster parent, the juvenile’s treatment foster  
3 parent ~~or~~, the operator of the facility where the juvenile is living, or the relative with  
4 whom the juvenile is living to carry out the dispositional order, including services  
5 planned to accomplish all of the following:

6           **SECTION 3907.** 938.38 (5) (a) of the statutes is amended to read:

7           938.38 (5) (a) The court or a panel appointed under this paragraph shall review  
8 the permanency plan every 6 months from the date on which the juvenile was first  
9 held in physical custody or placed outside of his or her home under a court order. If  
10 the court elects not to review the permanency plan, the court shall appoint a panel  
11 to review the permanency plan. The panel shall consist of 3 persons who are either  
12 designated by an independent agency that has been approved by the chief judge of  
13 the judicial administrative district or designated by the agency that prepared the  
14 permanency plan. A voting majority of persons on each panel shall be persons who  
15 are not employed by the agency that prepared the permanency plan and who are not  
16 responsible for providing services to the juvenile or the parents of the juvenile whose  
17 permanency plan is the subject of the review.

18           **SECTION 3908.** 938.38 (5) (b) of the statutes is amended to read:

19           938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
20 the juvenile if he or she is 10 years of age or older, and the juvenile’s foster parent,  
21 the juvenile’s treatment foster parent ~~or~~, the operator of the facility in which the  
22 juvenile is living, or the relative with whom the juvenile is living of the date, time,  
23 and place of the review, of the issues to be determined as part of the review, and of  
24 the fact that they may have an opportunity to be heard at the review by submitting  
25 written comments not less than 10 working days before the review or by



1 participating at the review. The court or agency shall notify the person representing  
2 the interests of the public, the juvenile’s counsel, and the juvenile’s guardian ad litem  
3 of the date of the review, of the issues to be determined as part of the review, and of  
4 the fact that they may submit written comments not less than 10 working days before  
5 the review. The notices under this paragraph shall be provided in writing not less  
6 than 30 days before the review and copies of the notices shall be filed in the juvenile’s  
7 case record.”.

8 **1784.** Page 1234, line 24: after that line insert:

9 “**SECTION 3937u.** 940.20 (1d) of the statutes is created to read:

10 **940.20 (1d)** BATTERY BY CERTAIN DETAINED OR COMMITTED PERSONS. Any person  
11 committed to the custody of the department of health and family services under s.  
12 971.17 and placed in a mental health institute under s. 51.05 or any person detained  
13 or committed to the department of health and family services under ch. 980 and  
14 placed in a facility specified under s. 980.065 who intentionally causes bodily harm  
15 to an officer, employee, visitor, or another patient of the institute or facility, without  
16 his or her consent, is guilty of a Class D felony.”.

17 **1785.** Page 1236, line 12: after that line insert:

18 “**SECTION 3938r.** 942.06 (2m) (b) of the statutes is amended to read:

19 **942.06 (2m)** (b) An employee or agent of the department of health and family  
20 services who conducts a lie detector test of a person under ~~the rules promulgated~~  
21 ~~under~~ s. 51.375.

22 **SECTION 3938s.** 942.06 (2q) (b) (intro.) of the statutes is amended to read:

23 **942.06 (2q)** (b) (intro.) An employee or agent of the department of health and  
24 family services who discloses, to any of the following, the fact that a person has had

1 a lie detector test under ~~the rules promulgated under s. 51.375~~ or the results of such  
2 a lie detector test:

3 **SECTION 3938t.** 942.06 (2q) (b) 1. of the statutes is amended to read:

4 942.06 **(2q)** (b) 1. Another employee or agent of the department of health and  
5 family services or another person to whom disclosure is permitted under s. 51.375  
6 (2) (b).”.

7 **1786.** Page 1236, line 12: after that line insert:

8 “**SECTION 3938s.** 940.295 (2) (j) of the statutes is amended to read:

9 940.295 **(2)** (j) The Wisconsin School Educational Services Program for the  
10 Deaf and Hard of Hearing under s. 115.52 and the Wisconsin Center for the Blind and  
11 Visually Impaired under s. 115.525.”.

12 **1787.** Page 1236, line 17: after that line insert:

13 “**SECTION 3938up.** 943.01 (2d) of the statutes is created to read:

14 943.01 **(2d)** (a) In this subsection, “plant research and development” means  
15 research regarding plants or development of plants, if the research or development  
16 is undertaken in conjunction or coordination with the state, a federal or local  
17 government agency, a university, or a private research facility.

18 (b) Any person violating sub. (1) under all of the following circumstances is  
19 guilty of a Class E felony:

20 1. The property damaged is a plant, material taken, extracted, or harvested  
21 from a plant, or a seed or other plant material that is being used or that will be used  
22 to grow or develop a plant.

1           2. The plant referred to in subd. 1. is or was being grown as feed for animals  
2 being used or to be used for commercial purposes, for other commercial purposes, or  
3 in conjunction with plant research and development.”.

4           **1788.** Page 1236, line 23: after that line insert:

5           “SECTION 3938v. 943.01 (5) of the statutes is amended to read:

6           943.01 (5) The department of ~~natural resources~~ fish, wildlife, parks, and  
7 forestry shall maintain a registry of prominent features in the landscape of  
8 state-owned land. To be included on the registry, a feature must have significant  
9 value to the people of this state.”.

10          **1789.** Page 1237, line 16: after that line insert:

11          “SECTION 3939cg. 943.21 (title) of the statutes is amended to read:

12          **943.21 (title) Fraud on hotel or restaurant keeper ~~or~~ taxicab operator,**  
13 **or gas station.**

14          SECTION 3939cL. 943.21 (1) (d) of the statutes is created to read:

15          943.21 (1) (d) Having obtained gasoline or diesel fuel from a service station,  
16 garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale  
17 at retail, intentionally absconds without paying for the gasoline or diesel fuel.

18          SECTION 3939cp. 943.21 (2r) of the statutes is created to read:

19          943.21 (2r) The refusal to pay a service station, garage, or other place where  
20 gasoline or diesel fuel is sold at retail or offered for sale at retail the established  
21 charge for gasoline or diesel fuel provided by the service station, garage, or other  
22 place constitutes prima facie evidence of an intent to abscond without payment.

23          SECTION 3939ct. 943.21 (3) of the statutes is renumbered 943.21 (3) (am) and  
24 amended to read:

1 943.21 (3) (am) Whoever violates ~~this section~~ sub. (1) (a), (b), or (c):”.

2 **1790.** Page 1237, line 17: delete that line.

3 **1791.** Page 1237, line 18: delete “943.21 (3) (a)” and substitute “1.”.

4 **1792.** Page 1237, line 21: delete that line.

5 **1793.** Page 1237, line 22: delete “943.21 (3) (b)” and substitute “2.”.

6 **1794.** Page 1237, line 23: after that line insert:

7 “**SECTION 3939ee.** 943.21 (3) (bm) of the statutes is created to read:

8 943.21 (3) (bm) Whoever violates sub. (1) (d) is subject to a Class D forfeiture.

9 **SECTION 3939eg.** 943.21 (3m) of the statutes is created to read:

10 943.21 (3m) If a person is found to have violated sub. (1) (d), the court shall,  
11 in addition to the penalty provided in sub. (3) (bm), suspend the person’s operating  
12 privilege, as defined in s. 340.01 (40), for not more than 6 months, except that if the  
13 person has previously had his or her operating privilege suspended under this  
14 subsection the court shall suspend the person’s operating privilege for one year. The  
15 court shall immediately take possession of any suspended license and forward it to  
16 the department of transportation together with the judgment of violation and notice  
17 of the suspension.

18 **SECTION 3939eL.** 943.212 (title) of the statutes is amended to read:

19 **943.212 (title) Fraud on hotel or restaurant keeper ~~or~~ taxicab operator**  
20 **or gas station; civil liability.**

21 **SECTION 3939eq.** 943.212 (1) (a) of the statutes is amended to read:

22 943.212 (1) (a) The retail value of the beverage, food, lodging, accommodation,  
23 gasoline or diesel fuel, transportation or service involved in the violation. A person  
24 may recover under this paragraph only if he or she exercises due diligence in

1 demanding payment for the beverage, food, lodging, accommodation, gasoline or  
2 diesel fuel, transportation or service.

3 **SECTION 3939et.** 943.212 (4) of the statutes is amended to read:

4 943.212 (4) At least 20 days prior to commencing an action, as specified in s.  
5 801.02, under this section, the plaintiff shall notify the defendant, by mail, of his or  
6 her intent to bring the action and of the acts constituting the basis for the violation  
7 of s. 943.21. The plaintiff shall send the notice by regular mail supported by an  
8 affidavit of service of mailing or by a certificate of mailing obtained from the U.S. post  
9 office from which the mailing was made. The plaintiff shall mail the notice to the  
10 defendant's last-known address or to the address provided on the check or order. If  
11 the defendant pays the amount due for the beverage, food, lodging, accommodation,  
12 gasoline or diesel fuel, transportation or service prior to the commencement of the  
13 action, he or she is not liable under this section.”.

14 **1795.** Page 1241, line 18: after that line insert:

15 “**SECTION 3951n.** 943.76 of the statutes is created to read:

16 **943.76 Infecting animals with a contagious disease. (1)** In this section,  
17 “livestock” means cattle, horses, swine, sheep, goats, farm-raised deer, as defined in  
18 s. 95.001 (1) (a), and other animals used or to be used in the production of food, fiber,  
19 or other commercial products.

20 **(2)** (a) Whoever intentionally introduces a contagious or infectious disease into  
21 livestock without the consent of the owner of the livestock is guilty of a Class C felony.

22 (b) Whoever intentionally introduces a contagious or infectious disease into  
23 wild deer without the consent of the department of natural resources is guilty of a  
24 Class C felony.”.

1           **1796.** Page 1241, line 18: after that line insert:

2           “**SECTION 3951g.** 943.75 (3) of the statutes is amended to read:

3           943.75 **(3)** Subsections (2) and (2m) do not apply to any humane officer, local  
4 health officer, peace officer, employee of the department of ~~natural resources~~ fish,  
5 wildlife, parks, and forestry while on any land licensed under s. 29.865, 29.867,  
6 29.869 or 29.871 or designated as a wildlife refuge under s. 29.621 (1) or employee  
7 of the department of agriculture, trade and consumer protection if the officer’s or  
8 employee’s acts are in good faith and in an apparently authorized and reasonable  
9 fulfillment of his or her duties. This subsection does not limit any other person from  
10 claiming the defense of privilege under s. 939.45 (3).”.

11           **1797.** Page 1245, line 21: after that line insert:

12           “**SECTION 3966qi.** 946.42 (3) (h) of the statutes is created to read:

13           946.42 **(3)** (h) Detained under s. 980.04 or committed to the department of  
14 health and family services under s. 980.06 and placed in institutional care under s.  
15 980.065.”.

16           **1798.** Page 1246, line 4: after “943.01 (2)” insert “, (2d).”.

17           **1799.** Page 1246, line 8: after “943.70” insert “, 943.76”.

18           **1800.** Page 1247, line 23: delete “the character” and substitute “character”.

19           **1801.** Page 1250, line 5: after that line insert:

20           “**SECTION 3984c.** 948.13 (1) (a) of the statutes is amended to read:

21           948.13 **(1)** (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim  
22 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1) or  
23 (2), 948.025 (1), 948.05 (1) or (1m), 948.06<sub>1</sub> or 948.07 (1), (2), (3)<sub>1</sub> or (4).

24           **SECTION 3984d.** 948.13 (2m) (a) (intro.) of the statutes is amended to read:

1           948.13 **(2m)** (a) (intro.) A person who has been convicted of a crime under s.  
2           948.02 (2) or 948.025 (1) may petition the court in which he or she was convicted to  
3           order that the person be exempt from sub. (2) and permitted to engage in an  
4           occupation or participate in a volunteer position that requires the person to work or  
5           interact primarily and directly with children under 16 years of age. The court may  
6           grant a petition filed under this paragraph if the court finds that all of the following  
7           apply:

8           **SECTION 3984e.** 948.13 (2m) (a) 1. of the statutes is amended to read:

9           948.13 **(2m)** (a) 1. At the time of the commission of the crime under s. 948.02  
10          (2) or 948.025 (1) the person had not attained the age of 19 years and was not more  
11          than 4 years older or not more than 4 years younger than the child with whom the  
12          person had sexual contact or sexual intercourse.”.

13          **1802.** Page 1256, line 4: after that line insert:

14          “**SECTION 3998r.** 971.06 (1) (am) of the statutes is created to read:

15          971.06 **(1)** (am) Guilty but mentally ill, if the defendant is charged with a crime  
16          under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10.”.

17          **1803.** Page 1256, line 4: after that line insert:

18          “**SECTION 3998g.** 968.20 (3) (a) of the statutes is amended to read:

19          968.20 **(3)** (a) First class cities shall dispose of dangerous weapons or  
20          ammunition seized 12 months after taking possession of them if the owner,  
21          authorized under sub. (1m), has not requested their return and if the dangerous  
22          weapon or ammunition is not required for evidence or use in further investigation  
23          and has not been disposed of pursuant to a court order at the completion of a criminal  
24          action or proceeding. Disposition procedures shall be established by ordinance or

1 resolution and may include provisions authorizing an attempt to return to the  
2 rightful owner any dangerous weapons or ammunition which appear to be stolen or  
3 are reported stolen. If enacted, any such provision shall include a presumption that  
4 if the dangerous weapons or ammunition appear to be or are reported stolen an  
5 attempt will be made to return the dangerous weapons or ammunition to the  
6 authorized rightful owner. If the return of a seized dangerous weapon other than a  
7 firearm is not requested by its rightful owner under sub. (1) and is not returned by  
8 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,  
9 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor  
10 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement  
11 agency to retain and use the motor vehicle. If the return of a seized firearm or  
12 ammunition is not requested by its authorized rightful owner under sub. (1) and is  
13 not returned by the officer under sub. (2), the seized firearm or ammunition shall be  
14 shipped to and become property of the state crime laboratories. A person designated  
15 by the department of justice may destroy any material for which the laboratory has  
16 no use or arrange for the exchange of material with other public agencies. In lieu of  
17 destruction, shoulder weapons for which the laboratories have no use shall be turned  
18 over to the department of ~~natural resources~~ fish, wildlife, parks, and forestry for sale  
19 and distribution of proceeds under s. 29.934.

20 **SECTION 3998h.** 968.20 (3) (b) of the statutes is amended to read:

21 968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village,  
22 town or county or other custodian of a seized dangerous weapon or ammunition, if  
23 the dangerous weapon or ammunition is not required for evidence or use in further  
24 investigation and has not been disposed of pursuant to a court order at the  
25 completion of a criminal action or proceeding, shall make reasonable efforts to notify



1 all persons who have or may have an authorized rightful interest in the dangerous  
2 weapon or ammunition of the application requirements under sub. (1). If, within 30  
3 days after the notice, an application under sub. (1) is not made and the seized  
4 dangerous weapon or ammunition is not returned by the officer under sub. (2), the  
5 city, village, town or county or other custodian may retain the dangerous weapon or  
6 ammunition and authorize its use by a law enforcement agency, except that a  
7 dangerous weapon used in the commission of a homicide or a handgun, as defined  
8 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm  
9 is not so retained, the city, village, town or county or other custodian shall safely  
10 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as  
11 defined in s. 340.01 (35), sell the motor vehicle following the procedure under s.  
12 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or  
13 county or other custodian shall ship it to the state crime laboratories and it is then  
14 the property of the laboratories. A person designated by the department of justice  
15 may destroy any material for which the laboratories have no use or arrange for the  
16 exchange of material with other public agencies. In lieu of destruction, shoulder  
17 weapons for which the laboratory has no use shall be turned over to the department  
18 of natural resources fish, wildlife, parks, and forestry for sale and distribution of  
19 proceeds under s. 29.934.”.

20 **1804.** Page 1256, line 13: after that line insert:

21 “**SECTION 3999k.** 971.15 (1) of the statutes is renumbered 971.15 (1r).

22 **SECTION 3999L.** 971.15 (1g) (b) of the statutes is created to read:

1           971.15 **(1g)** (b) In this section and ss. 971.16 to 971.165, “mental illness” means  
2 a substantial disorder of thought, mood or behavior that afflicted a person at the time  
3 that he or she engaged in criminal conduct and that impaired the person’s judgment.

4           **SECTION 3999n.** 971.15 (2) of the statutes is renumbered 971.15 (1g) (a).

5           **SECTION 3999p.** 971.15 (2m) of the statutes is created to read:

6           971.15 **(2m)** A person charged with a crime under s. 940.01, 940.02, 940.03,  
7 940.05, 940.06, 940.07, 940.08, 940.09 or 940.10 may be found guilty but mentally  
8 ill if, at the time the person engaged in criminal conduct, he or she was suffering from  
9 a mental illness but did not lack substantial capacity either to appreciate the  
10 wrongfulness of his or her conduct or to conform his or her conduct to the  
11 requirements of law as a result of mental disease or defect. A person who is found  
12 guilty but mentally ill is not relieved of criminal responsibility.

13           **SECTION 3999r.** 971.16 (3) (intro.) of the statutes is amended to read:

14           971.16 **(3)** (intro.) Not less than 10 days before trial, or at any other time that  
15 the court directs, any physician or psychologist appointed under sub. (2) shall file a  
16 report of his or her examination of the defendant with the judge, who shall cause  
17 copies to be transmitted to the district attorney and to counsel for the defendant. The  
18 Except as provided in ss. 971.163 (2) (a) and (3) and 973.017 (4), the contents of the  
19 report shall be confidential until the physician or psychologist has testified or at the  
20 completion of the trial. The report shall contain an opinion regarding the ability of  
21 the defendant to appreciate the wrongfulness of the defendant’s conduct or to  
22 conform the defendant’s conduct with the requirements of law at the time of the  
23 commission of the criminal offense charged and, if sufficient information is available  
24 to the physician or psychologist to reach an opinion, his or her opinion on whether  
25 the defendant needs medication or treatment and whether the defendant is not

1 competent to refuse medication or treatment. The defendant is not competent to  
2 refuse medication or treatment if, because of mental illness, developmental  
3 disability, alcoholism or drug dependence, and after the advantages and  
4 disadvantages of and alternatives to accepting the particular medication or  
5 treatment have been explained to the defendant, one of the following is true:

6 **SECTION 3999s.** 971.163 of the statutes is created to read:

7 **971.163 Entry of plea of guilty but mentally ill. (1)** If a defendant charged  
8 with a crime under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09,  
9 or 940.10 has entered a plea of not guilty by reason of mental disease or defect and  
10 has been examined under s. 971.16, the defendant may waive his or her right to a  
11 trial under s. 971.165 and, with the approval of the district attorney, withdraw the  
12 plea of not guilty by reason of mental disease or defect and, instead of a plea of guilty  
13 or no contest, enter a plea of guilty but mentally ill.

14 **(2)** The court may accept a plea of guilty but mentally ill under sub. (1) only  
15 if all of the following apply:

16 (a) The court, with the defendant's consent, has reviewed the reports of all the  
17 examinations conducted under s. 971.16.

18 (b) The court holds a hearing on the issue of the defendant's mental illness and  
19 allows the parties to present evidence at the hearing.

20 (c) Based on the review of reports under par. (a) and any evidence or arguments  
21 presented at the hearing held under par. (b), the court is satisfied that the defendant  
22 was mentally ill at the time that he or she committed the criminal offense charged.

23 (d) The defendant states that he or she is willing to participate in appropriate  
24 mental health treatment that is recommended by a physician, psychologist or mental  
25 health worker who is responsible for his or her mental health care and treatment.

1           **(3)** If the court reviews a report under sub. (2) (a), the court shall make the  
2 report a part of the record of the case.

3           **SECTION 3999t.** 971.165 (2g) of the statutes is created to read:

4           **971.165 (2g)** If a defendant charged with a crime under s. 940.01, 940.02,  
5 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10 has entered a plea of not  
6 guilty by reason of mental disease or defect and the defendant's plea is tried to a jury,  
7 the court shall, in addition to providing to the jury the information required under  
8 sub. (2), inform the jury of all of the following:

9           (a) That the jury may find the defendant guilty but mentally ill if all of the  
10 following apply:

11           1. The jury finds beyond a reasonable doubt that the defendant did not lack  
12 substantial capacity either to appreciate the wrongfulness of his or her conduct or  
13 to conform his or her conduct to the requirements of law as a result of mental disease  
14 or defect.

15           2. The jury finds to a reasonable certainty by the greater weight of the credible  
16 evidence that the defendant was mentally ill at the time that he or she committed  
17 the offense.

18           (b) That, if the jury finds the defendant guilty but mentally ill, the defendant  
19 will receive a criminal sentence or probation and may be required to receive  
20 treatment for his or her mental illness.

21           **SECTION 3999u.** 971.165 (3) (am) of the statutes is created to read:

22           **971.165 (3) (am)** If a defendant charged with a crime under s. 940.01, 940.02,  
23 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10 is found guilty but mentally  
24 ill, the court shall enter a judgment of conviction and shall either impose or withhold  
25 sentence under s. 973.017.”.

1           **1805.** Page 1258, line 7: after that line insert:

2           “**SECTION 4002m.** 971.20 of the statutes is repealed.”

3           **1806.** Page 1258, line 7: after that line insert:

4           “**SECTION 4002k.** 971.19 (10) of the statutes is amended to read:

5           971.19 **(10)** In an action under s. 30.547 for intentionally falsifying an  
6 application for a certificate of number, a registration or a certificate of title, the  
7 defendant may be tried in the defendant’s county of residence at the time that the  
8 complaint is filed, in the county where the defendant purchased the boat if purchased  
9 from a dealer or the county where the department of ~~natural resources~~ fish, wildlife,  
10 parks, and forestry received the application.”

11           **1807.** Page 1261, line 2: after that line insert:

12           “**SECTION 4014g.** 973.017 of the statutes is created to read:

13           **973.017 Sentence of person found guilty but mentally ill. (1)** If a  
14 defendant is found guilty but mentally ill under s. 971.163 or 971.165, the court, by  
15 order, may impose sentence under this chapter, withhold sentence, or impose  
16 sentence under s. 973.15 and stay its execution. Except as provided in s. 973.09 (1)  
17 (c) or if probation is prohibited for a particular offense by statute, the court may place  
18 the person on probation under s. 973.09 if the court withholds sentence or imposes  
19 sentence and stays its execution for an offense.

20           **(2)** If the court places a defendant who is found guilty but mentally ill on  
21 probation or sentences a defendant who is found guilty but mentally ill to the  
22 Wisconsin state prisons, the court shall do all of the following:

23           (a) Order the department, or a person designated by the department, to  
24 evaluate the defendant to determine the defendant’s treatment needs.

1 (b) Order the department to provide or arrange for the provision of necessary  
2 and appropriate treatment for the defendant's mental illness.

3 (3) If a defendant who is found guilty but mentally ill is serving a sentence of  
4 imprisonment or is confined as a condition of probation, he or she may be transferred  
5 or committed for treatment to the department of health and family services under  
6 s. 51.20 (1) (a), (ar) or (av) or 51.37 (5). Any time spent by the defendant in a state  
7 treatment facility due to a transfer or commitment under s. 51.20 (1) (a), (ar) or (av)  
8 or 51.37 (5) shall be included as part of the individual's sentence.

9 (4) If a defendant who is found guilty but mentally ill is sentenced to the  
10 Wisconsin state prisons, the clerk of court shall attach all of the following to the  
11 judgment of conviction that is delivered with the defendant under s. 302.06 to the  
12 reception center designated by the department:

13 (a) A copy of any report of an examination conducted under s. 971.16.

14 (b) A copy of any report other than a report specified in par. (a) that was  
15 admitted into evidence at a hearing under s. 971.163 (2) (b).

16 (c) A copy of any report other than a report specified in par. (a) that was  
17 admitted into evidence at a trial under s. 971.165.”.

18 **1808.** Page 1261, line 2: after that line insert:

19 “**SECTION 4014r.** 973.034 of the statutes is amended to read:

20 **973.034 Sentencing; restriction on child sex offender working with**  
21 **children.** Whenever a court imposes a sentence or places a defendant on probation  
22 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is  
23 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1)

1 or (2), 948.025 (1), 948.05 (1) or (1m), 948.06<sub>1</sub> or 948.07 (1), (2), (3)<sub>1</sub> or (4), the court  
2 shall inform the defendant of the requirements and penalties under s. 948.13.”.

3 **1809.** Page 1265, line 11: after that line insert:

4 “**SECTION 4018r.** 973.08 (1) of the statutes is amended to read:

5 973.08 (1) When any defendant is sentenced to the state prisons, a copy of the  
6 judgment of conviction ~~and~~, a copy of any order for restitution under s. 973.20 and,  
7 if applicable, a copy of any report specified in s. 973.017 (4) shall be delivered by the  
8 officer executing the judgment to the warden or superintendent of the institution  
9 when the prisoner is delivered.”.

10 **1810.** Page 1266, line 23: delete the material beginning with that line and  
11 ending with page 1267, line 2, and substitute:

12 “**SECTION 4024n.** 973.09 (2) (b) 1. of the statutes is amended to read:

13 973.09 (2) (b) 1. Except as provided in ~~subd.~~ subds. 1m. and 2., for felonies, not  
14 less than one year nor more than either the statutory maximum term of  
15 imprisonment for the crime or 3 years, whichever is greater.

16 **SECTION 4025n.** 973.09 (2) (b) 1. of the statutes, as affected by 2001 Wisconsin  
17 Act .... (this act), is amended to read:

18 973.09 (2) (b) 1. Except as provided in ~~subds.~~ subd. 1m. and subject to subd. 2.,  
19 the original term of probation for felonies; and bifurcated sentence misdemeanors  
20 shall be not less than one year nor more than either the statutory maximum term  
21 of imprisonment confinement in prison for the crime or 3 years, whichever is greater.

22 **SECTION 4025p.** 973.09 (2) (b) 1m. of the statutes is created to read:

23 973.09 (2) (b) 1m. If the probationer was found guilty but mentally ill under  
24 s. 971.163 or 971.165, not less than 5 years.”.

1           **1811.** Page 1268, line 16: after that line insert:

2           “**SECTION 4026u.** 973.09 (6) of the statutes is created to read:

3           973.09 **(6)** (a) If a defendant who is found guilty but mentally ill under s.  
4           971.163 or 971.165 is placed on probation, the court shall do all of the following:

5           1. Order the department, or a person designated by the department, to evaluate  
6           the defendant to determine the defendant’s treatment needs.

7           2. Order that the department provide or arrange for the provision of necessary  
8           and appropriate treatment that is recommended as a result of the evaluation under  
9           subd. 1.

10          3. Order as a condition of probation that the defendant undergo the evaluation  
11          required under subd. 1. and that he or she receive the necessary and appropriate  
12          mental health treatment that is recommended as a result of that evaluation.

13          (b) Treatment required under par. (a) as a condition of probation may be  
14          provided by any state or local agency or, if approved by the department, by a private  
15          physician, psychologist, mental health worker or mental health agency.

16          (c) If a defendant is required to receive treatment under par. (a), the person  
17          treating the defendant shall, once every 90 days, file with the court and the  
18          department a written report concerning the defendant’s condition and treatment.

19          (d) A defendant placed on probation after being found guilty but mentally ill  
20          under s. 971.163 or 971.165 may be committed for treatment to the department of  
21          health and family services under s. 51.20 (1) (a).”.

22           **1812.** Page 1271, line 6: after that line insert:

23           “**SECTION 4028g.** 973.20 (1r) of the statutes is amended to read:



1           973.20 (1r) When imposing sentence or ordering probation for any crime, other  
2 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)  
3 (a) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition  
4 to any other penalty authorized by law, shall order the defendant to make full or  
5 partial restitution under this section to any victim of a crime considered at  
6 sentencing or, if the victim is deceased, to his or her estate, unless the court finds  
7 substantial reason not to do so and states the reason on the record. When imposing  
8 sentence or ordering probation for a crime involving conduct that constitutes  
9 domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a) for which the defendant was  
10 convicted or that was considered at sentencing, the court, in addition to any other  
11 penalty authorized by law, shall order the defendant to make full or partial  
12 restitution under this section to any victim of a crime or, if the victim is deceased, to  
13 his or her estate, unless the court finds that imposing full or partial restitution will  
14 create an undue hardship on the defendant or victim and describes the undue  
15 hardship on the record. Restitution ordered under this section is a condition of  
16 probation, extended supervision or parole served by the defendant for a crime for  
17 which the defendant was convicted. After the termination of probation, extended  
18 supervision or parole, or if the defendant is not placed on probation, extended  
19 supervision or parole, restitution ordered under this section is enforceable in the  
20 same manner as a judgment in a civil action by the victim named in the order to  
21 receive restitution or enforced under ch. 785.”.

22           **1813.** Page 1271, line 13: after that line insert:

23           “**SECTION 4031j.** 978.03 (3) of the statutes is amended to read:

1           978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be  
2 an attorney admitted to practice law in this state and, except as provided in ~~s. ss.~~  
3 978.043 and 978.044, may perform any duty required by law to be performed by the  
4 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),  
5 or (2) may appoint such temporary counsel as may be authorized by the department  
6 of administration.

7           **SECTION 4031p.** 978.044 of the statutes is created to read:

8           **978.044 Assistants to perform restorative justice services. (1)**

9           DEFINITIONS. In this section:

10           (a) “Crime” has the meaning given in s. 950.02 (1m).

11           (b) “Offender” means an individual who is, or could be, charged with  
12 committing a crime or who is, or could be, the subject of a petition under ch. 938  
13 alleging that he or she has committed a crime.

14           (c) “Victim” has the meaning given in s. 950.02 (4).

15           **(2) DUTIES.** The district attorneys of Dane and Milwaukee counties and of the  
16 county selected under sub. (4) shall each assign one assistant district attorney in his  
17 or her prosecutorial unit to be a restorative justice coordinator. An assistant district  
18 attorney assigned under this subsection to be a restorative justice coordinator shall  
19 do all the following:

20           (a) Establish restorative justice programs that provide support to the victim,  
21 help reintegrate the victim into community life, and provide a forum where an  
22 offender may meet with the victim or engage in other activities to do all of the  
23 following:

- 24           1. Discuss the impact of the offender’s crime on the victim or on the community.
- 25           2. Explore potential restorative responses by the offender.

1           3. Provide methods for reintegrating the offender into community life.

2           (b) Provide assistance to the district attorney in other counties relating to the  
3 establishment of restorative justice programs, as described in par. (a).

4           (c) Maintain a record of all of the following:

5           1. The amount of time spent implementing the requirements of pars. (a) and  
6 (b).

7           2. The number of victims and offenders served by programs established under  
8 par. (a).

9           3. The types of offenses addressed by programs established under par. (a).

10          4. The rate of recidivism among offenders served by programs established  
11 under par. (a) compared to the rate of recidivism by offenders not served by such  
12 programs.

13          **(3) REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by  
14 the department of administration, the district attorneys of Dane and Milwaukee  
15 counties and of the county selected under sub. (4) shall each submit to the  
16 department of administration a report summarizing the records under sub. (2) (c)  
17 covering the preceding 12-month period. The department of administration shall  
18 maintain the information submitted under this subsection by the district attorney.

19          **(4) SELECTION OF 3RD COUNTY.** The attorney general, in consultation with the  
20 department of corrections, shall select a county other than Dane or Milwaukee  
21 county in which restorative justice services are to be provided under sub. (2).

22          **(5) EXPIRATION.** This section does not apply after June 30, 2005.

23          **SECTION 4031r.** 978.05 (8) (b) of the statutes is amended to read:

24          978.05 **(8)** (b) Hire, employ, and supervise his or her staff and, subject to s. ss.  
25 978.043 and 978.044, make appropriate assignments of the staff throughout the

1 prosecutorial unit. The district attorney may request the assistance of district  
2 attorneys, deputy district attorneys, or assistant district attorneys from other  
3 prosecutorial units or assistant attorneys general who then may appear and assist  
4 in the investigation and prosecution of any matter for which a district attorney is  
5 responsible under this chapter in like manner as assistants in the prosecutorial unit  
6 and with the same authority as the district attorney in the unit in which the action  
7 is brought. Nothing in this paragraph limits the authority of counties to regulate the  
8 hiring, employment, and supervision of county employees.”.

9 **1814.** Page 1280, line 9: after that line insert:

10 “**SECTION 4034yd.** 980.065 (1r) of the statutes is created to read:

11 980.065 (1r) Notwithstanding sub. (1m), the department may place a female  
12 person committed under s. 980.06 at Mendota Mental Health Institute, Winnebago  
13 Mental Health Institute, or a privately operated residential facility under contract  
14 with the department of health and family services.

15 **SECTION 4034ye.** 980.067 of the statutes is created to read:

16 **980.067 Activities off grounds. (1)** The superintendent of the facility at  
17 which a person is placed under s. 980.065 may allow the person to leave the grounds  
18 of the facility under escort. The department of health and family services shall  
19 promulgate rules for the administration of this section.

20 **(2)** A person remains placed in institutional care under s. 980.065 for purposes  
21 of s. 946.42 (3) (h) while on a leave granted under this section.”.

22 **1815.** Page 1281, line 6: after that line insert:

23 “**SECTION 4034zb.** 1995 Wisconsin Act 292, section 5 is repealed.

24 **SECTION 4034zc.** 1995 Wisconsin Act 292, section 12 is repealed.

1           **SECTION 4034zd.** 1995 Wisconsin Act 292, section 14 is repealed.

2           **SECTION 4034ze.** 1995 Wisconsin Act 292, section 16 is repealed.

3           **SECTION 4034zf.** 1995 Wisconsin Act 292, section 20 is repealed.

4           **SECTION 4034zg.** 1995 Wisconsin Act 292, section 22 is repealed.

5           **SECTION 4034zh.** 1995 Wisconsin Act 292, section 24 is repealed.

6           **SECTION 4034zi.** 1995 Wisconsin Act 292, section 28 is repealed.

7           **SECTION 4034zj.** 1995 Wisconsin Act 292, section 30 is repealed.

8           **SECTION 4034zk.** 1995 Wisconsin Act 292, section 30h is repealed.

9           **SECTION 4034zL.** 1995 Wisconsin Act 292, section 32 is repealed.

10          **SECTION 4034zm.** 1995 Wisconsin Act 292, section 37 (1) is repealed.”.

11          **1816.** Page 1282, line 14: delete “23.32 (2) (d)” and substitute “~~23.32 (2) (d)~~”.

12          **1817.** Page 1282, line 16: after that line insert:

13          “**SECTION 4041d.** 1997 Wisconsin Act 35, section 141 is repealed.

14          **SECTION 4041e.** 1997 Wisconsin Act 35, section 144 is repealed.

15          **SECTION 4041f.** 1997 Wisconsin Act 35, section 147 is repealed.

16          **SECTION 4041g.** 1997 Wisconsin Act 35, section 605 (1) is repealed.”.

17          **1818.** Page 1282, line 16: after that line insert:

18          “**SECTION 4041k.** 1997 Wisconsin Act 154, section 3 (2) is amended to read:

19           [1997 Wisconsin Act 154] Section 3 (2) JOINT COMMITTEE ON FINANCE REVIEW. The  
20           department of health and family services shall submit the report under subsection  
21           (1) to the joint committee on finance of the legislature for its review under section  
22           13.10 of the statutes. ~~The department of health and family services may not submit~~  
23           ~~the rules under section 146.56 (2) of the statutes, as created by this act, to the~~

1 ~~legislative council staff for review under section 227.15 of the statutes until the joint~~  
2 ~~committee on finance approves the report under subsection (1).”.~~

3 **1819.** Page 1283, line 12: after that line insert:

4 “**SECTION 4046k.** 1999 Wisconsin Act 9, section 9126 (4g) is repealed.”.

5 **1820.** Page 1283, line 13: after that line insert:

6 “**SECTION 4046s.** 1999 Wisconsin Act 9, section 9158 (8w) (e) is amended to  
7 read:

8 [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the procedures  
9 for dissolution of a regional planning commission that are specified under section  
10 66.945 (15) of the statutes, the Dane County regional planning commission shall be  
11 dissolved on ~~October 1, 2002~~ the first day of the 3rd month beginning after  
12 publication of the 2001–03 biennial budget act. All unexpended funds of the  
13 commission on that date shall be applied to any outstanding indebtedness of the  
14 commission. If any outstanding indebtedness of the commission remains after the  
15 application of the unexpended funds to such debts, the remaining indebtedness shall  
16 be assessed to Dane County. If the commission has no outstanding indebtedness and  
17 has unexpended funds, such funds shall be returned to the cities, villages, towns or  
18 county that supplied them.”.

19 **1821.** Page 1288, line 11: after that line insert:

20 “(5) USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES BY GOVERNMENTAL  
21 UNITS. Using the procedure under section 227.24 of the statutes, the department of  
22 administration may promulgate emergency rules under section 137.25 (2) of the  
23 statutes, as created by this act, for the period before the effective date of permanent  
24 rules initially promulgated under section 137.25 (2) of the statutes, as created by this

1 act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the  
2 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the  
3 department is not required to provide evidence that promulgating a rule under this  
4 subsection as an emergency rule is necessary for the preservation of the public peace,  
5 health, safety, or welfare and is not required to provide a finding of emergency for a  
6 rule promulgated under this subsection.

7 (6) USE OF ELECTRONIC SIGNATURES BY NOTARIES PUBLIC. The secretary of state  
8 and department of administration shall promulgate initial rules under section  
9 137.25 (2) (b) of the statutes, as created by this act, to become effective no later than  
10 January 1, 2004.”.

11 **1822.** Page 1288, line 11: after that line insert:

12 “(4f) ENERGY GRANTS.

13 (a) In the 2001–02 fiscal year, the department of administration shall award  
14 grants to eligible school districts to help defray high energy costs. To be eligible for  
15 a grant, a school board shall adopt a resolution requesting a grant and submit the  
16 resolution to the department together with any other information the department  
17 requires. The amount of a grant shall be determined as follows:

18 1. Divide the amount appropriated under section 20.505 (3) (t) of the statutes,  
19 as created by this act, in the 2001–02 fiscal year by the total membership of all  
20 eligible school districts in the 2000–01 school year.

21 2. Multiply the quotient under subdivision 1. by the school district’s  
22 membership in the 2000–01 school year.

23 (b) The department of administration shall award grants under this subsection  
24 by December 1, 2001, or by the first day of the 3rd month beginning after the effective

1 date of this subsection, whichever is later. A school district may use the funds for any  
2 purpose other than the salary or benefits of any school district employee.”.

3 **1823.** Page 1289, line 18: delete lines 18 to 22.

4 **1824.** Page 1290, line 22: delete lines 22 to 25.

5 **1825.** Page 1291, line 2: delete “\$566,200” and substitute “\$499,100”.

6 **1826.** Page 1291, line 7: delete the material beginning with that line and  
7 ending with page 1292, line 5.

8 **1827.** Page 1292, line 18: delete the material beginning with that line and  
9 ending with page 1293, line 4.

10 **1828.** Page 1293, line 15: delete the material beginning with that line and  
11 ending with page 1294, line 2.

12 **1829.** Page 1295, line 7: delete “\$1,864,700” and substitute “\$1,364,800”.

13 **1830.** Page 1295, line 7: delete “\$1,864,700” and substitute “\$1,774,700”.

14 **1831.** Page 1298, line 8: after that line insert:

15 “(19r) PURCHASING CARD REBATES.

16 (a) In this subsection:

17 1. “Secretary” means the secretary of administration.

18 2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

19 (b) The secretary shall determine the amount of rebates that were received by  
20 the state from purchasing card issuers for purchases made by state agencies with  
21 purchasing cards and that were credited, before the effective date of this paragraph,  
22 to the appropriation account under section 20.505 (1) (ka) of the statutes. In making



1 this determination, the secretary shall also identify the appropriation accounts from  
2 which the purchases were made and on which the rebates were based.

3 (c) During fiscal year 2001–02, from the appropriation account under section  
4 20.505 (1) (ka) of the statutes, the secretary shall lapse that part of the amount  
5 determined under paragraph (b) to the general fund that is based on purchases made  
6 from appropriations from the general fund and shall transfer that part of the amount  
7 determined under paragraph (b) to the appropriate segregated fund that is based on  
8 purchases made from appropriations from that segregated fund.”.

9 **1832.** Page 1298, line 13: after “2001,” insert “3 aircraft assigned for use by  
10 the department of transportation division of state patrol and bureau of aeronautics,”.

11 **1833.** Page 1298, line 16: after that line insert:

12 “(20x) LEASE OF ELECTRONIC VOTING EQUIPMENT. The department of  
13 administration shall enter into a master lease under section 16.76 (4) of the statutes  
14 on behalf of the elections board to obtain sufficient electronic voting system  
15 equipment suitable for use with an electronic voting system in municipalities that  
16 employed a punch card electronic voting system at the 2001 spring election and that  
17 are required under this act to eliminate that system in future elections.”.

18 **1834.** Page 1298, line 22: after “act” insert “and to reflect a decrease of  
19 \$14,409,600 in the total amount allocated for capital equipment acquisition under  
20 that program”.

21 **1835.** Page 1298, line 24: after that line insert:

22 “(21k) GRANTS FOR COOPERATIVE COUNTY-TRIBAL LAW ENFORCEMENT.

23 (a) From the appropriation account under section 20.505 (6) (kr) of the statutes,  
24 to the office of justice assistance, the department of administration shall allocate the

1 following amounts to the following counties in each of fiscal years 2001–02 and  
2 2002–03 to support law enforcement agreements with the following Indian  
3 reservations:

4 1. To Vilas County, \$210,550 to support a law enforcement agreement with the  
5 Lac du Flambeau band of Lake Superior Chippewa.

6 2. To Oneida County, \$50,000 to support a law enforcement agreement with the  
7 Lac du Flambeau band of Lake Superior Chippewa.

8 3. To Forest County, \$100,000 to support a law enforcement agreement with the  
9 Forest County Potawatomi.

10 (b) Each county that receives money under paragraph (a) shall report to the  
11 office of justice assistance on how that money is expended.”.

12 **1836.** Page 1298, line 24: after that line insert:

13 “(21x) DISTRICT ATTORNEY POSITIONS. Notwithstanding sections 978.03 and  
14 978.04 of the statutes, the department of administration shall adjust the allocation  
15 of authorized FTE assistant district attorney positions funded from the  
16 appropriation account under section 20.475 (1) (g) of the statutes, as created by this  
17 act, by reducing the allocation for Rock County by 0.25 PR position and by increasing  
18 the allocation for Ashland County by 0.25 PR position.”.

19 **1837.** Page 1298, line 24: after that line insert:

20 “(27m) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The  
21 authorized FTE positions for the department of administration are increased by 3.0  
22 PR project positions for the period beginning on July 1, 2001, and ending on June 30,  
23 2005, to be funded from the appropriation under section 20.475 (1) (k) of the statutes,  
24 for the purpose of providing one assistant district attorney for Dane County, one

1 assistant district attorney for Milwaukee County, and one assistant district attorney  
2 for the county selected under section 978.044 (4) of the statutes, as created by this  
3 act, to perform restorative justice services under section 978.044 of the statutes, as  
4 created by this act.

5 (27n) OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The authorized FTE  
6 positions for the department of administration are increased by 1.0 PR project  
7 position to be funded from the appropriation under section 20.505 (4) (kf) of the  
8 statutes, as created by this act, for the purpose of administering the office of  
9 faith-based crime prevention initiatives under section 15.105 (28) of the statutes, as  
10 created by this act, beginning on the effective date of this subsection and ending on  
11 June 30, 2005.

12 (27p) FUNDING FOR OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The  
13 secretary of administration shall allocate \$67,600 in fiscal year 2001–02 and \$77,400  
14 in fiscal year 2002–03 from the appropriation accounts under section 20.505 (6) (kt)  
15 and (m) of the statutes, to provide funding for the office of faith-based crime  
16 prevention initiatives.”.

17 **1838.** Page 1298, line 24: after that line insert:

18 “(22w) CRIME PREVENTION RESOURCE CENTER. From federal and program revenue  
19 moneys appropriated to the department of administration for the office of justice  
20 assistance under section 20.505 (6) (kp) and (p) of the statutes, the department shall  
21 allocate \$55,000 in fiscal year 2001–02 and \$35,000 in fiscal year 2002–03 to provide  
22 funding for a crime prevention resource center established under section 38.37 of the  
23 statutes, as created by this act.”.

24 **1839.** Page 1298, line 24: after that line insert:

1           “(21v) CAPITAL EQUIPMENT ACQUISITION. Notwithstanding section 16.76 (4) of the  
2 statutes, the department of administration shall utilize master leases under section  
3 16.76 (4) of the statutes to acquire capital equipment for use under the 2001–03  
4 authorized state building program in a total value at least equal to \$14,409,600.”.

5           **1840.** Page 1298, line 24: after that line insert:

6           “(22k) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP DUES IN  
7 STATE AND NATIONAL ORGANIZATIONS ARE PAID.

8           (a) In this subsection:

9           1. “Secretary” means the secretary of administration.

10           2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

11           (b) The secretary shall determine for each state agency the amount expended  
12 by the state agency for membership dues for any state or national organization in the  
13 2000–01 fiscal year that was funded from each revenue source except federal  
14 revenue.

15           (c) The secretary shall, during the 2001–02 fiscal year, lapse to the general fund  
16 or appropriate segregated fund from each sum certain appropriation account made  
17 to each state agency from any revenue source except program revenue, segregated  
18 revenue derived from specific program receipts, or federal revenue, or shall  
19 reestimate to subtract from the expenditure estimate for each appropriation other  
20 than a sum certain appropriation made to each state agency from any revenue source  
21 except federal revenue, an amount equivalent to 20% of the total amount expended  
22 by that state agency for membership dues for any state or national organization from  
23 that appropriation in the 2000–01 fiscal year, if any. The secretary shall, during the  
24 2002–03 fiscal year, lapse to the general fund or appropriate segregated fund from

1 each such account or shall reestimate to subtract from each such estimate an  
2 equivalent amount.

3 (d) Each sum certain appropriation to each state agency for the 2001–02 fiscal  
4 year and the 2002–03 fiscal year from program revenue or segregated revenue  
5 derived from specific program receipts is decreased by an amount equivalent to 20%  
6 of the total amount expended by that agency for membership dues for any state or  
7 national organization from that appropriation in the 2000–01 fiscal year, as  
8 determined by the secretary.”.

9 **1841.** Page 1298, line 24: after that line insert:

10 “(21j) STUDY ON POST–SECONDARY EDUCATION COMMISSION. The department of  
11 administration shall study the feasibility of creating a post–secondary education  
12 commission to provide a comprehensive and coordinated framework for all  
13 post–secondary education and training. The department shall report the results of  
14 the study, together with its findings and recommendations, to the legislature in the  
15 manner provided in section 13.172 (2) of the statutes no later than January 1, 2003.”.

16 **1842.** Page 1298, line 24: after that line insert:

17 “(25k) TRANSFER TO TAX RELIEF FUND; REQUIRED GENERAL FUND STATUTORY BALANCE  
18 FOR FISCAL YEAR 2002–03.

19 (a) Notwithstanding section 16.518 (4) of the statutes, as created by this act,  
20 for the 2001–02 fiscal year, if the amount of moneys projected to be deposited in the  
21 general fund during the fiscal year that are designated as “Taxes” in the summary  
22 in section 20.005 (1) of the statutes, as affected by this act, is less than the amount  
23 of such moneys actually deposited in the general fund during the fiscal year, the  
24 secretary of administration shall calculate the difference between the amount

1 calculated under section 16.518 (2) of the statutes, as created by this act, for that  
2 fiscal year, and the amount transferred to the budget stabilization fund under section  
3 16.518 (3) of the statutes, as created by this act, for that fiscal year. If the difference  
4 between the amounts is at least \$84,000,000, the secretary shall transfer from the  
5 general fund to the tax relief fund during the 2001–02 fiscal year the amount that  
6 exceeds \$84,000,000.

7 (b) Notwithstanding the required general fund statutory balance for fiscal year  
8 2002–03 under section 20.003 (4) (d) of the statutes, as affected by this act, the  
9 required general fund statutory balance for that year is increased by the difference  
10 in the amounts calculated under paragraph (a) for that year and that are less than  
11 \$84,000,000.”.

12 **1843.** Page 1298, line 24: after that line insert:

13 “(23q) APPROPRIATION ACCOUNT LAPSES AND FUND TRANSFERS RESULTING FROM  
14 WISCONSIN RETIREMENT SYSTEM CONTRIBUTIONS SAVINGS.

15 (a) In this subsection:

16 1. “Program revenues” has the meaning given in section 20.001 (2) (b) of the  
17 statutes.

18 2. “Program revenues–service” has the meaning given in section 20.001 (2) (c)  
19 of the statutes.

20 3. “Secretary” means the secretary of administration.

21 4. “Segregated fund revenues” has the meaning given in section 20.001 (2) (d)  
22 of the statutes.

23 5. “Segregated fund revenues–service” has the meaning given in section 20.001  
24 (2) (da) of the statutes.

1           6. “State agency” has the meaning given in section 20.001 (1) of the statutes,  
2 but does not include the state investment board and the departments of employee  
3 trust funds and transportation.

4           (b) The secretary shall determine for each state agency the amount credited by  
5 the department of employee trust funds to the state agency’s appropriations from  
6 program revenues, program revenues–service, segregated fund revenues, and  
7 segregated fund revenues–service during the 2000–01 and 2001–02 fiscal years to  
8 implement 1999 Wisconsin Act 11, section 27 (1) (b) 1., for the payment of  
9 contributions under the Wisconsin retirement system. In making this calculation,  
10 the secretary shall determine the amounts credited by the department of employee  
11 trust funds for the payment of contributions under the Wisconsin retirement system  
12 for the 2000–01 fiscal year and for the 2001–02 fiscal year.

13           (c) During the 2001–02 fiscal year, the secretary shall lapse from each state  
14 agency’s appropriations from program revenues and program revenues–service to  
15 the general fund the amounts calculated by the secretary under paragraph (b) for  
16 those appropriations.

17           (d) During the 2001–02 fiscal year, the secretary shall lapse from each state  
18 agency’s appropriations from segregated fund revenues and segregated fund  
19 revenues–service to the appropriate segregated fund the amount calculated by the  
20 secretary under paragraph (b) for those appropriations that was credited by the  
21 department of employee trust funds for the 2001–02 fiscal year. After making this  
22 lapse, the secretary shall transfer from the appropriate segregated funds to the  
23 general fund an amount equal to the amounts credited by the department of  
24 employee trust funds to each state agency’s appropriations from segregated fund

1 revenues and segregated fund revenues–service for the 2000–01 fiscal year and for  
2 the 2001–02 fiscal year, as determined by the secretary under paragraph (b).”.

3 **1844.** Page 1298, line 24: after that line insert:

4 “(26n) VACANT POSITIONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

5 (a) In this subsection:

6 1. “Secretary” means the secretary of administration.

7 2. “State agency” means any office, department, or independent agency in the  
8 executive branch of government, other than the board of regents of the University  
9 of Wisconsin System.

10 (b) 1. No later than 30 days after the effective date of this paragraph, the  
11 secretary shall determine for each state agency the number of FTE positions that as  
12 of July 1, 2001, have been vacant since January 1, 2001, other than any position  
13 authorized to perform duties in a state institution or facility that has not been  
14 completed or has not begun operations as of July 1, 2001. The secretary shall also  
15 determine the annual salary and fringe benefits costs for such positions and shall  
16 identify the appropriations from which these costs are paid during the 2001–03 fiscal  
17 biennium.

18 2. The secretary shall notify each state agency affected by his or her  
19 determinations under subdivision 1. Any state agency so notified may request that  
20 the secretary reallocate the lapse, or any part thereof, to a different appropriation  
21 for state operations. Any state agency so notified may also request that the secretary  
22 not include any of the state agency’s vacant FTE positions in subdivision 1. if the  
23 agency reallocates the lapse, or any part thereof, to a different appropriation for state  
24 operations or reallocates the lapse to a different category of expenditure in the



1 appropriation identified by the secretary in subdivision 1. If the secretary agrees to  
2 any state agency's request, the secretary shall modify his or her determinations  
3 under subdivision 1.

4 (c) 1. During the 2001–02 fiscal year, the secretary shall lapse to the general  
5 fund or appropriate segregated fund from each sum certain appropriation account  
6 made to each state agency from any revenue source except program revenue, federal  
7 revenue, or segregated revenue derived from specific program receipts, or shall  
8 reestimate to subtract from the expenditure estimate for each appropriation other  
9 than a sum certain appropriation made to each state agency from any revenue  
10 source, an amount equivalent to the amount expended by that state agency for  
11 annual salary and fringe benefit costs for the vacant positions identified by the  
12 secretary under paragraph (b) from that appropriation in the 2000–01 fiscal year.  
13 During the 2002–03 fiscal year, the secretary shall lapse to the general fund or  
14 appropriate segregated fund from each such account or shall reestimate to subtract  
15 from each such estimate an equivalent amount.

16 2. Each sum certain appropriation to each state agency for the 2001–02 fiscal  
17 year and the 2002–03 fiscal year from program revenue, federal revenue, or  
18 segregated revenue derived from specific program receipts is decreased by an  
19 amount equal to the amount expended by that state agency for the payment of  
20 annual salary and fringe benefit costs for the vacant positions identified by the  
21 secretary under paragraph (b) from that appropriation in the 2000–01 and 2002–03  
22 fiscal years.

23 (d) The authorized FTE positions for each state agency are decreased by the  
24 number of FTE positions identified by the secretary under paragraph (b) from the  
25 appropriate funding source.

1 (e) The secretary shall notify the joint committee on finance of all actions taken  
2 under paragraphs (c) and (d).”.

3 **1845.** Page 1299, line 6: after that line insert:

4 “(1) AGRICULTURAL PRODUCER SECURITY COUNCIL. Notwithstanding the length of  
5 terms specified for the members of the agricultural producer security council under  
6 section 15.137 (1) (a) of the statutes, as created by this act, the initial members shall  
7 be appointed for terms expiring on July 1, 2005.

8 (1v) QUALIFIED PRODUCER AGENT RULES. Using the procedure under section  
9 227.24 of the statutes, the department of agriculture, trade and consumer protection  
10 may promulgate the rule required under section 126.51 of the statutes, as created  
11 by this act, for the period before the effective date of the permanent rule, but not to  
12 exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
13 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
14 is not required to provide evidence that promulgating a rule under this subsection  
15 as an emergency rule is necessary for the preservation of the public peace, health,  
16 safety, or welfare and is not required to provide a finding of emergency for a rule  
17 promulgated under this subsection.

18 (2) AGRICULTURAL PRODUCER SECURITY TRANSITION.

19 (a) *Vegetable contractors.* Notwithstanding SECTION 9404 (1) of this act, chapter  
20 126 of the statutes, as created by this act, does not apply with respect to vegetable  
21 contractors until February 1, 2002, except as follows:

22 1. All registration fees and surcharges paid under section 100.03 (3), 1999  
23 stats., after December 31, 2001, shall be deposited in the agricultural producer  
24 security fund.

1           2. A vegetable contractor applying for a license for the license year that begins  
2 on February 1, 2002, shall submit an application that complies with section 126.56  
3 of the statutes, as created by this act.

4           (b) *Milk contractors.* Notwithstanding SECTION 9404 (1) of this act, chapter 126  
5 of the statutes, as created by this act, does not apply with respect to milk contractors  
6 until May 1, 2002, except as follows:

7           1. All milk producer security fees paid under section 100.06 (9), 1999 stats.,  
8 after December 31, 2001, shall be deposited in the agricultural producer security  
9 fund.

10          2. A milk contractor applying for a license for the license year that begins on  
11 May 1, 2002, shall submit an application that complies with section 126.41 of the  
12 statutes, as created by this act.

13          (c) *Grain dealers and warehouse keepers.* Notwithstanding SECTION 9404 (1)  
14 of this act, chapter 126 of the statutes, as created by this act, does not apply with  
15 respect to grain dealers and grain warehouse keepers until September 1, 2002,  
16 except as follows:

17          1. All license fees and surcharges paid under chapter 127, 1999 stats., after  
18 December 31, 2001, shall be deposited in the agricultural producer security fund.

19          2. A grain dealer applying for a license for the license year that begins on  
20 September 1, 2002, shall submit an application that complies with section 126.11 of  
21 the statutes, as created by this act.

22          3. A grain warehouse keeper applying for a license for the license year that  
23 begins on September 1, 2002, shall submit an application that complies with section  
24 126.26 of the statutes, as created by this act.”.

1           **1846.** Page 1299, line 7: delete lines 7 to 25.

2           **1847.** Page 1300, line 1: delete lines 1 to 7.

3           **1848.** Page 1300, line 7: after that line insert:

4           “(2z) RULES ON DEDUCTING CARPET CLEANING COSTS. The department of  
5 agriculture, trade and consumer protection shall submit in proposed form the rule  
6 required under section 704.07 (5) (b) of the statutes, as created by this act, to the  
7 legislative council staff under section 227.15 (1) of the statutes no later than the first  
8 day of the 7th month beginning after the effective date of this subsection.”.

9           **1849.** Page 1300, line 12: after that line insert:

10           “(4z) AGRICULTURAL PRODUCER SECURITY POSITIONS.

11           (a) The authorized FTE positions for the department of agriculture, trade and  
12 consumer protection are increased on January 1, 2002, by 12.12 SEG positions, to be  
13 funded from the appropriation under section 20.115 (1) (q) of the statutes, as created  
14 by this act, for agricultural producer security.

15           (b) The authorized FTE positions for the department of agriculture, trade and  
16 consumer protection are increased on January 1, 2002, by 0.5 PR position, to be  
17 funded from the appropriation under section 20.115 (1) (h) of the statutes, for  
18 agricultural producer security.”.

19           **1850.** Page 1300, line 21: after that line insert:

20           “(1k) MINNESOTA–WISCONSIN BOUNDARY AREA COMMISSION AND COMPACT  
21 WITHDRAWAL. The state of Wisconsin withdraws from the Minnesota–Wisconsin  
22 boundary area commission and from the compact creating the commission under  
23 chapter 274, laws of 1965. The governor of Wisconsin shall inform the governor of

1 Minnesota of this withdrawal no later than 10 days after the effective date of this  
2 subsection.”.

3 **1851.** Page 1301, line 12: delete “\$8,100,000” and substitute “\$5,100,000”,  
4 and adjust the appropriate totals accordingly.

5 **1852.** Page 1302, line 12: delete that line, and adjust the appropriate totals  
6 accordingly.

7 **1853.** Page 1306, line 8: after that line insert (and adjust the appropriate  
8 totals accordingly):

9 “Agricultural buildings 9,000,000”.

10 **1854.** Page 1306, line 11: delete lines 11 and 12 and substitute (and adjust  
11 the appropriate totals accordingly):

12 “Exposition hall 34,000,000

13 Grandstand replacement 12,000,000”.

14 **1855.** Page 1306, line 18: delete lines 18 to 20, and adjust the appropriate  
15 totals accordingly.

16 **1856.** Page 1307, line 5: after that line insert (and adjust the appropriate  
17 totals accordingly):

18 “(jm) DEPARTMENT OF TOURISM

19 1. *Projects financed by segregated fund supported*  
20 *borrowing:*

21 Kickapoo Valley Reserve Visitor Center and administration building \$ 2,370,000

22 2. *Agency totals:*

1	Segregate fund supported borrowing	<u>2,370,000</u>
2	Total — all sources of funds	\$ 2,370,000”.

3           **1857.** Page 1309, line 18: after that line insert (and adjust the appropriate  
4 totals accordingly):

5	“Meat/muscle science laboratory — Madison	20,000,000
6	Veterinary diagnostic laboratory — Madison	20,000,000

7           (Total project all funding sources \$23,600,000”).

8           **1858.** Page 1309, line 22: delete “25,120,000” and substitute “20,410,200”,  
9 and adjust the appropriate totals accordingly.

10          **1859.** Page 1310, line 1: delete “\$26,120,000” and substitute “\$21,660,200”.

11          **1860.** Page 1310, line 5: delete “16,790,000” and substitute “16,290,000”, and  
12 adjust the appropriate totals accordingly.

13          **1861.** Page 1310, line 7: delete lines 7 to 9, and adjust the appropriate totals  
14 accordingly.

15          **1862.** Page 1310, line 18: delete “10,000,000” and substitute “8,000,000”, and  
16 adjust the appropriate totals accordingly.

17          **1863.** Page 1310, line 19: delete “9,858,000” and substitute “9,000,000”, and  
18 adjust the appropriate totals accordingly.

19          **1864.** Page 1310, line 21: delete “6,500,000” and substitute “23,000,000”, and  
20 adjust the appropriate totals accordingly.

21          **1865.** Page 1310, line 22: delete “\$16,500,000” and substitute “\$33,000,000”.

22          **1866.** Page 1311, line 8: after that line insert (and adjust the appropriate  
23 totals accordingly):



1           **1875.** Page 1315, line 11: delete “21,338,000” and substitute “24,122,900”,  
2 and adjust the appropriate totals accordingly.

3           **1876.** Page 1315, line 12: delete “\$35,966,000” and substitute “\$38,250,900”.

4           **1877.** Page 1315, line 13: delete “11,922,000” and substitute “13,477,700”,  
5 and adjust the appropriate totals accordingly.

6           **1878.** Page 1315, line 14: delete “\$22,943,000” and substitute “\$24,498,700”.

7           **1879.** Page 1315, line 15: delete “3,038,000” and substitute “3,434,700”, and  
8 adjust the appropriate totals accordingly.

9           **1880.** Page 1315, line 16: delete “\$4,838,000” and substitute “\$5,234,700”.

10          **1881.** Page 1316, line 1: delete “\$111,332,500” and substitute  
11 “\$117,185,600”.

12          **1882.** Page 1316, line 3: delete “\$35,966,000” and substitute “\$38,250,900”.

13          **1883.** Page 1316, line 5: delete “\$22,943,000” and substitute “\$24,498,700”.

14          **1884.** Page 1316, line 9: delete “\$111,332,500” and substitute  
15 “\$117,185,600”.

16          **1885.** Page 1316, line 11: delete “\$35,966,000” and substitute “\$38,250,900”.

17          **1886.** Page 1316, line 13: delete “\$22,943,000” and substitute “\$24,498,700”.

18          **1887.** Page 1316, line 18: delete “\$111,332,500” and substitute  
19 “\$117,185,600”.

20          **1888.** Page 1316, line 20: delete “\$35,966,000” and substitute “\$38,250,900”.

21          **1889.** Page 1317, line 2: delete “\$111,332,500” and substitute  
22 “\$117,185,600”.



1           **1890.** Page 1317, line 5: delete “\$111,332,500” and substitute  
2 “\$117,185,600”.

3           **1891.** Page 1317, line 8: delete “\$111,332,500” and substitute  
4 “\$117,185,600”.

5           **1892.** Page 1317, line 10: delete “\$35,966,000” and substitute “\$38,250,900”.

6           **1893.** Page 1317, line 12: delete “\$4,838,000” and substitute “\$5,234,700”.

7           **1894.** Page 1317, line 15: delete “\$35,966,000” and substitute “\$38,250,900”.

8           **1895.** Page 1317, line 19: delete “\$111,332,500” and substitute  
9 “\$117,185,600”.

10           **1896.** Page 1318, line 2: delete “\$111,332,500” and substitute  
11 “\$117,185,600”.

12           **1897.** Page 1318, line 4: delete “\$35,966,000” and substitute “\$38,250,900”.

13           **1898.** Page 1320, line 21: after that line insert:

14           “(4v) MECHANICAL ENGINEERING BUILDING RENOVATION AND ADDITION; UNIVERSITY  
15 OF WISCONSIN-MADISON. Notwithstanding section 18.04 (1) and (2) of the statutes,  
16 the building commission shall not authorize public debt to be contracted for the  
17 purpose of financing the mechanical engineering building renovation and addition  
18 at the University of Wisconsin–Madison, as enumerated in subsection (1) (m), prior  
19 to July 1, 2003.

20           “(4w) FINE ARTS CENTER ADDITION AND REMODELING AT UNIVERSITY OF  
21 WISCONSIN-STEVENS POINT. Notwithstanding section 18.04 (1) and (2) of the statutes,  
22 the building commission shall not authorize public debt in an amount equal to  
23 \$20,410,200 to be contracted for the purpose of financing the Fine Arts Center

1 addition and remodeling at the University of Wisconsin–Stevens Point, as  
2 enumerated in subsection (1) (m), prior to July 1, 2003.”.

3 **1899.** Page 1321, line 15: after that line insert:

4 “(8g) VETERINARY DIAGNOSTIC LABORATORY. Notwithstanding section 18.04 (1)  
5 and (2) of the statutes, the building commission shall not authorize public debt to be  
6 contracted for the purpose of financing construction of the veterinary diagnostic  
7 laboratory at the University of Wisconsin–Madison, as enumerated under  
8 subsection (1) (m), prior to July 1, 2003.

9 (9g) MEAT/MUSCLE SCIENCE LABORATORY. (a) Notwithstanding section 18.04 (1)  
10 and (2) of the statutes, the building commission shall not authorize public debt to be  
11 contracted for the purpose of financing construction of the meat/muscle science  
12 laboratory at the University of Wisconsin–Madison, as enumerated under  
13 subsection (1) (m), prior to July 1, 2003.

14 (b) No later than July 1, 2002, the building commission shall require the board  
15 of regents of the University of Wisconsin system to obtain gifts, grants, and other  
16 receipts in an amount specified by the commission for the purpose of financing a  
17 portion of the cost of construction of the meat/muscle science laboratory at the  
18 University of Wisconsin–Madison, as enumerated under subsection (1) (m).  
19 Notwithstanding section 18.04 (1) and (2) of the statutes, the building commission  
20 shall not authorize public debt to be contracted for the purpose of financing  
21 construction of the laboratory until the portion of the funding to be derived from gifts,  
22 grants, and other receipts has been received by the state. Notwithstanding section  
23 20.924 (1) (em) of the statutes, the building commission shall substitute the gifts,  
24 grants and other receipts for a corresponding amount of the borrowing authorized

1 under section 20.866 (2) (s) of the statutes, as affected by this act, to finance  
2 construction of the laboratory.”.

3 **1900.** Page 1322, line 7: delete lines 7 to 12 and substitute:

4 “(12v) CLASSROOM RENOVATION/INSTRUCTIONAL TECHNOLOGY. The building  
5 commission shall allocate funding for classroom renovation and instructional  
6 technology for the University of Wisconsin System, as enumerated under subsection  
7 (1) (m), only in facilities that are under general renovation at the time that the  
8 funding is allocated.

9 (12w) UTILITY SERVICE COST ALLOCATION STUDY. Notwithstanding section 16.705  
10 (1) of the statutes, the building commission shall direct the department of  
11 administration to contract with a private person to perform a study of the extent of  
12 utility services provided to state programs funded with program revenue and to  
13 determine whether the charges made to the programs utilizing this service are fairly  
14 compensating the state for the cost of the service provided to the programs. The  
15 report of the study shall include any recommendations for changes in allocation of  
16 charges for utility service. The department of administration shall report the results  
17 of the study, together with any recommendations included in the study report, to the  
18 cochairpersons of the joint committee on finance no later than July 1, 2002.”.

19 **1901.** Page 1324, line 3: after that line insert:

20 “(4q) DWELLING CODE COUNCIL. Notwithstanding the length of terms specified  
21 for members of the dwelling code council appointed under section 15.157 (3) of the  
22 statutes, as affected by this act, the member appointed under that section as a  
23 representative of remodeling contractors shall be initially appointed for a term  
24 expiring on July 1, 2004.”.

1           **1902.** Page 1326, line 5: after that line insert:

2           “(10zx) GRANT FOR APPLE RIVER PROJECT. From the appropriation under section  
3           20.143 (1) (qm) of the statutes, as affected by this act, the department of commerce  
4           shall provide a grant under the program under section 560.13 of the statutes, as  
5           affected by this act, of \$386,600 to the city of Amery for the Apple River project. The  
6           proceeds may be used to purchase land with existing structures for the purpose of  
7           demolishing such structures and environmental cleanup and to match federal and  
8           other state funding for environmental cleanup to the extent that public moneys may  
9           be used for matching such funding. The department of commerce shall enter into an  
10          agreement with the city of Amery that specifies the uses for the grant proceeds and  
11          reporting and auditing requirements.”.

12          **1903.** Page 1326, line 5: after that line insert:

13          “(8z) REPORT ON OFFICE OF ECONOMIC STRATEGY. By July 1, 2002, the department  
14          of commerce shall submit a report to the appropriate standing committees of the  
15          legislature in the manner provided under section 13.172 (3) of the statutes on a plan  
16          to create an office of economic strategy for coordinating all state government efforts  
17          and activities related to economic development.”.

18          **1904.** Page 1326, line 5: after that line insert:

19          “(9mk) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. The authorized FTE  
20          positions for the department of commerce are increased by 1.0 PR position, to be  
21          funded from the appropriation under section 20.143 (1) (g) of the statutes, for the  
22          division of international and export services.”.

23          **1905.** Page 1326, line 5: after that line insert:

1           “(11zx) GRANTS TO PORT PLAZA RENOVATION PROJECT. From the appropriation  
2 under section 20.143 (1) (kj) of the statutes, as affected by this act, the department  
3 of commerce shall make a grant of \$250,000 in each fiscal year of the 2001–03 fiscal  
4 biennium to the Port Plaza Renovation Project in the city of Green Bay. The  
5 department of commerce shall enter into an agreement with the Port Plaza  
6 Renovation Project that specifies the uses for the grant proceeds and reporting and  
7 auditing requirements.”.

8           **1906.** Page 1326, line 5: after that line insert:

9           “(10fk) GRANT TO FLORENCE COUNTY KEYES PEAK RECREATION CENTER. From the  
10 appropriation under section 20.143 (1) (kj) of the statutes, as affected by this act, the  
11 department of commerce shall provide a grant of \$50,000 in the 2001–03 biennium  
12 to the Florence County Keyes Peak Recreation Center for a construction project. The  
13 department of commerce shall enter into an agreement with the grant recipient that  
14 specifies the uses for the grant proceeds and reporting and auditing requirements.

15           (11pk) GRANTS TO POTOSI BREWERY FOUNDATION.

16           (a) In this subsection:

- 17           1. “Department” means the department of commerce.
- 18           2. “Secretary” means the secretary of commerce.

19           (b) In the 2001–03 fiscal biennium, the department shall make a grant of  
20 \$30,000 and a grant of \$120,000 from the appropriation under section 20.143 (1) (kj)  
21 of the statutes, as affected by this act, to Potosi Brewery Foundation for the purposes  
22 specified in paragraph (c) if all of the following apply:

1           1. Potosi Brewery Foundation submits a plan to the department detailing the  
2 proposed use of the grant, the plan is in compliance with the uses specified in  
3 paragraph (c), and the secretary approves the plan.

4           2. Potosi Brewery Foundation provides matching funds of \$120,000 for the  
5 project.

6           3. Potosi Brewery Foundation enters into a written agreement with the  
7 department that specifies the conditions for the use of the grant proceeds, including  
8 reporting and auditing requirements.

9           4. Potosi Brewery Foundation agrees in writing to submit to the department  
10 the report required under paragraph (d) by the time required under paragraph (d).

11           (c) The grant of \$30,000 under this subsection shall be used for development  
12 of a historic structure report and the grant of \$120,000 under this subsection shall  
13 be used for development of a marketing plan, restoration and salvage of the brewery  
14 structure, and restoration project fundraising.

15           (d) If Potosi Brewery Foundation receives a grant under this subsection, it shall  
16 submit to the department, within 6 months after spending the full amount of the  
17 grant, a report detailing how the grant proceeds were used.

18           (12fk) GRANT TO FORWARD WISCONSIN, INC. Notwithstanding section 560.07 (3)  
19 (b) of the statutes, from the appropriation under section 20.143 (1) (kj) of the statutes,  
20 as affected by this act, the department of commerce shall provide a grant of \$100,000  
21 in fiscal year 2002–03 to Forward Wisconsin, Inc., for its activities related to  
22 attracting businesses to the state. Forward Wisconsin, Inc., shall expend the grant  
23 proceeds in adherence with the uniform travel schedule amounts approved under  
24 section 20.916 (8) of the statutes, as affected by this act, and may not expend the  
25 grant proceeds on entertainment, on foreign travel, on payments to persons not

1 providing goods or services to Forward Wisconsin, Inc., or for other purposes  
2 prohibited by contract between Forward Wisconsin, Inc., and the department of  
3 commerce. The department of commerce shall enter into an agreement with  
4 Forward Wisconsin, Inc., that specifies the uses for the grant proceeds under this  
5 subsection and reporting and auditing requirements.”.

6 **1907.** Page 1329, line 24: delete lines 24 to 25.

7 **1908.** Page 1330, line 1: delete lines 1 to 3.

8 **1909.** Page 1332, line 3: after that line insert:

9 “(6q) CHAPLAIN POSITIONS. The authorized FTE positions for the department of  
10 corrections are decreased by 3.0 GPR chaplain positions, funded from the  
11 appropriation under section 20.410 (1) (a) of the statutes.”.

12 **1910.** Page 1332, line 3: after that line insert:

13 “(6c) JUVENILE JUSTICE SYSTEM STUDY.

14 (a) There is created a committee to study the costs of the state assuming from  
15 the counties responsibility for the operation of the juvenile justice system. The  
16 committee shall consist of the secretary of administration or the secretary’s designee,  
17 the secretary of corrections or the secretary’s designee, the secretary of health and  
18 family services or the secretary’s designee, a representative of the Wisconsin  
19 Counties Association, and a representative of Milwaukee County, with the governor  
20 to appoint the chairperson of the committee.

21 (b) Beginning on January 1, 2002, each county shall adopt a uniform system of  
22 accounts prescribed by the committee for the recording of all revenues and  
23 expenditures relating to the operation of the juvenile justice system in the county.

1 By March 15, 2003, each county shall report those revenues and expenditures for  
2 2002 to the committee.

3 (c) By May 1, 2003, the committee shall report its findings, conclusions, and  
4 recommendations to the legislature in the manner provided in section 13.172 (2) of  
5 the statutes and to the governor. The report shall include proposed legislation for  
6 all of the following:

7 1. The assumption by the state of all or part of the operating costs of the juvenile  
8 justice system, beginning on January 1, 2004.

9 2. The elimination of youth aids payments to counties under section 301.26 of  
10 the statutes, as affected by this act, and a reduction in the amount of shared revenue  
11 payments and mandate relief payments to counties under sections 79.03, 79.058,  
12 79.06, and 79.08 of the statutes and under section 79.04 of the statutes, as affected  
13 by this act, as a result of the state's assumption of the costs of operating the juvenile  
14 justice system.”.

15 **1911.** Page 1332, line 3: after that line insert:

16 “(7z) REPORT ON TREATMENT PROGRAMS FOR PRISONERS. By March 15, 2002, the  
17 department of corrections shall study and report on the availability and effectiveness  
18 of programs that provide prisoners with treatment for drug and alcohol abuse,  
19 instruction in basic skills such as reading and math, and training in job skills. The  
20 report shall include an analysis of the racial composition of the enrollment in such  
21 programs compared to the racial composition of the prison population as a whole.  
22 The report shall also include recommendations for establishing new programs that  
23 would better prepare prisoners to enter the workforce and suggestions about how  
24 current programs could be improved. The report shall be submitted to the



1 appropriate standing committees of the legislature in the manner provided under  
2 section 13.172 (3) of the statutes, to the joint committee on finance, and to the  
3 governor.”.

4 **1912.** Page 1332, line 8: after that line insert:

5 “(1x) SUBLEASE OF ELECTRONIC VOTING EQUIPMENT. The elections board shall  
6 make the payments required under the master lease for electronic voting system  
7 equipment entered into under SECTION 9101 (20x) of this act and shall sublease the  
8 equipment to any county in which municipalities using that equipment are wholly  
9 or partly contained at nominal cost to the county. The elections board shall make the  
10 payments required under this subsection from the appropriation under section  
11 20.510 (1) (c) of the statutes, as created by this act.”.

12 **1913.** Page 1333, line 4: after that line insert:

13 “(1k) EMERGENCY RULES; UNIVERSAL BANKING. Except as otherwise provided in  
14 this subsection, using the procedure under section 227.24 of the statutes, the division  
15 of banking may promulgate rules authorized under chapter 222 of the statutes, as  
16 created by this act, for the period before permanent rules become effective, but not  
17 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
18 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the division of  
19 banking is not required to provide evidence that promulgating a rule under this  
20 subsection as an emergency rule is necessary for the preservation of the public peace,  
21 health, safety, or welfare and is not required to provide a finding of emergency for a  
22 rule promulgated under this subsection. This subsection does not apply to the  
23 promulgation of rules under section 222.0413 (2) (b) of the statutes, as created by this  
24 act.”.

1           **1914.** Page 1333, line 4: after that line insert:

2           “(1d) EMERGENCY RULES; RENTAL-PURCHASE COMPANIES. Using the procedure  
3 under section 227.24 of the statutes, the division of banking may promulgate rules  
4 authorized under section 218.63 (3) of the statutes, as created by this act, prescribing  
5 the fees under sections 218.618 (2), 218.622 (4), and 218.626 (1) of the statutes, as  
6 created by this act, for the period before the date on which permanent rules take  
7 effect, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of  
8 the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,  
9 the division of banking is not required to provide evidence that promulgating a rule  
10 under this subsection as an emergency rule is necessary for the preservation of the  
11 public peace, health, safety, or welfare and is not required to provide a finding of  
12 emergency for a rule promulgated under this subsection.”.

13           **1915.** Page 1333, line 21: after that line insert:

14           “(1) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. Notwithstanding  
15 sections 48.38 (3) and 938.38 (3) of the statutes, for children or juveniles who are  
16 living in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of the  
17 statutes, under an order of the court assigned to exercise jurisdiction under chapters  
18 48 and 938 of the statutes, as affected by this act, on the day before the effective date  
19 of this subsection, the agency assigned primary responsibility for providing services  
20 to those children or juveniles under section 48.355 or 938.355 of the statutes shall  
21 file a permanency plan with that court with respect to not less than 33% of those  
22 children or juveniles by November 1, 2001, with respect to not less than 67% of those  
23 children or juveniles by January 1, 2002, and with respect to all of those children or  
24 juveniles by March 1, 2002, giving priority to those children or juveniles who have

1       been living in the home of a relative for the longest period of time. Notwithstanding  
2       section 48.38 (5) (a) of the statutes, as affected by this act, and section 938.38 (5) (a)  
3       of the statutes, as affected by this act, a permanency plan filed under this subsection  
4       shall be reviewed within 6 months after the date on which the permanency plan is  
5       filed.”.

6               **1916.** Page 1335, line 7: after “to” insert “attempt to”.

7               **1917.** Page 1336, line 2: delete lines 2 to 4 and substitute “SERVICES. If after  
8       supporting the costs specified in section 46.46 of the statutes, as affected by this act,  
9       and lapsing the amounts specified in SECTION 9223 (4z) (b) and (5zk) of this act there  
10      remain any moneys in the appropriation account under section 20.435 (8) (mb) of the  
11      of the statutes, as affected by this act, those remaining moneys are allocated for costs  
12      associated with transferring cases of children in”.

13              **1918.** Page 1336, line 12: after “administration.” insert “The department of  
14      health and family services may propose expending or encumbering no more than  
15      \$2,933,700 under this subsection.”.

16              **1919.** Page 1337, line 15: delete “2002” and substitute “2003”.

17              **1920.** Page 1338, line 2: after that line insert:

18              “(9wo) REPORT ON POTENTIAL BADGER CARE HEALTH CARE PROGRAMS SAVINGS. The  
19      department of health and family services shall study the potential for long-term  
20      savings under the badger care health care program under section 49.665 of the  
21      statutes, as affected by this act. No later than January 1, 2002, the department of  
22      health and family services shall report the results of the study, together with its  
23      findings and recommendations, to the joint committee on finance.”.

24              **1921.** Page 1338, line 15: after that line insert:

1           “(10w) INCREASED FUNDING FOR DOMESTIC ABUSE PROGRAMS.

2           (a) Notwithstanding section 46.95 (2) of the statutes, the department of health  
3 and family services shall increase by \$125,000 in each fiscal year of the 2001–03  
4 fiscal biennium the overall amount provided in grants, under its domestic abuse  
5 grants program, for all of the following:

6           1. Basic services.

7           2. Children’s programming.

8           3. Expansion and satellite programs.

9           4. Tribal programs.

10          5. Underrepresented populations.

11          6. Training and technical assistance.

12          (b) The department of health and family services shall increase the amount  
13 provided for each of the purposes specified under paragraph (a) by the same  
14 percentage.”.

15          **1922.** Page 1338, line 16: delete lines 16 to 20.

16          **1923.** Page 1338, line 20: after that line insert:

17          “(17g) BADGER CARE HEALTH CARE PROGRAM WAIVER; INSURANCE VERIFICATION. Not  
18 later than January 1, 2002, the department of health and family services shall  
19 request a waiver from the federal secretary of health and human services to permit  
20 the department to verify whether a family, or child who does not reside with a parent,  
21 has access or has had access to employer–subsidized health care within the time  
22 period established under section 49.665 (4) (a) 3. of the statutes, prior to enrolling  
23 the family or child in the badger care health care program under section 49.665 of  
24 the statutes.

1           (17h) BADGER CARE HEALTH CARE PROGRAM WAIVER; ELIGIBILITY. Not later than  
2           January 1, 2002, the department of health and family services shall request a waiver  
3           from the federal secretary of health and human services to increase the period of time  
4           that a family, or a child who does not reside with a parent, is required to be without  
5           employer–subsidized health care coverage before the family or child is eligible for the  
6           badger care health care program under section 49.665 of the statutes, as affected by  
7           this act. The waiver shall request that the period of time be increased to all of the  
8           following:

9           (a) Except as provided in paragraphs (NO TAG), (NO TAG), and (NO TAG), 6  
10          months.

11          (b) If the family or child had employer–subsidized health care coverage during  
12          the 6 months immediately preceding the date on which the family or child applies  
13          for the badger care health care program, but the family or child no longer has the  
14          health care coverage because the coverage was terminated, and the termination was  
15          not the fault of the family or child, as determined by the department of health and  
16          family services, 45 days.

17          (c) If the family or child had employer–subsidized health care coverage during  
18          the 6 months immediately preceding the date on which the family or child applies  
19          for the badger care health care program, but the family or child no longer has the  
20          health care coverage because the family or child has exhausted the health care  
21          coverage available under 42 USC 300bb–1 to 300bb–8 as provided in 29 CFR  
22          2590.701–2 (4), at least 3 months.

23          (d) If the family or child had employer–subsidized health care coverage during  
24          the 6 months immediately preceding the date on which the family or child applies

1 for the badger care health care program, but the family or child no longer has that  
2 health care coverage because of the termination of employment, at least 3 months.”.

3 **1924.** Page 1338, line 20: after that line insert:

4 “(19g) COMPREHENSIVE QUALITY ASSESSMENT PILOT PROJECT. By January 1, 2002,  
5 the department of health and family services shall submit for review by the  
6 appropriate standing committees of each house of the legislature, as determined by  
7 the presiding officer of each house, a request to the federal department of health and  
8 human services for a waiver, under 42 USC 1315 (a), of federal medical assistance  
9 laws to permit nursing facilities, as approved by the department of health and family  
10 services, to participate in the counties of Brown, Grant, Polk, and Waukesha in a  
11 pilot project under section 49.4981 of the statutes, as created by this act, under which  
12 comprehensive assessments of the quality of care provided to residents of the nursing  
13 facilities that are conducted by a private entity would, if approved by the department  
14 of health and family services, be used in lieu of annual surveys conducted by the  
15 department. The department of health and family services may not submit the  
16 request for a waiver, as specified in this subsection, to the federal department of  
17 health and human services unless the request is approved by the appropriate  
18 standing committees of the legislature that review the request.”.

19 **1925.** Page 1338, line 20: after that line insert:

20 “(16r) PLAN FOR SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. The  
21 department of health and family services shall develop a plan to administer and fund  
22 services for persons with developmental disabilities. The plan, which shall include  
23 any recommended statutory language changes that are needed to implement the  
24 plan, shall be included in that department’s budget request that is submitted to the

1 department of administration for the 2003–05 biennium. The plan shall include the  
2 following components:

3 (a) Institutional and community–based services for persons with  
4 developmental disabilities shall be administered within one administrative subunit  
5 of the department of health and family services. The subunit that is designated to  
6 administer these services shall be the subunit that is administering  
7 community–based services for persons with developmental disabilities on the  
8 effective date of this paragraph.

9 (b) Funding under the medical assistance program for institutional services  
10 and home and community–based waiver services for persons with developmental  
11 disabilities shall be combined into one appropriation, to the extent permissible under  
12 federal law. The funding in this appropriation may not be tied to any specific  
13 program or service setting, but shall be individually tailored to enable the person to  
14 live in the least restrictive setting appropriate to his or her needs and preferences.

15 (16rq) MEDICAL ASSISTANCE WAIVERS FOR DEVELOPMENTAL DISABILITIES SERVICES.  
16 The department of health and family services shall determine whether any new  
17 waivers under the medical assistance program are necessary to administer funding  
18 for medical assistance services as described in subsection (16r) (b). That department  
19 shall apply for any waivers of federal medical assistance statutes and regulations  
20 from the federal department of health and human services that the department of  
21 health and family services determines are necessary to administer funding for  
22 medical assistance services as described in subsection (16r) (b).

23 (16rr) WRITTEN PLANS OF CARE FOR PERSONAL CARE SERVICES; RULES. The  
24 department of health and family services shall submit in proposed form the rules  
25 required under section 49.45 (2) (a) 24. of the statutes, as created by this act, to the

1 legislative council staff under section 227.15 (1) of the statutes no later than the first  
2 day of the fourth month beginning after the effective date of this subsection.

3 (16rs) PILOT PROGRAM FOR LONG-TERM CARE OF CHILDREN WITH DISABILITIES.

4 (a) In this subsection:

5 1. “Administering agency” means a county department under section 46.23,  
6 51.42, or 51.437 of the statutes or a human services agency that administers the  
7 program under a contract with such a county department.

8 2. “Program” means a pilot program that provides a system of long-term care  
9 for children with disabilities and their families.

10 (b) The department of health and family services shall, as soon as possible  
11 before July 1, 2002, seek waivers of federal medical assistance statutes and  
12 regulations from the federal department of health and human services that are  
13 necessary to implement, in pilot sites, the program. If the waivers are granted, the  
14 program shall have all of the following characteristics:

15 1. Eligibility under sections 46.27 (11), 46.275, 46.277, 46.278, 46.985, and  
16 51.44 of the statutes shall be expanded to include children with severe disabilities  
17 and long-term care needs and children eligible for medical assistance with high  
18 medical costs, and medical assistance coverage of services shall be expanded to  
19 include services focused on the needs of children with developmental disabilities and  
20 their families.

21 2. The administration of the program shall be consistent with section 46.985  
22 of the statutes, including a family-centered assessment and planning process.

23 3. The program shall operate within rate settings based upon a child’s level of  
24 care and support needs. The department of health and family services shall



1 promulgate rules that specify rates that are consistent with federal medical  
2 assistance home and community–based waiver regulations.

3 4. The department of health and family services shall coordinate supports and  
4 services under the program with the medical assistance fee–for–service system,  
5 including the prior authorization process.

6 5. The lead agency for the program shall be an administering agency.

7 6. Counties in which the program is located shall provide, contract for the  
8 provision of, organize, or arrange for long–term care supports for eligible children up  
9 to age 24 years, consistent with section 46.985 (1) (b) and (6) (f) of the statutes.

10 7. Information and assistance services operated under the program shall  
11 provide, contract, or arrange for the provision of all of the following:

12 a. Information and referral services and other assistance at hours that are  
13 convenient for the public.

14 b. Within the limits of available funding, prevention and intervention services.

15 c. Counseling concerning public and private benefits programs.

16 d. Assistance with understanding rights of children and parents within the  
17 long–term care system.

18 8. The administering agency shall determine functional and financial  
19 eligibility for the program by coordinating with the department of health and family  
20 services in completing all of the following:

21 a. A determination of functional eligibility for the children’s long–term support  
22 benefit.

23 b. A determination of financial eligibility and of the maximum amount of cost  
24 sharing required for a family who is seeking long–term care services, under  
25 standards prescribed by the department of health and family services.

1           c. Assistance to a child who is eligible for a long-term support benefit and to  
2 the child's family with respect to the choice of whether or not to participate in the  
3 waiver pilot.

4           d. Assistance in enrolling in the program, for families who choose to enroll their  
5 children.

6           9. The cost of the program may not exceed the cost of existing services under  
7 sections 46.27 (11), 46.275, 46.277, 46.278, 46.985, and 51.44 of the statutes.

8           10. The program shall blend the costs per child served in the areas of the sites  
9 in which services are provided under sections 46.27 (11), 46.275, 46.277, 46.278,  
10 46.985, and 51.44 of the statutes.

11           11. The department of health and family services may develop a methodology  
12 to distribute funding under the program on a per child per month basis.

13           12. The department of health and family services shall reinvest into the  
14 children's long-term support system any funding saved by this new methodology.

15           13. The department of health and family services shall equitably assign  
16 priority on any necessary waiting lists, consistent with criteria prescribed by that  
17 department, for children who are eligible for the program, but for whom resources  
18 are not available.

19           14. The department of health and family services shall provide transitional  
20 services to families whose children with physical or developmental disabilities are  
21 preparing to enter the adult service system.

22           15. The department of health and family services shall determine eligibility for  
23 program applicants for state supplemental payments under section 49.77 of the  
24 statutes, medical assistance under section 49.46 of the statutes, and the federal food  
25 stamp program under 7 USC 2011 to 2029.

1 (c) If the federal waivers specified under paragraph (b) are approved, the  
2 department of health and family services shall, as soon as possible before July 1,  
3 2002, seek enactment of statutory language, including appropriation of necessary  
4 funding, to implement the model described under paragraph (b), as approved under  
5 the federal waivers. Any new resources for supports and services for long-term care  
6 for children with disabilities and their families shall be managed under the program  
7 after approval of the federal waivers specified in paragraph (b) and enactment of  
8 necessary statutory language to implement the model under paragraph (b).”.

9 **1926.** Page 1338, line 20: after that line insert:

10 “(15e) FIFTH STANDARD FOR EMERGENCY DETENTION AND CIVIL COMMITMENT. The  
11 repeal of 1995 Wisconsin Act 292, sections 5, 12, 14, 16, 20, 22, 24, 28, 30, 30h, 32,  
12 and 37 (1), and the repeal of 1997 Wisconsin Act 35, sections 141, 144, 147, and 605  
13 (1), apply notwithstanding section 990.03 (3) of the statutes.”.

14 **1927.** Page 1338, line 20: after that line insert:

15 “(10q) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY; ADMINISTRATION. Before July  
16 1, 2002, the department of health and family services may develop and submit to the  
17 department of administration a proposal for expenditure of the funds appropriated  
18 under section 20.865 (4) (a) of the statutes for administration of the prescription drug  
19 assistance for elderly program under section 49.688 of the statutes, as created by this  
20 act. The department of administration may approve, disapprove, or modify and  
21 approve any proposal it receives under this subsection. If the department of  
22 administration approves the proposal, the department shall submit the proposal,  
23 together with any modifications, to the cochairpersons of the joint committee on  
24 finance. If the cochairpersons of the committee do not notify the secretaries of

1 administration and health and family services within 14 working days after  
2 receiving the proposal that the cochairpersons have scheduled a meeting for the  
3 purpose of reviewing the proposal, the secretary of administration may transfer from  
4 the appropriation under section 20.865 (4) of the statutes to the appropriation under  
5 section 20.435 (4) (a) of the statutes the amount specified in the proposal or any  
6 proposed modifications of the proposal for expenditure as specified in the proposal  
7 or any proposed modifications of the proposal and may approve any position  
8 authority specified in the proposal or any proposed modifications of the proposal. If,  
9 within 14 working days after receiving the proposal, the cochairpersons notify the  
10 secretaries of administration and health and family services that the cochairpersons  
11 have scheduled a meeting for the purpose of reviewing the proposal, the secretary of  
12 administration may not transfer any amount specified in the proposal or any  
13 proposed modifications of the proposal from the appropriation under section 20.865  
14 (4) of the statutes and may not approve any position authority specified in the  
15 proposal or any proposed modifications of the proposal, except as approved by the  
16 committee.”.

17 **1928.** Page 1338, line 20: after that line insert:

18 “(13d) PLAN FOR REGIONAL LABOR COST VARIATIONS FOR NURSING HOME  
19 REIMBURSEMENT. For purposes of determining medical assistance reimbursement for  
20 allowable direct care costs for facilities with respect to adjustments for regional labor  
21 cost variations under section 49.45 (6m) (ar) 1. a. of the statutes, the department of  
22 health and family services, together with representative of the nursing home  
23 industry and organized labor, shall develop a comprehensive plan that specifies  
24 varying regions of the state of Wisconsin with respect to labor costs for nursing home

1 staff. The department of health and family services shall submit the plan, by  
2 September 1, 2001, or by the first day of the 2nd month beginning after the effective  
3 date of this subsection, whichever is later, to the joint committee on finance for  
4 review. If the cochairpersons of the joint committee on finance do not notify the  
5 secretary of health and family services within 14 working days after the date on  
6 which the plan is submitted that the committee intends to schedule a meeting to  
7 review the plan, the department of health and family services shall implement the  
8 plan in adjusting standards for medical assistance reimbursement of allowable  
9 direct care costs for facilities under section 49.45 (6m) (ar) 1. a. of the statutes. If,  
10 within 14 working days after the date on which the plan is submitted, the  
11 cochairpersons of the committee notify the secretary of health and family services  
12 that the committee intends to schedule a meeting to review the plan, the department  
13 of health and family services may implement the plan only upon approval by the  
14 committee.”.

15 **1929.** Page 1338, line 20: after that line insert:

16 “(18f) RESPITE FACILITIES; RULES. The department of health and family services  
17 shall submit in proposed form the rules required under section 50.85 (8) of the  
18 statutes, as created by this act, to the legislative council staff under section 227.15  
19 (1) of the statutes no later than October 31, 2002.”.

20 **1930.** Page 1338, line 20: after that line insert:

21 “(14b) SUDDEN INFANT DEATH SYNDROME PREVENTION TRAINING; RULES. The  
22 department of health and family services shall submit in proposed form the rules  
23 required under section 48.67 of the statutes, as affected by this act, to the legislature

1 under section 227.19 of the statutes no later than the first day of the 6th month  
2 beginning after the effective date of this subsection.”.

3 **1931.** Page 1338, line 20: after that line insert:

4 “(16mn) STUDY ON FUNDING THE HEALTH INSURANCE RISK–SHARING PLAN. The board  
5 of governors of the health insurance risk–sharing plan under chapter 149 of the  
6 statutes, as affected by this act, shall conduct a study on alternative funding sources  
7 for the health insurance risk–sharing plan. No later than January 1, 2002, the board  
8 of governors shall report the results of the study, together with its findings and  
9 recommendations, to the standing committees of the legislature on health in the  
10 manner provided under section 13.172 (3) of the statutes and to the members of the  
11 joint committee on finance.”.

12 **1932.** Page 1338, line 20: after that line insert:

13 “(12r) STATEWIDE TRAUMA CARE SYSTEM; POSITIONS. The authorized FTE positions  
14 for the department of health and family services are increased by 2.0 PR project  
15 positions, to be funded from the appropriation account under section 20.435 (1) (kx)  
16 of the statutes, for the purposes of the statewide trauma care system under section  
17 146.56 of the statutes, as affected by this act, for the period beginning on July 1, 2001,  
18 and ending on June 30, 2003.

19 (12s) STATEWIDE TRAUMA CARE SYSTEM; REGIONAL ADVISORY TRAUMA COUNCILS.  
20 From the appropriation account under section 20.435 (1) (kx) of the statutes, the  
21 department of health and family services shall expend \$25,000 in state fiscal year  
22 2001–02 and \$50,000 in state fiscal year 2002–03 for expenses of the regional  
23 advisory trauma councils under section 146.56 (1) of the statutes, as affected by this  
24 act, and shall distribute \$290,000 in state fiscal year 2002–03 as grants to regional

1 advisory trauma councils for performance of activities under the statewide trauma  
2 system.”.

3 **1933.** Page 1338, line 20: after that line insert:

4 “(13b) DURABLE MEDICAL EQUIPMENT; CUSTOMIZED WHEELCHAIR. From the  
5 appropriations under section 20.435 (4) (b) and (o) of the statutes, as affected by this  
6 act, notwithstanding the denial of a request for prior authorization for durable  
7 medical equipment for a customized wheelchair, the department of health and family  
8 services shall purchase a customized wheelchair for a resident of the Vernon Manor  
9 nursing home in Vernon County who has cerebral palsy and for whom a physician  
10 has determined that a customized wheelchair is necessary.”.

11 **1934.** Page 1338, line 20: after that line insert:

12 “(14k) IMMUNIZATION REGISTRY.

13 (a) The department of health and family services shall submit to the joint  
14 committee on finance a request to supplement the appropriation account under  
15 section 20.435 (4) (bm) of the statutes, as affected by this act, for the purpose of  
16 developing and implementing a statewide immunization registry. The request shall  
17 include a memorandum of understanding between the department of health and  
18 family services and the Marshfield Clinic, on behalf of the Regional Early Childhood  
19 Immunization Network, that specifies the amount of moneys allocated under section  
20 49.175 (1) (ze) 9. of the statutes that will be used to support immunization data  
21 collection by the Regional Early Childhood Immunization Network, outside of the  
22 area currently served by the immunization registry system of the Marshfield Clinic  
23 and that results in a savings for the department’s immunization registry.

1 (b) If the cochairpersons of the committee do not notify the secretary of health  
2 and family services within 14 working days after receiving the memorandum of  
3 understanding and request under paragraph (a) that the cochairpersons have  
4 scheduled a meeting for the purpose of reviewing the request, the appropriation  
5 account under section 20.435 (4) (bm) of the statutes, as affected by this act, shall be  
6 supplemented from the appropriation account under section 20.865 (4) (a) of the  
7 statutes, as provided in the request. If, within 14 working days after receiving the  
8 proposal, the cochairpersons notify the secretary that the cochairpersons have  
9 scheduled a meeting for the purpose of reviewing the request, the appropriation  
10 account may be supplemented from the appropriation account under section 20.865  
11 (4) (a) of the statutes only as approved by the committee. Notwithstanding section  
12 13.101 (3) of the statutes, the committee is not required to find that an emergency  
13 exists prior to supplementing the appropriation account under section 20.435 (4)  
14 (bm) of the statutes, as affected by this act.

15 (c) Not later than January 1, 2003, the department of health and family  
16 services shall submit a report on the immunization registry to the legislature in the  
17 manner provided under section 13.172 (2) of the statutes.

18 (14L) WINNEBAGO MENTAL HEALTH INSTITUTE AND MENDOTA MENTAL HEALTH  
19 INSTITUTE POSITION AUTHORIZATIONS.

20 (a) The authorized FTE positions for the department of health and family  
21 services are decreased by 1.58 GPR positions, funded from the appropriation under  
22 section 20.435 (2) (a) of the statutes, for the purpose of providing care to residents  
23 of the Winnebago Mental Health Institute and Mendota Mental Health Institute.

24 (b) The authorized FTE positions for the department of health and family  
25 services are increased by 1.58 PR positions, to be funded from the appropriation



1 under section 20.435 (2) (gk) of the statutes, as affected by this act, for the purpose  
2 of providing care to residents of the Winnebago Mental Health Institute and  
3 Mendota Mental Health Institute.”.

4 **1935.** Page 1338, line 22: after that line insert:

5 “(1z) REPORT ON STUDENT LOAN FORGIVENESS TO ATTRACT WORKERS. By January  
6 1, 2002, the higher educational aids board shall study and report to the legislature  
7 and to the appropriate standing committees of the legislature, in the manner  
8 provided under section 13.172 (2) and (3) of the statutes, and to the governor on the  
9 cost, desirability, and effectiveness of creating a general program of student loan  
10 forgiveness for attracting workers to and retaining workers in this state. The report  
11 shall include legislative recommendations.”.

12 **1936.** Page 1338, line 24: delete “(1mk)” and substitute “(1mk)”.

13 **1937.** Page 1340, line 17: after that line insert:

14 “(1x) VOTING SYSTEM TRANSITIONAL ASSISTANCE. Notwithstanding section 13.101  
15 (3) (a) of the statutes, if the elections board requests a supplemental appropriation  
16 from the joint committee on finance for the purpose of providing voting system  
17 transitional assistance under section 7.08 (7) of the statutes, as created by this act,  
18 or SECTION 9115 (1x) of this act, no finding of emergency is required.  
19 Notwithstanding sections 13.10 and 13.101 (3) of the statutes, if the elections board  
20 requests a supplemental appropriation under this subsection, and the  
21 cochairpersons of the joint committee on finance do not notify the elections board that  
22 a meeting of the committee has been scheduled to discuss the request within 14  
23 working days of the date that the request is made, the request is considered to be  
24 approved by the committee.”.

1           **1938.** Page 1340, line 19: after that line insert:

2           “(1w) MINORITY BUSINESS GRANT REPAYMENT. The attorney general shall  
3 vigorously prosecute and pursue the repayment of a loan for a trade mission to Africa  
4 made from the minority business development finance and education and training  
5 grants program under section 560.837 of the statutes.”.

6           **1939.** Page 1340, line 19: after that line insert:

7           “(1q) TRANSFER OF DEPARTMENT OF JUSTICE CONSUMER PROTECTION LEGAL SERVICES  
8 TO THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION.

9           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
10 liabilities of the department of justice that are primarily related to the provision of  
11 consumer protection legal services, as determined by the secretary of  
12 administration, shall become the assets and liabilities of the department of  
13 agriculture, trade and consumer protection.

14           (b) *Position decreases.* The authorized FTE positions for the department of  
15 justice are decreased by 9.30 GPR positions, funded from the appropriation under  
16 section 20.455 (1) (a) of the statutes, for the performance of duties primarily related  
17 to consumer protection legal services.

18           (c) *Employee transfers.* There are transferred from the department of justice  
19 to the department of agriculture, trade and consumer protection 9.30 FTE  
20 incumbent employees holding positions in the department of justice performing  
21 duties primarily related to consumer protection legal services.

22           (d) *Employee status.* Employees transferred under paragraph (c) have the  
23 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
24 statutes in the department of agriculture, trade and consumer protection that they

1 enjoyed in the department of justice immediately before the transfer.  
2 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
3 has attained permanent status in class is required to serve a probationary period.

4 (e) *Tangible personal property.* On the effective date of this paragraph, all  
5 tangible personal property, including records, of the department of justice that is  
6 primarily related to the provision of consumer protection legal services, as  
7 determined by the secretary of administration, shall be transferred to the  
8 department of agriculture, trade and consumer protection.

9 (f) *Contracts.* All contracts entered into by the department of justice in effect  
10 on the effective date of this paragraph that are primarily related to the provision of  
11 consumer protection legal services, as determined by the secretary of  
12 administration, remain in effect and are transferred to the department of  
13 agriculture, trade and consumer protection. The department of agriculture, trade  
14 and consumer protection shall carry out any such contractual obligations unless  
15 modified or rescinded by the department of agriculture, trade and consumer  
16 protection to the extent allowed under the contract.

17 (g) *Rules and orders.* All rules promulgated by the department of justice that  
18 are primarily related to the provision of consumer protection legal services, as  
19 determined by the secretary of administration, and that are in effect on the effective  
20 date of this paragraph remain in effect until their specified expiration dates or until  
21 amended or repealed by the department of agriculture, trade and consumer  
22 protection. All orders issued by the department of justice that are primarily related  
23 to the provision of consumer protection legal services, as determined by the secretary  
24 of administration, and that are in effect on the effective date of this paragraph

1 remain in effect until their specified expiration dates or until modified or rescinded  
2 by the department of agriculture, trade and consumer protection.

3 (h) *Pending matters.* Any matter pending with the department of justice on the  
4 effective date of this paragraph that is primarily related to the provision of consumer  
5 protection legal services, as determined by the secretary of administration, is  
6 transferred to the department of agriculture, trade and consumer protection and all  
7 materials submitted to or actions taken by the department of justice with respect to  
8 the pending matter are considered as having been submitted to or taken by the  
9 department of agriculture, trade and consumer protection.”.

10 **1940.** Page 1341, line 9: after that line insert:

11 “(1k) HIGH-CAPACITY WELL STUDY. The joint legislative council shall study the  
12 issues raised by high-capacity wells in this state.”.

13 **1941.** Page 1343, line 5: after that line insert:

14 “(3y) AUDIT OF STATE AIRCRAFT USAGE. The joint legislative audit committee is  
15 requested to direct the legislative audit bureau to conduct a performance evaluation  
16 audit of aircraft usage by state agencies. If the legislative audit bureau performs the  
17 audit, the bureau is requested to include an evaluation of whether the current  
18 number of aircraft owned by the state is appropriate. If the legislative audit bureau  
19 performs the audit, it shall file its report as described under section 13.94 (1) (b) of  
20 the statutes by January 1, 2003.”.

21 **1942.** Page 1343, line 5: after that line insert:

22 “(3xx) ACCUMULATED UNUSED SICK LEAVE CREDIT CONVERSION STUDY.

23 (a) The joint survey committee on retirement systems shall study the issue of  
24 allowing participants in the Wisconsin retirement system who have terminated

1 covered employment and who have at least 25 years of creditable service under the  
2 Wisconsin retirement system, but who are not eligible to receive an immediate  
3 annuity under the Wisconsin retirement system at the time that they terminate  
4 covered employment, to be able to convert their accumulated unused sick leave into  
5 credits for the payment of health insurance premiums under section 40.05 (4) (b) of  
6 the statutes or the date on which the department of employee trust funds receives  
7 the participant’s application for a retirement annuity or for a lump sum payment  
8 under section 40.25 (1) of the statutes. The departments of employment relations  
9 and employee trust funds shall provide any information requested by the joint  
10 survey committee on retirement systems. The joint survey committee on retirement  
11 systems shall submit the results of the study and recommendations to the  
12 department of employment relations no later than January 1, 2002.

13 (b) No later than 30 days after receiving the results of the study and  
14 recommendations submitted under paragraph (a), the department of employment  
15 relations shall submit proposed legislation incorporating the recommendations to  
16 the joint committee on employment relations.”.

17 **1943.** Page 1343, line 11: after that line insert:

18 “(4m) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2004, the  
19 legislative audit bureau shall evaluate, on a quantitative and qualitative basis, the  
20 success of restorative justice programming in Dane and Milwaukee counties and the  
21 county selected under section 978.044 (4) of the statutes, as created by this act, in  
22 serving victims, offenders, and communities affected by crime and shall report its  
23 findings to the appropriate standing committees of the legislature, as determined by

1 the speaker of the assembly and the president of the senate, under section 13.172 (3)  
2 of the statutes.”.

3 **1944.** Page 1343, line 11: after that line insert:

4 “(4k) LEGISLATIVE AUDIT BUREAU POSITION. The authorized FTE positions for the  
5 legislative audit bureau, funded from the appropriation under section 20.765 (3) (g)  
6 of the statutes, is increased by 1.0 PR position to monitor the study under section  
7 119.23 (9) of the statutes, as affected by this act.”.

8 **1945.** Page 1343, line 11: after that line insert:

9 “(4w) STUDY ON PROVIDING SERVICES TO LOW-INCOME, NONCUSTODIAL PARENTS.

10 (a) *Submission of study.* The joint legislative council is requested to study  
11 methods of providing employment and support services, including job training, job  
12 readiness skills training, transportation assistance, parenting skills training, legal  
13 assistance, basic skills training, health care, and other support services, to  
14 low-income, noncustodial parents. The council shall notify the department of  
15 workforce development no later than November 1, 2001, whether the council will  
16 conduct the study. If the council undertakes the study, the council is requested to  
17 report its findings, conclusions, and recommendations, together with any proposed  
18 legislation, to the governor, the department of administration, the joint committee  
19 on finance, and the appropriate standing committees of the legislature in the manner  
20 provided under section 13.172 (3) of the statutes. If the council notifies the  
21 department of workforce development that the council will not conduct the study, the  
22 department of workforce development shall conduct the study and shall submit its  
23 findings, conclusions, and recommendations, together with any proposed legislation,  
24 no later than March 1, 2002, to the governor, the department of administration, the

1 joint committee on finance, and the appropriate standing committees of the  
2 legislature in the manner provided under section 13.172 (3) of the statutes.

3 (b) *Study requirements.* In developing the recommendations, the joint  
4 legislative council or the department of workforce development shall study all of the  
5 following:

6 1. The costs of implementing the recommendations.

7 2. The feasibility of funding the proposed services using funds that are received  
8 under the federal temporary assistance for needy families block grant program and  
9 funds that may be used to meet the maintenance-of-effort requirement under 42  
10 USC 609.

11 3. Any employment and support services currently provided to low-income,  
12 noncustodial parents, including a description of the providers of those services and  
13 the number of low-income, noncustodial parents who were served in 1999 and 2000.

14 4. The estimated number of noncustodial parents who are currently delinquent  
15 in child support.

16 5. Any employment and support services or other programs offered by other  
17 states to low-income, noncustodial parents.

18 (c) *Solicitation of information.* In conducting the study, the joint legislative  
19 council or the department of workforce development shall do all of the following:

20 6. Consult with the department of health and family services in determining  
21 any health care services that may be provided to low-income, noncustodial parents.

22 7. For the purpose of soliciting input on the study from interested parties,  
23 conduct at least one meeting in a 1st class city and at least one meeting outside of  
24 a 1st class city.”.

1           **1946.** Page 1344, line 1: delete lines 1 to 7.

2           **1947.** Page 1344, line 15: after “resources” insert “or, after June 30, 2002, the  
3 department of environmental management”.

4           **1948.** Page 1344, line 16: after “act,” insert “or, after June 30, 2002, under  
5 section 20.375 (6) (bk), as affected by this act,”.

6           **1949.** Page 1344, line 20: delete lines 20 to 24.

7           **1950.** Page 1345, line 15: after “resources” insert “or, after June 30, 2002, the  
8 department of fish, wildlife, parks, and forestry”.

9           **1951.** Page 1345, line 22: delete the material beginning with that line and  
10 ending with page 1346, line 2.

11           **1952.** Page 1346, line 3: delete lines 3 to 14.

12           **1953.** Page 1346, line 14: after that line insert:

13           “(5p) URBAN FORESTRY GRANT FOR WINNEBAGO COUNTY. From the appropriation  
14 under section 20.370 (5) (bw) of the statutes, as affected by this act, the department  
15 of natural resources shall provide \$37,500 in fiscal year 2001–02 to Winnebago  
16 County to provide funding to Winnebago County under section 23.097 of the statutes,  
17 as affected by this act.

18           “(5pk) URBAN FORESTRY GRANT FOR OUTAGAMIE COUNTY. From the appropriation  
19 under section 20.370 (5) (bw) of the statutes, as affected by this act, the department  
20 of natural resources shall provide \$37,500 in fiscal year 2001–02 to Outagamie  
21 County to provide funding to Outagamie County under section 23.097 of the statutes,  
22 as affected by this act.



1           (5pL) URBAN FORESTRY GRANT FOR BURNETT COUNTY. From the appropriation  
2 under section 20.370 (5) (bw) of the statutes, as affected by this act, the department  
3 of natural resources shall provide \$25,000 in fiscal year 2001–02 to Burnett County  
4 to provide funding to Burnett County under section 23.097 of the statutes, as affected  
5 by this act.

6           (5pm) URBAN FORESTRY GRANT FOR WAUPACA. From the appropriation under  
7 section 20.370 (5) (bw) of the statutes, as affected by this act, the department of  
8 natural resources shall provide \$15,000 in fiscal year 2001–02 and \$15,000 in fiscal  
9 year 2002–03 to the city of Waupaca for a tree planting demonstration project.”.

10           **1954.** Page 1346, line 17: delete “\$50,000 in fiscal year 2001–02 and \$50,000”  
11 and substitute “\$15,000 in fiscal year 2001–02 and the department of fish, wildlife,  
12 parks, and forestry shall provide \$15,000”.

13           **1955.** Page 1346, line 21: after “and” insert “the department of fish, wildlife,  
14 parks, and forestry shall provide”.

15           **1956.** Page 1346, line 23: delete the material beginning with that line and  
16 ending with page 1347, line 2.

17           **1957.** Page 1347, line 5: after “and” insert “the department of fish, wildlife,  
18 parks, and forestry shall provide”.

19           **1958.** Page 1347, line 11: after “resources” insert “or, after June 30, 2002, the  
20 department of fish, wildlife, parks, and forestry”.

21           **1959.** Page 1347, line 19: after that line insert:

22           “(6n) PIERS AND BOAT SHELTERS.

23           (a) *Proposed rules.* The department of natural resources shall submit in  
24 proposed form the rules required under sections 30.12 (3m), 30.121 (6m), 30.13 (7),

1 and 30.131 (4) of the statutes, as created by this act, to the legislative council staff  
2 under section 227.15 (1) of the statutes no later than the first day of the 13th month  
3 beginning after the effective date of this subsection.

4 (b) *Emergency rules.* The department of natural resources may use the  
5 procedures under section 227.24 of the statutes to promulgate emergency rules  
6 under sections 30.12 (3m), 30.121 (6m), 30.13 (7), and 30.131 (4) of the statutes, as  
7 created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the  
8 emergency rules may remain in effect until the date on which permanent rules take  
9 effect. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department  
10 is not required to provide evidence that promulgating a rule under this subsection  
11 as an emergency rule is necessary for the preservation of public peace, health, safety,  
12 or welfare and is not required to provide a finding of emergency for a rule  
13 promulgated under this subsection.”.

14 **1960.** Page 1347, line 22: after “resources” insert “or, after June 30, 2002, the  
15 department of fish, wildlife, parks, and forestry”.

16 **1961.** Page 1348, line 6: after that line insert:

17 “(8nL) TRANSFERS TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

18 (a) *Assets and liabilities.* On July 1, 2002, the following assets and liabilities  
19 of the department of natural resources shall become the assets and liabilities of the  
20 department of environmental management:

21 1. The assets and liabilities that are primarily related to the functions of the  
22 division of air and waste.

1           2. The assets and liabilities that are primarily related to the functions of the  
2           bureaus of watershed management, drinking water and groundwater, and  
3           cooperative environmental assistance.

4           3. The assets and liabilities that are primarily related to those functions of the  
5           bureau of fisheries management and habitat protection that relate to dams and to  
6           lake, river, and wetlands protection.

7           4. The assets and liabilities that are primarily related to those functions of the  
8           divisions of enforcement and science, administration and technology, and customer  
9           assistance and external relations, other than the bureau of cooperative  
10          environmental assistance, that are assigned to the department of environmental  
11          management by this act.

12          5. Any other assets and liabilities related to the administrative functions of the  
13          department of natural resources that the secretary of natural resources determines  
14          should be transferred.

15          (b) *Employee transfers.* On July 1, 2002, all of the following classified positions  
16          in the department of natural resources and the incumbents in the positions are  
17          transferred to the department of environmental management:

18           1. The classified positions and the incumbents in the positions in the division  
19           of air and waste.

20           2. The classified positions and the incumbents in the positions in the bureaus  
21           of watershed management, drinking water and groundwater, and cooperative  
22           environmental assistance.

23           3. The classified positions and the incumbents in the positions in the bureau  
24           of fisheries management and habitat protection that are primarily related to dams  
25           and to lake, river, and wetlands protection.

1           4. The classified positions and the incumbents in the positions that are  
2 primarily related to those functions of the divisions of enforcement and science,  
3 administration and technology, and customer assistance and external relations,  
4 other than the bureau of cooperative environmental assistance, that are assigned to  
5 the department of environmental management by this act.

6           5. Any other classified positions and the incumbents in the positions related  
7 to the administrative functions of the department of natural resources that the  
8 secretary of natural resources determines should be transferred.

9           (c) *Employee status.* Employees transferred under paragraph (b) shall have the  
10 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
11 statutes in the department of environmental management that they enjoyed in the  
12 department of natural resources immediately before the transfer. Notwithstanding  
13 section 230.28 (4) of the statutes, no employee so transferred who has attained  
14 permanent status in class is required to serve a probationary period.

15           (d) *Tangible personal property.* On July 1, 2002, all of the following tangible  
16 personal property, including records, of the department of natural resources shall be  
17 transferred to the department of environmental management:

18           1. The tangible personal property, including records, primarily related to the  
19 functions of the division of air and waste.

20           2. The tangible personal property, including records, primarily related to the  
21 functions of the bureaus of watershed management, drinking water and  
22 groundwater, and cooperative environmental assistance.

23           3. The tangible personal property, including records, primarily related to those  
24 functions of the bureau of fisheries management and habitat protection that relate  
25 to dams and to lake, river, and wetlands protection.

1           4. The tangible personal property, including records, primarily related to those  
2 functions of the divisions of enforcement and science, administration and technology,  
3 and customer assistance and external relations, other than the bureau of cooperative  
4 environmental assistance, that are assigned to the department of environmental  
5 management by this act.

6           5. Any other tangible personal property related to the administrative functions  
7 of the department of natural resources that the secretary of natural resources  
8 determines should be transferred.

9           (e) *Contracts transferred.* The following contracts entered into by the  
10 department of natural resources in effect on July 1, 2002, remain in effect and are  
11 transferred to the department of environmental management on July 1, 2002:

12           1. Contracts that are primarily related to the functions of the division of air and  
13 waste.

14           2. Contracts that are primarily related to the functions of the bureaus of  
15 watershed management, drinking water and groundwater, and cooperative  
16 environmental assistance.

17           3. Contracts that are primarily related to those functions of the bureau of  
18 fisheries management and habitat protection that relate to dams and to lake, river,  
19 and wetlands protection.

20           4. Contracts that are primarily related to those functions of the divisions of  
21 enforcement and science, administration and technology, and customer assistance  
22 and external relations, other than the bureau of cooperative environmental  
23 assistance, that are assigned to the department of environmental management by  
24 this act.

1           5. Any other contracts related to the administrative functions of the  
2 department of natural resources that the secretary of natural resources determines  
3 should be transferred.

4           (f) *Contracts carried out.* The department of environmental management shall  
5 carry out the obligations in a contract under paragraph (e) except to the extent that  
6 the contract is modified or rescinded by the department of environmental  
7 management in a manner allowed under the contract.

8           (g) *Rules and orders.*

9           1. The following rules promulgated and orders issued by the department of  
10 natural resources that are in effect on June 30, 2002, shall be considered rules and  
11 orders of the department of environmental management and shall remain in effect  
12 until their specified effective dates or until modified, repealed, or rescinded by the  
13 department of environmental management:

14           a. The rules and orders that are primarily related to the functions of the  
15 division of air and waste.

16           b. The rules and orders that are primarily related to the functions of the  
17 bureaus of watershed management, drinking water and groundwater, and  
18 cooperative environmental assistance.

19           c. The rules and orders that are primarily related to those functions of the  
20 bureau of fisheries management and habitat protection that relate to dams and to  
21 lake, river, and wetlands protection.

22           d. The rules and orders that are primarily related to those functions of the  
23 divisions of enforcement and science, administration and technology, and customer  
24 assistance and external relations, other than the bureau of cooperative

1 environmental assistance, that are assigned to the department of environmental  
2 management by this act.

3 2. In the rules and orders under subdivision 1., references to the secretary or  
4 department of natural resources or to an officer or employee of the department of  
5 natural resources transferred under this act to the department of environmental  
6 management shall be treated as references to the secretary or department of  
7 environmental management or to an officer or employee of the department of  
8 environmental management.

9 (h) *Pending matters.* The following matters pending with the department of  
10 natural resources on June 30, 2002, are transferred to the department of  
11 environmental management on July 1, 2002, and all materials submitted to or  
12 actions taken by the department of natural resources with respect to the following  
13 pending matters are considered as having been submitted to or taken by the  
14 department of environmental management:

15 1. Pending matters that are primarily related to the functions of the division  
16 of air and waste.

17 2. Pending matters that are primarily related to the functions of the bureaus  
18 of watershed management, drinking water and groundwater, and cooperative  
19 environmental assistance.

20 3. Pending matters that are primarily related to those functions of the bureau  
21 of fisheries management and habitat protection that relate to dams and to lake, river,  
22 and wetlands protection.

23 4. Pending matters that are primarily related to those functions of the divisions  
24 of enforcement and science, administration and technology, and customer assistance  
25 and external relations, other than the bureau of cooperative environmental

1 assistance, that are assigned to the department of environmental management by  
2 this act.

3 5. Any other pending matters relating to the administration of the department  
4 that the secretary of natural resources determines should be transferred.

5 (i) *Dispute resolution.* The secretary of environmental management or the  
6 secretary of fish, wildlife, parks, and forestry may, after July 1, 2002, and before July  
7 1, 2003, request the joint committee on finance to modify the transfers provided  
8 under paragraphs (a), (b), (d), (e), and (h). The committee may make those transfers  
9 as requested or as modified by the committee.

10 (8nm) APPROPRIATION TRANSFERS.

11 (a) *Plan.* The legislative fiscal bureau shall, no later than February 1, 2002,  
12 submit to the cochairpersons of the joint committee on finance a plan to take effect  
13 on July 1, 2002, for transferring within the department of fish, wildlife, parks, and  
14 forestry and to the department of environmental management funds appropriated  
15 under section 20.370 of the statutes for fiscal year 2002–03 and for allocating the  
16 reduction under SECTION 9159 (1) (a) for the department of natural resources for  
17 fiscal year 2002–03 between the departments. The legislative fiscal bureau shall  
18 formulate the plan in accordance with the appropriation structure created by this act  
19 and with the following table, adjusted to reflect the amounts actually appropriated  
20 under the 2001–03 this act:



<b>2002-03 Agency Funding</b>				
	<u>DFWPF</u>		<u>DEM</u>	
	<i>Funding</i>	<i>Positions</i>	<i>Funding</i>	<i>Positions</i>
<b>Department of fish, wildlife, parks, and forestry</b>				
<i>State parks and trails</i>				
State parks and trails	\$15,033,800	165.50		
Southern forests	4,372,900	46.75		
Administration and technology	3,511,300	27.10		
Customer service and education	1,276,800	18.33		
<i>Forestry</i>				
Forestry	34,640,300	412.44		
Administration and technology	8,167,200	78.02		
Customer service and education	2,767,600	29.91		
<i>Fish, wildlife, and recreation</i>				
Facilities and lands management	14,239,100	144.70		
Fisheries management	20,539,100	266.82		
Wildlife management	15,455,500	147.50		
Endangered resources	2,436,400	21.50		
Law enforcement and integrated science services	30,127,000	271.67		
Administration and technology	14,656,900	128.46		
Customer service and licensing	13,582,500	140.80		
<i>Conservation aids and development</i>				
Debt service and development	44,164,500			
Conservation aids	32,366,600			

Department of environmental management				
<i>Air and waste</i>				
Air management			\$15,931,300	175.50
Waste management			7,060,700	100.61
Remediation and redevelopment			12,265,100	105.00
Air and waste program management			815,900	7.00
Law enforcement and integrated science services			5,824,700	67.83
Administration and technology			7,951,200	41.29
Customer service and external relations			2,595,800	30.64
<i>Water</i>				
Watershed management and regulation			27,376,500	332.96
Drinking water and groundwater			9,794,600	105.75
Administration and technology			7,726,600	54.18
Customer service and external relations			3,068,100	38.74
<i>Environmental aids and development</i>				
Debt service and development			86,330,800	
Environmental aids			25,445,700	
<b>Total</b>	\$257,337,500	1,899 .52	\$212,187,000	1,059 .50
<b>Total by Fund Source</b>				
GPR	51,246,700	149.00	122,091,700	377.28
FED	23,560,500	173.53	21,433,600	275.43
PR	10,182,300	36.12	23,240,100	237.51
SEG	172,348,000	1,540.87	45,421,600	169.27
<b>Total — All Funds</b>	\$257,337,500	1,899.52	\$212,187,000	1,059.50

1           (b) *Implementation.* The joint committee on finance may implement the plan  
2 under paragraph (a) as submitted by the legislative fiscal bureau or may modify the  
3 plan and implement it as modified.

4           (8nn) APPOINTMENT OF BOARDS AND SECRETARIES.

5           (a) *Early appointment.* Notwithstanding the effective dates of the treatments  
6 of sections 15.33 and 15.34 of the statutes by this act, the governor may nominate and  
7 with the advice and consent of the senate appoint members of the environmental  
8 management board and of the fish, wildlife, parks, and forestry board beginning on  
9 January 1, 2002. The board members appointed under this paragraph may advise  
10 the secretary of natural resources, the department of administration, and the joint  
11 committee on finance concerning the issues under subsections (1) and (2).  
12 Notwithstanding the effective date of the treatment of section 15.05 (1) (b), (c), and  
13 (e) of the statutes by this act, before July 1, 2002, the members of the environmental  
14 management board appointed under this paragraph may nominate and with the  
15 approval of the governor appoint the secretary of environmental management to  
16 take office on July 1, 2002, and the members of the fish, wildlife, parks, and forestry  
17 board appointed under this paragraph may nominate and with the approval of the  
18 governor appoint the secretary of fish, wildlife, parks, and forestry to take office on  
19 July 1, 2002.

20           (b) *Terms of initial members of environmental management board.*  
21 Notwithstanding the lengths of terms specified in section 15.33 of the statutes, as  
22 created by this act, the terms of the initial members of the environmental  
23 management board shall be appointed for terms that expire as follows:

- 24           1. Two members for terms that expire on May 1, 2003.
- 25           2. Two members for terms that expire on May 1, 2005.

1           3. Two members for terms that expire on May 1, 2007.

2           (c) *Terms of initial members of fish, wildlife, parks, and forestry board.*

3           Notwithstanding the lengths of terms specified in section 15.34 of the statutes, as  
4           affected by this act, the terms of the initial members of the fish, wildlife, parks, and  
5           forestry board shall be appointed for terms that expire as follows:

6           1. Two members for terms that expire on May 1, 2003.

7           2. Two members for terms that expire on May 1, 2005.

8           3. Two members for terms that expire on May 1, 2007.

9           (d) *Natural resources board.* The terms of the members of the natural resources  
10          board appointed under section 15.34, 1999 stats., who are serving on June 30, 2002,  
11          terminate on July 1, 2003.”.

12          **1962.** Page 1348, line 6: after that line insert:

13          “(9n) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. The department of  
14          natural resources shall provide in fiscal year 2001–02, from the appropriation under  
15          section 20.370 (5) (cq) of the statutes, as affected by this act, \$200,000 for the  
16          Southeastern Wisconsin Fox River commission. The commission may use these  
17          funds for its activities authorized under subchapter VI of chapter 33 of the statutes  
18          and for providing matching funding for any grants that the commission may be able  
19          to obtain.”.

20          **1963.** Page 1348, line 6: after that line insert:

21          “(8q) LAKE MANAGEMENT GRANT FOR FISH LAKE. From the appropriation under  
22          section 20.370 (6) (ar) of the statutes, the department of natural resources during  
23          fiscal year 2001–02 shall provide a lake management grant of \$200,000 to Dane  
24          County for water quality and lake level improvements for Fish Lake and Mud Lake

1 in Dane County and Crystal Lake located in both Dane County and Columbia  
2 County. The 75% limitation under section 281.69 (2) (a) of the statutes does not apply  
3 to this grant.”.

4 **1964.** Page 1348, line 6: after that line insert:

5 “(8b) RELEASE OF EASEMENT. No later than 30 days after the effective date of this  
6 subsection, the department of natural resources shall release a portion of its  
7 easement located on certain land owned by Design Homes Incorporated in the village  
8 of Wauzeka so that the landowner may construct private residences on the land. The  
9 landowner shall specify the portion of the property upon which the easement shall  
10 be released.”.

11 **1965.** Page 1348, line 6: after that line insert:

12 “(8g) LAKESHORE BASIN COUNCIL. Notwithstanding the length of term specified  
13 for the members of the Lakeshore basin council under s. 15.347 (18) (intro.), as  
14 created by this act, the initial members shall be appointed for the following terms:

15 (a) The member appointed from Kewaunee county for a term expiring on July  
16 1, 2003.

17 (b) The member appointed from Brown county for a term expiring on July 1,  
18 2005.

19 (c) The member appointed from Door county for a term expiring on July 1,  
20 2007.”.

21 **1966.** Page 1349, line 10: after that line insert:

22 “(5w) WISCONSIN HUMANITIES COUNCIL. Notwithstanding sections 20.255 (2) (cf)  
23 and 115.366 (1) of the statutes, from the amount appropriated to the department of  
24 public instruction under section 20.255 (2) (cf) of the statutes in the 2001–02 fiscal

1 year, the department shall pay \$50,000 to the Wisconsin Humanities Council to  
2 organize and plan the Wisconsin Book Festival.”.

3 **1967.** Page 1349, line 10: after that line insert:

4 “(3q) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL. Notwithstanding the  
5 length of term specified in section 15.377 (2) of the statutes, as affected by this act,  
6 one of the initial members of the deaf and hard-of-hearing education council  
7 appointed under section 15.377 (2) (a) of the statutes, as affected by this act, one of  
8 the initial members appointed under section 15.377 (2) (i) of the statutes, as affected  
9 by this act, the initial member appointed under section 15.377 (2) (b) of the statutes,  
10 as affected by this act, and the initial member appointed under section 15.377 (2) (c)  
11 of the statutes, as affected by this act, shall serve for terms expiring on July 1, 2002;  
12 the initial member appointed under section 15.377 (2) (d), (e) and (f) of the statutes,  
13 as affected by this act, and one of the initial members appointed under section 15.377  
14 (2) (i) of the statutes, as affected by this act, shall serve for terms expiring on July  
15 1, 2003; and the initial member appointed under section 15.377 (2) (g) and (h) of the  
16 statutes, as affected by this act, one of the initial members appointed under section  
17 15.377 (2) (a) of the statutes, as affected by this act, and one of the members  
18 appointed under section 15.377 (2) (i) of the statutes, as affected by this act, shall  
19 serve for terms expiring on July 1, 2004.”.

20 **1968.** Page 1350, line 13: delete the material beginning with “section” and  
21 ending with “act” on line 14 and substitute “SECTION 9149 (3mk) of this act”.

22 **1969.** Page 1350, line 14: after that line insert:

23 (10f) JOINT LEGISLATIVE COUNCIL STUDY ON SPECIAL EDUCATION. The joint council  
24 is requested to conduct a study of criteria to determine a pupil’s need for special

1 education services; the extent of the problem of providing special education services  
2 to violent pupils and recommendations on how to address the problem; the  
3 availability of alternative regular education programs that might be more  
4 appropriate for pupils currently enrolled in special education programs; the impact  
5 of statewide, standardized tests on referrals to special education; current training  
6 of special education teachers; and whether it is possible to recover a larger  
7 percentage of medical assistance funds for the provision of special education  
8 services. If the joint legislative council conducts the study, it shall report its findings,  
9 conclusions, and recommendations to the legislature in the manner provided under  
10 section 13.172 (2) of the statutes by June 30, 2003.”.

11 **1970.** Page 1350, line 14: after that line insert:

12 “(10k) JOINT LEGISLATIVE COUNCIL STUDY ON SCHOOL FINANCING. The joint  
13 legislative council is requested to conduct a study of school financing. If the joint  
14 legislative council conducts the study, it shall report its findings, conclusions, and  
15 recommendations to the legislature in the manner provided under section 13.172 (2)  
16 of the statutes by June 30, 2003.”.

17 **1971.** Page 1350, line 14: after that line insert:

18 “(10f) REVENUE LIMITS. For the purpose of determining a school district’s  
19 revenue limit in the 2002–03 school year, the department of public instruction shall  
20 exclude from the base state aid received, and property taxes levied, to pay the cost  
21 of 4–year–old kindergarten pupils who are not children with a disability, as defined  
22 in section 115.76 (5) of the statutes.”.

23 **1972.** Page 1352, line 7: after that line insert:

1           “(3c) ENGINEERING PLANS. Notwithstanding section 196.491 (3) (a) 3. a. and b.  
2 of the statutes, as affected by this act, a person who has filed an application under  
3 section 196.491 (3) (a) 1. of the statutes before the effective date of this subsection  
4 shall, no later than 30 days after the effective date of this subsection, provide the  
5 department of natural resources with a supplemental engineering plan that includes  
6 a description of the anticipated effects of the facility on residential wells. No later  
7 than 60 days after the department of natural resources receives a supplemental plan  
8 under this subsection, the department shall determine whether the facility will  
9 reduce the availability of water to a residential well or cause a preventive action limit  
10 established under section 160.15 of the statutes to be exceeded in water produced by  
11 a residential well. Notwithstanding section 196.491 (3) of the statutes, the public  
12 service commission may not issue a certificate of public convenience and necessity  
13 for a facility if the department of natural resources determines under this subsection  
14 that the facility will reduce the availability of water to a residential well or cause a  
15 preventive action limit established under section 160.15 of the statutes to be  
16 exceeded in water produced by a residential well.”.

17           **1973.** Page 1352, line 25: after that line insert:

18           “(1c) STUDY ON PROMOTING ECONOMIC GROWTH. The department of revenue shall  
19 study options for restructuring shared revenue to encourage high-growth sectors of  
20 the economy and the creation of high-quality jobs in this state. The study shall  
21 include considering using up to 10% of the amount distributed to counties and  
22 municipalities under section 79.03 of the statutes to match local efforts to encourage  
23 creation of high-quality jobs in this state; recommending ways to incorporate smart  
24 growth planning under section 16.965 of the statutes into the shared revenue



1 program; and studying the feasibility of allowing towns to maintain their boundaries  
2 in exchange for shared revenue payments. No later than January 1, 2003, the  
3 department of revenue shall report the result of its study to the secretary of  
4 administration.”.

5 **1974.** Page 1354, line 8: after that line insert:

6 “(4p) LOTTERY AND GAMING PROPERTY TAX CREDIT.

7 (a) Notwithstanding section 79.10 (10) (bm) and (bn) of the statutes, as affected  
8 by this act, and section 79.10 (10) (bm) 2. of the statutes, as created by this act, a  
9 person who was eligible for a credit under section 79.10 (9) (bm), 1999 stats., or under  
10 section 79.10 (10) (bn), 1999 stats., related to the 2000 property tax assessment, but  
11 who did not receive the credit, may claim the credit by applying to the department  
12 of revenue in the manner specified under section 79.10 (10) (bm) 2. of the statutes,  
13 as created by this act, no later than October 1, 2001.

14 (b) Notwithstanding section 79.10 (10) (bm) and (bn) of the statutes, as affected  
15 by this act, and section 79.10 (10) (bm) 2. of the statutes, as created by this act, the  
16 department of revenue shall pay, from the appropriation under section 20.835 (3) (s)  
17 of the statutes, as created by this act, all eligible claims under section 79.10 (9) (bm),  
18 1999 stats., or under section 79.10 (10) (bn), 1999 stats., related to the 1999 property  
19 tax assessment that the department received no later than October 1, 2001.”.

20 **1975.** Page 1354, line 8: after that line insert:

21 “(4z) REPORT ON TAX INCENTIVES. The department of revenue, in cooperation  
22 with the department of workforce development, shall by January 1, 2002, study and  
23 report on existing incentives in the income tax code in the form of credits and  
24 deductions available to employers for providing training to employees, for offering

1 transportation and child care benefits to employees, for locating places of  
2 employment in areas of high unemployment and for employing ex-felons, recipients  
3 of public assistance, and minorities. The report shall include an analysis of the costs  
4 and effects of such credits and deductions, an analysis of such benefits offered by  
5 other states, and recommendations for improvements to the state's tax laws designed  
6 to help attract, develop, and retain a highly skilled, highly trained workforce while  
7 maintaining a sound, stable tax base. In developing recommendations, the  
8 department of revenue shall consult with groups representing the interests of  
9 employers, employees, taxpayers, and any other groups that the department of  
10 revenue considers appropriate. The report shall be submitted to the appropriate  
11 standing committees of the legislature, the joint committee on finance, and the  
12 governor.”.

13 **1976.** Page 1354, line 22: after that line insert:

14 “(1n) COURT INTERPRETER PROGRAM. The authorized FTE positions for the  
15 supreme court are increased by 1.0 GPR project position, for a 2-year period  
16 beginning on the first day of the 2nd month beginning after publication, to be funded  
17 from the appropriation under section 20.680 (2) (a) of the statutes, for the purpose  
18 of developing and administering a court interpreter testing and training program.”.

19 **1977.** Page 1355, line 14: after that line insert:

20 “(6xf) GRANTS FOR SECTARIAN SCHOOLS. No later than June 30, 2002, the  
21 technology for educational achievement in Wisconsin board shall award grants  
22 under section 44.73 (6) of the statutes, as affected by this act, to private schools that  
23 would have received such grants during the 1999–2000 and 2000–01 fiscal years had

1 the injunction in *Freedom from Religion Foundation v. Bugher*, No. 98–C–767–S  
2 (United States District Court, Western District of Wisconsin), not been issued.”.

3 **1978.** Page 1355, line 23: after that line insert:

4 “(2ht) HERITAGE TOURISM PROGRAM. The authorized FTE positions for the  
5 department of tourism are increased by 1.0 PR positions, to be funded from the  
6 appropriation under section 20.380 (1) (kg) of the statutes, as affected by this act, for  
7 operation of the heritage tourism program under section 41.19 of the statutes, as  
8 affected by this act.”.

9 **1979.** Page 1355, line 23: after that line insert:

10 “(2wk) WAUSAU WHITEWATER COURSE. From the appropriation under section  
11 20.380 (1) (b) of the statutes, as affected by this act, the department of tourism may  
12 provide a grant of \$50,000 in fiscal year 2001–02 to the Wausau Kayak/Canoe  
13 Corporation, to upgrade that part of the Wisconsin River in the city of Wausau that  
14 is known as the Wausau Whitewater Course, if the Wausau Kayak/Canoe  
15 Corporation provides \$50,000 in matching funds for the project. If the department  
16 of tourism makes the grant under this subsection, the department shall enter into  
17 an agreement with the Wausau Kayak/Canoe Corporation that specifies the uses for  
18 the grant proceeds and reporting and auditing requirements.”.

19 **1980.** Page 1356, line 13: after that line insert:

20 “(2vx) UNIFIED DISADVANTAGED BUSINESS CERTIFICATION PROGRAM.

21 (a) No person may use the list of disadvantaged businesses established by the  
22 department of transportation under section 84.076 (3), 1999 stats., for bids first  
23 advertised after the last day of the 5th month beginning after the effective date of  
24 this paragraph.

1 (b) Notwithstanding section 84.072 of the statutes, as created by this act, no  
2 later than the first day of the 4th month beginning after the effective date of this  
3 paragraph, the department of transportation shall certify as a disadvantaged  
4 business under section 84.072 of the statutes, as created by this act, any business  
5 that, on the effective date of this paragraph, is certified by the department as a  
6 disadvantaged business for the purposes of section 84.076, 1999 stats.  
7 Notwithstanding section 84.072 of the statutes, as created by this act, the  
8 department of transportation is not required to review any documentation in  
9 certifying under this paragraph a business as a disadvantaged business under  
10 section 84.072 of the statutes, as created by this act.”.

11 **1981.** Page 1356, line 13: after that line insert:

12 “(2t) STATEWIDE TRAUMA CARE SYSTEM. From the appropriation account under  
13 section 20.395 (4) (ax) of the statutes, as affected by this act, the department of  
14 transportation shall transfer \$185,000 in fiscal year 2001–02 and \$500,000 in fiscal  
15 year 2002–03 to the appropriation under section 20.435 (1) (kx) of the statutes for the  
16 purposes of the statewide trauma care system under section 146.56 of the statutes.”.

17 **1982.** Page 1356, line 13: after that line insert:

18 “(2cd) ALLOCATION OF EXPENDITURE REDUCTIONS; LAPSES TO TRANSPORTATION FUND.

19 (a) Within 30 days of the final credits by the department of employee trust  
20 funds to appropriations of the department of transportation to implement 1999  
21 Wisconsin Act 11, section 27 (1) (b) 1., for the payment of contributions under the  
22 Wisconsin retirement system, the department of transportation shall submit a plan  
23 to the joint committee on finance that does all of the following:

1           1. Allocates reductions of \$3,530,800 in fiscal year 2001–02 among program  
2 revenue, program revenue–service, segregated fund revenue, and segregated fund  
3 revenue–service appropriations, as defined in section 20.001 (2) (b), (c), (d), and (da)  
4 of the statutes, under section 20.395 of the statutes, as affected by this act, less any  
5 amount lapsed in fiscal year 2000–01 as a result of any credits by the department of  
6 employee trust funds to the department of transportation’s appropriations to  
7 implement such act.

8           2. Allocates reductions of \$900,000 in each fiscal year of the 2001–03 fiscal  
9 biennium from among the appropriations under section 20.395 (3) (iq) and (5) (cq)  
10 and (dq) of the statutes; the appropriation under section 20.395 (4) (aq) of the  
11 statutes, as affected by this act; and, from moneys associated with delivery costs of  
12 the department of transportation, the appropriations under section 20.395 (3) (cq)  
13 and (eq) of the statutes, as affected by this act, and the appropriation under section  
14 20.395 (3) (bq) of the statutes.

15           (b) The plan submitted under paragraph (a) shall require all of the following:

16           1. That the amount of any proposed reductions under paragraph (a) 1. from  
17 program revenue, program revenue–service, or segregated fund revenue–service  
18 appropriations lapse to the transportation fund.

19           2. That the amount of any proposed reductions under paragraph (a) 2. lapse to  
20 the transportation fund.

21           (c) If the cochairpersons of the committee do not notify the department of  
22 transportation that the committee has scheduled a meeting for the purpose of  
23 reviewing the proposed plan within 14 working days after the date of the submittal,  
24 the department of transportation may implement the plan. If, within 14 days after  
25 the date of the submittal, the cochairpersons of the committee notify the department

1 of transportation that the committee has scheduled a meeting for the purpose of  
2 reviewing the proposed plan, the department of transportation may not implement  
3 the plan until it is approved by the committee, as submitted or as modified.”.

4 **1983.** Page 1357, line 7: delete lines 7 to 14.

5 **1984.** Page 1357, line 14: after that line insert:

6 “(3k) AUTOMATED DRIVERS’ LICENSE TESTING. The department of transportation  
7 shall conduct a study to determine whether to require automated drivers’ license  
8 testing throughout the state and shall prepare a report containing its findings and  
9 recommendations. The department shall submit the report to the governor, and to  
10 the legislature in the manner provided under section 13.172 (2) of the statutes, not  
11 later than June 30, 2003.”.

12 **1985.** Page 1357, line 19: after that line insert:

13 “(3wy) HIGHWAY REST AREAS. The total amount of any proposed expenditures or  
14 encumbrances that the department of transportation does not make in the 2001–03  
15 fiscal biennium as a result of the implementation of section 84.04 (4) of the statutes,  
16 as created by this act, shall be expended or encumbered by the department in the  
17 2001–03 fiscal biennium to reopen previously closed rest areas or to keep open rest  
18 areas that are proposed for closure in areas where other rest areas and motorist  
19 services described in section 86.195 (3) of the statutes are not available.”.

20 **1986.** Page 1358, line 16: after that line insert:

21 “(4h) EISNER AVENUE PEDESTRIAN–BIKE TRAIL PROJECT. In the 2001–03 fiscal  
22 biennium, from the appropriation under section 20.395 (2) (nx) of the statutes, the  
23 department of transportation shall award a grant under section 85.026 (2) of the  
24 statutes to the city of Sheboygan in Sheboygan County or the town of Sheboygan in

1 Sheboygan County, or both, for the project known as the Eisner Avenue  
2 Pedestrian–Bike Trail Improvement project, if the recipient of the grant awarded  
3 under this subsection contributes funds for the project that total at least 20% of the  
4 costs of the project.”.

5 **1987.** Page 1359, line 15: after that line insert:

6 “(5v) BUS FOR TRANSPORTING THE ELDERLY. In the 2001–03 fiscal biennium, from  
7 the appropriation under section 20.395 (1) (cq) of the statutes, the department of  
8 transportation shall allocate \$30,000 to award a grant to an eligible applicant under  
9 section 85.22 of the statutes for the acquisition of a bus to provide transportation  
10 services to the elderly in the village of Twin Lakes and the town of Randall in  
11 Kenosha County.”.

12 **1988.** Page 1359, line 25: delete “reconstruction” and substitute  
13 “rehabilitation”.

14 **1989.** Page 1360, line 4: delete “RECONSTRUCTION” and substitute  
15 “REHABILITATION”.

16 **1990.** Page 1360, line 11: on lines 11 and 14, delete “reconstruction” and  
17 substitute “rehabilitation”.

18 **1991.** Page 1361, line 2: after that line insert:

19 “(5yk) STATE TRUNK HIGHWAY 15/45 LOCATION STUDY AND ENVIRONMENTAL IMPACT  
20 ASSESSMENT. Notwithstanding section 13.489 (1m) of the statutes, the department of  
21 transportation shall allocate \$400,000 in fiscal year 2001–02 from the  
22 appropriations under sections 20.395 (3) (bq), (br), and (bx) of the statutes to conduct  
23 a location study and an environmental assessment for an STH 15/USH 45 highway  
24 project from Greenville to New London in Outagamie County.”.

1           **1992.** Page 1362, line 11: after “County.” insert “The word “liquor” may not  
2 appear on a business sign mounted under this subsection.”.

3           **1993.** Page 1362, line 15: delete lines 15 to 17.

4           **1994.** Page 1362, line 17: after that line insert:

5           “(6dg) STREETLIGHT IN LITTLE FALLS. Not later than June 30, 2003, the  
6 department of transportation shall install a streetlight at the intersection of STH 27  
7 and STH 71 in the town of Little Falls in Monroe County.”.

8           **1995.** Page 1362, line 21: after that line insert:

9           “(6h) SIGNS FOR THE CLEAR LAKE ALL VETERANS’ MEMORIAL AND CEMETERY.  
10 Notwithstanding s. 86.19 (1) of the statutes, the department of transportation shall  
11 erect 2 directional signs along USH 63 in the Clear Lake region in Polk County for  
12 the Clear Lake All Veterans’ Memorial and Cemetery not later than June 30, 2002.”.

13           **1996.** Page 1362, line 21: after that line insert:

14           “(6s) SIGNS IN MILWAUKEE COUNTY. Not later than 60 days after the effective date  
15 of this subsection, the department of transportation shall erect 2 signs, one for each  
16 direction of travel, along I 43/894 approaching the 60th Street exit in the city of  
17 Greenfield in Milwaukee County, providing directional information to downtown  
18 Greendale.”.

19           **1997.** Page 1362, line 21: after that line insert:

20           “(6r) TRAFFIC CONTROL SIGNALS IN WEST SALEM. Not later than December 31,  
21 2001, the department of transportation shall install traffic control signals at the  
22 intersection of STH 16 and Brickl Road in the village of West Salem in La Crosse  
23 County.”.

24           **1998.** Page 1363, line 3: delete lines 3 to 7.



1           **1999.** Page 1363, line 19: after that line insert:

2           “(2r) ALLOCATION OF WISCONSIN ELECTION CAMPAIGN FUND. Notwithstanding  
3 section 11.50 (3) (a) (intro.) of the statutes, the state treasurer shall make the  
4 allocations required by section 11.50 (3) (a) (intro.) of the statutes in 2001 on  
5 December 31.”.

6           **2000.** Page 1363, line 25: after that line insert:

7           “(1d) RENEW WISCONSIN PERFORMANCE STANDARDS. The board of regents of the  
8 University of Wisconsin System shall direct the University of Wisconsin  
9 System–Extension to work with the League of Wisconsin Municipalities, the  
10 Wisconsin Alliance of Cities, the Wisconsin Towns Association, and the Wisconsin  
11 Counties Association to provide training on performance standards as provided  
12 under section 66.0316 (6) (c) of the statutes, as created by this act.”.

13           **2001.** Page 1364, line 16: after that line insert:

14           “(3m) FUNDING. For the 2001–03 fiscal biennium, the board of regents of the  
15 University of Wisconsin System shall do all of the following:

16           (a) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
17 \$487,000, and of moneys appropriated under section 20.285 (1) (im) of the statutes  
18 allocate \$262,500, for additional faculty and staff at the University of  
19 Wisconsin–Green Bay.

20           (b) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
21 \$3,800,000, and of moneys appropriated under section 20.285 (1) (im) of the statutes  
22 allocate \$2,050,000, to fund an expansion of information systems and computer  
23 science programs at the University of Wisconsin–Eau Claire and to initiate a  
24 work–based university consortium at the University of Wisconsin–Stout.

1 (c) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
2 \$375,000, and of moneys appropriated under section 20.285 (1) (im) allocate  
3 \$202,000, to fund additional course offerings in computer science and informational  
4 technology at the University of Wisconsin–River Falls.

5 (d) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
6 \$2,000,000, and of moneys appropriated under section 20.285 (1) (im) of the statutes  
7 allocate \$1,077,000, to fund the expansion of computer, Internet, technology, and  
8 media studies programs at the University of Wisconsin–Whitewater.

9 (e) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
10 \$1,200,000, and of moneys appropriated under section 20.285 (1) (im) of the statutes  
11 allocate \$ 646,000, to fund the University of Wisconsin–Platteville, University of  
12 Wisconsin–Fox Valley, and University of Wisconsin–Oshkosh engineering  
13 collaboration.”.

14 **2002.** Page 1364, line 16: after that line insert:

15 “(3p) LAPSE OF AUXILIARY RESERVES. Notwithstanding section 20.001 (3) (c) of the  
16 statutes, as affected by this act, from the appropriation account of the board of  
17 regents of the University of Wisconsin System under section 20.285 (1) (h) of the  
18 statutes, there is lapsed \$2,500,000 on June 30, 2002, and there is lapsed \$2,500,000  
19 on June 30, 2003.”.

20 **2003.** Page 1364, line 16: after that line insert:

21 “(3pn) NONRESIDENT TUITION. Notwithstanding section 36.27 (1) (a) of the  
22 statutes, the board of regents of the University of Wisconsin shall increase  
23 nonresident undergraduate tuition by 2.5% in the 2001–02 academic year and by  
24 2.5% in the 2002–03 academic year.”.

1           **2004.** Page 1364, line 16: after that line insert:

2           “(4k) ACADEMIC FEES. The treatment of section 36.27 (1) (a) and (am) of the  
3 statutes first applies to the setting of resident, undergraduate academic fees for the  
4 2002–03 academic year.”.

5           **2005.** Page 1364, line 16: after that line insert:

6           “(3s) CONSOLIDATION OF STATE VEHICLE FLEET MAINTENANCE OPERATIONS.

7           (a) On the effective date of this paragraph, the assets and liabilities of the board  
8 of regents of the University of Wisconsin System that are primarily related to its  
9 vehicle fleet maintenance functions at the University of Wisconsin–Madison, as  
10 determined by the secretary of administration, shall become assets and liabilities of  
11 the department of administration.

12           (b) On the effective date of this paragraph, all tangible personal property,  
13 including records, of the board of regents of the University of Wisconsin System that  
14 is primarily related to its vehicle fleet maintenance functions at the University of  
15 Wisconsin–Madison, as determined by the secretary of administration, is  
16 transferred to the department of administration.

17           (c) All contracts entered into by the board of regents of the University of  
18 Wisconsin System in effect on the effective date of this paragraph that are primarily  
19 related to its vehicle fleet maintenance functions at the University of  
20 Wisconsin–Madison, as determined by the secretary of administration, are  
21 transferred to the department of administration. The department of administration  
22 shall carry out any contractual obligations under such a contract until the contract  
23 is modified or rescinded by the department of administration to the extent allowed  
24 under the contract.

1           (d) All rules promulgated by the board of regents of the University of Wisconsin  
2 System that are primarily related to its vehicle fleet maintenance functions at the  
3 University of Wisconsin–Madison, and that are in effect on the effective date of this  
4 paragraph remain in effect until their specified expiration dates or until amended  
5 or repealed by the department of administration. All orders issued by the board of  
6 regents of the University of Wisconsin System that are primarily related to its  
7 vehicle fleet maintenance functions at the University of Wisconsin–Madison, and  
8 that are in effect on the effective date of this paragraph remain in effect until their  
9 specified expiration dates or until modified or rescinded by the department of  
10 administration.

11           (e) Any matter pending with the board of regents of the University of Wisconsin  
12 System that is primarily related to its vehicle fleet maintenance functions at the  
13 University of Wisconsin–Madison on the effective date of this paragraph is  
14 transferred to the department of administration, and all materials submitted to or  
15 actions taken by the board of regents of the University of Wisconsin System with  
16 respect to the pending matter are considered as having been submitted to or taken  
17 by the department of administration.

18           (f) Notwithstanding section 16.42 of the statutes, the board of regents of the  
19 University of Wisconsin System shall submit information under section 16.42 of the  
20 statutes for purposes of the 2003–05 biennial budget bill reflecting any savings  
21 incurred from consolidation of vehicle fleet maintenance functions under this  
22 subsection.

23           (g) The board of regents of the University of Wisconsin System shall fully  
24 cooperate with the department of administration in implementing this subsection.”.

1           **2006.** Page 1366, line 25: delete “Wisconsin veterans service organizations,”.

2           **2007.** Page 1367, line 1: delete “, and county veterans’ service officers”.

3           **2008.** Page 1368, line 4: after that line insert:

4           “(8c) VETERANS EMERGENCY AID PILOT PROGRAM. From the appropriation under  
5 section 20.485 (2) (rm) of the statutes, as affected by this act, in fiscal year 2002–03,  
6 the department of veterans affairs shall provide a grant of \$20,000 to the Monroe  
7 County Veterans Service Office to administer an emergency aid pilot program that  
8 provides emergency aid to low–income veterans who have received services from the  
9 Veterans Administration Medical Center in Tomah or the Veterans Assistance  
10 Center at the Veterans Administration Medical Center in Tomah. The Monroe  
11 County veterans service officer shall determine the eligibility of veterans for the aid  
12 under this subsection. The grant awarded under this subsection may be used only  
13 for the emergency aid pilot program. Any emergency aid awarded under this  
14 subsection shall be used to pay for emergency services, such as transportation  
15 services, food, or temporary housing.”.

16           **2009.** Page 1368, line 4: after that line insert:

17           “(8n) COMMANDANT FOR THE SOUTHERN WISCONSIN VETERANS RETIREMENT  
18 CENTER. The authorized FTE positions for the department of veterans affairs are  
19 increased by 1.0 PR position, to be funded from the appropriation under section  
20 20.485 (1) (gk) of the statutes, for the administration of the Southern Wisconsin  
21 Veterans Retirement Center.”.

22           **2010.** Page 1369, line 1: delete lines 1 to 11.

23           **2011.** Page 1369, line 11: after that line insert:

1           “(4d) WISCONSIN CONSERVATION CORPS ADMINISTRATIVE SUPPORT. The authorized  
2 FTE positions for the Wisconsin conservation corps board, funded from the  
3 appropriation under section 20.445 (6) (c), 1999 stats., are decreased by 2.5 GPR  
4 positions having responsibility for providing administrative support for the board.”.

5           **2012.** Page 1373, line 9: delete “bureau” and substitute “bureau,”.

6           **2013.** Page 1375, line 17: after that line insert:

7           “(11c) SUDDEN INFANT DEATH SYNDROME PREVENTION TRAINING; RULES. The  
8 department of workforce development shall submit in proposed form the rules  
9 required under section 49.155 (1d) (a) of the statutes, as affected by this act, to the  
10 legislature under section 227.19 of the statutes no later than the first day of the 6th  
11 month beginning after the effective date of this subsection.”.

12           **2014.** Page 1375, line 17: after that line insert:

13           “(11vw) APPRENTICESHIP MARKETING COUNCIL; INITIAL TERMS. Notwithstanding  
14 the length of terms specified for the members of the apprenticeship marketing  
15 council under section 15.227 (14) of the statutes, as created by this act, representing  
16 the interests of employees and the members of that council representing the interests  
17 of employers, the initial members of that council representing the interests of  
18 employees and the initial members of that council representing the interests of  
19 employers shall be appointed for the following terms:

20           (a) One member representing employees and one member representing  
21 employers, for terms expiring on July 1, 2001.

22           (b) One member representing employees and one member representing  
23 employers, for terms expiring on July 1, 2002.

1 (c) Two members representing employees and 2 members representing  
2 employers, for terms expiring on July 1, 2003.

3 (11vwx) APPRENTICESHIP MARKETING ACTIVITIES; POSITIONS. On the effective date  
4 of this subsection, the authorized FTE positions for the department of workforce  
5 development, funded from the appropriation under section 20.445 (1) (ma) of the  
6 statutes, are increased by 2.0 FED positions for the marketing of apprenticeship  
7 training in this state. The department of workforce development shall apply to the  
8 federal department of labor for \$125,000 in fiscal year 2001–02 and \$125,000 in fiscal  
9 year 2002–03 to fund the positions authorized under this subsection. If the  
10 department of workforce development receives all or part of those moneys, the  
11 department of workforce development may fill all or part of those positions to the  
12 extent of the moneys received.”.

13 **2015.** Page 1375, line 17: after that line insert:

14 “(11f) INCREASE IN WISCONSIN WORKS CHILD CARE COPAYMENTS.

15 (a) *Definitions.* In this subsection:

16 1. “Consumer price index” means the consumer price index for all urban  
17 consumers, U.S. city average, as determined by the U.S. department of labor.

18 2. “Copayment schedule” means the printed child care copayment schedule  
19 developed by the department of workforce development under section 49.155 (5) (a)  
20 of the statutes, as affected by this act.

21 (b) *Amount of copayments.* Except as provided in section 49.155 (5) (b) of the  
22 statutes, as affected by this act, an individual who receives child care under section  
23 49.155 of the statutes, as affected by this act, is liable for at least the following  
24 amounts:

1           1. Beginning on October 1, 2001, and ending on April 30, 2002, an amount equal  
2 to the amounts specified in the copayment schedule on September 30, 2001,  
3 increased by the same percentage increase in the consumer price index between  
4 August 2000 and July 2001.

5           2. Beginning on May 1, 2002, and ending on April 30, 2003, an amount equal  
6 to the amounts specified in the copayment schedule on April 30, 2002, increased by  
7 the same percentage increase in the consumer price index between August 2001 and  
8 February 2002 and adjusted by changes in the federal poverty level that are  
9 determined by the department of workforce development.

10          3. Beginning on May 1, 2003, and ending on May 1, 2004, an amount equal to  
11 the amounts specified in the copayment schedule on April 30, 2003, increased by the  
12 same percentage increase in the consumer price index between March 2002 and  
13 February 2003 and adjusted by changes in the federal poverty level that are  
14 determined by the department of workforce development.”.

15           **2016.** Page 1378, line 9: after that line insert:

16           “(3y) STUDY OF STATE AIRCRAFT USAGE. If the legislative audit bureau does not  
17 initiate the audit described in SECTION 9132 (3y) of this act by December 1, 2001, the  
18 departments of administration, transportation, and natural resources shall jointly  
19 conduct a study of the use of aircraft by state agencies and shall determine how  
20 reductions can be made in the costs associated with that use. If the study is  
21 conducted, the departments shall jointly report the results of the study to the chief  
22 clerk of each house of the legislature for distribution to the appropriate standing  
23 committees in the manner provided under section 13.172 (3) of the statutes no later  
24 than January 1, 2003.”.



1           **2017.** Page 1378, line 9: after that line insert:

2           “(3b) VETERANS SERVICES. The authorized FTE positions for the department of  
3 electronic government are increased by 2.0 PR positions, to be funded from the  
4 appropriation under section 20.530 (1) (ke) of the statutes, as affected by this act, for  
5 the purpose of administering the program under section 22.07 (9) of the statutes, as  
6 created by this act.”.

7           **2018.** Page 1378, line 9: after that line insert:

8           “(3f) CHANGE THE TOWN OF HOBART INTO A VILLAGE. The town of Hobart, in Brown  
9 County, shall become a village if all of the procedures contained in sections 66.0201  
10 to 66.0213 of the statutes are fulfilled, except that approval by the department of  
11 administration under section 66.0207 of the statutes is not necessary for the town  
12 to become a village. In addition, the town of Hobart, in Brown County, and the City  
13 of Green Bay shall enter into a boundary agreement under section 66.0307 of the  
14 statutes, although the agreement need not be finalized before the referendum is held  
15 under section 66.0211 of the statutes.”.

16           **2019.** Page 1381, line 11: delete lines 11 to 13 and substitute:

17           “(6e) OFFICE OF JUSTICE ASSISTANCE PENALTY ASSESSMENT MONEYS.  
18 Notwithstanding section 20.001 (3) (c) of the statutes, on July 1, 2001, there is lapsed  
19 to the general fund \$136,400 from the appropriation account to the office of justice  
20 assistance under section 20.505 (6) (j) of the statutes, as affected by the acts of 2001.”.

21           **2020.** Page 1381, line 13: after that line insert:

22           “(7q) LAND INFORMATION; INCORPORATIONS AND ANNEXATIONS.

23           (a) Notwithstanding section 20.001 (3) (a) of the statutes, on the effective date  
24 of this subsection there is lapsed to the general fund \$400,000 from the appropriation

1 account of the department of administration under section 20.505 (1) (ie) of the  
2 statutes, as affected by the acts of 2001.

3 (b) Notwithstanding section 20.001 (3) (a) of the statutes, on July 1, 2002 there  
4 is lapsed to the general fund \$400,000 from the appropriation account of the  
5 department of administration under section 20.505 (1) (ie) of the statutes, as affected  
6 by the acts of 2001.”.

7 **2021.** Page 1381, line 19: after that line insert:

8 “(1) WAREHOUSE KEEPER AND GRAIN DEALER FEES. The unencumbered balance in  
9 the appropriation account under section 20.115 (1) (jm), 1999 stats., is transferred  
10 to the agricultural producer security fund.

11 (2) DAIRY AND VEGETABLE PRODUCER SECURITY. From the unencumbered balance  
12 in the appropriation account under section 20.115 (1) (gm), 1999 stats., the secretary  
13 of administration shall transfer to the agricultural producer security fund the  
14 amount that the secretary determines is derived from moneys received under section  
15 100.03 (3) (a) 2., 1999 stats., section 100.03 (3) (a) 3., 1999 stats., and section 100.06  
16 (9), 1999 stats.”.

17 **2022.** Page 1386, line 8: delete “\$3,816,300” and substitute “6,750,000”.

18 **2023.** Page 1387, line 5: delete that line and substitute “\$3,324,100 in fiscal  
19 year 2001–02 and \$3,677,900” in fiscal year 2002–03 in moneys”.

20 **2024.** Page 1387, line 8: delete lines 8 to 12 and substitute “reimbursement  
21 under 42 USC 670 to 679 a.”.

22 **2025.** Page 1388, line 12: after that line insert:

23 “(2n) HANDGUN PURCHASER RECORD CHECK FEES. Notwithstanding section 20.455  
24 (2) (gr) of the statutes, as affected by this act, there is lapsed to the general fund from

1 the appropriation account under section 20.455 (2) (gr), as affected by this act, any  
2 moneys received as fee payments under section 175.35 (2i), 1999 stats.”.

3 **2026.** Page 1391, line 8: delete lines 8 to 20.

4 **2027.** Page 1393, line 19: after that line insert:

5 “(3z) JOB RETENTION SKILLS DEVELOPMENT PROGRAMS. There is transferred from  
6 the appropriation to the department of workforce development under section 20.445  
7 (3) (md) of the statutes, as affected by the acts of 2001, to the appropriation to the  
8 technical college system board under section 20.292 (1) (kd) of the statutes, as  
9 created by this act, \$200,000 in fiscal year 2001–02.”.

10 **2028.** Page 1393, line 23: after that line insert:

11 “(2) ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES. The treatment of sections  
12 16.61 (7) (d), 16.611 (2) (e), 16.612 (2) (c), 137.01 (3) (a) and (4) (a) and (b), 137.04,  
13 137.05 (title), 137.06, 137.11 to 137.24, 137.26, 224.30 (2), 228.01, 228.03 (2), 889.29  
14 (1), 910.01 (1), 910.02, and 910.03, subchapters I (title) and II (title) of chapter 137,  
15 and chapter 137 (title) of the statutes, the renumbering and amendment of section  
16 137.05 of the statutes, and the creation of section 137.25 (2) of the statutes first apply  
17 to electronic records or electronic signatures that are created, generated, sent,  
18 communicated, received, or initially stored on the effective date of this subsection.”.

19 **2029.** Page 1394, line 18: after that line insert:

20 “(2z) DEDUCTING CARPET CLEANING COSTS. The treatment of section 704.07 (5) of  
21 the statutes first applies to tenancies entered into on the first day of the 13th month  
22 beginning after the effective date of this subsection.”.

23 **2030.** Page 1394, line 21: after that line insert:

1           “(1k) MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION AND COMPACT  
2 WITHDRAWAL. The treatment of sections 13.123 (3) (a) and 13.45 (3) (a) of the statutes  
3 first applies to expenses incurred on the effective date of this subsection.”.

4           **2031.** Page 1395, line 6: delete lines 6 to 9 and substitute:

5           “(1n) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), 48.315 (1)  
6 (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2., 885.37 (title), (1)  
7 (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and 938.315 (1) (h) of the statutes  
8 first applies to interpreters used by a clerk of court or appointed by a court on the  
9 effective date of this subsection.”.

10           **2032.** Page 1396, line 6: after that line insert:

11           “(8z) TIME LIMIT ON COURT ANSWERS. The treatment of sections 601.73 (2) (c),  
12 801.09 (2) (a) and (c), 801.095 (1), (2), (3), and (4), 802.06 (1), (1m), and (6), and 802.09  
13 (1) of the statutes first applies to actions commenced on the effective date of this  
14 subsection.”.

15           **2033.** Page 1396, line 6: after that line insert:

16           “(7n) ELIMINATION OF JUDGE SUBSTITUTION IN CRIMINAL CASES. The treatment of  
17 section 971.20 of the statutes first applies to actions commenced on the effective date  
18 of this subsection.”.

19           **2034.** Page 1396, line 6: after that line insert:

20           “(6m) RECOVERY BARRED FOR DAMAGES DURING FELONY. The treatment of section  
21 895.78 of the statutes first applies to a death or injury that occurs on the effective  
22 date of this subsection.”.

23           **2035.** Page 1397, line 6: after that line insert:

1           “(7c) NOTIFICATION TO UNIVERSITY OF WISCONSIN BOARD OF REGENTS REGARDING  
2           SEX OFFENDERS. The treatment of section 301.46 (2s) and (5) (a) (intro.) of the statutes  
3           first applies to information concerning a person who registers under section 301.45  
4           (2) of the statutes on the effective date of this subsection or who updates information  
5           under section 301.45 (4) of the statutes on the effective date of this subsection.”.

6           **2036.** Page 1397, line 11: after that line insert:

7           “(1y) LEAVES OF ABSENCE FOR SERVICE AS AN ELECTION OFFICIAL. The treatment of  
8           sections 7.33 (4) and (5) and 111.93 (3) of the statutes first applies to employees who  
9           are affected by a collective bargaining agreement containing provisions inconsistent  
10          with this treatment on the day on which the collective bargaining agreement expires  
11          or is extended, modified, or renewed, whichever occurs first.”.

12          **2037.** Page 1397, line 11: after that line insert:

13          “(1q) ELECTION RECOUNTS. The treatment of section 9.01 (1) (a), (ad), (ag) 1., 1m.,  
14          2., 3., and 3m., and (ar) 3. of the statutes first applies to petitions for recounts filed  
15          on the effective date of this subsection.”.

16          **2038.** Page 1397, line 11: after that line insert:

17          “(1w) INFORMATION REPORTING BY NONRESIDENT REGISTRANTS. The treatment of  
18          sections 11.06 (1) (intro.) and (3) (b) (intro.) and 11.12 (4) of the statutes first applies  
19          with respect to reporting periods which begin on or after the effective date of this  
20          subsection.”.

21          **2039.** Page 1397, line 11: after that line insert:

22          “(1k) TRAINING AND CERTIFICATION OF CHIEF INSPECTORS. The treatment of  
23          sections 7.03 (1) (a), 7.15 (1) (e), 7.30 (1) and (6) (b), and 7.31 (2) of the statutes first  
24          applies with respect to elections held on September 1, 2002.”.

1           **2040.** Page 1397, line 11: after that line insert:

2           “(1z) SCHEDULING OF REFERENDA BY LOCAL GOVERNMENTS. The treatment of  
3 sections 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 8.065, 9.20 (4), 15.615, 24.66 (4), 32.72  
4 (1), 38.15 (1) (with respect to scheduling of referenda), 59.08 (7) (b), 59.605 (3) (a) 1.,  
5 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.0101  
6 (8), 66.0217 (7) (a) 3., 66.0219 (4) (b), 66.0227 (3), 66.0619 (2m) (b), 66.0815 (1) (c),  
7 66.0921 (2), 66.1103 (10) (d), 67.05 (4), (5), (6a) (a) 2. a., and (6m) (b), 67.10 (5) (b),  
8 67.12 (12) (e) 5., 81.01 (3) (b) (intro.) , 86.21 (2) (a), 117.20, 119.48 (4) (b) and (c), 119.49  
9 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b) and (2), 197.10 (2), and 198.19 (1) of the  
10 statutes first applies with respect to referenda called on the effective date of this  
11 subsection.”.

12           **2041.** Page 1397, line 18: after that line insert:

13           “(1q) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of  
14 sections 111.70 (1) (a) and (4) (om) and 601.415 (13) of the statutes, the renumbering  
15 of section 111.70 (4) (cm) 8s. of the statutes, the amendment of section 111.70 (4) (cm)  
16 8s. (title) of the statutes, and the creation of section 111.70 (4) (cm) 8s. b. of the  
17 statutes first apply to collective bargaining agreements that expire or are extended,  
18 modified, or renewed, whichever occurs first, on the effective date of this  
19 subsection.”.

20           **2042.** Page 1397, line 22: after that line insert:

21           “(8n) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of  
22 section 111.70 (1) (a) and (4) (o) of the statutes first applies to a collective bargaining  
23 agreement that expires or is extended, modified, or renewed, whichever occurs first,  
24 on the effective date of this subsection.”.

1           **2043.** Page 1397, line 25: after that line insert:

2           “(1j) MERGER OR CONSOLIDATION OF COOPERATIVES. The treatment of sections  
3 185.61 (1) and 185.62 (5) of the statutes first applies to plans of merger or  
4 consolidation that are submitted by a board of directors of a cooperative under  
5 section 185.61 of the statutes on the effective date of this subsection.”.

6           **2044.** Page 1397, line 25: after that line insert:

7           “(1d) RENT-TO-OWN AGREEMENTS AND RENTAL-PURCHASE COMPANIES.

8           (a) *Rent-to-own agreements generally.* The treatment of sections 218.632 to  
9 218.636, 218.64, 218.65 to 218.658, 218.682 (3), 218.688, 409.104 (12m), and 421.202  
10 (7m) of the statutes first applies to rent-to-own agreements entered into on the  
11 effective date of this subsection.

12           (b) *Liability waivers.* The treatment of section 218.638 of the statutes first  
13 applies to liability waivers entered into on the effective date of this subsection.

14           (c) *Rental-purchase companies generally.* The treatment of sections 218.617  
15 to 218.628, 218.682 (1) and (2), and 220.02 (2) (b) and (3) and chapter 218 (title) of  
16 the statutes first applies to any person engaging in business as a rental-purchase  
17 company on the effective date of this subsection.

18           (d) *Price cards.* The treatment of section 218.644 of the statutes first applies  
19 to a rental-purchase company that displays property on the effective date of this  
20 subsection.

21           (e) *Advertising.* The treatment of section 218.646 of the statutes first applies  
22 to a rental-purchase company that advertises a rent-to-own agreement on the  
23 effective date of this subsection.

1           (f) *Referral transactions*. The treatment of section 218.648 of the statutes first  
2 applies to a rental–purchase company giving or offering to give a rebate or discount  
3 to an individual on the effective date of this subsection.

4           (g) *Assignment of earnings*. The treatment of section 218.68 of the statutes first  
5 applies to a rental–purchase company taking or arranging for an assignment of  
6 earnings on the effective date of this subsection.”.

7           **2045.** Page 1398, line 15: after that line insert:

8           “(7) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. The treatment of  
9 sections 48.38 (2) (intro.), (4) (f) (intro.), and (5) (a) and (b) and 938.38 (2) (intro.), (4)  
10 (f) (intro.), and (5) (a) and (b) of the statutes first applies to a child or juvenile who  
11 is placed in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of  
12 the statutes, by order of the court assigned to exercise jurisdiction under chapters  
13 48 and 938 of the statutes, as affected by this act, on the effective date of this  
14 subsection.”.

15           **2046.** Page 1398, line 20: delete the material beginning with that line and  
16 ending with page 1399, line 6, and substitute:

17           “(11k) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a)  
18 1., 1m., 6., 9., 10., 11., and 12. and (e) and 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1.,  
19 and (b) 2m. a. and (6) (a) 7. of the statutes first applies to eligibility determinations  
20 for medical assistance that are made on the effective date of this subsection.”.

21           **2047.** Page 1399, line 15: after that line insert:

22           “(15v) MEDICAL ASSISTANCE COPAYMENTS FOR PRESCRIPTION DRUGS. The treatment  
23 of section 49.45 (18) (d) of the statutes first applies to purchases of prescription drugs



1 by medical assistance recipients on the effective date of this subsection or on October  
2 1, 2001, whichever is later.”.

3 **2048.** Page 1399, line 20: after that line insert:

4 “(18k) TAKING OVER OPERATION OF MEDICAL ASSISTANCE PROVIDER. The treatment  
5 of sections 49.45 (2) (b) 8. and (21) (title), (a), (ag), and (b), and 50.03 (13) (a) of the  
6 statutes first applies to sales or other transfers completed on the effective date of this  
7 subsection.

8 (18m) ASSESSMENT FOR CERTAIN RECOVERIES AGAINST PROVIDERS OF MEDICAL  
9 ASSISTANCE. The treatment of section 49.45 (2) (b) 9. of the statutes first applies to  
10 repeated recoveries from the identical provider that are made on the effective date  
11 of this subsection.

12 (18n) DECERTIFICATION OR SUSPENSION OF PROVIDERS OF MEDICAL ASSISTANCE. The  
13 treatment of section 49.45 (2) (a) 12. of the statutes first applies to violations of  
14 federal statutes or regulations or state statutes or rules committed on the effective  
15 date of this subsection.”.

16 **2049.** Page 1399, line 20: after that line insert:

17 “(16q) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of section 49.47 (4) (aq),  
18 (b) 2m. b., 2r., 2w., and 3., (c) 1. and 3., and (i) 2. (intro.) of the statutes first applies  
19 to eligibility determinations made for medical assistance on the effective date of this  
20 subsection.”.

21 **2050.** Page 1399, line 20: after that line insert:

22 “(17k) ALCOHOL AND OTHER DRUG ABUSE TREATMENT OF MINORS. The treatment of  
23 sections 51.13 (1) (a), (b), (d), and (e), (2) (a), (b), and (d), (3) (b) and (c), (4) (a) (intro.),  
24 (c), (d), and (g) (intro.) and 1., (6) (a), and (7) (a), (b), and (c), 51.22 (2), 51.35 (3) (a),

1 (b), and (g), 51.47 (title) and (1), 51.48, and 51.61 of the statutes, the renumbering  
2 and amendment of section 51.13 (1) (c) of the statutes, the amendment of section  
3 51.35 (3) (c) of the statutes, and the creation of section 51.13 (1) (c) 2. of the statutes  
4 first apply to individuals who are receiving treatment for alcohol or other drug abuse  
5 in an approved inpatient treatment facility, or who are receiving outpatient  
6 treatment for alcohol or other drug abuse, on the effective date of this subsection  
7 regardless of whether admission to the inpatient facility or outpatient program  
8 occurred or was sought prior to the effective date of this subsection.”.

9 **2051.** Page 1399, line 20: after that line insert:

10 “(16m) USE OF FETAL BODY PARTS, EMBRYOS, STEM CELLS AND STEM CELL LINES FOR  
11 RESEARCH. The treatment of section 146.343 of the statutes first applies to the use  
12 of a fetal body part, embryo, stem cell, or stem cell line on the effective date of this  
13 subsection.”.

14 **2052.** Page 1399, line 20: after that line insert:

15 “(16p) PUBLICLY-FUNDED ORGANIZATIONS. The treatment of sections 20.9275 (1),  
16 (1g), (1r) (am) and (em), (2) (intro.), (a) 2., (2m) (intro.) and (c), (2n), (3), (3m), and (6)  
17 to (8) of the statutes first applies to contracts on the day on which the contract expires  
18 or is extended, modified, or renewed, whichever first occurs and to employees who  
19 are affected by a collective bargaining agreement that contains provisions  
20 inconsistent with that treatment on the day on which the collective bargaining  
21 agreement expires or is extended, modified, or renewed, whichever first occurs.”.

22 **2053.** Page 1399, line 20: after that line insert:

23 “(17f) REFUSAL TO PARTICIPATE IN CERTAIN PROCEDURES. The treatment of section  
24 253.09 (title), (1), (1g), (2), (3), (4) (a) and (b) 1. and 2., and (5) and the creation of

1 section 253.09 (1r) (a) 1. to 7. of the statutes first applies to refusals or statements  
2 of an intention to refuse that are made on the effective date of this subsection.

3 (18f) DECLARATIONS TO PHYSICIANS. The treatment of section 154.03 (1) (intro.)  
4 of the statutes first applies to notifications of the existence of a declaration that occur  
5 on the effective date of this subsection.

6 (19f) POWER OF ATTORNEY FOR HEALTH CARE. The treatment of section 155.60 (3)  
7 of the statutes first applies to instruments or statements reviewed on the effective  
8 date of this subsection.”.

9 **2054.** Page 1399, line 25: after that line insert:

10 “(3q) SMALL EMPLOYER HEALTH INSURANCE RATES.

11 (a) The treatment of section 635.02 (2) of the statutes first applies to policies  
12 or plans that are issued or renewed to small employers on the first day of the 13th  
13 month beginning after the effective date of this paragraph.

14 (b) The treatment of section 635.05 (2) (a) 2. of the statutes first applies to  
15 policies or plans that are renewed on the first day of the 13th month beginning after  
16 the effective date of this paragraph.”.

17 **2055.** Page 1399, line 25: after that line insert:

18 “(2gm) PROHIBITING DENIAL OF CERTAIN PAYMENTS.

19 (a) Except as provided in paragraph (b), if a disability insurance policy or group  
20 certificate contains terms or provisions that are inconsistent with section 632.872 of  
21 the statutes, as created by this act, the treatment of sections 40.51 (8) and (8m),  
22 111.91 (2) (nm), 185.981 (4t), 185.983 (1) (intro.), 609.795, and 632.872 of the statutes  
23 first applies to that disability insurance policy or group certificate upon renewal.

1 (b) The treatment of sections 40.51 (8) and (8m), 111.91 (2) (nm), 185.981 (4t),  
2 185.983 (1) (intro.), 609.795, and 632.872 of the statutes first applies to disability  
3 insurance policies or group certificates covering employees who are affected by a  
4 collective bargaining agreement containing provisions inconsistent with section  
5 632.872 of the statutes, as created by this act, that are issued or renewed on the  
6 earlier of the following:

7 8. The day on which the collective bargaining agreement expires.

8 9. The day on which the collective bargaining agreement is extended, modified,  
9 or renewed.”.

10 **2056.** Page 1399, line 25: after that line insert:

11 “(4v) ELIMINATE POINT-OF-SERVICE OPTION REQUIREMENT. The treatment of  
12 sections 40.05 (4) (ag) 2., 111.91 (2) (r), 609.10 (title), (1) (ac), (am), and (c), (3) (intro.),  
13 (a), and (b), and (6), and 609.20 (4) of the statutes first applies to all of the following:

14 (a) Except as provided in paragraph (b), health maintenance organizations and  
15 preferred provider plans that are issued or renewed on the effective date of this  
16 paragraph.

17 (b) Health maintenance organizations and preferred provider plans covering  
18 employees who are affected by a collective bargaining agreement containing  
19 provisions inconsistent with the treatment of sections 40.05 (4) (ag) 2., 111.91 (2) (r),  
20 609.10 (title), (1) (ac), (am), and (c), (3) (intro.), (a), and (b), and (6), and 609.20 (4)  
21 of the statutes that are issued or renewed on the earlier of the following:

22 1. The day on which the collective bargaining agreement expires.

23 2. The day on which the collective bargaining agreement is extended, modified,  
24 or renewed.”.

1           **2057.** Page 1400, line 5: after that line insert:

2           “(1c) INTERIM ALLOWANCES. The repeal of section 13.123 (2) of the statutes first  
3 applies beginning with the first day of the month in which this subsection takes  
4 effect.”.

5           **2058.** Page 1400, line 13: after “(3)” insert “(by SECTION 2877)”.

6           **2059.** Page 1400, line 16: after “21.49” insert “(1) (b) 2. and”.

7           **2060.** Page 1400, line 18: after that line insert:

8           “(2w) SELECTIVE SERVICE REGISTRATION. The treatment of sections 230.143 and  
9 230.15 (1) of the statutes first applies to appointments made on the first day of the  
10 13th month beginning after the effective date of this subsection.”.

11           **2061.** Page 1400, line 19: after that line insert:

12           “(2k) HIGH-CAPACITY WELL REGULATION. The treatment of section 281.17 (1) of  
13 the statutes first applies to wells the initial construction or expansion of which begins  
14 on the effective date of this subsection.”.

15           **2062.** Page 1400, line 23: after that line insert:

16           “(1nL) ENVIRONMENTAL CITATIONS. The treatment of sections 23.50 (1) and (2),  
17 23.51 (3c), 23.53 (1), 23.54 (3) (e), (i), and (j), 23.55 (1) (b), 23.56 (2), 23.65 (1) and (3),  
18 23.66 (2) and (4), 23.67 (2) and (3), 23.75 (3) (a) 2., (b), and (c), 23.79 (1) and (2), 23.80  
19 (2), 23.83 (2), 23.84, 23.85, 278.50 to 278.90, 281.48 (5s), 283.89 (2m), 285.57 (4),  
20 285.59 (7), 285.86 (1), 287.95 (4), 299.64 (3), 778.30 (1) (intro.), and 938.237 (1) and  
21 (2) of the statutes first applies to offenses for which citations are issued on the  
22 effective date of this subsection.”.

23           **2063.** Page 1401, line 16: after that line insert:

1           “(6k) DAM INSPECTIONS. The treatment of sections 31.01 (7), 31.02 (2) and (3),  
2           31.18 (1) and (3), 31.185 (4), and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the  
3           statutes first applies to inspections of dams that are begun on the effective date of  
4           this subsection.”.

5           **2064.** Page 1401, line 19: after that line insert:

6           “(1k) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2)  
7           (a) (intro.), 1., and 3., (b), (c), and (e) of the statutes first applies to pupils and private  
8           schools who intend to participate in the Milwaukee parental choice program in the  
9           2002–03 school year.”.

10          **2065.** Page 1401, line 25: after that line insert:

11          “(6z) DEPARTMENT CONSULTANTS. The treatment of section 115.28 (51) of the  
12          statutes first applies to consultants who are initially employed by the department  
13          of public instruction on the effective date of this subsection.”.

14          **2066.** Page 1402, line 2: after that line insert:

15          “(7v) DEBT SERVICE. The treatment of section 121.07 (6) (a) (intro.) and (am) of  
16          the statutes first applies to state aid paid to school districts in the 2002–03 school  
17          year.”.

18          **2067.** Page 1402, line 2: after that line insert:

19          “(7x) SCHOOL DAY MILK PROGRAM. The treatment of sections 20.255 (2) (cp) and  
20          115.343 (title), (1), and (2) (c) of the statutes first applies to aid paid to schools under  
21          section 115.343 of the statutes, as affected by this act, in the 2002–03 school year.”.

22          **2068.** Page 1402, line 5: after that line insert:

23          “(8h) FOUR-YEAR-OLD KINDERGARTEN. The treatment of sections 119.23 (4) (bm),  
24          121.004 (7) (cm) and (f) and (8), 121.15 (3m) (a) 1., as it relates to pupils enrolled in

1 4-year-old kindergarten, and 121.86 (3) and 121.91 (4) (k) of the statutes first  
2 applies to state aid distributed in, and school districts' revenue limit for, the 2002–03  
3 school year.”.

4 **2069.** Page 1402, line 6: delete lines 6 to 10.

5 **2070.** Page 1402, line 13: after that line insert:

6 “(16c) USE OF CALCULATORS. The treatment of section 118.30 (2) (f) of the statutes  
7 first applies to examinations administered during the 2002–03 school year.”.

8 **2071.** Page 1402, line 13: after that line insert:

9 “(13g) CHARTER SCHOOLS.

10 (a) The treatment of section 118.40 (2) (a) of the statutes first applies to  
11 petitions that are submitted on the effective date of this paragraph.

12 (b) The renumbering of section 118.40 (5) of the statutes and the creation of  
13 section 118.40 (5) (b) of the statutes first apply to revocations occurring on the  
14 effective date of this paragraph.”.

15 **2072.** Page 1402, line 18: after that line insert:

16 “(1y) INTERVENOR COMPENSATION. The treatment of section 196.31 (1) (intro.)  
17 and (a) of the statutes first applies to compensation paid on the effective date of this  
18 subsection.”.

19 **2073.** Page 1403, line 5: after that line insert:

20 “(3f) REFUSAL TO PARTICIPATE IN CERTAIN PROCEDURES. The treatment of sections  
21 441.06 (title), (6) (a) and (b) 1. to 7., (7), and (8), 448.03 (5) (title), (a), (ag), (am), and  
22 (ao), and 450.135, the renumbering and amendment of section 441.06 (6), and the  
23 creation of section 448.03 (5) (ar) 1. to 7. of the statutes first apply to refusals or

1 statements of an intention to refuse that are made on the effective date of this  
2 subsection.”.

3 **2074.** Page 1403, line 9: after that line insert:

4 “(2p) LOTTERY AND GAMING PROPERTY TAX CREDIT. The treatment of section 20.835  
5 (3) (s) of the statutes, the renumbering of section 79.10 (10) (bm) and (bn) of the  
6 statutes, and the creation of section 79.10 (10) (bm) 2. and (bn) 2. of the statutes first  
7 apply to credits based on the property tax assessments as of January 1, 2001.”.

8 **2075.** Page 1403, line 9: after that line insert:

9 “(1m) REFUNDS. The treatment of sections 70.511 (2) (b) and (bm), 74.35 (3) (c)  
10 and (cm) and (4), and 74.37 (3) (c) and (cm) and (5) of the statutes first applies to  
11 refunds of taxes that were collected based on the assessments as of January 1, 2001.”.

12 **2076.** Page 1403, line 9: after that line insert:

13 “(1q) CONSERVATION LAND, CONSERVATION EASEMENTS TAX CREDIT. The treatment  
14 of sections 71.05 (6) (a) 15. (as it relates to the conservation land, conservation  
15 easement tax credit), 71.07 (5s), 71.10 (4) (cs), 71.21 (4) (as it relates to the  
16 conservation land, conservation easement tax credit), 71.26 (2) (a) (as it relates to the  
17 conservation land, conservation easement tax credit), 71.28 (5s), 71.30 (3) (cs), 71.34  
18 (1) (g) (as it relates to the conservation land, conservation easement tax credit), 71.45  
19 (2) (a) 10., 71.47 (5s), 71.49 (1) (cs), and 77.92 (4) (as it relates to the conservation  
20 land, conservation easement tax credit) of the statutes first applies to taxable years  
21 beginning on July 1, 2003.”.

22 **2077.** Page 1403, line 12: after that line insert:

23 “(3e) DEFINITION OF INCOME UNDER THE HOMESTEAD CREDIT. The treatment of  
24 section 71.52 (6) of the statutes first applies to claims filed for taxable years



1 beginning on January 1 of the year in which this subsection takes effect, except that  
2 if this subsection takes effect after July 31 the treatment of section 71.52 (6) of the  
3 statutes first applies to claims filed for taxable years beginning on January 1 of the  
4 year following the year in which this subsection takes effect.”.

5 **2078.** Page 1403, line 19: after that line insert:

6 “(5e) CAR LINE COMPANIES. The treatment of section 76.39 (2) of the statutes first  
7 applies to the assessment year 2002 and to tax payments due no later than  
8 September 10, 2001.”.

9 **2079.** Page 1403, line 19: after that line insert:

10 “(5k) INDIVIDUAL INCOME TAX DEDUCTION; COLLEGE SAVINGS, COLLEGE TUITION AND  
11 EXPENSES PROGRAMS. The treatment of section 71.05 (6) (b) 32. (intro.) and a. and 33.  
12 (intro.) and a. of the statutes first applies to taxable years beginning on January 1  
13 of the year in which this subsection takes effect, except that if this subsection takes  
14 effect after July 31 the treatment of section 71.05 (6) (b) 32. (intro.) and a. and 33.  
15 (intro.) and a. of the statutes first applies to taxable years beginning on January 1  
16 of the year following the year in which this subsection takes effect.”.

17 **2080.** Page 1403, line 19: after that line insert:

18 “(5b) PRINTED MATERIALS. The treatment of section 77.54 (46) of the statutes first  
19 applies to printed materials shipped on January 1, 1990.”.

20 **2081.** Page 1403, line 20: after “(21) (a)” insert “(by SECTION 2104)”.

21 **2082.** Page 1404, line 8: after that line insert:

22 “(8k) WISCONSIN ELECTION CAMPAIGN FUND DESIGNATIONS. The renumbering and  
23 amendment of section 71.10 (3) (a) and (b) of the statutes, the repeal and recreation  
24 of section 71.10 (3) (c) of the statutes, and the creation of section 71.10 (3) (a) (title),

1 2. and 3., (bm), (d), and (e) of the statutes first apply to taxable years beginning on  
2 January 1, 2001.”.

3 **2083.** Page 1404, line 21: after that line insert:

4 “(9q) EDUCATION TAX CREDIT. The treatment of sections 71.05 (6) (a) 15. (as it  
5 relates to the education tax credit), 71.07 (5r), 71.10 (4) (cd), 71.21 (4) (as it relates  
6 to the education tax credit), 71.26 (2) (a) (as it relates to the education tax credit),  
7 71.28 (5r), 71.30 (3) (dm), 71.34 (1) (g) (as it relates to the education tax credit), 71.45  
8 (2) (a) 10., 71.47 (5r), 71.49 (1) (dm), and 77.92 (4) (as it relates to the education tax  
9 credit), first applies to taxable years beginning on July 1, 2003.”.

10 **2084.** Page 1404, line 21: after that line insert:

11 “(9m) MAXIMUM SHARED REVENUE PAYMENTS. The treatment of section 79.06 (2)  
12 (b) of the statutes first applies to payments made in November 2001.”.

13 **2085.** Page 1404, line 21: after that line insert:

14 “(9c) TAX EXEMPTION FOR MILITARY, UNIFORMED SERVICES PENSIONS. The treatment  
15 of section 71.05 (1) (am) and (an) of the statutes first applies to taxable years  
16 beginning on January 1, 2002.”.

17 **2086.** Page 1404, line 21: after that line insert:

18 “(9q) INCOME TAX DEDUCTION FOR MEDICAL INSURANCE PREMIUMS. The treatment  
19 of section 71.07 (5) (a) 15. of the statutes first applies to taxable years beginning on  
20 January 1, 2002.”.

21 **2087.** Page 1405, line 14: after that line insert:

22 “(11g) TAX EXEMPTION FOR SOCIAL SECURITY BENEFITS. The treatment of section  
23 71.05 (6) (b) 21. of the statutes first applies to taxable years beginning on January  
24 1, 2003.”.

1           **2088.** Page 1405, line 14: after that line insert:

2           “(11c) PROPERTY HELD IN TRUST. The treatment of section 70.11 (20) (a) of the  
3 statutes first applies to the property tax exemptions as of January 1, 2002.”.

4           **2089.** Page 1405, line 16: after that line insert:

5           “(12e) RAILROAD REPAIR FACILITY. The treatment of sections 76.02 (6m), 76.16,  
6 and 76.24 (2) (a) of the statutes first applies to the property tax assessments as of  
7 January 1, 2002.”.

8           **2090.** Page 1405, line 16: after that line insert:

9           “(12c) AGRICULTURAL LAND. The treatment of section 70.32 (2r) (c) of the  
10 statutes, the renumbering and amendment of section 70.32 (2) (c) 1. of the statutes,  
11 and the creation of section 70.32 (2) (c) 1. b. of the statutes first apply to the property  
12 tax assessments as of January 1, 2002.”.

13           **2091.** Page 1405, line 21: after that line insert:

14           “(15m) DIGITAL BROADCASTING EQUIPMENT. The treatment of section 70.111 (25)  
15 of the statutes first applies to the property tax assessments as of January 1, 2002.”.

16           **2092.** Page 1406, line 2: after that line insert:

17           “(16f) RESTAURANT KITCHEN EQUIPMENT. The treatment of section 70.11 (27m) of  
18 the statutes first applies to the property tax assessments as of January 1, 2002.”.

19           **2093.** Page 1406, line 5: after that line insert:

20           “(17c) PROPERTY TAX EXEMPTION FOR COMPUTERS. The treatment of sections 70.35  
21 (1) and (2) and 70.995 (12r) of the statutes, the renumbering and amendment of  
22 section 79.095 (3) of the statutes, and the creation of section 79.095 (3) (b) of the  
23 statutes first apply to the property tax assessments as of January 1, 2003.”.

24           **2094.** Page 1406, line 9: after that line insert:

1           “(18c) EXPENDITURE RESTRAINT PROGRAM. The treatment of section 79.05 (2) (c)  
2 of the statutes first applies to the eligibility for a payment in 2003.”.

3           **2095.** Page 1406, line 12: after that line insert:

4           “(21) PROPERTY TAX EXEMPTION FOR REGIONAL PLANNING COMMISSIONS. The  
5 treatment of section 70.11 (2) of the statutes first applies to the property tax  
6 exemptions as of January 1, 2001.”.

7           **2096.** Page 1407, line 22: delete lines 22 and 23.

8           **2097.** Page 1408, line 9: after that line insert:

9           “(30nk) AGRICULTURAL DEVELOPMENT ZONES. The treatment of sections 71.07  
10 (2dx) (a) 2., (b) (intro.), (c), and (d), 71.28 (1dx) (a) 2., (b) (intro.), (c), and (d), 71.47  
11 (1dx) (a) 2., (b) (intro.), (c), and (d) (with respect to claiming tax credits in an  
12 agricultural development zone), and 560.798 (with respect to claiming tax credits)  
13 of the statutes first applies to taxable years beginning on January 1, 2003.”.

14           **2098.** Page 1408, line 19: delete “and (2)” and substitute “(with respect to the  
15 amount of proposed capital expenditures requiring approval of elector) and (2)”.

16           **2099.** Page 1409, line 2: delete lines 2 and 3.

17           **2100.** Page 1409, line 4: delete lines 4 to 6.

18           **2101.** Page 1409, line 10: after that line insert:

19           “(3wy) HIGHWAY REST AREAS. The treatment of section 84.04 (4) of the statutes  
20 first applies to construction commenced on the effective date of this subsection.”.

21           **2102.** Page 1409, line 12: after that line insert:

1           “(4k) SUSPENSION OF JUVENILES’ OPERATING PRIVILEGES. The treatment of sections  
2           938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes first applies to forfeitures  
3           imposed on the effective date of this subsection.”.

4           **2103.** Page 1409, line 16: after that line insert:

5           “(5q) DISCLOSURE OF INFORMATION; SELECTIVE SERVICE SYSTEM. The treatment of  
6           sections 85.103 (6), 343.07 (1) (intro.), 343.14 (2) (em), 343.19 (1), 343.234, and 343.50  
7           (4) of the statutes first applies to applications submitted to the department of  
8           transportation on the effective date of this subsection.”.

9           **2104.** Page 1409, line 16: after that line insert:

10           “(5y) RAIL PASSENGER ROUTE DEVELOPMENT PROGRAM. The treatment of section  
11           85.061 (3) (b) and (c) of the statutes first applies to purposes that are enumerated in  
12           the list under section 85.061 (3) (c) of the statutes, as created by this act, on the  
13           effective date of this subsection.”.

14           **2105.** Page 1409, line 16: after that line insert:

15           “(5k) REFERENDA ON TOWN HIGHWAYS AND BRIDGES SPENDING LIMITS. The  
16           treatment of section 81.01 (3) (b) of the statutes first applies with respect to referenda  
17           called on the effective date of this subsection.”.

18           **2106.** Page 1411, line 2: after that line insert:

19           “(8k) VEHICLES ON CLASS “B” HIGHWAYS. The treatment of section 348.16 (3) of  
20           the statutes first applies to the operation of a motor vehicle on the effective date of  
21           this subsection, but does not preclude the counting of other convictions as prior  
22           convictions for purposes of sentencing by a court.”.

23           **2107.** Page 1411, line 2: after that line insert:

1           “(8b) RAILROAD TRAIN OR LOCOMOTIVE CREWS. The treatment of section 192.25 (1),  
2           (2), and (3) (am) and (b) of the statutes first applies to railroad trains or locomotives  
3           operated on the effective date of this subsection.”.

4           **2108.** Page 1411, line 2: after that line insert:

5           “(8g) DUTIES UPON CAUSING AN ACCIDENT. The treatment of sections 346.67 (title),  
6           (1) (intro.), (a), and (b), 346.67 (1m) and (2), and 346.74 (6) of the statutes first applies  
7           to accidents occurring on the effective date of this subsection.”.

8           **2109.** Page 1413, line 3: after that line insert:

9           “(6f) REFUSAL TO PARTICIPATE IN CERTAIN PROCEDURES. The treatment of section  
10          111.337 (1), (1g), and (1r) (b) of the statutes first applies to refusals or statements of  
11          an intention to refuse that are made on the effective date of this subsection.”.

12          **2110.** Page 1414, line 2: after that line insert:

13          “(c) The treatment of section 767.27 (2) and (2m) of the statutes first applies  
14          to actions in which a child or family support order under chapter 767 of the statutes,  
15          as affected by this act, including a revision order under section 767.32 of the statutes,  
16          as affected by this act, is granted on the effective date of this paragraph.”.

17          **2111.** Page 1414, line 13: after that line insert:

18          “(1q) REGISTER OF DEEDS RECORDING REQUIREMENTS. The treatment of section  
19          59.43 (1) (a) of the statutes first applies to conservation easements that are recorded  
20          on the effective date of this subsection.”.

21          **2112.** Page 1415, line 6: after “(b) (title), 1.” insert “(by SECTION 4025n)”.

22          **2113.** Page 1415, line 11: after that line insert:

1           “(6k) BIDDING THRESHOLD; TOWN SANITARY DISTRICT PUBLIC WORKS CONTRACTS. The  
2 treatment of section 60.77 (6) (a) of the statutes first applies to contracts that are let  
3 by a town sanitary district on the effective date of this subsection.”.

4           **2114.** Page 1416, line 16: after that line insert:

5           “(12r) GUILTY BUT MENTALLY ILL PLEA. The treatment of sections 51.20 (19) (am),  
6 51.37 (8m), 302.06, 302.113 (7m), 302.114 (5) (dm), 971.06 (1) (am), 971.15 (1g) (b)  
7 and (2m), 971.16 (3) (intro.), 971.163, 971.165 (2g) and (3) (am), 973.017, 973.08 (1),  
8 973.09 (2) (b) 1. (by SECTION 4024n) and 1m., and 973.09 (6) of the statutes first  
9 applies to offenses committed on the effective date of this subsection.”.

10           **2115.** Page 1416, line 16: after that line insert:

11           “(13q) PROHIBITION AGAINST SEX OFFENDERS WORKING WITH CHILDREN.

12           (a) The treatment of section 948.13 (1) (a) of the statutes first applies to  
13 violations of section 948.13 (2) of the statutes that are committed on the effective date  
14 of this paragraph, but does not preclude the counting of an offense under section  
15 948.02 (2) of the statutes that was committed before the effective date of this  
16 paragraph for purposes of determining whether a person is subject to section 948.13  
17 (2) of the statutes.

18           (b) The treatment of section 973.034 of the statutes first applies to sentencing  
19 proceedings that occur on the effective date of this paragraph.”.

20           **2116.** Page 1416, line 16: after that line insert:

21           “(12b) PAYMENT FOR MEDIATION SERVICES.

22           (a) The treatment of section 765.15 of the statutes first applies to marriage  
23 license fees collected on the effective date of this paragraph.

1 (b) The treatment of section 814.615 (1) (a) 1. and (2) of the statutes first applies  
2 to mediation services for which referrals are made on the effective date of this  
3 paragraph.”.

4 **2117.** Page 1416, line 16: after that line insert:

5 “(13k) CRIMES OF ESCAPE OR BATTERY BY A SEXUALLY VIOLENT PERSON. The  
6 treatment of sections 940.20 (1d) and 946.42 (3) (h) of the statutes first applies to  
7 offenses committed on the effective date of this subsection.”.

8 **2118.** Page 1416, line 16: after that line insert:

9 “(13s) EMPLOYMENT OF LEGAL COUNSEL TO PERFORM SERVICES FOR THE STATE. The  
10 treatment of sections 13.107, 14.11 (2) (bd, (bh), (bp), and (bt), 16.75 (1) (a) 1. (with  
11 respect to employment of legal counsel to perform services for the state), 20.930,  
12 46.27 (7g) (h), 49.496 (3) (f), and 49.682 (6) of the statutes and the creation of section  
13 20.930 (2) to (5) of the statutes first apply with respect to contracts for the  
14 employment of counsel entered into on the effective date of this subsection.”.

15 **2119.** Page 1416, line 21: delete lines 21 and 22.

16 **2120.** Page 1416, line 25: after that line insert:

17 “(3k) GRANTS FOR COOPERATIVE COUNTY-TRIBAL LAW ENFORCEMENT. The repeal of  
18 sections 20.505 (6) (kr) and (8) (hm) 15r. of the statutes takes effect on July 1, 2003.”.

19 **2121.** Page 1416, line 25: after that line insert:

20 “(3m) SUNSET OF OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The  
21 treatment of sections 15.01 (6) (by SECTION 130k), 15.02 (3) (c) 1. (by SECTION 130s),  
22 15.105 (title) (by SECTION 138k), and 230.08 (2) (e) 1. (by SECTION 3048j) of the  
23 statutes and the repeal of section 20.505 (4) (kf) take effect on July 1, 2004.”.

24 **2122.** Page 1417, line 5: after that line insert:



1           “(1) AGRICULTURAL PRODUCER SECURITY. The treatment of sections 15.137 (1),  
2           20.115 (1) (g), (gf), (gm), (jm), (q), (v), (w), and (wb), 25.17 (1) (ag), 25.463, 165.25 (4)  
3           (ar) (by SECTION 2856b), 221.0320 (2) (a) (intro.), and 348.27 (10) and chapter 126 of  
4           the statutes and SECTIONS 9104 (1) and 9204 (1) and (2) of this act take effect on  
5           January 1, 2002.

6           (2) VEGETABLE CONTRACTORS. The treatment of sections 93.135 (1) (rm), 93.50  
7           (1) (g), 97.29 (4), 100.03, and 100.235 (1) (b) and (em), (2), (3), and (4) of the statutes  
8           takes effect on February 1, 2002.

9           (3) MILK CONTRACTORS. The treatment of sections 97.20 (2) (d) 2. and (3m), 97.22  
10          (10), 100.06, and 100.26 (5) of the statutes takes effect on May 1, 2002.

11          (4) GRAIN DEALERS AND WAREHOUSE KEEPERS. The treatment of sections 93.06 (8),  
12          93.135 (1) (s) and (sm), 93.20 (1), 93.21 (5) (a), and 221.0320 (2) (a) (intro.) and  
13          chapter 127 of the statutes takes effect on September 1, 2002.”.

14          **2123.** Page 1417, line 16: delete lines 16 to 19 and substitute:

15          “(1n) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), 48.315 (1)  
16          (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2., 885.37 (title), (1)  
17          (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and 938.315 (1) (h) of the statutes  
18          and SECTION 9309 (1n) of this act take effect on July 1, 2002.”.

19          **2124.** Page 1418, line 3: after that line insert:

20          “(2xy) MANUFACTURING EXTENSION GRANTS FROM REPAYMENTS. The treatment of  
21          section 560.25 (2) (intro.) (by SECTION 3692c) of the statutes takes effect on June 30,  
22          2003.”.

23          **2125.** Page 1418, line 8: after that line insert:

1           “(2k) USE OF MONEYS DERIVED FROM EMPLOYMENT FOR POLITICAL PURPOSES. The  
2 treatment of section 11.386 of the statutes takes effect on the first day of the 2nd  
3 month beginning after publication.”.

4           **2126.** Page 1418, line 8: after that line insert:

5           “(2p) VOTER REGISTRATION. The treatment of sections 5.02 (17), 6.20, 6.24 (3),  
6 (4) (a) and (c), and (8), 6.27 (1) and (2) to (5), 6.28 (2) (b) and (3), 6.29 (2) (a) and (b),  
7 6.33 (5), 6.35 (2), (3), (5), and (6), 6.36 (1), (2) (a), and (3), 6.47 (2) and (3), 6.50 (1)  
8 (intro.) and (2m) (a), 6.55 (2) (a) 1. (intro.) and (c) 1. and (3), 6.79 (intro.), (1), (2), (4),  
9 (5), and (6) (a) and (b), 6.82 (1) (a), 6.86 (3) (a), 6.88 (3) (a), 6.94, 6.95, 7.08 (1) (c), 7.10  
10 (1) (b) and (7), 7.15 (1) (intro.) and (c) and (4), 7.37 (7), 7.51 (2) (a), (c), and (e), (4) (a),  
11 and (5), 9.01 (1) (b) 1., 59.05 (2), 117.20 (2), 120.06 (5), and 125.05 (2) (h) of the  
12 statutes takes effect on September 1, 2003.”.

13           **2127.** Page 1418, line 8: after that line insert:

14           “(2x) ELIMINATION OF PUNCH CARD ELECTRONIC VOTING SYSTEMS. The treatment  
15 of sections 5.02 (1e) and (1m), 5.35 (2) and (6) (b), 5.54, 5.55, 5.66 (2), 5.68 (3), 5.79,  
16 5.81 (1), (2), and (3), 5.82, 5.84 (1), 5.85 (2) and (3), 5.91 (14), 5.94, 6.15 (3) (a) 1. and  
17 (b), 6.22 (4) and (5), 6.24 (6) and (7), 6.82 (1) (a) and (2) (a) and (b), 6.87 (3) (d), (4),  
18 and (5), 6.875 (6), 7.15 (3) (b), 7.37 (4) and (8), 7.50 (1) (d) and (2) (a), (b), and (d), 10.01  
19 (2) (b), 10.06 (3) (e), 12.13 (1) (f) and (3) (e) and (j), and 59.08 (9) of the statutes takes  
20 effect on January 1, 2002.

21           (2y) VOTING SYSTEM TRANSITIONAL ASSISTANCE. The repeal of sections 7.08 (7) and  
22 20.510 (1) (c) of the statutes takes effect on July 1, 2008.”.

23           **2128.** Page 1418, line 14: after that line insert:

1           “(2d) CONTRIBUTION RATES. The treatment of sections 40.05 (1) (a) (intro.), 2.,  
2           3., and 4., (2m), and (2n), 40.32 (1), and 111.91 (1) (cm) and (2) (g) of the statutes takes  
3           effect on January 1, 2002.”.

4           **2129.** Page 1418, line 18: after that line insert:

5           “(1k) UNIVERSAL BANKING. The treatment of sections 220.04 (9) (a) 2., 220.14 (5),  
6           222.0101, 222.0103 to 222.0411, 222.0413 (1), (2) (a), and (3) to (9), and 222.0415 of  
7           the statutes takes effect on the first day of the 3rd month beginning after  
8           publication.”.

9           **2130.** Page 1418, line 18: after that line insert:

10           “(1d) *Rent-to-own agreements; other than emergency rules.* The treatment of  
11           sections 220.02 (2) (b) and (3), 409.104 (12m), and 421.202 (7m), subchapter XI of  
12           chapter 218, and chapter 218 (title) of the statutes and SECTION 9320 (1d) of this act  
13           take effect on the first day of the 6th month beginning after publication.”.

14           **2131.** Page 1419, line 12: delete lines 12 to 16 and substitute:

15           “(4k) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1.,  
16           1m., 6., 9., 10., 11., and 12. and (e) and 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., and  
17           (b) 2m. a. and (6) (a) 7. of the statutes and SECTION 9323 (11k) of this act take effect  
18           on the first day of the 2nd month beginning after publication.”.

19           **2132.** Page 1420, line 3: after that line insert:

20           “(11k) REFUND OF MEDICAL RELIEF AND GENERAL RELIEF. The treatment of section  
21           20.435 (4) (b) (by SECTION 705n) and (bt) (by SECTION 707e) of the statutes takes effect  
22           on July 1, 2005.”.

23           **2133.** Page 1420, line 19: after that line insert:

1           “(16m) SUNSET OF NEIGHBORHOOD ORGANIZATION INCUBATOR GRANT PROGRAM. The  
2 repeal of section 20.435 (3) (ft) of the statutes takes effect on July 1, 2005.”.

3           **2134.** Page 1420, line 19: after that line insert:

4           “(16q) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY. The treatment of section  
5 20.435 (4) (bv) of the statutes takes effect on July 1, 2002.

6           (16r) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of section 49.47 (4) (aq),  
7 (b) 2m. b., 2r., 2w., and 3., (c) 1. and 3., and (i) 2. (intro.) of the statutes and SECTION  
8 9323 (16q) of this act take effect on July 1, 2002.”.

9           **2135.** Page 1420, line 19: after that line insert:

10           “(18f) RESPITE FACILITIES. The treatment of sections 50.01 (1) (b) and (h) and (3)  
11 (f), 50.065 (1) (c) (intro.), 50.50 (3) (a) 7., 50.85, 50.90 (intro.), 50.91, 50.92 (2) and (3),  
12 50.925, 50.93 (3) and (4) (a), 50.97, 50.98 (1), and 50.981 and subchapter IV (title),  
13 of chapter 50 of the statutes takes effect on March 1, 2003.”.

14           **2136.** Page 1420, line 19: after that line insert:

15           “(16g) INCOME AUGMENTATION SERVICE RECEIPTS. The treatment of section 20.435  
16 (8) (mb) (by SECTION 732r) of the statutes takes effect on July 1, 2003.”.

17           **2137.** Page 1420, line 19: after that line insert:

18           “(17k) ALCOHOL AND OTHER DRUG ABUSE TREATMENT OF MINORS. The repeal and  
19 recreation of section 51.35 (3) (c) of the statutes takes effect on December 1, 2001, or  
20 on the day after publication, whichever is later.”.

21           **2138.** Page 1421, line 4: after that line insert:

22           “(3q) SMALL EMPLOYER HEALTH INSURANCE RATES. The treatment of sections  
23 635.02 (2), 635.05 (2) (a) 2., and 635.12 of the statutes takes effect on the first day  
24 of the 13th month beginning after the effective date of this subsection.”.

1           **2139.** Page 1421, line 11: after that line insert:

2           “(2p) WEAPONS IN SCHOOLS HOTLINE. The treatment of section 165.72 (title), (1)  
3 (a) and (ad), (2) (intro.) and (c), (2g), and (2m) of the statutes takes effect on the first  
4 day of the 4th month beginning after publication.”.

5           **2140.** Page 1421, line 12: after that line insert:

6           “(1z) LEGISLATIVE HOTLINE. The treatment of sections 13.205 and 84.02 (5) (a)  
7 of the statutes takes effect on July 1, 2002.”.

8           **2141.** Page 1421, line 19: after that line insert:

9           “(2w) SELECTION SERVICE REGISTRATION. The treatment of sections 36.11 (27),  
10 39.28 (6), 111.335 (1) (cv), 230.143, and 230.15 (1) of the statutes and SECTION 9336  
11 (2w) of this act take effect on January 1, 2002, or on the first day of the 4th month  
12 beginning after the effective date of this subsection, whichever is later.”.

13           **2142.** Page 1421, line 23: after that line insert:

14           “(1k) SPLITTING THE DEPARTMENT OF NATURAL RESOURCES. The treatment of  
15 sections 1.026 (1) (b) and (3), 1.035 (1), 1.055 (1), 1.056, 1.11 (2) (d), 13.097 (1) (a), (2)  
16 (b), (c) and (3), 13.48 (10) (b) 1., and (26), 13.625 (8m) and (3) (f) (intro.), 4., and 8.,  
17 14.58 (21), 14.82 (1) (intro.), 14.85 (2), 15.01 (4) (by SECTION 130b), 15.05 (1) (b), (c)  
18 and (e), 15.09 (1) (b), 15.105 (16) (b) 1., 15.107 (5) (a) 2m., and 3., (16) (b) 3m., and 4.,  
19 (17) (f), 15.135 (4) (b) 1., 15.137 (5) (a) and (b) 2., 15.157 (10) (f) and (11), 15.225 (2)  
20 (c), 15.255 (1) (a) 8., 15.33, 15.337 (title) and (4) (a) 1m., 15.34, 15.343 (1), 15.345 (1)  
21 (intro.), (2) (intro.), (3) (intro.) and (5) (by SECTION 180b), 15.347 (2), (4) (intro.) and  
22 (a), (7), (12), (13), (15), (16), (17), 15.348, 15.445 (2) (b) 2. and (e), 15.915 (2) (a) and  
23 (6) (b) 2. and 2m., 16.02 (2), 16.023 (1) (g) (intro.), 16.045 (1) (b) (intro.) and 10. and  
24 (d), 16.15 (3) (b) 1. (intro.) and a., 2., and 3., 16.505 (2) (b), 16.515 (3), 16.855 (21),

1 16.87 (4), 16.958 (1) (d) and (2) (intro.), 16.967 (6) (by SECTION 343mb), and (7) (a) 1.,  
2 16.968, 20.003 (3) (c) (intro.), 20.143 (1) (kc), 20.285 (1) (kb), 20.370 (intro.), (1) (title),  
3 (cq), (cr), (cs), (ct), (cu) (by SECTION 585gb), (cv) (by SECTION 585hb), (ea), (eq), (er), (iu),  
4 (mu), (my), and (mz), (2) (title), (intro.), (bg), (bi), (bq), (br), (cf), (cg), (ch), (ci), (cL),  
5 (dg), (dh), (di), (dq), (dt), (du) (by SECTION 593b), (dv), (dw), (dy), (dz), (eg), (eh), (eq)  
6 (by SECTION 594b), (fq), (gh), (gr), (hq), (ir), (ma), (mi), (mk), (mm), (mq), (mu), (my),  
7 (sa), (sk), (su), (ta), (tu), (uu), and (uy), (3) (title), (ad), (ak) (by SECTION 595b), (aq),  
8 (ar), (as) (by SECTION 596b), (at), (aw), (bg), (dg), (dh), (di), (fj), (ir), (is), (ma) (by  
9 SECTION 597b), (mi), (mk), (mm), (mq), (mr), (ms), (mu), (mv), (my), (sk), (su), (tu),  
10 (uu), and (uy), (4) (title), (ab) (by SECTION 598q), (ac) (by SECTION 598qm), (4) (af), (ag),  
11 (ah), (aq), (ar), (au), (av), (aw) (by SECTION 600mb), (bg), (bh), (bi), (bj) (by SECTION  
12 601b), (bL), (br), (kk) (by SECTION 602b), (ku), (kv), (ma), (mi), (mk), (mm), (mq), (mt),  
13 (mu), (mw), (mx), (my), (mz), and (nz), (5) (eq), (6) (title), (intro.), (aa), (ac) (by SECTION  
14 610g), (ag), (ar), (av), (aw), (ba), (bj), (bk) (by SECTION 613pm), (br), (bs), (bu), (ca),  
15 (cm), (cr), (da), (db) (by SECTION 615x), (dm), (eq) (by SECTION 618b), (er), (et), and (eu)  
16 (by SECTION 620cb), (7) (aa), (ar), (ba) (by SECTION 621db), (bq) (by SECTION 621fb),  
17 (ca), (cb), (cc), (cd), (ce), (cf), (da) (by SECTION 621hb), and (er), (8) (title), (ir), (iw), (ma),  
18 (mg), (mi), (mk), (mq), (mr), (mt), (mu), (mv), (mz), (ni), (nk), and (zq), and (9) (title),  
19 (eg), (gb), (hk) (by SECTION 623b), (hs), (ht), (hu) (by SECTION 624b), (iq), (is), (jL) (by  
20 SECTION 625b), (ju) (by SECTION 626b), (ma), (mh), (mi), (mj), (mk), (mm), (mq), (ms),  
21 (mt), (mu), (mv), (mw), (mx), (my) (by SECTION 627b), (mz) (title), (nq) (by SECTION  
22 628b), and (ny), 20.375 (intro.), (2) (title), (ag), (ig), (pa), (pi), (pk), (pm), (sa), (si), (sk),  
23 (sp), (ta), (tk), (tm), (tp), (uk), and (zg), (4) (title), (bg), (ma), (mi), (mk), (ni), (nk), (sa),  
24 (sk), (sp), (su), (ta), (tm), and (tu), and (7) (title), (aa), (ea), and (ha), 20.455 (1) (k),  
25 20.505 (4) (k), and (8) (hm) 8d., 8k., 8r., and 17f. (by SECTION 890b), 20.536 (1) (ka),

1 20.566 (7) (v), 20.585 (1) (km), 20.866 (1) (u) (by SECTION 962b) and (2) (tb), (tc) (by  
2 SECTION 964b), (te) (by SECTION 965b), (tf), (tg), (th) (by SECTION 967b), (ti) (by SECTION  
3 967eb), (tj), (tk) (by SECTION 967mb), (tL), (tm), (tn) (by SECTION 969b), (to), (tp), (tq),  
4 (tr), (ts), (tt), (tu) (by SECTION 969eb), (tv), (tw), (tx), and (ty), 20.903 (2) (b) (by SECTION  
5 983b), 20.9045 (title), 20.916 (3), 20.923 (4) (g) 1n. and 2., 23.09 (2) (d) 16., 23.09 (2r)  
6 (b), 23.09 (12) (c), 23.091 (2), 23.0915 (1g), (1r) (c), (2) (d) (intro.), and (2g), 23.0917  
7 (3) (c) 1., (4) (b) 4., (4m) (L), (5) (d) (intro.), and (7) (a) and (e) (by SECTION 1035j),  
8 23.0918 (2), 23.093, 23.094 (2) (a), 23.096 (2) (a), 23.0962 (1) (intro.), (d), and (e),  
9 23.0965 (1), 23.10 (1), (4), and (5), 23.117 (4), 23.12, 23.125 (by SECTION 1038db),  
10 23.13, 23.15 (title), (1), (2), (2m) (a) (intro.) and (b), (3), and (4), 23.16 (1) and (5),  
11 23.165 (1), (1m), and (5m), 23.18, 23.197 (2) (a), 23.235 (3), 23.30 (3) (intro.), 23.31  
12 (1) (a) and (b), 23.32, 23.325 (2) (a), (3), and (4), 23.33 (2) (o) (by SECTION 1065d), (5m)  
13 (c) 4. and 5. (by SECTION 1066arb), and (9) (a), 23.38 (1), 23.39, 23.40 (3) (d) and (e),  
14 23.41 (1) (intro.) and (a) and (b), (2), (5) (by SECTION 1066bb), and (5m), 23.42, 23.425  
15 (title), (1), and (2) (a) and (b), 23.47 (by SECTION 1066yb), 23.50 (1) and (2), 23.51 (3c),  
16 23.53 (1), 23.54 (3) (e), (i), and (j), 23.55 (1) (b), 23.56 (2), 23.65 (1) and (3), 23.66 (2)  
17 and (4), 23.67 (2) and (3), 23.75 (3) (a) 2., (b), and (c), 23.79 (1) and (2), 23.80 (2), 23.83  
18 (2), 23.84, 23.85, 24.01 (3) and (8), 24.39 (1), (2), and (4) (c) and (f), 25.293 (1), 25.295  
19 (1) (b), 25.43 (2) (c) and (3), 25.46 (1e) and (1g), 26.01, 26.11 (6) and (7) (a) (by SECTION  
20 1148g) and (b), 26.30 (2), 26.37 (1) (intro.) and (b) and (2), 26.39 (2) to (4) (by SECTION  
21 1149mb), 27.01 (11) (i) and (12), 27.011, 27.016 (6) and (7), 27.019 (12), 28.005, 28.035  
22 (3), 28.11 (12), 29.024 (2g) (am) and (c) and (2r) (am) and (c), 29.032 (by SECTION  
23 1158mb), 29.043 (4), 29.083 (2) (b) and (3), 29.219 (3) (c), 29.228 (7) (c), 29.229 (5r),  
24 29.2295 (4) (c), 29.347 (1) (a), 29.424 (2) (b), 29.503 (6) (b) (intro.), 29.506 (7) (a)  
25 (intro.) and (b), 29.519 (4) (b) and (c) and (6) (intro.), 29.537 (6) (a) (intro.), 29.556 (3),



1 29.564 (2), 29.601 (3) (b), (4), and (5) (b) 2., 29.604 (2) (am) (by SECTION 1200b) and  
2 (6r) (c), 29.705 (4) (b), 29.921 (7), 29.924 (2), 29.931 (2) (a), 29.944, 29.951, 29.954,  
3 29.987 (2), 29.989 (2), 30.01 (title), (1j) and (6), 30.015, 30.02 (1) and (2), 30.03 (2),  
4 30.12 (4m) (a) and (b), 30.124 (1) (intro) (by SECTION 1253b), (a) (by SECTION 1254b),  
5 and (b) and (2), 30.1255, 30.195 (2), 30.20 (1) (d), 30.203, 30.24, 30.26, 30.27, 30.275,  
6 30.277, 30.40 (3e) and (15m), 30.41 (1), 30.50 (3m) and (11g), 30.52 (1m) (e) (by  
7 SECTION 1283m), 30.52 (3m) (b), 30.71 (4), 30.773 (2), 30.92 (6) (b), 30.95, 31.01 (2),  
8 31.02 (4) (c), (4r), and (7m), 31.06 (1) and (3) (b), 31.187 (2), 31.307 (4), 31.309 (1) (a),  
9 (am), and (b), (2) (a) and (b), 31.34, 32.02 (16), 32.035 (3), 33.01 (2), 33.265, 33.457  
10 (4) (intro.), 33.55 (1) (o) and (p), 33.59 (1) and (3) (intro.), 36.25 (8), 36.25 (11) (c) and  
11 (d), (12m) (f), and (30), 36.27 (3m) (a) 2., 40.02 (48) (am) and (c), 41.41 (4) (c), 41.41  
12 (5) (e), (9), and (13) (intro.) (by SECTION 1404b), 42.09 (2), 44.02 (5), 44.12 (1), 44.47  
13 (5m) (a), (b), (c), and (e), 44.57 (1) (c), 46.34, 59.52 (4) (a) 3. and (6) (e), 59.692 (1) (a),  
14 59.693 (1), 59.70 (2) (q) 4., (6) (a) 1., and (13) (b), 59.74 (2) (g), 60.627 (1), 60.71 (4) (b)  
15 and (c) and (7), 60.72 (title) and (1), 60.73, 60.782 (2) (d), 60.785 (2) (a), 61.351 (1) (b),  
16 (2), (3), (6), 61.354 (1), 62.231 (1) (b), (2), (3), (6), and (6m), 62.234 (1), 66.0217 (9) (b),  
17 66.0221 (1) (by SECTION 2019mb), 66.0223, 66.0235 (5), 66.0307 (4) (a) 1., 66.0407 (5),  
18 66.1105 (2) (k), 66.1106 (1) (c) and (f), (4) (intro.) and (a), and (7) (d), 70.11 (21) (a) (by  
19 SECTION 2104b) and (b), 70.113 (1) (intro.) and (2) (a), 70.114 (1) (a), 70.32 (2) (c) 4.,  
20 70.375 (4) (o), 70.395 (2) (dc) 1., (j), and (k), 71.05 (11) (a), 71.10 (5) (h) (intro.), 71.30  
21 (10) (h) (intro.), 71.59 (1m), 73.01 (3) (a), 73.0301 (1) (e), 75.105 (1) (a), 75.106 (1) (b),  
22 77.02, 77.03, 77.04 (2), 77.05, 77.06, 77.07 (2), 77.08, 77.09 (1), 77.10 (1), (2) (a) and  
23 (b), and (4), 77.11, 77.13, 77.14, 77.16 (1), 77.54 (38), 77.76 (1), 77.81 (1), 77.82 (2)  
24 (intro.), (4), and (4m) (bn), 77.88 (2) (d), 77.91 (4) and (5), 80.05 (2) (b), 80.39 (2), 80.41,  
25 84.01 (17) and (23), 84.02 (3) (a), 84.078 (1) (am) and (3) (a) 2., (b) (intro.), and (c),



1 84.11 (3) and (7m), 84.12 (7), 84.28, 85.12 (4) (by SECTION 2321mb), 85.19 (1) and (2)  
2 (c), 85.245 (1) and (2), 86.255 (2) (a), 86.315 (1), 87.01 (1), 87.02 (intro.), 87.14, 87.18,  
3 88.05 (4) (a), 88.11 (1) (e) and (i) and (2), 88.31 (1), (2), (4) (intro.), (4m), (5), and (6),  
4 88.62 (3), 88.72 (4), 91.01 (6), 92.04 (2) (e), 92.05 (1), 92.10 (6) (a) 1. and (8), 92.14 (2)  
5 (j), (6) (b), (d), (h) 3., and (m), (8), (12), (13), (14), (14m), and (15), 92.15 (3), 92.18 (4)  
6 and (5), 93.12 (5), (8), and (9), 93.46 (1m) (a) 2. and 3. and (b), 94.02 (4), 94.65 (3) (a)  
7 3., 94.73 (1) (b), (2) (a), (2m) (intro.), (b), (c), (d), and (e), (3) (d) and (f), (3m) (a), (b),  
8 (e), and (r), (4) (b), (9), and (12), 95.60 (2) (d), (4s) (a), (b), (c), and (d), and (6), 97.34  
9 (2) (b) and (d), 100.27 (5) (d), 100.295 (1), 101.1205 (1), 101.143 (1) (am), (2) (h) (intro.)  
10 and 3., (i) (intro.), (j) (intro.) and 1., and (k), (2e), (2m), (3) (a) 5. and 9., (c) 4., (cm),  
11 (cp) 1., 2., and 5., (cs) 2., 3., and 4., (cw) 2., 3., and 4., (d), (e), (f) 5., and (g), (4) (ei) 1.  
12 a. (by SECTION 2478b), 1m. b. (by SECTION 2481b), and 2m. (by SECTION 2482d), and  
13 (es) 1., (8) (b), and (11) (intro.), 101.144 (2) (a), (3) (intro.), (b), (c), (d), and (e), (3g) (a),  
14 and (3m) (a) (intro.) and (b), 101.653 (6m), 107.15 (2) (b) and (6) (c) 2., 110.20 (4), (8)  
15 (d) and (13) (b), 118.025, 125.52 (2), 134.60, 138.09 (7) (i) 3., 145.245 (3), 146.60 (1)  
16 (c), (2) (a), (3) (c) 1., and 2., and (5), 160.001 (6) and (7), 160.01 (1) and (7), 160.07 (5)  
17 and (6), 160.13 (2) (b) 4., 165.25 (4) (a) and (6) (e), 165.85 (4) (b) 1., 166.20 (4) (title),  
18 (intro.), and (b) and (5) (a) 2. and 4. (intro.), 166.22 (3) (by SECTION 2877b), 167.10 (3)  
19 (b) 3., 167.31 (4m), 167.31 (5) (d), 170.12 (4) (intro.) and (c) and (5), 182.70 (1) (d) and  
20 (3) (a) 1., 182.71 (1) (c) and (7), 196.491 (1) (c) and (2) (b) 5., 196.86 (1) (a) and (d) and  
21 (2), 196.98, 198.22 (7) and (13), 200.01 (2), 200.11 (1) (e), 200.27 (9), 200.29 (1) (c) 4.  
22 b. and 3., 200.35 (4), (8) (a), (9) (b) and (c), (12), and (14) (d) 1., 200.47 (2) (a), 200.49  
23 (7) (b), 227.42 (5), 227.43 (1) (b) and (bd), (2) (a) and (am), (3) (a) and (am), and (4)  
24 (a) and (am), 227.46 (8), 230.08 (2) (e) 4c., 4m., and 8., 230.36 (1m) (b) 1. (intro.) and  
25 2. (intro.) (by SECTION 3081b) and (2m) (a) 5. and 5m., 234.86 (1) (b), 234.907 (2) (h),

1 236.13 (2m), 236.16 (3) (a) and (d) (intro.), 237.02 (1) (b) (by SECTION 3128ab), 237.07  
2 (3) (a) (by SECTION 3128af) and (4) (by SECTION 3128ak) 237.08 (2) (by SECTION  
3 3128ap), 237.10 (by SECTION 3128as), 237.14 (by SECTION 3128aw), 237.15 (1) (by  
4 SECTION 3128ay), 254.02 (3) (a), 254.51 (2), 254.52 (2) (intro.), 280.01 (1), 281.01 (3)  
5 and (12), 281.15 (1), 281.16 (3) (a) (intro.), (b), and (e), 281.17 (3), 281.33 (2), 281.35  
6 (8) (intro.), 281.37 (1) (a) 3., 281.43 (1), 281.48 (5s), 281.55 (2) and (6) (b) 1., 281.58  
7 (9) (ae) and (e) (by SECTION 3163b), (9m) (f) (intro.), and (11) (b), 281.59 (11) (a) and  
8 (c) and (12), 281.625 (4), 281.65 (3) (at), (4g) (by SECTION 3174b), (4m) (c), and (7) (b),  
9 281.69 (1b) (d) (by SECTION 3202b), 281.695 (5) and (6), 281.75 (5) (f), 281.85 (intro.),  
10 281.96, 283.001 (2), 283.01 (3) and (16), 283.33 (9) (c), 283.87 (1), 283.89 (2m) (by  
11 SECTION 3219b), 285.01 (13) and (38), 285.11 (6) (intro.), 285.48 (2) and (3) (d) (intro.),  
12 285.57 (4), 285.59 (7), 285.69 (2) (c) (intro.), (3), and (7), 285.85 (1), 285.86 (1), 287.01  
13 (1), 287.25 (5) (a), 287.91 (4), 287.95 (4), 289.01 (7) and (31), 289.09 (2) (d), 289.25 (1),  
14 289.29 (1) (c), 289.31 (7) (f), 289.43 (7) (c) and (e) 3., 289.64 (6), 289.68 (1), (3), (4), (5),  
15 (6), and (7), 291.01 (2), 292.01 (2) and (17), 292.11 (6) (a), (b), and (c) 2., 292.255,  
16 292.31 (4), (5), and (7) (b), 292.33 (6), 292.41 (6) (a) and (b), 292.55 (2), 292.57 (2) (b),  
17 292.65 (3) (c) and (11) (by SECTION 3320b), 292.70 (7), 292.75 (2) (a) and (6), 293.01  
18 (3) and (28) (a) and (b) (intro.), 293.25 (6), 295.11 (1), 295.31 (1), 299.01 (3), 299.23,  
19 299.64 (3), 299.80 (16) (a) and (b), 299.95, 303.04, 340.01 (3) (b), 341.05 (20), 341.14  
20 (6r) (c) (by SECTION 3406eb), 345.20 (2) (g), 346.71 (1) and (2), 347.06 (4), 349.235 (2),  
21 350.01 (1r) and (3), 350.12 (3h) (g) (by SECTION 3478b) and (4) (a) (intro.) and 3m.,  
22 (am), and (c) 1., and 2., 350.13, 350.14 (1), 350.145 (3) (a) 2., (b), and (c), 480.02 (2)  
23 (h), 560.11 (1) (a) and (b) and (2), 560.13 (2) (a) 1m. (by SECTION 3630b) and (5), 560.19  
24 (3), 767.30 (4), 778.104 (title) and (2), 778.30 (1) (intro.), 823.08 (3) (c) 1., 823.085 (2)  
25 (intro.) and (b), 891.04, 893.73 (2) (a), 895.52 (3) (b), 895.53 (1) (a), 895.55 (2) (b),

1 895.56 (2) (c) and (3) (c), 895.57 (3), 895.58 (1) (a) and (d), 938.237 (1) and (2), 943.01  
2 (5), 943.75 (3), 968.20 (3) (a) and (b), and 971.19 (10) and chapter 278 of the statutes  
3 and SECTION 9337 (1nL) of this act take effect on July 1, 2002.”.

4 **2143.** Page 1421, line 24: substitute “20.375” for “20.370”.

5 **2144.** Page 1421, line 24: after “(ba)” insert “(ba) (by SECTION 629jw)”.

6 **2145.** Page 1422, line 4: delete lines 4 and 5.

7 **2146.** Page 1422, line 9: delete lines 9 and 10.

8 **2147.** Page 1422, line 13: delete lines 13 and 14.

9 **2148.** Page 1422, line 14: after that line insert:

10 “(6pk) DAM INSPECTIONS. The treatment of sections 31.01 (7), 31.02 (2) and (3),  
11 31.18 (1) and (3), 31.185 (4), and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the  
12 statutes and SECTION 9337 (6k) of this act take effect on July 1, 2002.”.

13 **2149.** Page 1422, line 19: after that line insert:

14 “(1f) MARRIAGE INSTRUCTION. The treatment of section 118.019 (2) (intro.), (e)  
15 and (2m) of the statutes takes effect on the first day of the 13th month beginning after  
16 publication.”.

17 **2150.** Page 1422, line 19: after that line insert:

18 “(3f) SCHOOL COMMENCEMENT DATE. The treatment of sections 118.045 (3) and  
19 118.38 (1) (a) 8. of the statutes takes effect on July 1, 2002.”.

20 **2151.** Page 1422, line 23: after that line insert:

21 “(3q) ENERGY CONSERVATION AND EFFICIENCY AND RENEWABLE RESOURCES PORTION  
22 OF UTILITY PUBLIC BENEFITS FEES. The treatment of sections 16.957 (1) (c), (2) (a)  
23 (intro.), 1., 2., 3., and 4., (b) 2., (c) 1., (d) 3., (3m), (4) (c) 2., and (5) (a), (b) 1. and 2.,

1 (c), (d) (intro.), 1., 2., and 3. (intro.), a., and b., (e) (intro.), 1., and 2., (f), and (g) 1. a.,  
2 25.96, and 196.374 (3) and (4) of the statutes and the repeal and recreation of section  
3 16.957 (4) (c) 1. of the statutes take effect on July 1, 2003.”.

4 **2152.** Page 1422, line 24: after that line insert:

5 “(1m) DENTAL EXAMINING BOARD. The treatment of sections 15.405 (6) (a) and (b)  
6 of the statutes takes effect on December 31, 2002.”.

7 **2153.** Page 1423, line 11: after that line insert:

8 “(3f) ALCOHOL OR DRUG COUNSELORS. The treatment of sections 48.981 (2), 440.08  
9 (2) (a) 10., and 457.02 (1) and (5) of the statutes and subchapter XII of chapter 440  
10 of the statutes takes effect on the first day of the 13th month beginning after the  
11 effective date of this subsection.”.

12 **2154.** Page 1423, line 11: after that line insert:

13 “(3f) PHARMACY INTERNSHIPS; PHARMACIST LICENSE EXEMPTIONS. The treatment of  
14 sections 15.915 (3), 19.42 (13) (d), 36.25 (20), 450.03 (1) (f) and (g), 450.04 (3) (b), and  
15 450.045 of the statutes takes effect on December 31, 2001.”.

16 **2155.** Page 1423, line 15: after that line insert:

17 “(1pm) SALES AND USE TAX EXEMPTION FOR MOTOR TRUCKS. The treatment of  
18 section 77.54 (5) (b) of the statutes takes effect on the first day of the 2nd month  
19 beginning after publication.”.

20 **2156.** Page 1423, line 15: after that line insert:

21 “(1p) TANGIBLE PERSONAL PROPERTY USED IN FARMING. The treatment of section  
22 77.54 (3) (a), (30) (a) 3. and 5., and (34) of the statutes takes effect on July 1, 2003.”.

23 **2157.** Page 1423, line 20: delete lines 20 and 21.

24 **2158.** Page 1423, line 21: after that line insert:

1           “(3c) LIQUOR AND WINE TAX EXEMPTION. The treatment of section 139.03 (5) (b)  
2           2. of the statutes takes effect on the first day of the 2nd month beginning after  
3           publication.”.

4           **2159.** Page 1423, line 24: after that line insert:

5           “(4c) PRINTED MATERIALS. The treatment of section 77.54 (46) of the statutes  
6           takes effect retroactively on January 1, 1990.”.

7           **2160.** Page 1423, line 24: after that line insert:

8           “(4d) BUILDING MATERIALS USED FOR A SCHOOL DISTRICT. The treatment of section  
9           77.54 (41) of the statutes takes effect on January 1, 2003.”.

10          **2161.** Page 1424, line 4: delete lines 4 to 7.

11          **2162.** Page 1424, line 20: delete the material beginning with “8.” and ending  
12          with “3406 dm)” on line 21 and substitute “and 8. (intro.)”.

13          **2163.** Page 1424, line 20: delete “(by SECTION 3402)”.

14          **2164.** Page 1424, line 22: after that line insert:

15          “(1k) VETERANS LICENSE PLATES FOR MOTORCYCLES. The treatment of sections  
16          341.14 (6w), 341.145 (1) (f) and (1g) (e), and 341.16 (1) (b) of the statutes takes effect  
17          on the first day of the 7th month beginning after publication.”.

18          **2165.** Page 1424, line 22: after that line insert:

19          “(1vw) TRANSPORTATION FUND. The treatment of sections 13.101 (6) (a) (by  
20          SECTION 99m), 15.463, 20.002 (14), 20.143 (3) (sa), 20.395 (intro.), (1) (br), (bs) (by  
21          SECTION 633g), (bt), (bv) (by SECTION 634m), (bx) (by SECTION 635c), (cq), (cr), (cv), (cx),  
22          (hr), (hs), (ht), and (hu), (2) (bq), (bu), (bv), (bw), (bx), (cq), (cr), (ct), (cu), (cv), (cx), (dq),  
23          (ds), (dv), (dx), (gj), (gq), (gr), (gs), (gv), (gx), (hq), (hx), (iq), (iv), (iw), (ix), (jq), (jv), (jx),  
24          (kv), (kx), (nv), (nx), and (ny), (3) (kq), (kv), and (kx), (4) (aq), (by SECTION 668b), (ar),

1 (as), (at), (av), (by SECTION 669m), (ax) (by SECTION 670c), (ay), (ch), (eq), (er), (es), (et),  
2 and (ew), (5) (cq), (cr), (cx), (dq), (dx), (hq), and (hx), and (6) (aq), (ar), and (at), 20.505  
3 (1) (z), 20.566 (1) (qm) and (u) and (2) (q) and (qm), 20.855 (4) (q), (s), (t), and (u), 25.40  
4 (1) (b), (bg), (c), (cg), (e), (ed), (eg), (em), (ep), (f) (intro.), (fd), (fg), (fp), (ft), and (ip),  
5 (2) (b) 22m., (3), (4), (5), (6), (7), and (8), 76.24 (2) (a), 84.01 (34), 84.03 (9) (a), 84.05,  
6 84.09 (3) (c), (5), and (5r), 84.10 (2), 84.205 (2) (intro.) (by SECTION 2308n), 84.30 (17),  
7 84.59 (3), 85.028, 85.09 (4i), 85.21 (3) (c), 85.25 (5), 194.04 (6), 194.51, 218.22 (2m),  
8 344.20 (4), 345.08, 346.177 (4), 346.495 (4), and 346.65 (4r) (d) of the statutes, the  
9 renumbering and amendment of section 85.52 (3) (cm) of the statutes, and the  
10 creation of section 85.52 (3) (cm) 2. of the statutes take effect on July 1, 2003.”.

11 **2166.** Page 1424, line 23: after “FEES.” insert “The treatment of sections  
12 343.24 (2) (a), (b), and (c) and (2m) and 343.245 (3m) (b) of the statutes takes effect  
13 on the first day of the 6th month beginning after publication.”.

14 **2167.** Page 1424, line 24: delete the material beginning with that line and  
15 ending with page 1425, line 5.

16 **2168.** Page 1425, line 13: after that line insert:

17 “(5k) SUSPENSION OF JUVENILES’ OPERATING PRIVILEGES. The treatment of sections  
18 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes and SECTION 9352 (4k) of this  
19 act take effect on October 1, 2001, or on the first day of the first month beginning after  
20 publication, whichever is later.”.

21 **2169.** Page 1425, line 13: after that line insert:

22 “(5q) DISCLOSURE OF INFORMATION; SELECTIVE SERVICE SYSTEM. The treatment of  
23 sections 85.103 (6), 343.07 (1) (intro.), 343.14 (2) (em), 343.19 (1), 343.234, and 343.50

1 (4) of the statutes, and SECTION 9352 (5q) of this act take effect on the first day of the  
2 6th month beginning after publication.”.

3 **2170.** Page 1425, line 16: delete lines 16 to 18.

4 **2171.** Page 1426, line 21: after that line insert:

5 “(1g) UNDERGRADUATE DEGREE PROGRAMS. The treatment of section 36.11 (46) of  
6 the statutes, as created by this act, takes effect on July 1, 2002.”.

7 **2172.** Page 1427, line 6: after that line insert:

8 “(3c) VETERANS EMERGENCY AID PILOT PROGRAM. The treatment of section 20.485  
9 (2) (rm) (by SECTION 788sf) of the statutes takes effect on June 30, 2003.”.

10 **2173.** Page 1427, line 12: after “(e),” insert “(1d),”.

11 **2174.** Page 1427, line 18: after “(pv),” insert “46.215 (1g) (by SECTION  
12 1494qed), 46.22 (1g) (by SECTION 1495mf),”.

13 **2175.** Page 1427, line 22: delete “(by SECTION 1838v)”.

14 **2176.** Page 1428, line 5: after that line insert:

15 “(3z) PREVAILING WAGE RATES; JOB CLASSIFICATIONS. The treatment of sections  
16 66.0903 (3) (am) and 103.49 (3) (a) of the statutes takes effect on January 1, 2002,  
17 or on the day after publication, whichever is later.”.

18 **2177.** Page 1428, line 12: after “(b) (title), 1.” insert “(by SECTION 4025n)”.

19 **2178.** Page 1428, line 17: after that line insert:

20 “(3k) ELIMINATION OF LAND INFORMATION BOARD AND LAND COUNCIL. The repeal of  
21 section 278.32 (2) (d) of the statutes takes effect on September 1, 2007.”.

22 **2179.** Page 1429, line 4: after that line insert:

1            “In enrolling this bill, the legislative reference bureau shall change the dollar  
2 amounts shown in the schedule under section 20.005 (3) of the statutes for the  
3 appropriation under section 20.765 (1) (a) of the statutes to increase the amount  
4 shown for fiscal year 2001–02 by \$9,500 and to increase the amount shown for fiscal  
5 year 2002–03 by \$9,500 to continue funding the LaFollette Capstone Program for the  
6 professional development of legislative staff.

7            In enrolling this bill, the legislative reference bureau shall change the dollar  
8 amounts shown in the schedule under section 20.005 (3) of the statutes for the  
9 appropriation under section 20.765 (1) (b) of the statutes to decrease the amount  
10 shown for fiscal year 2001–02 by \$14,900 and to decrease the amount shown for fiscal  
11 year 2002–03 by \$12,300 to reflect the elimination of the statutorily authorized  
12 payment of postage and clerical assistance expenses for legislators during legislative  
13 interims.”.

14            **2180.** Page 1429, line 4: after that line insert:

15            “In enrolling this bill, the legislative reference bureau shall substitute the  
16 following summary for the summary entitled “SUMMARY OF COMPENSATION  
17 RESERVES -- ALL FUNDS” in the schedule under section 20.005 (1) of the statutes:



